

WAYS & MEANS COMMITTEE MEETING MINUTES
MONDAY, AUGUST 23, 2021
1:30 P.M.

PRESENT: D. Pangrazio, W. Wadsworth, M. Schuster, D. LeFeber, D. Mahus, M. Falk, I. Coyle, A. Ellis, B. Mann, S. Hillier

ABSENT: D. Fanaro, D. Babbitt Henry,

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

COUNTY ATTORNEY – SHANNON HILLIER

Action Item(s) To Be Reported

1. AUTHORIZING AND APPROVING A SETTLEMENT AGREEMENT TO AN ACTION RELATING TO THE OPIOID CRISIS

WHEREAS, there is pending a matter on behalf of Livingston County regarding the opioid addiction crisis, in which Livingston County is a named plaintiff in the action (the “Action”); and

WHEREAS, the Action is against several defendants, including manufacturers of opioids, distributors of opioids and chain pharmacies; and

WHEREAS, the Action alleges several causes of action against defendants Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc. and Janssen Pharmaceutica, Inc. (“J & J”) based on claims that J & J contributed to the opioid epidemic by falsely promoting prescription opioids it manufactured and sold and by falsely promoting the increased use of opioids directly and generally through various “front groups” and failing to implement measures to prevent diversion of prescription opioids in connection with distribution of its products, all of which contributed to a public health crisis in Livingston County; and

WHEREAS, J & J has offered to settle the claims of Livingston County against it by paying the sum of between approximately \$169,149.25 and \$394,756.35 over ten (10) years to be used for restitution and abatement and agreeing to not manufacture, sell or promote opioids; and

WHEREAS, it is in the best interest of Livingston County to resolve this matter with respect to J & J without further litigation and enter into the proposed Agreement as it shall settle all allegations against J & J and avoid protracted litigation; now, therefore be it

RESOLVED, that the Livingston County Board of Supervisors hereby approves the J & J settlement agreement and release (“Agreement”); and be it further

RESOLVED, that the Chairman of the Livingston County Board of Supervisors or his designee is hereby authorized to execute the proposed Agreement on behalf of Livingston County and such other documents as may be necessary and appropriate to effectuate the settlement with J & J.

The County Attorney reviewed the components for the settlement and distribution amounts on the pending opioid litigation. The entire settlement will be ten annual payments. Best case settlement to the County is about \$395,000.

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

2. AUTHORIZING LEASE WITH THE COUNCIL OF ALCOHOL AND SUBSTANCE ABUSE – TRINITY, INC.

RESOLVED, that the Livingston County Board of Supervisors finds that approximately 9,500 square feet located at the Livingston County Millennium Drive Complex, Geneseo, New York is no longer necessary for Livingston County public purpose; and be it further

RESOLVED, that the Livingston County Board of Supervisors authorizes the Chairman of the Board to sign a lease with the Council of Alcohol and Substance Abuse – Trinity, Inc. for said 9,500 square feet at the Millennium Drive Complex commencing September 1, 2021 and ending on August 31, 2026 at \$6,523.86 per month, increasing 3% yearly, said lease to be subject to the approval of the County Attorney and County Administrator.

The County Attorney reviewed the lease renewal.

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

COUNTY TREASURER – AMY DAVIES

Action Item(s) To Be Reported

1. DECREASING WORKERS COMPENSATION RESERVE ACCOUNT FOR THE YEAR 2021
RESOLVED, that the County Treasurer is authorized to decrease Workers Compensation Reserve **M0231.13030** in the amount of \$2,175,000.00 and transfer funds to A0200.10010.

RESOLVED, that the County Treasurer is hereby directed to transfer those funds to A0391.19300 Due from other funds Workers Compensation in the amount of \$2,175,000.00.

Ms. Davies reviewed the decrease to the reserve and deposit the money into the workers comp account. Ms. Davies explained that the general fund has been lending money to the workers comp fund because there has been a shortage. This is something that has been brought up by our auditors to be taken care of.

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

Pre-approved Informational Item(s) To Be Reported

1. Order to Show Cause – Robert Sinclair Jr. Property – 35 Bank St. Dansville, NY-The County Attorney reviewed the order received and explained that she believes we should fight this. Ms. Davies will notify Phillips Lytle to put a motion in on our behalf. Ms. Davies explained that the Judge’s law clerk saw that we did not publish correctly due to Livingston County News failure to publish for two consecutive weeks so Ms. Davies reviewed the notifications that were verified and the Judge is accepting all but four parcels.

2. Ms. Davies reported that we went live with the payroll system and there were some glitches and she asked that everyone review and compare their pay stubs.

HIGHWAY – JASON WOLFANGER

Action Item(s) To Be Reported

1. AUTHORIZING THE PURCHASE OF ONE (1) 2022 FORD F-350 CREW CAB PICKUP TRUCK WITH SNOW EQUIPMENT THROUGH NYS OGS MINI-BID #7725 AND NYS OGS CONTRACT PC68978 FOR THE LIVINGSTON COUNTY HIGHWAY DEPARTMENT- DELACY FORD, INC.

RESOLVED, that the Livingston County Highway Department is hereby authorized to purchase through NYSOGS Mini-Bid #7725 and NYSOGS Contract PC68978 from DeLacy Ford, Inc., 3061 Transit Road, P.O. Box 437, Elma, N.Y. 14059 one (1) 2022 Ford F-350 Crew Cab Pickup Truck with Snow Plow Equipment at a cost not to exceed \$42,003.60.

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
2021 Liv. Co. Highway Machinery Fund Appropriations	100 %	Yes X No

Director’s Comments: This purchase will replace existing Truck #4 (Deputy Supt. Truck – Current mileage 93,152.) Existing Truck #4 will be moved to the Flagger Fleet to replace truck #56 (2010 ford F-250 w/121,495 miles.) Truck #56 along with the plow equipment that goes with it will be sent to auction at a later date.

This purchase has been put before the Ways and Means committee w/o going through Public services to expedite the procurement process. (Bids were not received in time to make the Public Services meeting)

Mr. Wolfanger reviewed the vehicle for purchase.

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

CLERK OF THE BOARD – MICHELE REES

Action Item(s) To Be Reported

1. ESTABLISHING STANDARD WORK DAY

RESOLVED, that the Livingston County Board of Supervisors hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local Employees’ Retirement System based on the time keeping system or the record of activities maintained and submitted by the Clerk of the Board: (List is on file in Clerk’s Office)

The Clerk explained that this is an annual resolution listing the position titles within each department.

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

2. ESTABLISHING STANDARD WORK DAY AND RETIREMENT REPORTING CREDIT

RESOLVED, that the Livingston County Board of Supervisors hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body:

Name	Standard Work Day Hrs/day	Term	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on record of activities)	3-Month Log Recd or Recert Eligible (new terms)
					Elected
Davis, Ivan C.	6	1/1/2020-12/31/2021	N	5.81	2018 to present
Schuster, Mark J.	6	1/1/2018-12/31/2021	N	3.67	2021
Kantowski, R. J.	6	1/1/2021-12/31/2024	N	0.62	2021
McCaffrey, Greg	6	1/1/2021-12/31/2024	N	29.17	2014
					Appointed
Kelly, Marshall	7	1/19/2020-12/31/2021	N	2.91	2020

This is the annual retirement reporting resolutions for individuals with new terms or whose duties have changed significantly. For example, Mr. Schuster was appointed to Ways and Means this year which increase his reporting hours so he prepared a new three month log. Some of the part time assistant attorneys are hired at a salary and do not accrue vacation or sick time; these individuals prepare a three month log to determine their retirement credit hours.

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

Town bonded indebtedness Reports – Mr. Coyle explained that the only thing we could determine is that we’ve always done it this way, for the production and compilation of the report of town bonded indebtedness that we do through the Clerk’s office. We were unable to find out why we did this. John Lockhart looked this up when we last discussed it and found nothing in the statute that required the County to continue to produce this report. Towns are has various reporting requirements to the State Comptroller. The committee discussed any possible reasons to continue to produce the report and if the report is not needed it can be discontinued.

DEPARTMENT OF HEALTH – JIM PERAINO

Action Item(s) To Be Reported

1. AWARDING BID FOR THE LIVINGSTON COUNTY DEPARTMENT OF HEALTH FOR TRANSPORTATION OF CHILDREN WITH SPECIAL NEEDS: ARC OF LIVINGSTON-WYOMING

WHEREAS, after the proper legal advertisement seeking bids for transportation for children with special needs, two (2) bids were received and opened on August 4, 2021; now, therefore, be it

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is authorized to sign the following contract, which is hereby accepted as the lowest responsible bid, 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	9/1/21-8/31/22	Per Rate Sheet

For: Transportation for children with special needs

Funding Source	Local Share	Budgeted?
New York State Education Department	40.5%	Yes X No

Director’s Comments: The purpose of this contract is for the transportation of children with special needs. Mr. Peraino reviewed the bid contract for approval.

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

2. AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING GRANT AWARD CONTRACT FOR THE LIVINGSTON COUNTY DEPARTMENT OF HEALTH: HEALTH RESEARCH, INC.

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign the following grant award contract for the Livingston County Department of Health, 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>
Health Research, Inc.	7/1/2021-6/30/2023	\$849,912.00
Riverview Center		
150 Broadway, Suite 280		
Menands, New York 12204		
For: NYS Public Health Corps Fellowship Program		

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
Centers for Disease Control and Prevention	0%	Yes <input checked="" type="checkbox"/> No

Director's Comments:

To build public health capacity to support Covid 19 response operations and increased preparedness for future public health emergencies.

Mr. Peraino reviewed the grant contract for approval.

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

REAL PROPERTY TAX SERVICES – BILL FULLER

Pre-approved Informational Item(s) To Be Reported

1. Discuss the Doodle Poll results for the Volunteer Firefighters/Ambulance Worker Exemption - There were nineteen participants with 14 for and 5 against the exemption. Participation was small. Mr. Mann reported that there was discussion at the 8/1 fire chief meeting and one fire chief did not even send to his members because it was not a benefit to them in his determination. There was discussion on the low participation and the Committee determined that they did not want to move forward.

COUNTY ADMINISTRATOR – IAN COYLE

Action Item(s) To Be Reported

1. **APPROVING ABSTRACT OF CLAIMS #8B-AUGUST 25, 2021**

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

2. **AMENDING 2021 LIVINGSTON COUNTY BUDGET-SHERIFF'S OFFICE & WORKFORCE DEVELOPMENT**

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.

Mr. Coyle reviewed the amendments for approval.

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

3. **AUTHORIZING TRANSFER OF FUNDS –DEPARTMENT OF SOCIAL SERVICES & HIGHWAY**

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

Mr. Coyle reviewed the transfers for approval.

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

4. **RECOGNIZING AND HONORING SUNY GENESEO UPON THE OCCASION OF ITS SESQUICENTENNIAL**

WHEREAS, SUNY Geneseo was established as the Wadsworth Normal and Training School on September 13, 1871; and

WHEREAS the first athletic competitions took place in 1896 with football and men's track and field; and

WHEREAS the School persisted through World Wars I and II; and

WHEREAS the institution's name in 1942 was changed to Geneseo State Teachers College, attaining full collegiate status and the authority to confer baccalaureate degrees in every curriculum; and

WHEREAS, in 1948, Geneseo became part of the new State University of New York system; and inaugurated its first Master of Education degree for elementary school teachers; and

WHEREAS, in 1962 the College officially became the State University College at Geneseo, erecting seven new buildings in 1967 alone; and

WHEREAS, SUNY Geneseo's Ivy League reputation became nationally-recognized in the 1980s, featured in publications such as the New York Times; and

WHEREAS, the College now offers 50 undergraduate degree programs, 26 interdisciplinary minors, and graduate programs in accounting and education; and

WHEREAS, today, September 13, 2021, marks SUNY Geneseo's 150th anniversary. Such a monumental milestone is cause for commemoration and celebration throughout the year with historical, educational, artistic, and joyful events; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby recognizes the importance of honoring the past 150 years of SUNY Geneseo's rich history and encourage all County departments, organizations, academic institutions, and citizens to be a part of this year-long celebration in observance of this rare and important anniversary.

Mr. Coyle explained that this is resolution was at the College's request.

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

Pre-approved Informational Item(s) To Be Reported

1. Mr. Coyle reported that the case trend is increasing such that our positivity rate is increasing and now the CDC tracking places us in the high level. Mr. Coyle reported that there are no mandated triggers in place. There was a call today. An oddity with our vaccination rate of Covid cases is that 50-60% are post vaccination positives. We have seven new cases among the employee base. We are not seeing mass testing, so the only people that are being tested are people that think they have Covid. We are up to 60% of those eligible to get the vaccine got it and 88% over 65% crowd and all but one resident at nursing home has received the vaccine. Mr. Coyle reviewed the federal and state mandates that impact federal funding and nursing home staffing. There is a call today to discuss vaccinations and what is ahead. Ms. Coyle shared resignations tied to the vaccine mandate from other county facilities. K12 looks like everyone will be back in person and school boards are debating what their masking looks like. SUNY coming back with no masking mandate at this time. There was further discussion on the impact to County staffing at the nursing home.

2. Sales Tax Report-Sales tax year to date change is ~\$4.6 Million versus the previous reporting period representing ~25% year to date increase. We are starting to see a little bit of the Covid period downward trend.

3. Budget 2022 Development-Meetings are going well, about 1/3 through the department meetings.

4. ARP Reporting / Submittals-There is a call with Bonadio today on the revenue loss number. The County's first quarterly report is due at the end of this month.

5. Light Up Livingston Update-There was a grant submittal with NTIA and there is a County match that can come out of ARP and that application territory area increased significantly. If we get this grant combined with the other grants we will have \$20+ Million dollars of investment from external sources to promote broadband.

6. Shared Services 2021 Plan Development (September meeting)-The panel will be convened to see if there is any interest or carryover ideas. Our last submittal has received preliminary okay and the pharmacy program submittal alone is \$570,000.

EXECUTIVE SESSION

Motion made by Mr. Mahus and seconded by Mr. LeFeber that the Committee adjourn and reconvene for the purpose of discussing information regarding proposed, pending or current litigation and all Supervisors, County

Administrator Ian M. Coyle, Clerk of the Board and Steve Woodruff remain present. Carried.

Mr. Schuster moved and Mr. Wadsworth seconded that the Committee reconvened in regular session. The following report was presented.

The Ways and Means Committee having met in Executive Session, hereby reports as follows:
No action taken.

7. LCDSA Negotiations
8. Recruitment Updates

ADJOURNMENT

Mr. Mahus moved and Mr. Schuster seconded to adjourn the meeting at 2:24 p.m.

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