

**REGULAR BOARD MEETING
WEDNESDAY, AUGUST 24, 2022
1:30 P.M.**

ROLL CALL

The roll was called showing all members present except Mr. Pangrazio (Caledonia), Mr. Wester (Conesus), Mr. Wadsworth (Geneseo), Mr. Devine (Groveland), and Mr. Schuster (Sparta).

PLEDGE OF ALLEGIANCE

Mt. Morris Supervisor David DiSalvo led the Pledge of Allegiance.

APPROVAL OF MINUTES

Minutes of 8/10/22 Regular Meeting were approved as presented.

COMMUNICATIONS

1. Receipt of acknowledgement letter from the New York State Department of Taxation and Finance regarding Resolution No. 2022-267.

INTRODUCTION OF LOCAL LAW

LOCAL LAW NO. 2-2022 EXTENDING THE ADDITIONAL MORTGAGE RECORDING TAX WITHIN THE COUNTY OF LIVINGSTON

Be it enacted by the Board of Supervisors of the County of Livingston as follows:

Section 1. Purpose and Intent

The purpose of this law is to authorize the County of Livingston, pursuant to the provisions of Section 253-y of the New York State Tax Law, to impose an Additional Mortgage Recording Tax.

Section 2. Imposition of Tax

For the period beginning December 1, 2022 and ending December 1, 2025, unless further extended by Local Law of the Board of Supervisors, there is hereby imposed, in the County of Livingston, a tax of \$0.25 for each \$100.00, and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within the County of Livingston and recorded on or after December 1, 2022 and a tax of \$0.25 on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than \$100.00.

Section 3. Applicability

The taxes imposed under the authority of this law shall be administered and collected in the same manner as the taxes imposed under Subdivision 1 of Section 253 of the Tax Law and Paragraph (b) of Subdivision 1 of Section 255 of the Tax Law.

Section 4. Additional Mortgage Recording Tax

A tax imposed pursuant to this law shall be in addition to the taxes imposed by Section 253 of the Tax Law.

Section 5. Real Property Located in More Than One County

Where real property covered by the mortgage subject to the tax imposed pursuant to this law is situated in the State of New York but within and without the County of Livingston, the amount of such tax due and payable to the County shall be determined in a manner similar to that prescribed in Paragraph 1 of Section 260 of the Tax Law. Where such property is situated within and without the County, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed herein.

Section 6. Disposition of Taxes

Notwithstanding any provision of Article 11 of the Tax Law to the contrary, the balance of all monies paid to the recording officer of the County of Livingston during each month upon account of the tax imposed pursuant to this local law, after deduction of the necessary expenses of his or her office as provided in Section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of this section or Section 260 of the Tax Law are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by such officer on or before the tenth day of each succeeding month to the Treasurer of the County of Livingston and, after the deduction by such Treasurer of the necessary expenses of his or her office provided in Section 262 of the Tax Law, shall be deposited in the general fund of the County of Livingston for expenditure on any county purpose. Notwithstanding the

provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of Section 253-y of the Tax Law or Section 260 of the Tax Law are first to be apportioned by the Commissioner of Taxation and Finance, shall be paid over by the recording officer receiving same as provided by the determination of said Commissioner of Taxation and Finance.

Section 7. Payment of Tax

The tax imposed pursuant to this law shall be payable on the recording of each mortgage of real property subject to taxes thereunder. Such tax shall be paid to the recording officer of the county in which the real property or any part thereof is situated, except where real property is situated within and without the County of Livingston, the recording officer of the county in which the mortgage is first recorded shall collect the tax imposed by this law. It shall be the duty of such recording officer to endorse upon each mortgage a receipt for the amount of the tax so paid. Any mortgage so endorsed may thereupon or thereafter be recorded by any recording officer and the receipt for such tax endorsed upon each mortgage shall be recorded therewith. The record of such receipt shall be conclusive proof that the amount of tax stated therein has been paid upon such mortgage.

Section 8. Effective Date

This local law shall take effect December 1, 2022, provided a certified copy thereof is mailed by registered or certified mail to the New York State Commissioner of Taxation and Finance at least 30 days prior to such date. Certified copies of this local law shall also be filed with the Livingston County Clerk, the Secretary of State, and the State Comptroller within five (5) days after the date it is duly enacted.

Chairman LeFeber asked the County Attorney to comment on the local law.

County Attorney Shannon Hillier explained that ordinarily when a mortgage is filed with the County Clerk, a 1% mortgage tax is collected based off of the mortgage amount. This particular local law being introduced today would increase that tax to 1¼% with that added ¼% being additional revenue to the County. The term of this local law would be for a 3-year period effective December 1, 2022-December 1, 2025.

ABSTRACT OF CLAIMS

RESOLUTION NO. 2022-295 APPROVING ABSTRACT OF CLAIMS #8B-AUGUST 24, 2022

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

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #8B dated August 24, 2022 in the total amount of \$1,638,620.45.

Dated at Geneseo, New York

August 24, 2022

Ways and Means Committee

The roll was called as follows: Ayes-1,382; Noes-0; Absent-Pangrazio, 137; Wester, 80; Wadsworth, 308; Devine, 49; and Schuster; Total 627; Adopted.

Chairman LeFeber introduced Senator George Borrello and Assemblywoman Marjorie Byrnes.

PRIVILEGES OF THE FLOOR

SENATOR GEORGE BORRELLO

-Remarks and Presentation of New York State Senate Liberty Medal to Sean Needham of Dansville

ASSEMBLYWOMAN MARJORIE BYRNES

-Remarks/Commendation to Sean Needham

Senator Borrello comments: *It is good to be back here again to celebrate someone here in Livingston County. We're here to honor someone that is a hero in so many ways. A lot of people go to work every day and don't know what's going to happen next and Sean Needham did exactly that. He went to his job as a commercial diver and ended up saving the life of someone who could have drowned if not for his brave efforts. He went to work to do his job and saved someone's life; not a lot of people can say that. As a former Army Ranger and a commercial diver, he knows what it's like to risk his life. And he risked his life to save someone that he did not know at all, someone who was going to drown if not for his efforts. In the New York State Senate, the highest honor they can give is the New York State Liberty Medal. I come here today to present this medal to Sean. I am very proud to say, not only is this someone that defended*

our nation, who stood up time and time again, but who took a split second to decide if he was going to risk his life to save the life of someone else. He didn't hesitate, and that to me, shows that he truly deserves the highest civilian honor that we can bestow in New York State.

Assemblywoman Byrnes comments: I would like to thank Senator Borrello for going out to the Senate and coming back with this extraordinary award to such a deserving gentleman. The entire life's work that Sean has done, obviously manifested itself in not being afraid on this given day to jump right into the river to do what needed to be done. You also credited your team that was with you. Granted it always takes a team and teamwork to accomplish phenomenal tasks, but your, personally have shown above and beyond that you are the finest that New York State has to offer. I am really glad I could be here today with Senator Borrello as he presents you with this award. "I want to thank again, everyone for being here and, sir, I could never thank you enough for what you have done on behalf of all of us to make us all proud."

On behalf of a grateful State and his colleagues, Senator Borrello presented his first New York State Senate Liberty Medal to Sean Needham. The audience presented a standing ovation.

PREFERRED AGENDA REQUIRING ONE ROLL CALL VOTE

RESOLUTION NO. 2022-296 ESTABLISHING STANDARD WORK DAY

RESOLVED, that the Livingston County Board of Supervisors hereby establishes the 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. (On file in Clerk's Office)

Dated at Geneseo, New York

August 24, 2022

Ways and Means Committee

RESOLUTION NO. 2022-297 PROVIDING FOR PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 2-2022 EXTENDING THE ADDITIONAL MORTGAGE RECORDING TAX WITHIN THE COUNTY OF LIVINGSTON

WHEREAS, there has been duly presented and introduced at a meeting of this Board, held on August 24, 2022, a proposed Local Law entitled Local Law No. 2-2022 Extending the Additional Mortgage Recording Tax Within the County of Livingston; now, therefore, be it

RESOLVED, that a public hearing shall be held on the said proposed Local Law by this Board on September 14, 2022 at 1:35 p.m. in the Board of Supervisors Assembly Room in the Livingston County Government Center in the Village of Geneseo, New York and at least six (6) days' notice shall be given by posting thereof on the bulletin board of the Government Center in this County and by publishing such notice at least one (1) time in the official newspapers of the County as provided by law.

Dated at Geneseo, New York

August 24, 2022

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. Fanaro and seconded by Mr. DiSalvo to move the Preferred Agenda. Carried.

The roll was called as follows: Ayes-1,382; Noes-0; Absent-Pangrazio, 137; Wester, 80; Wadsworth, 308; Devine, 49; and Schuster; Total 627; Adopted.

RESOLUTIONS REQUIRING A SEPARATE ROLL CALL VOTE

County Administrator/Budget Officer

RESOLUTION NO. 2022-298 AMENDING 2022 LIVINGSTON COUNTY BUDGET: DEPARTMENT OF HEALTH, HIGHWAY (2) & SHERIFF'S OFFICE

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

REPORT OF THE SUPERVISORS' PROCEEDINGS 184

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

August 24, 2022

Ways and Means Committee

The roll was called as follows: Ayes-1,382; Noes-0; Absent-Pangrazio, 137; Wester, 80; Wadsworth, 308; Devine, 49; and Schuster; Total 627; Adopted.

RESOLUTION NO. 2022-299 AUTHORIZING TRANSFER OF FUNDS: CENTER FOR NURSING AND REHABILITATION (INTERFUND TRANSFER) & OFFICE FOR THE AGING

Mr. Knapp 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 transfer entries that have been approved by the Livingston County Administrator.

Dated at Geneseo, New York

August 24, 2022

Ways and Means Committee

The roll was called as follows: Ayes-1,382; Noes-0; Absent-Pangrazio, 137; Wester, 80; Wadsworth, 308; Devine, 49; and Schuster; Total 627; Adopted.

RESOLUTION NO. 2022-300 ESTABLISHING STANDARD WORK DAY AND RETIREMENT REPORTING CREDIT

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

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:

Title	Name	Standard Work Day Hrs/day	Term	Days/Month (based on record of activities)	3-Month Log Recd or Recert Eligible (new terms)
					Elected Officials
Chair - Avon	LeFeber, David L.	6	1/1/2022-12/31/2025	9.61	2018
Vice Chair - Caledonia	Pangrazio, Daniel	6	1/1/2022-12/31/2023	19.33	2022
Supervisor - Lima	Falk, Michael J.	6	1/1/2022-12/31/2025	9.86	2018
Supervisor - Livonia	Gott, Eric R.	6	1/1/2022-12/31/2025	3.55	2018
Supervisor - Mt. Morris	DiSalvo, David	6	3/19/2022-12/31/2025	1.5	2022
Supervisor - N. Dansville	Horr, Gregory	6	1/1/2022-12/31/2025	2.01	2022
Supervisor - Ossian	Knapp, Dwight	6	1/1/2022-12/31/2025	5.16	2018
Supervisor - Portage	Davis, Ivan C.	6	1/1/2022-12/31/2023	5.81	2018
Supervisor - Sparta	Schuster, Mark J.	6	1/1/2022-12/31/2025	3.67	2021
County Clerk	Bailey, Andrea	6	1/1/2022-12/31/2025	36.68	2022
County Coroner	Griese, Shannon	6	1/1/2022-12/31/2025	2.64	2022
County Coroner	Waltman, Robert	6	1/1/2022-12/31/2025	5.13	2015
Sheriff	Dougherty, Thomas	6	1/1/2022-12/31/2025	33.95	2022
County Treasurer	Davies, Amy	6	1/1/2022-12/31/2025	27.86	2014
					Appointed
Assistant Conflict Defender	Dys, David P.	7	3/28/2022-8/19/2022	11.05	2022
Assistant Conflict Defender	Fitzgerald, Kevin	7	10/28/2019-12/31/2025	11.69	2022
Assistant Conflict Defender	Leathersich, Gregory	7	1/1/2022-3/11/2022	12.05	2020
Assistant Conflict Defender	Misula, Roman	7	1/1/2022-12/31/2025	10.71	2022
Assistant Conflict Defender	Narchus, Nicholas	7	6/3/2019-8/28/2020	13.33	2019
Assistant Public Defender	Donohue Burns, Kelly	7	1/1/2022-12/31/2025	11.65	2017

REPORT OF THE SUPERVISORS' PROCEEDINGS 185

Assistant Public Defender	Kelly, Marshall	7	1/1/2022-12/31/2025	2.91	2020
Assistant Public Defender	Duclos, Marc	7	9/20/2018-11/30/2019	4.05	2018

Dated at Geneseo, New York

August 24, 2022

Ways and Means Committee

The roll was called as follows: Ayes-1,382; Noes-0; Absent-Pangrazio, 137; Wester, 80; Wadsworth, 308; Devine, 49; and Schuster; Total 627; Adopted.

County Attorney

RESOLUTION NO. 2022-301 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN A LETTER OF ENGAGEMENT FOR LEGAL SERVICES—MAGAVERN MAGAVERN GRIMM LLP

Mr. Knapp 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 Engagement Letter, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Magavern Magavern Grimm LLP	N/A	Partner-\$220.00/hour
1100 Rand Building		Legal Assistant-\$100.00/hour
14 Lafayette Square		
Buffalo, NY 14203		

For: Legal services related to matters involving accounts receivable at the Center for Nursing and Rehabilitation, as well as matters involving Medicaid and the Department of Social Services.

Dated at Geneseo, New York

August 24, 2022

Ways and Means Committee

The roll was called as follows: Ayes-1,382; Noes-0; Absent-Pangrazio, 137; Wester, 80; Wadsworth, 308; Devine, 49; and Schuster; Total 627; Adopted.

Personnel

RESOLUTION NO. 2022-302 AMENDING A PORTION OF RESOLUTION NO. 2022-36: HEALTH INSURANCE DROP PAYMENT

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

WHEREAS, the Livingston County Board of Supervisors previously adopted Resolution No. 2022-36 establishing the 2022 County employee salaries and certain compensation and benefits for other employees; and

WHEREAS, pursuant to this resolution Department Heads who drop or forgo County health insurance coverage shall be entitled to a "drop payment" after they have been without County health insurance for at least one year; and

WHEREAS, the County practice has required a Department Head to be without County health insurance for a full plan year to qualify for a drop payment and does not permit monthly prorations; now, therefore, be it

RESOLVED, effective immediately, the amount of a drop payment may be prorated on a monthly basis for a Department Head that meets the eligibility requirements as set forth within Resolution 2022-36; and be it further

RESOLVED, that Resolution No. 2022-36 is hereby amended accordingly.

Dated at Geneseo, New York

August 24, 2022

Ways and Means Committee

The roll was called as follows: Ayes-1,382; Noes-0; Absent-Pangrazio, 137; Wester, 80; Wadsworth, 308; Devine, 49; and Schuster; Total 627; Adopted.

RESOLUTION NO. 2022-303 AMENDING A PORTION OF RESOLUTION NO. 2022-36: HEALTH INSURANCE ELIGIBILITY

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

WHEREAS, the Livingston County Board of Supervisors previously adopted Resolution No. 2022-36 establishing the 2022 County employee salaries and certain compensation and benefits for other employees; and

WHEREAS, pursuant to this resolution any non-union / managerial / Department Head employee that is other than a full-time status is ineligible for participation in the County's health insurance program; and

WHEREAS, in order to recruit and retain experienced attorneys in certain part-time positions it may be necessary or desirable to provide an opportunity for these staff to buy into the health insurance program; now, therefore, be it

RESOLVED, effective immediately, part-time attorney positions covered within this County's resolution shall now be eligible to buy into the County's standard health insurance plan at a 40% contribution towards premium equivalent costs but will be ineligible for any drop payments; now, therefore, be it

RESOLVED, that Resolution No. 2022-36 is hereby amended accordingly.

Dated at Geneseo, New York

August 24, 2022

Ways and Means Committee

The roll was called as follows: Ayes-1,382; Noes-0; Absent-Pangrazio, 137; Wester, 80; Wadsworth, 308; Devine, 49; and Schuster; Total 627; Adopted.

RESOLUTION NO. 2022-304 AMENDING A PORTION OF RESOLUTION NO. 2022-36: SUMMER YOUTH EMPLOYMENT PROGRAM

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

WHEREAS, the Livingston County Board of Supervisors previously adopted Resolution No. 2022-36 establishing the 2022 County employee salaries and certain compensation and benefits for other employees; and

WHEREAS, the Livingston County Office Of Workforce Development/Youth Bureau has a Summer Youth Employment Program that is funded each year by New York State Office Of Temporary And Disability Assistance through the Livingston County Department of Social Services TANF funds; and

WHEREAS, each year the funding amount for the program is unknown until actual receipt of the funds. The funds must be spent in their entirety; and

WHEREAS, the Office of Workforce Development/Youth Bureau will not know the final payroll amount to be paid to each participant until the conclusion of the program each year; now, therefore, be it

RESOLVED, that each year the Office of Workforce Development/Youth Bureau shall determine the amount of the final payroll for each participant of the Summer Youth Employment Program, using the remaining program funds available; and be it further

RESOLVED, that the Office of Workforce Development/Youth Bureau is hereby authorized to process final payroll for the Summer Youth Employment Program through Livingston County payroll.

Dated at Geneseo, New York

August 24, 2022

Ways and Means Committee

The roll was called as follows: Ayes-1,382; Noes-0; Absent-Pangrazio, 137; Wester, 80; Wadsworth, 308; Devine, 49; and Schuster; Total 627; Adopted.

RESOLUTION NO. 2022-305 AMENDING A PORTION OF RESOLUTION NO. 2022-36: VACATION ACCRUAL

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

WHEREAS, the Livingston County Board of Supervisors previously adopted Resolution No. 2022-36 establishing the 2022 County employee salaries and certain compensation and benefits for other employees; and

WHEREAS, pursuant to the resolution Department Heads accrue five (5) days of vacation at the time of hire; and

WHEREAS, in order to recruit and hire experienced functional department leaders and individuals to serve in a deputy level position it may be necessary or desirable to provide more than five (5) days of vacation leave at the time of initial hire; now, therefore, be it

RESOLVED; that effective October 1, 2021 individuals hired by Livingston County to serve as a functional department leader and individuals hired to serve in a deputy level position will accrue fifteen (15) days of vacation at the time of hire; and be it further

RESOLVED, that Resolution No. 2022-36 is hereby amended accordingly.

Dated at Geneseo, New York

August 24, 2022

Ways and Means Committee

The roll was called as follows: Ayes-1,382; Noes-0; Absent-Pangrazio, 137; Wester, 80; Wadsworth, 308; Devine, 49;

and Schuster; Total 627; Adopted.

OTHER BUSINESS

1. CHAIRMAN APPOINTMENT

GLOW Workforce Development Board

Name	Address	Title/Represents	Term
Mary Grace (Holli) Nenni	14016 Route 31 West, Albion, NY 14411	Youth	At Pleasure

2. BOARD OF SUPERVISORS SERVICE RECOGNITION

Chairman LeFeber presented Deborah Babbitt Henry with a County blanket to recognize her ten years on the Livingston County Board of Supervisors.

3. County Administrator Updates: We are half through the 2023 budget meetings with department heads. As anticipated, there are many expected impacts. The biweekly CNR report was sent out. The salary and benefit reports are on desks for review. A Shared services panel meeting is expected after one of the September Board meetings for items for the 2023 plan submittal. The next Conversation with the County is tomorrow in Leicester.

ADJOURNMENT

Motion made by Mrs. Walker and seconded by Mr. DiSalvo to adjourn until Wednesday, September 14, 2022 at 1:30 p.m. Carried.

The Board adjourned at 1:50 p.m.