

**WAYS & MEANS COMMITTEE MEETING MINUTES**  
**MONDAY, SEPTEMBER 20, 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 County Attorney Shannon Hillier to lead the Pledge of Allegiance.

**HIGHWAY DEPARTMENT – JASON WOLFANGER**

**Action Item(s) To Be Reported**

**1. AUTHORIZING THE IMPLEMENTATION AND SUPPLEMENTAL AGREEMENT #3 WITH NYS DEPARTMENT OF TRANSPORTATION FOR PRELIMINARY ENGINEERING, DESIGN, ROW INCIDENTALS AND ROW ACQUISITION, CONSTRUCTION AND CONSTRUCTION INSPECTION PHASES AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFOR: COUNTY RD 62(BRONSON HILL RD) HIGHWAY REHABILITATION PROJECT, TOWNS OF AVON & LIVONIA, PIN 4LV0.02**

WHEREAS, Sponsor will design, let and construct the "Project"; and

WHEREAS, a Project for the County Rd 62(Bronson Hill Rd) Highway Rehabilitation Project, Towns of Avon & Livonia, P.I.N. 4LV0.02 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the County of Livingston desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Preliminary Engineering, Design, ROW Incidental and ROW Acquisition, Construction and Construction Inspection Phases; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby approves the above-subject project; and be it further

RESOLVED, that the Livingston County Board of Supervisors hereby authorizes the Chairman of the Board to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering, Design, ROW Incidental and ROW Acquisition, Construction and Construction Inspection Phases work for the Project or portions thereof; and be it further

RESOLVED, that the sum of \$3,874,988 is hereby appropriated from Livingston County Budget Appropriation and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Livingston County Board of Supervisors shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Livingston County Highway Superintendent thereof; and be it further

RESOLVED, that the Chairman of the Board of the Livingston County Board of Supervisors be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Livingston with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, this Resolution shall take effect immediately.

| <u>Contractor</u> | <u>Term</u> | <u>Amount</u> |
|-------------------|-------------|---------------|
|-------------------|-------------|---------------|

50 Wolf Road  
Albany, NY 12232

For: State/Local Agreement for Rehabilitation of Bronson Hill Rd- Towns of Avon & Livonia

| <i>Funding Source</i>  | <i>Local Share</i> | <i>Budgeted?</i> |
|--|--------------------|------------------|
| FHWA, NYS Marchiselli Funds, Livingston County Highway Budget Appropriations | 5.8%               | Yes              |

Mr. Wolfanger reviewed the project costs now that all of the funding has come in.

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

**2. AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR SNOW AND ICE REMOVAL THROUGH THE 2021-2022 SEASON: ONTARIO COUNTY**

WHEREAS, pursuant to section 135 of the NYS Highway Law, the County Highway Superintendent may contract with a Town/County and a Town/County Superintendent for the removal of snow and ice from County Roads; and

WHEREAS, Ontario County has proposed to enter into a contract with Livingston County for removal of snow and ice from a 0.44 mile section of County Road 36A, which is in Livingston County, for the period October 15, 2021 through October 14, 2022, at the rate of \$5,800.00 per centerline mile; now, therefore, be it

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

| <u>Contractor</u>   | <u>Term</u>           | <u>Amount</u> |
|---|-----------------------|---------------|
| <b>Ontario County</b><br>20 Ontario Street<br>Canandaigua, NY 14424 | 10/15/2021-10/14/2022 | \$2,552.00    |

For: 2021 – 2022 Snow & Ice Control on 0.44 miles of County Road 36A, Town of Springwater.

| <i>Funding Source</i>                | <i>Local Share</i> | <i>Budgeted?</i> |
|--------------------------------------|--------------------|------------------|
| County Highway Budget Appropriations | 100%               | Yes X No         |

This is the annual contract.

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

**COUNTY ADMINISTRATOR – IAN COYLE**

**Action Item(s) To Be Reported**

**1. APPROVING ABSTRACT OF CLAIMS #9B-SEPTEMBER 22, 2021**

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #9B dated September 22, 2021 in the total amount of \$2,656,281.71.

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

**2. AMENDING 2021 LIVINGSTON COUNTY BUDGET-HIGHWAY (2) & OFFICE FOR THE AGING (2)**

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. Wadsworth seconded to approve the foregoing resolution Carried.*

**3. AUTHORIZING TRANSFER OF FUNDS-CENTRAL SERVICES, ECONOMIC DEVELOPMENT & OFFICE FOR THE AGING (2)**

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.

Mr. Coyle reviewed the transfers for approval.

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

**4. ESTABLISHING AN ACCOUNT – DEPARTMENT OF HEALTH**

RESOLVED, that the Livingston County Treasurer is authorized and directed to establish a new account per the electronic entries that have been approved by the Livingston County Administrator.

Mr. Coyle reviewed the funds received for the school reopening grant.

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

**5. ACCEPTING THE REPORT OF COMMITTEE ON WORKERS’ COMPENSATION INSURANCE ESTIMATE AND APPORTIONMENT OF COUNTY SELF-INSURANCE FOR THE YEAR 2022** (copies on desks)

Mr. Coyle reviewed the 2022 estimate for approval. The County share is up ~\$80,000 and town contributions collectively are up ~\$40,000. Mr. Coyle reviewed what impacts these estimates. We are fully through the structural change we made to now be at 50/50 assessment and experience.

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

**6. AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR LIVINGSTON COUNTY: LIVINGSTON COUNTY EDUCATION ALLIANCE, INC.**

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign the following contract for Livingston County, and any future amendments to said contract, according to the term designated, subject to review by the County Attorney and County Administrator:

|   |                     |               |
|---|---------------------|---------------|
| <u>Contractor</u>   | <u>Term</u>         | <u>Amount</u> |
| <b>Livingston County Education Alliance, Inc.</b><br>4635 Millennium Drive<br>Geneseo, NY 14454 | 10/1/2021-9/30/2024 | \$132,500.00  |

For: Nepris Platform Implementation-Career Awareness/Education-to-Employment Program

| <i>Funding Source</i> | <i>Local Share</i> | <i>Budgeted?</i> |    |   |
|-----------------------|--------------------|------------------|----|---|
| County Budget         | 100%               | Yes              | No | X |

Mr. Coyle reviewed the consensus approval for the new K-12 education to employment program resolution at the last Committee meeting. The County Attorney clarified that the \$92,500 was for the first year only. There will be additional costs for year two and three included on the resolution. There will also be quarterly updates/reports and reports from program participants.

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

**Pre-approved Informational Item(s) To Be Reported**

1. Sales Tax Update-Mr. Coyle reviewed the sales tax receipt report. There are two draws left in the third quarter. We are now in the months of 2020 with a sizable dip in returns. Internet sales tax related activity is still showing a sizable return for us. Most counties are experiencing growth.

2. NYSAC Seminar Report-Mr. Coyle reviewed discussions on the two sales tax diversions; the distressed hospital fund, which sunsets in March 2022 and the eFmap, which is Enhanced Federal Medicaid Assistance Percentage which is the federal and state amount we get back to help out with the cost of Medicaid. During Obama Care and the ARRA Recovery Act we got an enhanced level of Fmap back but we didn’t get it because the state kept it. Seventeen counties have now foiled the state on exactly how much the state is retaining specific to their county. In just Livingston County, the amount due in in the millions of dollars and across the state Foil responses have uncovered \$60 Million sitting with the state that is due counties collectively on just this one item. Mr. Coyle reviewed the discussions on how the pension costs went down. Karen Dewar, along with Chenango County presented on rural county EMS challenges and successes. The presentation was well attended and Mr. Coyle reported that there were many counties interested.

3. 2022 Budget Discussion-Mr. Coyle presented the 2022 budget now that all department budgets are entered. The workshop will be held after the next meeting. There was further discussion on the CNR occupancy/capacity considering the staffing shortages across the health care community. There was discussion on the whole dynamic of whether this is a shift or reset on whether we see people wanting to put their loved

ones in nursing homes. There was discussion on the lack of any union actions against the vaccine mandate. The unions were very supportive of the ten county letters that were sent to the Governor. The state has been very unresponsive to the letter. Mr. LeFeber questioned whether we begin to consider if we want to continue sustaining this loss until we come up with a sustainable long term plan pertaining to the nursing home. Mr. Pangrazio reviewed the County's large investment in the nursing facility and he suggests continuing on and working on a turn-around plan post Covid. Mr. Coyle explained that the employees in question have a thirty day reprieve, holding period, in which they can come back to County employment without impact. The County is tied to the mandate because of the financial impacts to the nursing home. It is thousands of dollars per violation, i.e. 40 employees=\$4,000; which would be \$160,000 per day in potential violation costs. Even if the Governor decides we can test out, the Biden mandate remains. There was discussion on what the mandate impact is to Noyes Hospital. Mr. Coyle reviewed the steps for worst case scenario to best case scenario at the nursing home. Mr. Coyle reviewed how occupancy impacts revenue and how it all impacts operational costs. There was discussion on how we can keep meeting the resident's needs. Mr. Coyle reported on the recent religious exemption for the vaccine mandate. Mr. Coyle reported that there has been correspondence with the unions for those employees affected by the vaccine mandate.

**COUNTY ATTORNEY – SHANNON HILLIER**

**Action Item(s) To Be Reported**

**1. AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN AN AMENDMENT TO THE LEASE AGREEMENT WITH THE UNITED STATES GOVERNMENT FOR OFFICE SPACE – JUDGE RICHARD WESLEY**

WHEREAS, Resolution No. 2021-135 authorized the Chairman of the Livingston County Board of Supervisors to sign a lease agreement with the United States Government for office space for Judge Richard Wesley for a five (5) year period commencing on June 1, 2021, at an annual rental rate of \$58,880.24; and

WHEREAS, the United States Government is now seeking to amend the lease agreement for purposes of cancelling the routine cleaning and disinfecting requirements; now, therefore, be it

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign an amendment to the lease agreement with the United States Government for purposes of eliminating the cleaning and disinfecting requirements thereby reducing the annual rental amount to \$58,348.75, subject to review by the County Attorney and County Administrator.

Ms. Hillier reviewed the lease amendment requested by the federal government.

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

**Pre-approved Informational Item(s) To Be Reported**

1. Tax Auction/Special Board meeting discussion-Due to the recent foreclosure moratorium extension, Ms. Hillier reported that for those properties currently protected by a successfully filed hardship application, the County will be unable to proceed with foreclose until at least after January 15, 2022. Ms. Hillier reported that the County will still be able to hold the October 28th auction relative to those parcels included in the recently signed Judgement of Foreclosure. Amy Davies notified Ms. Hillier that the window for closing on parcels purchased at the auction will be different this year as the Treasurer's Office is unable to collect unpaid village and school taxes in the month of December. Therefore, the properties sold at auction will need to close by the last day of November. Otherwise, the unpaid village and school taxes will be re-levied onto the 2022 Town and County Tax bills causing purchasers to incur additional penalties and interest. Accordingly, we will need to hold a special board meeting for the full Board after Human Services on November 2 at 11:00 am in order to obtain full Board approval of the auction sales. Ms. Hillier wanted to get this on everyone's radar as we will need a quorum for this action to pass.

*Motion: Mr. Mahus moved and Mr. Wadsworth seconded to set a special Board meeting after Human Services on Tuesday, November 2, 2022 at 11:00 a.m. .... Carried.*

**EXECUTIVE SESSION**

Motion made by Mr. Mahus and seconded by Mr. Schuster 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 County Attorney remain present. Carried.

Mr. Wadsworth moved and Mr. Schuster 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.

**2. AUTHORIZING AND APPROVING A SETTLEMENT AGREEMENT TO AN ACTION RELATING TO THE OPIOID CRISIS – BIG 3 DISTRIBUTORS**

WHEREAS, there is pending the matter on behalf of Livingston County, regarding the opioid addiction crisis, in which Livingston County is the 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 McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Drug Corporation, PSS World Medical, Inc., Kinray, LLC, Belco Drug Corporation, and American Medical Distributors, Inc. (the “Distributors”) based on claims that the Distributors contributed to the opioid epidemic by failing to comply with their obligations under the federal Controlled Substances Act and the New York Controlled Substances Act to implement adequate measures to prevent diversion of the prescription opioids they distributed to pharmacies and others in Suffolk County, all of which contributed to a public health crisis in Livingston County; and

WHEREAS, the Distributors have offered to settle the claims of Livingston County against them by paying the sum of between approximately \$1,008,384.86 and \$1,781,297.41 over eighteen (18) years and agreeing to implement injunctive relief under a controlled substance monitoring program; and

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

RESOLVED, that the Livingston County Board of Supervisors hereby approves the proposed settlement agreement and authorizes the Chairman of the Board or his designee to execute said agreement and such other documents as may be necessary and appropriate to effectuate the settlement with the Distributors.

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

**ADJOURNMENT**

*Mr. Mahus moved and Mr. Schuster seconded to adjourn the meeting at 2:02 p.m.*

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