

**REGULAR BOARD MEETING
WEDNESDAY, MAY 25, 2016
1:30 P.M.**

ROLL CALL

The roll was called showing all members present except Mr. Wadsworth (Geneseo) and Mrs. Babbitt Henry (Springwater)

PLEDGE OF ALLEGIANCE

Leicester Supervisor David M. Fanaro led the Pledge of Allegiance

APPROVAL OF MINUTES

Minutes of 05/11/16 Regular Meeting were approved as presented.

COMMUNICATIONS

1. The Mandatory Annual Compliance And Workplace Violence Trainings For The Board Of Supervisors Will Be Immediately Following The Board Meeting Today.
2. Thank You Note From The Family Of George Weidman.
3. Letter From The Government Finance Officer's Association Awarding Livingston County The GFOA's Distinguished Budget Presentation Award For Meeting The Highest Principals Of Governmental Budgeting.

ABSTRACT OF CLAIMS

RESOLUTION NO. 2016 -172 APPROVING ABSTRACT OF CLAIMS #5B-MAY 25, 2016

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

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #5B dated May 25, 2016 in the total amount of \$1,400,682.28.

Dated at Geneseo, New York

May 25, 2016

Ways and Means Committee

The roll was called as follows: Ayes - 1,622; Noes - 0; Absent - Babbitt Henry, 79; Wadsworth, 308 Total 387; Adopted.

PRIVILEGES OF THE FLOOR

JOHN MARREN, GFLRPC CHAIR/ONTARIO COUNTY BOARD CHAIR & DAVID ZORN, GFLRPC EXECUTIVE DIRECTOR

- GENESEE FINGER LAKES REGIONAL PLANNING COUNCIL ANNUAL UPDATE

Mr. Marren's Comments:

Good afternoon ladies and gentlemen, Chairman Gott, thank you for the opportunity for privilege of the floor this afternoon. My name is Jack Marren and I represent Ontario County on this Board and am the Supervisor for the Town of Victor. First and foremost, Livingston County is historically very active with the Planning Council. Brenda Donohue and Angela Ellis do an outstanding job working with us. Chairman Gott is also very supportive on the Transportation Council. Today is an opportunity to introduce myself, as I have only been the Chair since last June, and to introduce Executive Director David Zorn to provide a snapshot of what the Planning Council can do for all the municipalities within this County as well and the County Government as well. Thank you.

Mr. Zorn's Comments:

Thanks for having us. I sent around a packet and will be referring to it. Again, thanks for this opportunity. The first sheet is an overview of the Genesee Finger Lakes Regional Planning Council. We have been around since 1977 and the nine counties of the Genesee Finger Lakes region are the same nine that the state recognizes as Finger Lakes regions. It includes Livingston, Genesee, Monroe, Orleans, Seneca, Wayne, Wyoming and Yates Counties. Our Mission is to identify, define and inform its member counties of issues and opportunities critical to the physical, economic, and social health of the region. G/FLRPC provides forums for discussion, debate, and consensus building and develops and implements a focused action plan with clearly defined outcomes, which include programs, personnel and funding. That's what we do at the regional level and further to all aspects of what we do including working with Economic

Development Directors and Planning Directors of the region. Therefore, we have two advisory committees that we work with and that's largely the Planning Directors of the nine counties and the City of Rochester and the Genesee Transportation Council, which is our planning coordination committee and our Economic Development Advisory Committee, which is the IDA or Economic Development Directors of the nine counties, the City of Rochester and the Regional Office of Empire State Development. As Mr. Marren said, you are well represented on the Regional Planning Council. Ex-officio position Chairman Gott and alternate Brenda Donohue – who has not missed a meeting – is the Treasurer. You are also represented by Will Wadsworth, Bonnie Taylor Davis, Bill Bacon and Angela Ellis.

The third section of the handout is the section that lists our accomplishments over the last several years, entitled "Major Accomplishments and Recent Projects, Programs and Services provided to Livingston County. We talk about our three main program components. For Economic Development, we are what's called the District Office for the Federal Economic Development District. We serve the nine counties and, as such, we work with you to produce a comprehensive Economic Development strategy and work to implement it. Implementation flows from our office and throughout the region. An example is the recent EDA award of \$410,000.00+ for infrastructure at the Crossroads Business Park. That was a priority in the comprehensive Economic Development strategy – working with Livingston County and the Feds to get the project noticed and then the funding flows to the local level.

We also have a revolving loan fund – non-retail – for business, industry and service sectors. We have significant reserves, so we would be thrilled to get more of those dollars out on the street.

We have the new Growing the Ag Industry and Food Related Program or GAIN! We were awarded late in 2014. We actually got the first disbursement of that in the last month and every county is acting as the place borrowers to go for the money. In Livingston County that's the IDA. We are thrilled that the state awarded us 3 Million dollars back in 2014.

We also just finished up the Regional Engagement Program, a regional and county assessment and then working with each county to set up a strategy to try and get some high priority projects funded.

For regional, local and water resource planning services, include land use, water resources, municipal hazard/flood mitigation, main street revitalization, brownfields and historic preservation planning, in addition to local government support and training development and coordination. We have a watershed management planning water quality certified flood person on the staff who works for flood mitigation and working with national flood management. Works with the counties and municipalities and help with insurance.

In terms of local projects, we finished up the Oatka Creek Management Program a year or so ago and are trying to get federal dollars for implementation, one of which is the Conesus Lake Streambank Remediation site and we will continue to try to bring those dollars in. Re-infrastructure planning and in terms of general, we work with counties and municipalities with more traditional planning and land use regulations and controls. We have done flood and hazard mitigation planning for Livingston County and Livingston County is going through the update process now. In terms of ag and food systems planning, we did a brief assessment of the food system in the region, which finished in early 2016. We are hoping to do a much larger assessment and regional food system planning implementation approach, using that assessment as a stepping stone. In Livingston County, the more we can do for ag the better!

The third program component is the Data, Technology, and Resource Center. We are a New York State Census Data Affiliate Program and we work with the counties and municipalities to get the data and tools out there and these services are efficient and effective. Additional projects include Regional Atlas, Regional Population Forecasts, Regional Local Update of Census Addresses and School District Enrollment. We are now starting to talk about the 2020 Census. As a region, we would like to use the revised address system for this census.

Additional services: We are soon to be regional office for community partnership program with primarily NYSEDA for funding for energy and NYSRD programs on local level.

Every 6 months we hold a workshop for training. I'm happy to say that 2015 was the 20th year of doing them. Our spring session was held last Thursday and 250+ people came and participated.

We offer service-orientated programs such as our webinar series – for additional info like census data, intergovernmental reviews

I would like to finish up with the Finger Lakes Regional Sustainability Plan. The Cleaner, Greener Communities (CGC) Regional Sustainability Planning Program was the first phase of the CGC Program. This initial phase of the program provided resources for the Genesee/Finger Lakes Regional Planning Council's development of a comprehensive regional sustainability plan. G/FLRPC provided project management/coordination/outreach services. The Finger Lakes Regional Sustainability Planning Consortium (Consortium) was established and served as the Steering Committee for the Plan. In stage two of the CGC Program, the implementation stage, \$90 Million in funding has been provided over a three year period (2013-2015) on a competitive basis for the implementation of specific projects that provide the greatest opportunities for reducing greenhouse gas (GHG) emissions, increasing energy efficiency, promoting the deployment of renewable energy projects, and furthering each region's economic development and progress toward the goals established by both the sustainability plans developed through this program and the strategic plans developed by the REDCs. Projects that received funding in Livingston County include the Town of Springwater Comprehensive Plan (\$50,000) and the Town of Mount Morris Comprehensive Plan and Zoning Updates (\$45,000).

If you have any questions I'd be happy to answer them. Again thank you for your support.

Chairman Gott thanked Mr. Marren and Mr. Zorn for their report.

RESOLUTIONS REQUIRING A SEPARATE ROLL CALL VOTE

MOTION TO AMEND THE COMMITTEE OF THE WHOLE RESOLUTION:

Chairman Gott asked for a motion to amend the following resolution to change the last two paragraphs to replace NYSASIC with Livingston County Board of Supervisors.

Motion made by Mr. Pangrazio and seconded by Mr. Schuster to amend the Committee of the Whole Resolution. Carried.

Committee of the Whole

RESOLUTION NO. 2016 -173 A RESOLUTION CALLING ON THE STATE OF NEW YORK TO FULLY REIMBURSE MUNICIPAL SELF INSURED WORKERS' COMPENSATION PLANS

Chairman Gott requested that the Deputy Clerk of the Board read the foregoing resolution for consideration. There being no further discussion on the foregoing resolution, Chairman Gott asked for a motion to present the Committee of the Whole Resolution.

WHEREAS, the New York State Association of Self-Insured Counties (NYSASIC) has become aware of Senate Bill S03891 and Assembly Bill A05518; and

WHEREAS, NYSASIC, as the professional organization representing the majority of self insured counties and many other municipalities in the State of New York, strongly oppose this legislation; and

WHEREAS, the proposed legislation states the following:

“Provides that any (i) melanoma; or (ii) condition of cancer affecting lymphatic, digestive, hematological, urinary, prostate, neurological, breast and reproductive systems, resulting in total or partial disability or death to a volunteer firefighter, who successfully passed a physical examination on entry into firefighter service, which examination failed to reveal any evidence of such melanoma or condition, shall be presumptive evidence that it was incurred in the performance and discharge of duty unless the contrary be proven by competent evidence.” And,

WHEREAS, the proposed legislation provides that in the event that an individual passes his or her physical examination on entry into firefighter service that any melanoma or other cancer condition that is subsequently diagnosed is presumed to arise in the performance and discharge of that individual's duties as a volunteer firefighter, and

WHEREAS, this legislation is problematic for several reasons. First, the physical examination required for entry into a volunteer fire department is quite limited in scope. Such physical examinations do not include the detail or the diagnostic testing typically associated with diagnosing cancer or ruling out the presence of cancer. For example, such physical examinations do not include comprehensive blood testing, PET scans, CT scans, MRI's, colonoscopies, mammograms, pap smears, prostate examinations, etc. To the contrary, such physical examinations are typically quite limited and are quite cursory in nature, and

WHEREAS, many of the conditions covered by the proposed legislation may be present and remain undiagnosed even though an individual may still pass the physical examination associated for entry into firefighter service, and

WHEREAS, many of the conditions identified in the proposed legislation often develop with age and/or are either genetic or hereditary in nature. Thus, even if a comprehensive physical examination with diagnostic testing is performed when an individual first enters firefighter service, it would be both disingenuous and unwise to presume that in the event that such an individual eventually is diagnosed with cancer, such as prostate cancer or breast cancer many years later, that the development or cause of that cancer is in any way connected to the individual's firefighter service, and

WHEREAS, such legislation would essentially place counties in the position of insuring that in the event that a volunteer firefighter contracts cancer of any kind that they will need to provide indemnity, medical and, potentially death benefits, unless they can prove that such cancer condition is unrelated with competent evidence. Providing such a presumption and placing the cost of rebutting such a presumption on county taxpayers would pose an undue financial burden and hardship. In addition, such a presumption would likely force counties and volunteer fire departments to change their procedures relating to physical examinations for volunteer firefighters in order to ensure that applicants are cancer free. Such comprehensive physical examinations would prove costly and could have a chilling effect on recruitment and the membership of volunteer fire departments, and

WHEREAS, the proposed legislation is unnecessary as the Volunteer Firefighters' Benefits Law already provides such benefits in the event that a volunteer firefighter (or his or her dependents in connection with a death claim) can prove that the cancer condition arose in the line of duty. Shifting the burden of proof based upon a flawed presumption that has no medical basis would be ill advised, now be it

RESOLVED, that the Livingston County Board of Supervisors urges the State of New York not to pass Senate Bill S03891 and Assembly Bill A05518 in its current language; and be it further

RESOLVED, that in the event that there is a desire that the aforementioned legislation be passed, the Livingston County Board of Supervisors urges Senate Bill S03891 and Assembly Bill A05518 to be modified so that municipal self-insured workers' compensation plans shall be reimbursed the costs of claims which are associated with Senate Bill S03891 and Assembly Bill A05518 by the State of New York. This will facilitate the continued operation and existence of the very volunteer fire departments and volunteer fire companies whose members would be assisted by the bills, since the taxing authorities which support these volunteer fire departments and volunteer fire companies will otherwise be financially stressed by the claims precipitated by these bills; and be it further

RESOLVED, that the Clerk of the Livingston County Board of Supervisors forward certified copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Catharine M. Young, New York State Senator Patrick M. Gallivan, Assemblyman Bill Nojay, and the New York State Association of Counties (NYSAC).

Dated at Geneseo, New York

May 25, 2016

Committee of the Whole

MOTION TO MOVE COMMITTEE OF THE WHOLE RESOLUTION

Chairman Gott requested that the Deputy Clerk of the Board read the foregoing resolution for consideration. There being no further discussion on the foregoing resolution, Chairman Gott asked for a motion to present the Committee of the Whole Resolution.

Motion made by Mr. Yendell and seconded by Mr. Carman to move the Committee of the Whole Resolution. Carried.

The roll was called as follows: Ayes - 1,622; Noes - 0; Absent - Babbitt Henry, 79; Wadsworth, 308 Total 387; Adopted.

Highway

RESOLUTION NO. 2016 -174 AUTHORIZING LIVINGSTON COUNTY TO PURCHASE PAVEMENT MARKING SERVICES THROUGH CONTRACTS AWARDED BY GENESEE COUNTY-SENECA PAVEMENT MARKING, INC.

Mr. Deming announced that this resolution was not presented at a Public Services Committee meeting; however, all Committee members have signed the resolution.

WHEREAS, Genesee County has awarded its 2016 bid for purchase of pavement marking services to Seneca Pavement Marking, Inc., and

WHEREAS, the County of Livingston has determined that the prices and services under such contract will result in cost savings and additional services compared to those if bid separately by Livingston County, and

WHEREAS, pursuant to authority granted by Section 103 of NYS General Municipal Law and the terms of the Genesee County bid, Livingston County is authorized to purchase pavement marking services through the contract awarded by Genesee County, now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby authorizes the purchase of pavement marking services through a contract awarded by Genesee County to Seneca Pavement Marking Services, Inc., 23 Hunters Run, Horseheads, NY 14845, subject to review by the County Attorney and County Administrator.

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Seneca Pavement Marking, Inc.	6/1/16-5/31/17	
23 Hunters Run		
Horseheads, NY 14845		
For: Waterborne Paint Pavement Marking – Centerline (Yellow) per CL mile:		\$ 285.00
For: Waterborne Paint Pavement Marking – Edgeline (White) per CL mile:		\$ 280.00

Dated at Genesee, New York

May 25, 2016

Public Services Committee

The roll was called as follows: Ayes - 1,622; Noes - 0; Absent - Babbitt Henry, 79; Wadsworth, 308 Total 387; Adopted.

RESOLUTION NO. 2016 -175 AUTHORIZING LIVINGSTON COUNTY TO PURCHASE BITUMINOUS CONCRETE PRODUCTS THROUGH CONTRACTS AWARDED BY ALLEGANY COUNTY – SPALLINA MATERIALS INC.

Mr. Deming announced that this resolution was not presented at a Public Services Committee meeting; however, all Committee members have signed the resolution.

WHEREAS, Allegany County has awarded its 2016 bid for FOB purchase of Bituminous Concrete Products to Spallina Materials, Inc., and

WHEREAS, the County of Livingston has determined that the prices s under such contract will result in cost savings and efficiencies compared to those if bid separately by Livingston County, and

WHEREAS, pursuant to authority granted by Section 103 of NYS General Municipal Law and the terms of the Allegany County bid, Livingston County is authorized to purchase Bituminous Concrete Products through the contract awarded by Allegany County, now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby authorizes the FOB purchase of Bituminous Concrete Products through a contract awarded by Allegany County to Spallina Materials, Inc., PO Box 337, Mt. Morris, NY 14510, subject to review by the County Attorney and County Administrator.

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Spallina Materials, Inc.	5/1/16 - 4/30/17	
PO Box 337		
Mt. Morris, NY 14510		
For: FOB Plant - Mt. Morris - Item #403-11 - Type-1 Base		\$52.50 / Ton
For: FOB Plant - Mt. Morris - Item #403-13 - Type-3 Binder		\$53.60 / Ton
For: FOB Plant - Mt. Morris - Item #403-17 - Type-6F Top		\$60.50 / Ton
For: FOB Plant - Mt. Morris - Item #403-19 - Type-7F Top		\$61.50 / Ton

Dated at Genesee, New York

May 25, 2016

Public Services Committee

The roll was called as follows: Ayes - 1,622; Noes - 0; Absent - Babbitt Henry, 79; Wadsworth, 308 Total 387;

Adopted.

County Administrator/Budget Officer

RESOLUTION NO. 2016 -176 AUTHORIZING TRANSFER OF FUNDS – DEPARTMENT OF HEALTH & 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 Transfer Request Forms on file in the Office of the Clerk of the Board which have been approved by the Livingston County Administrator.

Dated at Geneseo, New York

May 25, 2016

Ways and Means Committee

The roll was called as follows: Ayes - 1,622; Noes - 0; Absent - Babbitt Henry, 79; Wadsworth, 308 Total 387; Adopted.

RESOLUTION NO. 2016 -177 AMENDING 2016 LIVINGSTON COUNTY BUDGET – DEPARTMENT OF HEALTH, ECONOMIC DEVELOPMENT & PLANNING (2)

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

RESOLVED, that the 2016 Department of Health budget be amended as follows:

Account	Dept.	Code	Description	Amount
Increase Revenue	A4082	3472	State Aid Special Health	\$12,500.00
			TOTAL	\$12,500.00
Increase Appropriation	A4082	2050	Office Equipment	\$1,300.00
		2250	Medical Equipment	\$1,900.00
		4020	Training	\$300.00
		4080	Professional Services	\$9,000.00
			TOTAL	\$12,500.00

And be it further

RESOLVED, that the 2016 Economic Development Department budget be amended as follows:

Account	Dept.	Code	Description	Amount
Decrease Reserve	A0599	0000	Infrastructure Reserve	\$115,000.00
Increase Appropriation	A6989	2900	Capital Outlay	\$115,000.00

And be it further

RESOLVED, that the 2016 Planning Department budget be amended as follows:

Account	Dept.	Code	Description	Amount
Increase Revenue	A3649	5031	Interfund Transfer	\$72,140.28
Increase Appropriation	A3649	2200	Comm. Equipment	\$72,140.28

And,

Account	Dept.	Code	Description	Amount
Decrease Appropriation	H3020	2900	Capital Outlay	\$72,140.28
Increase Appropriation	H3020	9000	Interfund Transfer	\$72,140.28

Dated at Geneseo, New York

May 25, 2016

Ways and Means Committee

The roll was called as follows: Ayes - 1,622; Noes - 0; Absent - Babbitt Henry, 79; Wadsworth, 308 Total 387; Adopted.

County Treasurer

RESOLUTION NO. 2016 -178 APPROVING APPORTIONMENT OF MORTGAGE TAX RECEIPTS FOR THE PERIOD 10/01/15 – 03/31/16

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

WHEREAS, the Ways and Means Committee submits the following report on Apportionment of the Mortgage Tax receipts for the period October 1, 2015 through March 31, 2016, among the several Towns and Villages of the County, it is hereby

RESOLVED, that the County Treasurer is hereby directed to pay to the various municipalities the amount set forth herein:

		TO TOWNS	TO VILLAGES
AVON	\$58,299.25	\$46,681.09	\$11,618.16
CALEDONIA	\$43,317.28	\$35,288.61	\$8,028.67
CONESUS	\$22,198.95	\$22,198.95	\$0.00
GENESEO	\$63,064.12	\$49,593.52	\$13,470.60
GROVELAND	\$6,523.82	\$6,523.82	\$0.00
LEICESTER	\$10,096.11	\$9,390.19	\$705.92
LIMA	\$28,325.70	\$23,829.03	\$4,496.67
LIVONIA	\$66,151.38	\$62,286.81	\$3,864.57
MT. MORRIS	\$11,533.08	\$8,716.96	\$2,816.12
N. DANSVILLE	\$17,808.53	\$11,065.82	\$6,742.71
NUNDA	\$16,044.14	\$13,589.14	\$2,455.00
OSSIAN	\$5,153.47	\$5,153.47	\$0.00
PORTAGE	\$324.34	\$324.34	\$0.00
SPARTA	\$9,140.54	\$9,140.54	\$0.00
SPRINGWATER	\$9,412.08	\$9,412.08	\$0.00
WEST SPARTA	\$5,466.49	\$5,466.49	\$0.00
YORK	<u>\$12,888.47</u>	<u>\$12,888.47</u>	<u>\$0.00</u>
TOTAL	\$385,747.75	\$331,549.33	\$54,198.42

Dated at Geneseo, New York

May 25, 2016

Ways and Means Committee

The roll was called as follows: Ayes - 1,622; Noes - 0; Absent - Babbitt Henry, 79; Wadsworth, 308 Total 387;

Adopted.

OTHER BUSINESS

Chairman Gott reminded the Supervisors that their Financial Disclosure forms were due today. He also reminded the Supervisors that there would be annual Compliance and Workplace Violence Training following the Board meeting.

ADJOURNMENT

Motion made by Mr. Pangrazio and seconded by Mr. Deming to adjourn until Wednesday, June 8, 2016 at 1:30 p.m. Carried.

The Board adjourned at 1:59 p.m.