

**REGULAR BOARD MEETING
WEDNESDAY, OCTOBER 25, 2017
1:30 P.M.**

ROLL CALL

The roll was called showing all members present.

PLEDGE OF ALLEGIANCE

The County Administrator introduced Karl Bennett:

Karl F. Bennett, was born in Dansville, NY, graduating from Nunda High School in 1966. Karl enlisted in the United States Navy in October 1966. Upon completion of basic training at Great Lakes Training Center in Chicago, Illinois, Karl was assigned to the USS Vernon County as a cook serving over 400 service members. The USS Vernon County left its port in Yokosuka Japan for Vietnam to assist in riverine operations. During these operations, the ship fed an additional 340 personnel conducting military operations in Vietnam. After two years of service at sea, Karl returned briefly to San Diego, California. Karl finished his military career cooking for over 10,000 Navy personnel where he started at the Great Lakes training center. For his service in the Navy, Karl was awarded the National Defense Service Medal, the Vietnam Service Medal with three stars, and the Vietnam Campaign Medal.

Upon receiving his honorable discharge from the Navy, Karl started working for the NY State home in Sonyea. Karl retired after 35 years with the state.

Karl is a member of the American Legion and VFW. In his 30 years of service he has been the Commander of the Nunda VFW post 8961 many times. Karl is currently the VFW's 7th District Senior Vice Commander.

Karl is married to his wife Lorena and has one son, two daughters, and fourteen grandchildren.

Karl Bennett, led the Pledge of Allegiance.

The County Administrator and Chairman Gott, on behalf of the Livingston County Board of Supervisors, presented a Certificate of Appreciation to Karl Bennett. The audience presented a standing ovation.

APPROVAL OF MINUTES

Minutes of 10/11/17 Regular Meeting were approved as presented.

PUBLIC HEARING

1. 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

Chairman Gott declared the Public Hearing open and asked the Deputy Economic Developer to comment on the local law. Mrs. Wheeler explained that the purpose of today's public hearing is to provide information to the public regarding the Community Development Block Grant Small Business Program and to consider comments on an application being requested for submittal by the County. An application in the amount of \$100,000 is being proposed for a new business to be located in the Town of Livonia. It is anticipated that 8 new jobs will be created and entrepreneurial training will be a prerequisite of grant funding.

Chairman Gott stated anyone interested in speaking to please come forward and sign in at the podium. No one wished to speak. The Chairman asked if any Supervisor wished to comment. The Chairman announced that the public hearing would remain open until the end of the meeting.

COMMUNICATIONS

1. Receipt of Notice of Claim in the matter of Matthew W. O'Dell vs. County of Livingston, etal.
2. Receipt of Notice of Claim in the matter of David Skinner vs. County of Livingston, etal.

ABSTRACT OF CLAIMS**RESOLUTION NO. 2017-328 APPROVING ABSTRACT OF CLAIMS #10B-OCTOBER 25, 2017**

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

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #10B dated October 25, 2017 in the total amount of \$2,071,178.48.

Dated at Geneseo, New York

October 25, 2017

Ways and Means Committee

The roll was called as follows: Ayes-2,009; Noes-0; Absent-0; Adopted.

PRIVILEGES OF THE FLOOR**JASON SKINNER, DIRECTOR –LIVINGSTON COUNTY VETERAN SERVICES AGENCY****- DEPARTMENTAL UPDATES**

Mr. Skinner presented a departmental update for the Board of Supervisors which included the many ways how we honor our veterans here in Livingston County, not only as we saw with today's pledge, but things that go on every day. Workforce Development recently had a homeless veteran go thru one of their 3-day training sessions and that individual has turned his life around. Social Services helps with temporary housing and the Health Department has the "We Honor Veterans" program for hospice services. It's not just the Veterans Services Agency helping these vets. Mr. Skinner reviewed the laws that govern veteran services agencies and veteran benefits. Mr. Skinner also explained the definition of "active duty" in the military and the five different types of characters of discharge. The veteran claims process is a lengthy process. Mr. Skinner described the efforts taking place to improve services in Livingston County. There are several eras where there are presumed illness claims from Vietnam, Camp Lejeune, the Gulf War and radiation from all of the atom bomb testing. You must be a war time veteran to be eligible for a VA pension and Mr. Skinner described the research done by the Veteran Services Agency to assist veterans with their pension. Mr. Skinner addressed the problems with the high rate of suicide and drug addiction among veterans. There are 5,000 veterans in Livingston County according to the Census, but there are only 1,300 registered with the VA. Mr. Skinner is continuing to work on increasing the number of veterans registered with the VA.

PREFERRED AGENDA REQUIRING ONE ROLL CALL VOTE**RESOLUTION NO. 2017-329 PROVIDING FOR PUBLIC HEARING ON PROPOSED LIVINGSTON COUNTY BUDGET FOR 2018 PURSUANT TO SECTION 359 OF THE COUNTY LAW**

RESOLVED, that the Livingston County Board of Supervisors, pursuant to Section 359 of the County Law, will hold a public hearing on the proposed Livingston County Budget for the fiscal year 2018 at 1:35 p.m. and also at 7:00 p.m. on Wednesday, November 15, 2017 in the Board of Supervisors Assembly Room in the Livingston County Government Center in the Village of Geneseo, New York, and, be it further

RESOLVED, that the Clerk of the Board will cause a Notice of Public Hearing to be published in the official newspapers of the County in a manner required by Section 359 of the County Law.

Dated at Geneseo, New York

October 25, 2017

Ways and Means Committee

RESOLUTION NO. 2017-330 ADOPTING THE LIVINGSTON COUNTY HIPAA PRIVACY POLICIES AND PROCEDURES AND THE LIVINGSTON COUNTY NOTICE OF PRIVACY PRACTICES

WHEREAS, Livingston County (the "County") is committed to compliance with all applicable laws and regulations including, but not limited to, the Health Insurance Portability and Accountability Act of 1996, as amended by the Health Information Technology for Economic and Clinical Health (HITECH) Act, and the Privacy and Security Regulations at 45 Code of Federal Regulations ("CFR") §§160 and 164 (collectively "HIPAA"); and

WHEREAS, the HIPAA Privacy Rule established standards for the use and disclosure of protected health information ("PHI") as well as standards for individuals' privacy rights to understand and control how their health information is used; and

WHEREAS, Compliance with HIPAA requires that the County implement policies and procedures that are designed to comply with the HIPAA Privacy Rules; and

WHEREAS, the HIPAA Privacy Policies and Procedures include (1) Designations, (2) Notice of Privacy Practices, (3) Uses and Disclosures Not Requiring Authorization, (4) Uses and Disclosures Requiring Authorization,

(5) Uses and Disclosures Requiring an Opportunity for the Individual to Agree or Object, (6) Minimum Necessary Use, Disclosure and Request for PHI, (7) Rights of Individuals to Request Privacy Protection, Access to PHI, Amendment of PHI and Accounting of Disclosures of PHI, (8) Business Associates, (9) Training, (10) Safeguarding PHI, (11) Complaints, (12) Disciplinary Action, (13) Mitigation, (14) Retaliation and Waiver, (15) Documentation and Retention and (16) Data Breach Notification; and

WHEREAS, the Notice of Privacy Practices offers information on how the County may use individuals' medical information and how individuals can get access to their medical information; and

RESOLVED, that this Board does hereby adopt the Livingston County Privacy Policies and Procedures for the Health Insurance Portability and Accountability Act of 1996 "HIPAA" and the Livingston County Notice of Privacy Practices; and further

RESOLVED, that these HIPAA Privacy Policies and Procedures and the Notice of Privacy Practices shall remain in effect until such time as the policies and/or notice is superseded or cancelled; and further

RESOLVED, that a certified copy of this resolution be transmitted by the Clerk of this Board to the County Administrator, the County Attorney, the Department of Health, the Department of Social Services, the Sheriff's Office, Corrections Division, the Center for Nursing and Rehabilitation, and the Emergency Medical Services Department.

Dated at Geneseo, New York

October 25, 2017

Ways and Means Committee

RESOLUTION NO. 2017-331 DESIGNATING THE HIPAA SECURITY OFFICER FOR LIVINGSTON COUNTY

WHEREAS, Compliance with the Health Insurance Portability and Accountability Act ("HIPAA") requires that Livingston County designate a HIPAA security officer; and

WHEREAS, the Ways and Means Committee has recommended adoption of this resolution; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby designates the County Attorney or his/her designee as the HIPAA security officer, pursuant to HIPAA and the regulations adopted thereunder; and further

RESOLVED, that the HIPAA security officer shall be responsible for coordinating, developing, approving and assisting the County Compliance Committee in overseeing and monitoring the security of PHI and implementing policies, standards, and guidelines, including minimum requirements, that provide adequate information security for electronic PHI for all County healthcare components, and responding to actual or suspected breaches in confidentiality or integrity of PHI; and further

RESOLVED, that the security officer shall provide direction to the County Compliance Committee and/or departments which have access to PHI in developing appropriate policies and procedures to comply with HIPAA; and further

RESOLVED, that certified copies of this resolution be sent by the Clerk of this Board to the County Administrator and County Attorney.

Dated at Geneseo, New York

October 25, 2017

Ways and Means Committee

RESOLUTION NO. 2017-332 DESIGNATING LIVINGSTON COUNTY AS A HIPAA HYBRID ENTITY

WHEREAS, Livingston County (the "County") is committed to compliance with all applicable laws and regulations including, but not limited to, the Health Insurance Portability and Accountability Act of 1996, as amended by the Health Information Technology for Economic and Clinical Health (HITECH) Act, and the Privacy and Security Regulations at 45 Code of Federal Regulations ("CFR") §§160 and 164 (collectively "HIPAA"); and

WHEREAS, the County is a "covered entity" as that term is defined under HIPAA; and

WHEREAS, the Board of Supervisors has determined that the County may more effectively and efficiently administer its policies and procedures for HIPAA compliance by designating the County as a "hybrid entity," as that term is defined under HIPAA, 45 CFR §164.103; and

WHEREAS, the Ways and Means Committee has recommended adoption of this resolution; now, therefore, be it

RESOLVED, that this Board does hereby designate the County as a "hybrid entity," pursuant to 45 CFR §§164.103 and 164.105; and be it further

RESOLVED, that the following Livingston County Departments are hereby designated as part of the healthcare component of the County's hybrid entity: (1) Department of Health; (2) Department of Social Services; (3) Sheriff's Office, Corrections Division; (4) Center for Nursing and Rehabilitation; (5) Emergency Medical Services; (6) Health Insurances/Health Plan; and be it further

RESOLVED, that the following Livingston County departments are also designated as part of the healthcare component of the County's hybrid entity, only to the extent that they receive protected health information from, or in the course of providing support services to, the Department of Health, Department of Social Services, Sheriff's Office, Corrections Division, Emergency Medical Services, Center for Nursing and Rehabilitation: (1) County Attorney's Office, (2) Auditor's Office (3) Treasurer's Office, (4) Information & Technology Department, (5) Records Management, Archives, and Information Management Services ("RAIMS"), and (6) Veteran Service Agency; and be it further

RESOLVED, the County's healthcare components shall have in place training, policies and procedures for compliance with HIPAA; and be it further

RESOLVED, that all other Livingston County Departments or Offices not otherwise specified or designated as healthcare components are hereby designated as non-healthcare components. Healthcare components are not free to exchange PHI with non-healthcare components unless such disclosure is permitted by law. Some employees may perform both healthcare components and non-healthcare components functions as part of their job responsibilities. Any person who performs duties for both healthcare components and non-healthcare components must not use or disclose PHI in a way that would be impermissible under HIPAA; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Administrator and all County healthcare components.

Dated at Geneseo, New York

October 25, 2017

Ways and Means Committee

**RESOLUTION NO. 2017-333 AUTHORIZING LITIGATION AGAINST MAJOR DRUG
MANUFACTURERS TO RECOVER CURRENT AND FUTURE DAMAGES TO THE COUNTY
FROM ABUSE OF OPIOID PHARMACEUTICALS**

WHEREAS, according to statistics provided by the Centers for Disease Control and Prevention, in 2014, there were 28,647 opioid overdose deaths nationwide, or 78 people per day, and a 14% increase in one year, driven by both prescription opiate abuse as well as heroin abuse, the latter often brought on by prescription opiate abuse, and

WHEREAS, a report of the New York State Comptroller in 2016 found that overdose deaths in New York related to heroin use reached a record high of 825 in 2014, a jump of more than 23 percent from the previous year and nearly 25 times the number of a decade earlier, and that deaths in which prescription opioids were a contributing factor also reached a new peak in 2014, nearly four times the level in 2005, and

WHEREAS, opioid overdose emergency department visits and confirmed opioid overdose deaths continue to rise in addition to emergency responders delivering doses of the opioid antagonist naloxone, and

WHEREAS, various entities, including Erie County, Niagara County, Nassau County, Suffolk County, Orange County, Broome County, and the State of Ohio have pursued lawsuits against the manufacturers of pharmaceuticals containing opioids, alleging, in the words of the Buffalo Law Journal, that "pharmaceutical manufacturers misled doctors and patients into believing that opioid painkillers were not addictive" and that "the drug manufacturers aggressively marketed opioid pain relievers despite growing addiction rates, misrepresented the dangers of long-term opioid use to physicians and ignored that continued use of opioids diminishes the drugs' intended result, requiring increases in dosage and ups the risk of addiction," and

WHEREAS, the Nassau County lawsuit states that the pharmaceutical manufacturers "knew that opioids were effective treatments for short-term post-surgical and trauma-related pain, and for palliative (end-of-life) care," but "they also knew – and had known for years – that opioids were addictive and subject to abuse, particularly when used long-term for chronic non-cancer pain (pain lasting three months or longer, hereinafter referred to as "chronic pain"), and should therefore should not be used except as a last-resort" and that "the U.S. Food and Drug Administration ("FDA") has expressly recognized that there have been no long-term studies demonstrating the safety and efficacy of opioids for long-term use," and

WHEREAS, it is appropriate that the County of Livingston should recover damages from those parties directly contributing to high costs to the taxpayers in the form of increased social services, policing, and other expenditures, so as to mitigate the impact of same, now, therefore be it

RESOLVED, that the County Administrator is hereby authorized and empowered to commence civil litigation on behalf of the County against pharmaceutical manufacturers and other persons who have culpability in manufacturing and promoting opioid products in an unsafe manner which has caused current and future damages to the County.

Dated at Geneseo, New York

October 25, 2017

Ways and Means Committee

PREFERRED AGENDA VOTE

There being no further discussion on the foregoing resolutions, Chairman Gott asked for a motion to present the Preferred Agenda.

Motion made by Mr. and seconded by Mr. to move the Preferred Agenda. Carried.

The roll was called as follows: Ayes-2,009; Noes-0; Absent-0; Adopted.

RESOLUTIONS REQUIRING A SEPARATE ROLL CALL VOTE

County Administrator/Budget Officer

RESOLUTION NO. 2017-334 AUTHORIZING TRANSFER OF FUNDS – DEPARTMENT OF HEALTH

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

October 25, 2017

Ways and Means Committee

The roll was called as follows: Ayes-2,009; Noes-0; Absent-0; Adopted.

RESOLUTION NO. 2017-335 AMENDING 2017 LIVINGSTON COUNTY BUDGET – HIGHWAY, OFFICE FOR THE AGING (2) & SHERIFF

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, which have been approved by the Livingston County Administrator.

Dated at Geneseo, New York

October 25, 2017

Ways and Means Committee

The roll was called as follows: Ayes-2,009; Noes-0; Absent-0; Adopted.

RESOLUTION NO. 2017-336 DECLARING SURPLUS PROPERTY – HIGHWAY

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

WHEREAS, the County of Livingston owns surplus personal property that is no longer necessary for public use, now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby declares the following item(s) as surplus property to be disposed of as determined by the County Administrator:

Highway Department

Quantity	Item Description (Year, Make & Model)	Mileage, Hrs, etc.	Serial #
1	Verus Edge Diagnostic Vehicle Scanner	N/A	SNXAP2ED6A7-US

Dated at Geneseo, New York

October 25, 2017

Ways and Means Committee

The roll was called as follows: Ayes-2,009; Noes-0; Absent-0; Adopted.

Personnel

RESOLUTION NO. 2017-337 APPOINTING THE COUNTY ATTORNEY – SHANNON L. HILLIER

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

RESOLVED, that the Livingston County Board of Supervisors hereby appoints Shannon L. Hillier as County Attorney for a four-year term to commence January 1, 2018 and terminate December 31, 2021.

Dated at Geneseo, New York

October 25, 2017

Ways and Means Committee

The roll was called as follows: Ayes-2,009; Noes-0; Absent-0; Adopted.

RESOLUTION NO. 2017-338 RATIFYING TENTATIVE AGREEMENT WITH THE NEW YORK STATE LAW ENFORCEMENT OFFICERS UNION, COUNCIL 82, AFSCME, AFL-CIO, LIVINGSTON COUNTY DEPUTY SHERIFFS ASSOCIATION LOCAL 9050 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 Law Enforcement Officers Union, Council 82, AFSCME, AFL-CIO, Livingston County Deputy Sheriffs Association Local 9050 and Livingston County expired on December 31, 2015; and

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

WHEREAS, the New York State Law Enforcement Officers Union, Council 82, AFSCME, AFL-CIO, Livingston County Deputy Sheriffs Association Local 9050 ratified the agreement September 7, 2017; and

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

RESOLVED, that the tentative agreement 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 commencing January 1, 2016 and expiring December 31, 2018.

Dated at Geneseo, New York

October 25, 2017

Ways and Means Committee

The roll was called as follows: Ayes-2,009; Noes-0; Absent-0; Adopted.

Real Property Tax Services

RESOLUTION NO. 2017-339 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR THE LIVINGSTON COUNTY REAL PROPERTY TAX SERVICES DEPARTMENT: APPLIED BUSINESS SYSTEMS, INC.

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 the Livingston County Real Property Tax Services 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>
Applied Business Systems, Inc.	N/A	Not to Exceed \$10,000.00

26 Harvester Avenue

Batavia, NY 14020

For: Printing, insertion, folding and mailing tax bills

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

Dated at Geneseo, New York

October 25, 2017

Ways and Means Committee

The roll was called as follows: Ayes-2,009; Noes-0; Absent-0; Adopted.

CLOSE PUBLIC HEARING

Chairman Gott asked if anyone wished to comment regarding the public hearing. No one wished to speak. The Chairman asked if any Supervisor wished to comment. No one wished to speak.

The Chairman declared the public hearing closed.

RESOLUTIONS CONT.

RESOLUTION NO. 2017-340 AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL

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

WHEREAS, Rising Storm Brewing Company plans to equip and operate a brewery in the Town of Livonia (the "Project"); and

WHEREAS, the Livingston County Development Corporation (the "LCDC") has requested that the County apply for and provide the OCR funding to the LCDC as a grant for the purpose of making a deferred loan to Rising Storm Brewing Company; and

WHEREAS, the Project will result in substantial benefit to the County in the form of an estimated 4 new permanent full-time equivalent employment positions within two years of its opening; and

WHEREAS, the County has held a public hearing on October 25, 2017 to obtain citizens' views regarding the CDBG program as administered by OCR and the Competition; now therefore be it

RESOLVED, that the Chairman is hereby authorized to submit a grant application on behalf of the County in the approximate amount of \$100,000 to the OCR to support the Project; and be it further

RESOLVED, that the Chairman is hereby authorized to execute a grant agreement between the County and the OCR and all related documents associated with the OCR grant, including entering into a grant agreement with the LCDC for the implementation of the Project and administration of the OCR grant, all such documents to be subject to review and approval by the County Attorney; and be it further

RESOLVED, that the Chairman is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the Project.

Dated at Geneseo, New York

October 25, 2017

Ways and Means Committee

The roll was called as follows: Ayes-2,009; Noes-0; Absent-0; Adopted.

EXECUTIVE SESSION

Motion made by Mr. Pangrazio and seconded by Mr. Deming that the Board adjourn and reconvene as a Committee of the Whole for the purpose of discussing the employment history of particular persons; and that all floor Supervisors, Michele Rees act as Secretary, County Administrator Ian Coyle and County Attorney Shannon Hillier remain present. Carried.

The Board reconvened in regular session. The following report was presented.

REPORT OF EXECUTIVE SESSION

The Board of Supervisors having met in Executive Session for the purpose of discussing the employment history of particular persons, hereby reports as follows:

No action taken.

Dated October 25, 2017

Michele R. Rees, Clerk of the Board

Motion made by Mr. Deming and seconded by Mr. Yendell that the Report of the Executive Session be accepted.

Carried.

MOTION:

Caledonia Supervisor Daniel Pangrazio made a motion in response to some allegations regarding County employees that, if the Board does not object, he would like to have a third party independent fact finding inquiry completed on said allegations and Lima Supervisor J. Peter Yendell seconded the motion Motion carried unanimously.

ADJOURNMENT

Motion made by Mr. Pangrazio and seconded by Mr. DiPasquale to adjourn until Wednesday, November 15, 2017 at 1:30 p.m. Carried.

The Board adjourned at 2:10 p.m.