

**REGULAR BOARD MEETING
WEDNESDAY, SEPTEMBER 28, 2016
1:30 P.M.**

ROLL CALL

The roll was called showing all members present except Mr. Davis (Portage), Mr. Mahus (North Dansville), Mr. Schuster (Sparta) and Mrs. Babbitt Henry (Springwater).

PLEDGE OF ALLEGIANCE

The Chairman Gott introduced Joshua Daly:

Joshua Daly was born in Arlington, Texas and moved to Dansville, NY at an early age. Josh graduated from Dansville Central School in June, 1999.

Josh enlisted in the United States Army on November 11, (Veterans' Day) 2001. Following basic training Josh completed artillery training as a cannon crew member on the 105 millimeter howitzer. In 2004, Josh attended Primary Leadership School and Basic Non-Commissioned Officer School at Fort Bragg. Josh was assigned to the 319 Field Artillery at Ft. Bragg, North Carolina where he served as cannon chief, training and supervising a six man artillery crew. Josh subsequently served two deployments to Afghanistan in this capacity. Josh was honorably discharged from the United States Army in the grade of Sergeant (E-5) on June 30, 2006.

For his service in the United States Army, Sergeant Daly was awarded two awards of the Army Commendation Medal, the Army Achievement Medal, Army Good Conduct Medal, National Defense Service Ribbon, Afghanistan Campaign Medal, Global War on Terrorism Service Medal, Global War on Terrorism Expeditionary Medal and Overseas Service Medal.

Josh joined the Livingston County Sheriff's Office in October, 2011 as a part-time Corrections Officer. Josh was elevated to full-time Corrections Officer in February, 2013 and was promoted to Corrections Corporal in July 2015, where he currently serves as a first-line supervisor in the Livingston County Jail.

Corporal Daly reside in Dansville with his wife Margaret and their four children.

Joshua Daly, led the Pledge of Allegiance.

Chairman Gott, on behalf of the Livingston County Board of Supervisors, presented a Certificate of Appreciation to Joshua Daly. The audience presented a standing ovation.

APPROVAL OF MINUTES

Minutes of 9/14/16 Regular Meeting were approved as presented.

PUBLIC HEARINGS

1. PROPOSED LOCAL LAW NO. B - 2016 A LOCAL LAW CREATING THE OFFICE OF LIVINGSTON COUNTY CONFLICT DEFENDER

Chairman Gott asked the County Attorney to comment on the first local law.

The County Attorney explained that for the past 10 years Livingston County has contracted with an outside private legal aid society to provide counsel for indigent individuals who the Public Defender's office cannot represent because of a conflict. This local law is the first step in creating a Conflict Defender office in the County. Instead of contracting with legal aid societies, the conflicts will now be handled by County employees within this Office of Conflict Defender.

2. TO CONSIDER PUBLIC COMMENT ON THE COUNTY'S COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") CONTRACT WITH THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL ("NYSOCR") FOR AN ECONOMIC DEVELOPMENT PROJECT IN THE TOWN OF AVON

Chairman Gott asked Economic Developer Bill Bacon to comment on this local law.

Bill Bacon Comments:

The hearing today is being held to provide an opportunity for public comment on the Community Development Block Grant contract with the New York State Office of Community Renewal or "OCR" for the Evening Star Coffee Roasters project in Avon, NY. This is a follow-up hearing as required by policy of the OCR which states that public hearings need to be held before and, if awarded, after being notified of funding for a project.

\$75,000 in CDBG funds was awarded under the Small Business Assistance program. By their definition, a small business is a commercial enterprise that is independently owned, operated, and controlled, and has twenty-five (25) or fewer full-time equivalent employees at the time of application. Projects must result in the creation or retention of at least one full time equivalent job per \$25,000 of CDBG funds provided. CDBG can fund up to 40% of a total project cost. A minimum of 20% owner equity contribution is required.

Evening Star Coffee Roasters in Avon, NY has been selected to participate in the Small Business Assistance program. The project consists of acquisition of an approximately 2.92 acre parcel of land in the Avon Crossroads Park in the Town of Avon. Accompanying the acquisition of the property will be the equipping and construction of an approximately 4200 to 4800 square foot building to be used by the Company for its headquarters and production facility for its coffee manufacturing business. CDBG funds will be used towards land acquisition, machinery and equipment. CDBG will fund approximately 30% of the project and construction is expected to be complete in early to mid 2017.

Chairman Gott declared both public hearings open and stated anyone interested in speaking to please come forward and sign in at the podium.

Public Comments:

- 1) Lindsey Quintilone, Assistant Public Defender and President of the Livingston County Bar Association. Ms. Quintilone is appearing here today on behalf of the Livingston County Bar Association. The Bar Association recently held a meeting last week in which this issue of this proposed law was briefly addressed and there were a number of questions and concerns that were proposed by several members of the Bar Association. Ms. Quintilone was joined today with a number of attorneys that are members of good standing with the Bar Association and encouraged them to bring forth any individual questions that she is not addressing to also come up and speak. The major concern she heard from the members was that it was their understanding that there would be a chief conflict defender that would be appointed by the County as a full time County employee. The County Attorney explained that a public hearing is not the forum to ask and answer questions. It is a forum for you to express your position on the local law. Mr. Morris explained that the County is more than willing to sit down and meet with anyone to answer questions, but that is not what the purpose of the public hearing. The Bar Association's primary concern was that a County appointed conflict defender cannot also be an assigned counsel administrator. It is their understanding that this law would appoint a chief conflict defender who would serve, not only as an attorney representing indigent defendants in both criminal and family courts, but then would also serve in an administrative role to assign other attorneys from an assigned counsel panel. The Bar Association believes that may be a conflict of interest for than person to serve in both of those roles. Their concern is whether that has been considered and addressed in the proposal of this law. There are also concerns over whether all of the employees in this office would be Livingston County employees and what discretion would be given to a chief conflict defender to hire other attorneys and support staff and what sort of budget had been set up for this office. Ms. Quintilone commented that the Livingston County Bar Association was not consulted before proposing this law and they would be very much open to discussing this with any members here today.

Chairman Gott asked if any other members of the public wished to speak on either public hearing. No one wished to speak. The Chairman asked if any Supervisor wished to speak on either public hearing. The Chairman announced that the public hearings would remain open until the end of the meeting.

COMMUNICATIONS

1. The Chamber Awards & Expo Event is today from 5-8pm at Millennium Drive, Geneseo

ABSTRACT OF CLAIMS**RESOLUTION NO. 2016-299 APPROVING ABSTRACT OF CLAIMS #9B–SEPTEMBER 28, 2016**

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

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #9B dated September 28, 2016 in the total amount of \$3,001,406.12.

Dated at Geneseo, New York

September 28, 2016

Ways and Means Committee

The roll was called as follows: Ayes - 1,671; Noes - 0; Absent –Davis, 29; Mahus, 177; Schuster, 53; Babbitt Henry, 79; Total 338; Adopted.

PRIVILEGES OF THE FLOOR**1. ANNA KOWALCHUK – MUSEUM ADMINISTRATOR****ANNUAL LIVINGSTON COUNTY HISTORICAL SOCIETY & MUSEUM UPDATE**

Ms. Kowalchuk thanked the Board for giving her the honor of presenting to them today. She was able to take this opportunity to meet the new board members. Ms. Kowalchuk discussed the presentation and handouts on their accomplishments over the past year and their goals for the future. Connecting Communities with History... Bill Bacon assisted her in re-submitting a CFA application that was not approved last year. She has been working on connecting the stories of the 17 towns in Livingston County. Ms. Kowalchuk reviewed all of the collaborative activities happening with numerous people and agencies. She continues to network outside of our county borders. Ms. Kowalchuk explained that they are adding digital components to their toolbox. The Strategic Plan will be reviewed and updated.

RESOLUTIONS

County Administrator/Budget Officer

RESOLUTION NO. 2016-300 AUTHORIZING TRANSFER OF FUNDS – GRANTS & PUBLIC INFORMATION & SOCIAL SERVICES

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

September 28, 2016

Ways and Means Committee

The roll was called as follows: Ayes - 1,671; Noes - 0; Absent –Davis, 29; Mahus, 177; Schuster, 53; Babbitt Henry, 79; Total 338; Adopted.

RESOLUTION NO. 2016-301 AMENDING 2016 LIVINGSTON COUNTY BUDGET–OFFICE FOR THE AGING (2)

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

RESOLVED, that the 2016 Office for the Aging budget be amended as follows:

Account	Dept.	Code	Description	Amount
Increase Revenue	A6789	3772	State Revenue	\$2,710.00
			TOTAL	\$2,710.00
Increase Appropriation	A6789	1000	Personal Services	\$1,526.40
		4020	Travel	\$146.34
		4060	Office Supplies	\$626.80
		4200	Advertising	\$293.69
		8100	FICA	\$116.77
			TOTAL	\$2,710.00

And,

Account	Dept.	Code	Description	Amount
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Increase Revenue	A6784	4772	State Revenue	\$4,850.00
			TOTAL	\$4,850.00
Increase Appropriation	A6784	1000	Personal Services	\$3,797.21
		4055	Telephone	\$518.48
		4060	Office Supplies	\$243.82
		8100	FICA	\$290.49
			TOTAL	\$4,850.00

Dated at Geneseo, New York
September 28, 2016

Ways and Means Committee

The roll was called as follows: Ayes - 1,671; Noes - 0; Absent –Davis, 29; Mahus, 177; Schuster, 53; Babbitt Henry, 79; Total 338; Adopted.

CLOSE PUBLIC HEARINGS

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.

Board of Supervisor Comments:

1. Mrs. Donohue spoke of the concerns brought forth earlier in the meeting. She does not want to be dismissive of those concerns, but she doesn't know how much isn't addressed already in the document. She is uncertain how to vote and may abstain.
2. Mr. Pangrazio explained that the County Administrator has given this a lot of consideration and we had discussion on this in Ways and Means. In looking at the numbers and the costs that this was the best move to take. How the office was going to be set up was also mentioned in those meetings.

Chairman Gott asked, before closing the public hearing, if it was the position of the Board that we don't move forward with the local law vote today until those questions are answered. Mr. Pangrazio recommended that we hold off until the County Attorney has a chance to explain to the Bar Association. Chairman Gott stated that the County Attorney is talking with members of the Bar Association now and he is certain that the County Administrator will also respond in writing. Mr. Yendell agreed with Mr. Pangrazio to hold over the public hearing for the local law. Marcea Tetamore spoke as both, the Public Defender and a member of the Bar Association. Their concern is when the Public Defender's office has a conflict and it goes to the Conflict Defender and they have a conflict. It is the third level conflict and their concern is whether the conflict defender can act as the assigned counsel administrator and assign attorneys. Ms. Tetamore noted that she had dealt with the County Administrator and the County Attorney on this and the plan presented to this Board is from Ontario County and both Ontario and Monroe County's Conflict Defender act as the assigned counsel coordinator. She does not know how that got there but she will say that both of those counties are acting as the assigned counsel. Ontario County's conflict defender was created as a result of the law suit that was filed against the five counties in New York State. That plan was scrutinized by New York State before it was approved so whatever means they use to get there was already approved by those higher up. If there were any questions that is where the Bar Association question was coming from.

The Chairman declared both public hearings closed. There was discussion on holding the local law public hearing open for comment until the next Board meeting.

Motion: Mr. Pangrazio moved and Mr. Yendell seconded to hold public hearing for the Local Law No. B-2016 a local law creating the Office of Livingston County Conflict Defender open until the next board meeting. Carried.

ADJOURNMENT

Motion made by Mr. Pangrazio and seconded by Mr. Deming to adjourn until Wednesday, October 12, 2016 at 1:30 p.m. Carried.

The Board adjourned at 2:04 p.m.