

**REGULAR BOARD MEETING
WEDNESDAY, NOVEMBER 16, 2016
1:30 P.M.**

ROLL CALL

The roll was called showing all members present.

PLEDGE OF ALLEGIANCE

The County Administrator introduced Shawn Whitford:

Shawn Whitford, is a native of Lakeville graduating from Livonia Central School in June 2002. Following high school, Shawn attended SUNY Buffalo, majoring in Criminal Justice. In May 2003, Shawn enlisted in the United States Marine Corps Reserve and completed basic training at Parris Island SC. Shawn had infantry and weapons training at Camp Le Jeune, NC. In 2003, Shawn attended Heavy Equipment Operator training at Ft. Leonard Wood, MO and USMC Martial Arts Instructor School. From February to September 2005, Shawn was deployed to Djibouti, Africa, under Operation Enduring Freedom. In 2007, he was honorably discharged from the Marine Corps in the grade of Lance Corporal. For his military service Shawn Whitford was awarded the Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Armed Forces Reserve Medal, Sea Service Deployment Medal and National Defense Service Medal.

Shawn attended the Rural Police Training Institute, earning certification as a Police Officer in March 2007. After graduation, Shawn was employed part-time by the Nunda Police Department and the Steuben County Sheriff's Office. In September 2008, Shawn joined the Livingston County Sheriff's Office Road Patrol part-time and was made full-time in October 2008. Shawn has served the Road Patrol as a K9 handler with K9 partner Utah until Utah's retirement earlier this year. Shawn continues to serve on Operation Safe Interstate, where he has made a large contribution to interdicting drug users and drug trafficking. Shawn resides in Hemlock, NY.

Shawn Whitford, 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 Shawn Whitford. The audience presented a standing ovation.

Chairman Gott welcomed the group of Livonia high school students and thanked any members of the public and department heads for being here today for the budget presentation.

APPROVAL OF MINUTES

1. Minutes of 10/28/16 Regular Meeting were approved as presented.

PUBLIC HEARINGS

1. PROPOSED MODIFICATIONS OF LIVINGSTON COUNTY AGRICULTURAL DISTRICT #2

Chairman Gott asked the County Planning Director Angela Ellis to comment on the proposed modifications of Livingston County Agricultural District #2.

Angela Ellis Comments: *Thank you for the privilege to speak before the Board.*

As you may be aware, effective September 17, 2004 the New York State Agricultural and Markets Law was amended with Section 303-b, which allows for parcels to be added into Agricultural Districts on an annual basis. The Livingston County Board of Supervisors designated the month of September as the thirty-day annual period for submission of petitions by landowners to join an existing Agricultural District. Comprised of 3 Districts, Livingston County currently has almost half (49%) of our county's land base included in the Agricultural District Program (that's over 209,000 acres). This year, 1 petition for inclusion of predominantly viable agricultural land within a certified agricultural district was filed with the Livingston County Board of Supervisors. The parcel comprises a total of 126 acres and is located in the Town of Avon. Pursuant to NYS Agricultural and Markets Law, the County Agricultural and Farmland Protection Board conducted its review of the petition and determined that the parcel proposed for inclusion in Agricultural district #2 consists predominately of viable agricultural land, and that the inclusion of such land would serve the public interest by assisting in maintaining a viable agricultural industry within the agricultural district. This

public hearing is to allow public comment on the consideration of this petition to modify Livingston County Agricultural Districts #2 and the recommendation of the Agricultural and Farmland Protection Board. Thank you.

2. LOCAL LAW NO. C– 2016 A LOCAL LAW AMENDING LOCAL LAW NUMBER 1 OF THE YEAR 1956 RELATIVE TO THE LIVINGSTON COUNTY SELF-INSURANCE PLAN FOR WORKERS' COMPENSATION

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

County Attorney Comments-This local law makes several changes to our Workers' Compensation Self Insurance Plan, the two most important of which follows: The new local law will allow town ambulance districts and town fire districts to elect to become members of the plan. Currently only the County, Towns and Villages within the County are eligible. The second major change, changes the way that the costs are distributed among members. Currently plan costs are apportioned based upon taxable assessed value of property located within each of the member jurisdictions. The changes in the new local law will, over the next five years, change that to be 50% based upon assessed valuation of property within each jurisdiction of the members and 50% based upon the members workers' comp claims experience.

3. PROPOSED LIVINGSTON COUNTY BUDGET FOR 2017 PURSUANT TO SECTION 359 OF COUNTY LAW – PRESENTATION BY COUNTY ADMINISTRATOR IAN M. COYLE

Chairman Gott asked the County Administrator to present the 2017 Proposed Livingston County Budget.

County Administrator Coyle reviewed the 2017 Livingston County Budget presentation, which described the full budget process from preparation to adoption.

Chairman Gott stated anyone interested in speaking to please come forward, state which public hearing you would like to comment on and sign in at the podium.

Public Hearing #3 Comments:

Lauren Moore, Executive Director for the Pioneer Library System thanked the Board of Supervisors for their ongoing support of libraries in Livingston County.

Sharon Stanley, serving the public at the Mt. Morris Library, thanked the Board for their continued support. There is a good percentage of the student body that receives free or reduced lunch. All 8 librarians are in agreement that the funding received is very meaningful and they are very appreciative.

Christine Ryan, President of the Board of Trustees at the Avon Free Library and one of the two Livingston County representatives serving on the Pioneer Library Board. Ms. Ryan thanked the Board for their continued support of public libraries within the county. Livingston County is one of the four counties in the Pioneer Library System that continue to provide direct financial support to member libraries. As a trustee, she knows how difficult it is to balance the competing needs that we have. We realize how much County government has on their plate. To know that libraries matter to the Board of Supervisors is really a wonderful thing as we move forward. With 17 towns in Livingston County, there are only 8 public libraries. The funding received from the County allows them to continue to provide same kind of services to areas that do not have their own public libraries.

Chairman asked if any Supervisor wished to comment.

Caledonia Supervisor Pangrazio thanked the County Administrator for doing a heck of job on the 2017 budget. As always, he has come to expect the best. The budget is a practical and also a very responsible budget. We appreciate the Mr. Coyle's efforts and also all of the Department Heads that are here.

COMMUNICATIONS

1. County Administrator Ian M. Coyle filed the proposed 2017 Livingston County Budget on November 4, 2016.
2. Your Town Bonded Indebtedness Report is due today.
3. Notification from the Villages of Avon, Caledonia, Dansville, Leicester, Lima, Mt. Morris and Nunda

requesting the County Treasurer collect delinquent village taxes for the year 2016-2017.

4. Local Law 3 2016 was filed by the Department of State on October 21, 2016.
5. Receipt of a Notice of Claim in the Matter of Richard Blanke, as Proposed Administrator of the Estate of Karen J. Blanke versus County of Livingston.

RESOLUTION NO. 2016-339 APPROVING ABSTRACT OF CLAIMS #11A–NOVEMBER 9, 2016

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

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #11A dated November 9, 2016 in the total amount of \$2,457,605.70.

Dated at Geneseo, New York

November 16, 2016

Ways and Means Committee

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

PRIVILEGE OF THE FLOOR

1. LAURA LANE, PRESIDENT & ELISSA LAUER, TOURISM DIRECTOR

LIVINGSTON COUNTY CHAMBER OF COMMERCE & TOURISM ANNUAL UPDATE

Ms. Lauer offered a big thank you to the Board of Supervisors for this opportunity to present to the full Board on what they are doing at the Chamber of Commerce, as far as the tourism promotion for Livingston County. Each Board member received a report on their desks presenting a 2016 recap, plans for 2017, the Livingston County Visitor's Guide for 2016, as well as, a flyer entitled "What Tourism Means in Livingston County" showing the 2014/15 economic impact of tourism in Livingston County. 75,000 copies of the 2016 Visitors Guide were printed and distributed with 25,000 additional Livingston County/Letchworth maps throughout the eastern U.S. and southern Ontario. This is 15,000 more than 2015. Distribution was completed by the end of August and they are officially out of 2016 Visitor Guides, which was their goal. 2016 was the first time they have used all local tourism funds for the guide production, gaining 6 new advertisers. Ms. Leuer thanked the Board of Supervisors for their support in past and moving forward.

On behalf of the Board of Supervisors, Chairman Gott thanked Laura Lane and Elissa Leuer and stated that the work they continue to do impresses us every time and we are very appreciative.

PREFERRED AGENDA REQUIRING ONE ROLL CALL VOTE

RESOLUTION NO. 2016-340 APPOINTING MEMBERS TO THE LIVINGSTON COUNTY COMMUNITY SERVICES BOARD, MENTAL HEALTH SUBCOMMITTEE, DEVELOPMENTAL DISABILITIES SUBCOMMITTEE & CHEMICAL DEPENDENCY SUBCOMMITTEE: DAN FITZPATRICK, BRENDA DONOHUE, LORI MC EVOY, JOE MEEKIN, BETTYLOU WILLIS, ANNMARIE URSO, MARILYN SIMONS & RACHEL PENA

RESOLVED, that the following members are hereby appointed to the Community Services Board, Mental Health Subcommittee and Developmental Disabilities Subcommittee for the terms designated:

Community Services Board			
Name	Address	Rep./Title	Term Expires
Dan Fitzpatrick	6 Rorback Lane, Geneseo, NY 14454	Chairperson	1/1/17-12/31/18
Brenda Donohue	PO Box 188, Conesus, NY 14435	Member	1/1/17-12/31/18
Mental Health Subcommittee			
Name	Address	Rep./Title	Term Expires
Lori McEvoy	105 Wadsworth Avenue, Avon, NY 14414	Member	1/1/17-12/31/18
Joe Meekin	18 Harper Parkway, Avon, NY 14414	Member	1/1/17-12/31/18
Bettylou Willis	2140 Sackett Road, Avon, NY 14414	Member	1/1/17-12/31/18
Development Disabilities Subcommittee			
Name	Address	Rep./Title	Term Expires
Annmarie Urso	1 College Circle, Geneseo, NY 14454	Chairperson	1/1/17-12/31/18
Marilyn Simons	101 Stanley Street, Mt. Morris, NY 14510	Member	1/1/17-12/31/18

Chemical Dependency Subcommittee			
Name	Address	Rep./Title	Term Expires
Rachel Pena	6445 Erica Trail, Victor, NY 14564	Chairperson	1/1/17-12/31/18

Dated at Geneseo, New York

November 16, 2016

Human Services Committee

RESOLUTION NO. 2016-341 PROCLAIMING THE MONTH OF NOVEMBER AS NATIONAL HOSPICE PALLIATIVE CARE MONTH

WHEREAS, hospice and palliative care empower people facing a serious or life-limiting illness to live as fully as possible, surrounded and supported by family and loved ones; and

WHEREAS, hospice and palliative care professionals are dedicated to helping diverse communities access quality end-of-life care and are committed to removing barriers to accessing care; and

WHEREAS, hospice and palliative care bring patients and family caregivers the highest quality care delivered by an interdisciplinary team of skilled professionals that includes physicians, nurses, social workers, therapists, counselors, health aides, spiritual care providers and others who make the wishes of each patient and family a priority; and

WHEREAS, through pain management and symptom control, caregiver training and assistance, and emotional and spiritual support, allowing patients to live fully and make more meaningful moments until the end, surrounded and supported by the faces of loved ones, friends, and committed caregivers; and

WHEREAS, each year hospice saves Medicare more than \$2 billion by providing solutions for physicians, care to patients and comfort to families anywhere, at any time; and

WHEREAS, every year more than 1.5 to 1.6 million Americans living with life-limiting illness, and their families, received care from the nation's hospice programs in communities throughout the United States; and

WHEREAS, more than 355,000 trained volunteers contribute 16 million hours of service to hospice programs annually in the U.S.; and

WHEREAS, hospice and palliative care providers encourage all people to learn more about options of care and to share their wishes with family, loved ones, and their healthcare professionals; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors does hereby proclaim November 2016 as National Hospice Palliative Care Month and encourage citizens to increase their understanding and awareness of care at the end of life and to observe this month with appropriate activities and programs.

Dated at Geneseo, New York

November 16, 2016

Human Services 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. Yendell and seconded by Mr. Carman 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

Center for Nursing and Rehabilitation

RESOLUTION NO. 2016-342 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR THE LIVINGSTON COUNTY CENTER FOR NURSING AND REHABILITATION- LATTIMORE OF GENESEO PHYSICAL THERAPY

Mr. Yendell 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 Center for nursing and Rehabilitation, according to the term designated, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Lattimore of Geneseo Physical Therapy	9/1 /16- 8/31 /19, with two	\$85.00 per
4577 Morgan View Road	1-year extensions by mutual	assessment

Geneseo, NY 14454

agreement

For: For Work Skills Assessments performed as part of the CNR Informed Hiring System

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
N/A	0%	Yes X No

Dated at Geneseo, New York

November 16, 2016

Human Services Committee

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

Department of Health

RESOLUTION NO. 2016-343 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR THE LIVINGSTON COUNTY DEPARTMENT OF HEALTH: ENVIRONMENTAL TESTING & CONSULTING, INC.

Mr. Yendell 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 Department of Health, according to the term designated, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Environmental Testing and Consulting, Inc.	P.O. 10/16/16–10/15/17	per invest + lab cost \$875.00
Box 466		contract amount \$8,000.00

Batavia, NY 14201

For: Environmental risk assessments of homes and building for lead resulting in children with high lead exposure.

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
LC/NYS Aid 36-100%	36% or 100%, dependent on State Aid	Yes X No

Dated at Geneseo, New York

November 16, 2016

Human Services Committee

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

Highway

RESOLUTION NO. 2016-344 AUTHORIZING THE IMPLEMENTATION AND SUPPLEMENTAL #1 TO MASTER AGREEMENT WITH NYS DEPARTMENT OF TRANSPORTATION FOR SCOPING, PRELIMINARY ENGINEERING, DESIGN, CONSTRUCTION AND CONSTRUCTION INSPECTION PHASES, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELL” PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT (PIN 476071), AND APPROPRIATING FUNDS THEREFOR: PREVENTIVE MAINTENANCE WORK ON FOUR (4) COUNTY BRIDGES IN THE TOWNS OF NORTH DANSVILLE AND MT. MORRIS, LIVINGSTON COUNTY & RESCIND RESOLUTION NO. 2016-202

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

WHEREAS, a project for Preventive Maintenance Work on the following four (4) County bridges:

-Scipio Road over Keshequa Creek, BIN 3316430, Mt. Morris

-Presbyterian Road over Keshequa Creek, BIN 1043510, Mt. Morris

-Stones Falls Road over Little Mill Creek, BIN 3316950, N. Dansville

-Stone Road over Mill Creek, BIN 3368160, N. Dansville, Livingston County (NYSDOT PIN 476071)

(the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of 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 Federal and non-Federal share of the costs of the Scoping, Preliminary Engineering and Design phases; and

WHEREAS, Livingston County Board of Supervisors Resolution No. 2015-147 authorized a total of \$133,000.00 for Scoping, Preliminary Engineering and Design phases; and

WHEREAS, additional Construction and Construction Inspection costs have been approved for the Scipio Road Bridge project, and additional Federal/State funding has been authorized, now, therefore be it

RESOLVED, that the Board of Supervisors, duly convened, does hereby approve the above-subject Project, and, be it further

RESOLVED, that the 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 Scoping, Preliminary Engineering, Design, Construction Inspection and Construction Inspection phases for the Project or portions thereof, and, be it further

RESOLVED, the total sum of One Million, Six Hundred and Eight-Eight Thousand, and Two Hundred Dollars (\$1,688,200.00) [of which, \$1,350,560.00 will be the Federal-Aid share; \$249,050.00 will be the NYS Marchiselli share; and the County share will be \$88,590.00] is hereby appropriated from the Board of Supervisors and made available to cover the cost of participation in the specified phases 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 Board of Supervisors shall convene as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation thereof, and, be it further

RESOLVED, that the Chairman of the 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 Board of Supervisors 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, that this Resolution shall take effect immediately.

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
NYS Department of Transportation 50 Wolf Road Albany, NY 12232	2/18/15-1/12/25	\$1,688,200.00

For: State/Local Agreement to capture all costs and additional funding for all phases of the project.

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
FHWA, NYS Marchiselli, County Highway Budget	5.25%	Yes X No

And, be it further

RESOLVED, that Res. No. 2016-202 is hereby rescinded.

Dated at Geneseo, New York

November 16, 2016

Public Services Committee

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

Chairman Gott requested that Highway Superintendent Higgins give an explanation for the following change orders.

Mr. Higgins explained that these contracts cover the work on four county bridges, two in North Dansville and two in Mt. Morris. The contractor found that there was deterioration to the timber deck on the Scipio Road Bridge in Mt. Morris due to carpenter ants. The decision was made to replace the entire deck as there was available state funding.

RESOLUTION NO. 2016-345 APPROVING CHANGE ORDER FOR FEDERAL/STATE-AID 4-BRIDGE PREVENTATIVE MAINTENANCE PROJECT, PIN 476071 – C.P. WARD, INC.

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

RESOLVED, that the Livingston County Board of Supervisors approves the change order detailed in the list attached hereto which results in a contract change and new total contract price as follows:

Contractor	Details	Net Change Not to Exceed	New Contract Amount
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C.P. Ward, Inc.	Unanticipated additional work required: 4-Bridge PM Project, Fed/State Aid PIN 476071: Scipio Road Bridge	\$201,000.00	\$1,346,068.00
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and, it is further,

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is authorized to sign the necessary change order(s), subject to review by the County Attorney and County Administrator.

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted ?</i>
Federal Highway Administration, NYS Marchiselli Program, County Highway Budget Appropriations	5.5%	Yes X No

Dated at Geneseo, New York

November 16, 2016

Public Services Committee

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

RESOLUTION NO. 2016-346 APPROVING CHANGE ORDER FOR FEDERAL/STATE-AID 4-BRIDGE PREVENTATIVE MAINTENANCE PROJECT, PIN 476071 – POPLI DESIGN GROUP

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

RESOLVED, that the Livingston County Board of Supervisors approves the change order detailed in the list attached hereto which results in a contract change and new total contract price as follows:

Contractor	Details	Net Change Not to Exceed	New Contract Amount
POPLI DESIGN GROUP	Unanticipated additional work required: 4-Bridge PM Project, Fed/State Aid PIN 476071: Scipio Road Bridge	\$38,000.00	\$223,000.00

and, it is further,

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is authorized to sign the necessary change order(s), subject to review by the County Attorney and County Administrator.

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted ?</i>
Federal Highway Administration, NYS Marchiselli Program, County Highway Budget Appropriations	5.5 %	Yes X No

Dated at Geneseo, New York

November 16, 2016

Public Services Committee

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

Other

RESOLUTION NO. 2016-347 DESIGNATING THE LIVINGSTON COUNTY AREA CHAMBER OF COMMERCE AS THE 2017 OFFICIAL TOURISM PROMOTION AGENCY

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

WHEREAS, the New York State Grants Program is designed to encourage tourism promotion throughout the regions of New York State, and

WHEREAS, the Livingston County Area Chamber of Commerce qualifies as an official Tourism Promotion Agency, now, therefore, be it

RESOLVED, that the Livingston County Area Chamber of Commerce, be and hereby is designated by the Livingston County Board of Supervisors as their official Tourism Promotion Agency under this program and is authorized to make application for and receive grants on behalf of the County pursuant to the New York State Tourist Promotion Act, and be it further

RESOLVED, that a certified copy of this resolution be filed by the Clerk of this Board with the Livingston County Area Chamber of Commerce.

Dated at Geneseo, New York

November 16, 2016

Public Services Committee

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

Sheriff

RESOLUTION NO. 2016-348 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING MEMORANDUM OF UNDERSTANDING FOR THE LIVINGSTON COUNTY SHERIFF'S OFFICE: FINGER LAKES REGION OF NEW YORK INTEROPERABILITY COMMUNICATIONS CONSORTIUM

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

WHEREAS, representatives from Eleven Counties in the Finger Lakes Region of New York have come together to form an organization to further cooperation and interoperable communications among public safety agencies; and

WHEREAS, the Finger Lakes Region of New York Interoperable Communications Consortium (FLRNYICC), meets on a regular basis and functions to facilitate cooperation among counties in the design, administration and operation of their various emergency radio communication, 9-1-1, and related systems; and

WHEREAS, the FLRNYICC has been working with the New York State Department of Homeland Security and Emergency Services (DHSES) and has identified the need to expand digital connectivity between members to further interoperable communications between counties and between emergency service responders in different counties; and

WHEREAS, the County of Ontario has demonstrated the utility of a dedicated high speed digital network to public safety through the fiber optic link it shares with Monroe County that allows users of both the Ontario County and Monroe County emergency radio communication systems enjoy better, more reliable communications in the field, the ability to roam outside of their home county while communicating seamlessly with their home county; and

WHEREAS, similar capability could be enjoyed if a dedicated public safety high speed digital network were established linking Livingston County with other neighboring counties; and

WHEREAS, a dedicated public safety high speed digital network would provide opportunities for additional secure exchange of data among the various public safety system used by member counties, and for sharing resources while improving emergency response, as described in the draft Memorandum of Understanding (MOU) the FLRNYICC has proposed for member counties, a copy of which is on file with the Clerk of this Board; and

WHEREAS, the purpose of the MOU is to establish the intent of member counties to agree to work toward the establishment of dedicated public safety high speed digital network to serve member counties; and

WHEREAS, DHSES has provided counties with grant funding to establish digital connectivity to Ontario County on the condition that Ontario County agree to allow such installation and power equipment that will be provided from said grant funding; and

WHEREAS, the Public Safety Committee has reviewed and recommends approval of said MOU; now therefore, be it

RESOLVED, that the County of Livingston is willing to cooperate in the planning and development of a dedicated public safety high speed digital network in order to provide for better interoperable communications among the counties participating in the Finger Lakes Region of New York; and be it further

RESOLVED, that the Memorandum of Understanding concerning the need for a dedicated public safety high speed digital network serving the Finger Lakes Region of New York is hereby approved; and be it further

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign the following Memorandum of Understanding for the Livingston County Sheriff's Office, according to the term designated, subject to review by the County Attorney and County Administrator:

RESOLVED, that this resolution shall take effect immediately.

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Finger Lakes Region of New York Interoperability Communications Consortium	N/A	\$.00

For: Interoperability, high speed digital network

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
N/A	0%	Yes No

Dated at Geneseo, New York

November 16, 2016

Public Services Committee

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

County Administrator/Budget Officer

RESOLUTION NO. 2016-349 AUTHORIZING TRANSFER OF FUNDS – DEPARTMENT OF HEALTH, HIGHWAY(2), PLANNING & RECORDS MANAGEMENT

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

November 16, 2016

Ways and Means Committee

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

RESOLUTION NO. 2016-350 AMENDING 2016 LIVINGSTON COUNTY BUDGET – DEPARTMENT OF HEALTH (2), OFFICE FOR THE AGING (4)

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	A4101	2280	Health Services	\$3,625.00
			Total	\$3,625.00
Increase Appropriation	A4101	1000	Personal Services	\$1,025.00
		8300	Health Insurance	\$2,600.00
			Total	\$3,625.00

And,

Account	Dept.	Code	Description	Amount
Increase Revenue	A4310	3889	Other Health	\$53,250.00
Increase Appropriation	A4310	2200	IT Equipment	\$53,250.00

And be it further

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

Account	Dept.	Code	Description	Amount
Increase Revenue	A6778	3772	State Revenue	\$834.00
Increase Appropriation	A6778	4120	Motor Equipment	\$834.00

And,

Account	Dept.	Code	Description	Amount
Increase Revenue	A6773	4772	Federal Revenue	\$1,954.00
Increase Appropriation	A6773	4060	Office Supplies	\$1,954.00

And,

Account	Dept.	Code	Description	Amount
Increase Revenue	A6774	4772	Federal Funds	\$3,704.00
			Total	\$3,704.00
Increase Appropriation	A6774	4120	Motor Equipment	\$1,322.00
		4450	Food	\$700.00
		4200	Advertising	\$1,000.00
		8313	Deferred Comp.	\$682.00
			Total	\$3,704.00

And,

Account	Dept.	Code	Description	Amount
Increase Revenue	A6780	3772	State Revenue	\$10,461.00
			Total	\$10,461.00
Increase Appropriation	A6780	4070	Service Contract	\$4,300.00
		4190	Agency Contract	\$6,161.00
			Total	\$10,461.00

Dated at Geneseo, New York

November 16, 2016

Ways and Means Committee

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

RESOLUTION NO. 2016-351 DECLARING SURPLUS PROPERTY – CENTER FOR NURSING AND REHABILITATION & OFFICE FOR THE AGING

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:

Center for Nursing and Rehabilitation

Quantity	Year, Make & Model	Mileage	Serial #
6	Carter Hoffman Model 1215	N/A	N/A
1	Cleveland Steamer Model 24CGP10	N/A	88981-04L
3	Arjo Maxi Lifts	N/A	GB0798796854002 GB0798796854003 GB0798796854009
1	Ferno Ultra Lift	N/A	3035570

Office for the Aging

Quantity	Year, Make & Model	Mileage	Serial #
1	2008 Chevrolet Uplander	109,051	1GNDU23108D137957

Dated at Geneseo, New York

November 16, 2016

Ways and Means Committee

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

RESOLUTION NO. 2016-352 AUTHORIZING A PROFESSIONAL SERVICES CONTRACT FOR 457 & 401(a) DEFERRED COMPENSATION PLANS – MASSMUTUAL FINANCIAL GROUP

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

WHEREAS, the County of Livingston solicited a Request for Proposal for 457 & 401(a) Deferred Compensation Plans, and six proposals were received, now, therefore, be it

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign the following contract, which is determined to be the most qualified to provide said services, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
MassMutual Financial Group	2/1/17-1/31/22	\$.00

100 Bright Meadow Blvd. MP 150

Enfield, CT 06082

100 Bright Meadow Blvd. MP 150

For: Plan administration of the County's Deferred Compensation plans.

Dated at Geneseo, New York

November 16, 2016

Ways and Means Committee

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

RESOLUTION NO. 2016-353 APPROVING SALE OF PROPERTY TO KINGS HARBOR VIEW ASSOCIATES LIMITED PARTNERSHIP

Mr. Pangrazio announced that the following resolution was not presented at a Ways and Means Committee meeting; however, those Committee members present have signed the resolution.

WHEREAS, by Res. No. 2015-102, the Livingston County Board of Supervisors declared approximately 3 acres of vacant land situated on Millennium Drive in the Village of Geneseo as surplus property, and

WHEREAS, the Livingston County Board of Supervisors approved the private sale of said land by Local Law No. 3-2015 which was adopted on April 8, 2015, now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors approves the sale of approximately 3 acres of vacant land on Millennium Drive in the Village of Geneseo to Kings Harbor View Associates Limited Partnership under the following terms:

- 1) The purchase price shall be \$36,707.00;
- 2) The County of Livingston shall obtain all approvals required by the Village of Geneseo;
- 3) The parties shall pay their respective recording costs; and
- 4) Kings Harbor View Associates Limited Partnership shall, simultaneous with the closing of this transaction, dedicate a portion of their property to the Village of Geneseo to extend Millennium Drive;

And it is further

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to execute any and all documents prepared by the County Attorney to complete the aforesaid conveyance.

Dated at Geneseo, New York

November 16, 2016

Ways and Means Committee

2/3 Majority Vote

The roll was called as follows: Ayes - 2,040; Noes - 0; Absent - 0; Adopted.

County Treasurer

RESOLUTION NO. 2016-354 APPROVING ESTIMATED 2016 SALES TAX DISTRIBUTION

Mr. Pangrazio presented the following resolution and moved its adoption: RESOLVED, that the list below of 2016 estimated Sales Tax Distribution be, and the same hereby is, approved:

<u>Town</u>	<u>Estimate 2017</u>
Avon	\$ 94,000.00
Caledonia	\$ 54,000.00
Geneseo	\$125,000.00
Groveland	\$ 63,000.00
Leicester	\$ 38,000.00
Livonia	\$184,000.00
Ossian	\$ 16,000.00
Portage	\$ 15,000.00
Springwater	\$ 50,000.00
West Sparta	\$ 24,000.00
York	\$ 78,000.00
Total:	\$741,000.00

Dated at Geneseo, New York

November 16, 2016

Ways and Means Committee

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

RESOLUTION NO. 2016-355 PROVIDING FOR LEVY OF ERRONEOUS TAXES TO BE CHARGED TO TOWNS

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

The following is a list of items shown on the records of the County Treasurer as having been charged to the following Towns due to erroneous assessments, errors in the levy of the budget or similar items:

AVON	\$1,241.70
CALEDONIA	\$596.33
CONESUS	\$4,693.30
GENESE0	\$3,283.99
GROVELAND	\$902.99
LEICESTER	\$421.62
LIMA	\$1,841.07
LIVONIA	\$2,076.90

MT. MORRIS	\$489.70
NORTH DANSVILLE	\$148.67
NUNDA	\$399.96
OSSIAN	\$.04
PORTAGE	\$460.12
SPARTA	\$830.88
SPRINGWATER	\$-.31
WEST SPARTA	\$1,138.85
YORK	\$756.36
TOTAL	\$19,282.17

Dated at Geneseo, New York

November 16, 2016

Ways and Means Committee

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

RESOLUTION NO. 2016-356 AUTHORIZING CONVEYANCE OF COUNTY PROPERTY ACQUIRED BY TAX DEED

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

WHEREAS, the County of Livingston acquired title to the following parcel of land as a result of the 2016 tax foreclosure action, and

WHEREAS, the County advertised for bids for the parcel and received three written bids, and WHEREAS, after review of the bids, one bidder met all the requirements of the bid, and

WHEREAS, the Livingston County Board of Supervisors' Ways and Means Committee has approved the sale of said parcel to the one bidder meeting all requirements, it is, hereby

RESOLVED, that the following conveyance be approved:

Tax Map #	Formerly Owned /Assessed To	Conveyed to Purchaser	Village/Town	Price
75.9-1-15	Mark and Renee Miller	Terrence Lischer	Village-Livonia	\$1,000.00

and, be it, further

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to execute the quit-claim deed of conveyance and any and all related documents prepared by the County Attorney to complete the aforesaid conveyance.

Dated at Geneseo, New York

November 16, 2016

Ways and Means Committee

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

Personnel

RESOLUTION NO. 2016-357 AMENDING THE 2016 HOURLY EMPLOYEE SALARY SCHEDULE: DEPARTMENT OF HEALTH

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

RESOLVED, that the 2016 Hourly Employee Salary Schedule is amended as follows:

Delete one (1) Full-time Account Clerk/Typist position.

Create one (1) Full-time Senior Account Clerk/Typist position.

Dated at Geneseo, New York

November 16, 2016

Ways and Means Committee

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

RESOLUTION NO. 2016-358 AMENDING THE 2016 DEPARTMENT HEAD SALARY SCHEDULE: CENTER FOR NURSING AND REHABILITATION

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

RESOLVED, that the 2016 Department Head Salary Schedule is amended as follows:

Center for Nursing and Rehabilitation

Create one full-time Confidential Secretary to the Director of Long Term Care position, effective immediately at a rate of \$17.97 per hour.

Delete one full-time Administrative Secretary position, upon retirement of Lorri Pearson effective 11/28/16.

Dated at Geneseo, New York

November 16, 2016

Ways and Means Committee

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

RESOLUTION NO. 2016-359 AMENDING THE 2016 DEPARTMENT HEAD SALARY SCHEDULE – DISTRICT ATTORNEY

Mr. Pangrazio announced that this resolution was not presented at a Ways and Means Committee meeting; however, all Committee members have signed the resolution.

WHEREAS, the State of New York mandates the salary amount for the Livingston County District Attorney, and

WHEREAS, the State Judicial Compensation Commission has increased the District Attorney salary amount, now therefore be it

RESOLVED, that the 2016 Department Head Salary Schedule is amended as follows:

District Attorney

Set the 2016 salary for the District Attorney to \$183,297.75 effective April 3, 2016.

Dated at Geneseo, New York

November 16, 2016

Ways and Means Committee

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

Real Property Tax Services

RESOLUTION NO. 2016-360 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING PROFESSIONAL SERVICES CONTRACT FOR THE APPRAISAL OF LIVINGSTON COUNTY COMMERCIAL PROPERTIES: DAVID P. MILLER ASSESSMENT AND VALUATION SERVICES

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

WHEREAS, Livingston County has proposed to enter into a contract with David P. Miller, Assessment and Valuation Services, PO Box 428, North Chili, NY 14514 for the appraisal of various commercial parcels throughout the County of Livingston, and

WHEREAS, these appraisals shall be used to assist in the determination of the commercial valuation of parcels in preparation of the forthcoming 2018 county revaluation of assessments, now, therefore be it

RESOLVED, that each municipality shall be charged back a percentage as determined by the following schedule:

<u>Municipality</u>	<u>Chargeback Percentage</u>
Avon	11.3
Caledonia	7.2
Conesus	5.0
Geneseo	14.7
Groveland	4.4
Leicester	3.8
Lima	7.0
Livonia	14.7
Mount Morris	5.0
North Dansville	6.0
Nunda	3.6
Ossian	1.5
Portage	1.3
Sparta	2.5
Springwater	3.5
West Sparta	2.2
York	6.3
Total	100.0

and be it further

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign the following professional services contract for the appraisal of Livingston County commercial properties, according to the term(s) designated, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
David P. Miller, Assessment and Valuation Services	N/A	Not to Exceed \$4,000.00

PO Box 428

North Chili, NY 14514

For: appraisal of various commercial parcels throughout the County of Livingston

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
TBD		Yes No

Dated at Geneseo, New York

November 16, 2016

Ways and Means Committee

The roll was called as follows: Ayes – 1,930; Noes – Babbitt Henry, 79; Absent - 0; Adopted.

RESOLUTION NO. 2016-361 DIRECTING THE REAL PROPERTY TAX DIRECTOR TO SPREAD UNPAID WATER CHARGES AND UNPAID SEWER CHARGES ON 2017 TAX ROLLS - LIVINGSTON COUNTY WATER & SEWER AUTHORITY

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

WHEREAS, the Livingston County Water and Sewer Authority(LCWSA), pursuant to Section 1199-yyy(2) of the Public Authorities Law, has provided to the Board a statement of unpaid sewer and water charges in the district serviced by the LCWSA, and

WHEREAS, such statement of unpaid charges is on file with the Clerk to the Board, now, therefore, be it

RESOLVED, that pursuant to said Section 1199-yyy(2) of the Public Authorities Law, the Real Property Tax Director is hereby authorized and directed to levy the sums stated in said statement against property liable, and state the amount of the charge in a separate column in the 2017 annual tax rolls of the County under the heading "Water Charge" or "Sewer Disposal Charge," as applicable, and to pay such amounts, excluding penalties and interest, to the Livingston County Water & Sewer Authority.

Dated at Geneseo, New York

November 16, 2016

Ways and Means Committee

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

RESOLUTION NO. 2016-362 AUTHORIZING DIRECTOR OF REAL PROPERTY TAX SERVICES TO APPLY CORRECTIONS FOR TAXES ON 2017 VARIOUS TOWN TAX ROLLS

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

WHEREAS, the Director of Real Property Tax Services has attached fourteen (14) recommendations, applications and/or decisions (14 parcels) to correct the various tax rolls (Real Property Tax Law Sections 550 and 554), and

WHEREAS, the following corrections are hereby recommended for the 2017 tax rolls for the various towns in Livingston County, it is hereby

RESOLVED, that the Director of Real Property Tax Services is authorized to apply these corrections to the 2017 tax rolls,

1. **Town of Conesus**

Owner: The People of the State of New York

Tax Map Number: 333.-24-3

Reason for correction: Transition assessment corrected to \$0 for county purposes.

2. **Town of Conesus**

Owner: The People of the State of New York

Tax Map Number: 333.-24-4

Reason for correction: Transition assessment corrected to \$0 for town purposes.

3. **Town of Conesus**

Owner: The People of the State of New York

Tax Map Number: 333.-24-5

Reason for correction: Transition assessment corrected to \$0 for fire district purposes.

4. **Town of Leicester**

Owner: Pamela A. McBride & Daniel B. McBride

Tax Map Number: 114.-1-8.2

Reason for correction: The investigation found that a valid agricultural exemption was received by March 1, 2016 but was not applied to the parcel. The agricultural exemption in the amount of \$221,045 shall be applied.

5. **Town of Livonia**

Owner: Richard Kosakowski

Tax Map Number: 75.-1-15.1

Reason for correction: The investigation found that this parcel should have received a 45% (\$57,697) senior citizen exemption rather than 30% (\$38,465). The percent of senior citizen exemption shall be corrected to 45% (\$57,697).

6. **Town of Livonia**

Owner: John Kiehle

Tax Map Number: 83.-1-24.3

Reason for correction: The investigation found that this parcel should have received an agricultural exemption in the amount of \$39,204 rather than \$22,041. The correct exemption amount of \$39,204 shall be applied.

7. **Town of North Dansville**

Nancy K. S. McFarland

Tax Map Number: 203.6-2-14

Reason for correction: The investigation found that this parcel should have received 5% (\$1,875) persons with disabilities and limited income exemption. The persons with disabilities and limited incomes exemption shall be applied.

8. **Town of North Dansville**

Owner: Judith C. Marshall-Stekl

Tax Map Number 203.-1-20.2-11

Reason for correction: The investigation found that the Board of Assessment Review determined the assessed valuation for this parcel should be reduced from \$155,000 to \$139,000. The correct assessment \$139,000 shall be applied.

9. **Town of Ossian**

Owner: The People of the State of New York

Tax Map Number: 333.-42-3

Reason for correction: Transition assessment corrected to \$858,250 for Town purposes.

10. **Town of Ossian**

Owner: The People of the State of New York

Tax Map Number: 333.-42-4

Reason for correction: Transition assessment corrected to \$858,250 for Special District purposes.

11. **Town of Springwater**

Owner: Steven and Jennifer Hahn

Tax Map Number: 141.-1-20

Reason for correction: This parcel was split/merged into 141.-1-19.1 and 141.-1-20.1. Parcel 141.-1-20 with an assessed value of \$55,500 shall be removed.

12. **Town of York**

Owner: Secretary of Housing and Urban Development Tax Map Number: 61.-1-35

Reason for correction: The investigation found that this parcel was incorrectly assessed in roll section 8 as wholly exempt. This parcel shall be corrected to taxable in roll section 1 with an assessed value of \$67,500.

13. **Town of York**

Owner: Sandra Sliker

Tax Map Number: 69.-1-40.114

Reason for correction: The investigation found that this parcel was deleted and split into four parcels prior to March 1, 2016. Parcel 69.-1-40.114 with an assessed value of \$407,900 shall be removed.

14. **Town of York**

Owner: Frank R. Cuozzo, Jr.

Tax Map Number: 70.-1-25.511

Reason for correction: The investigation found that a valid agricultural exemption was received by March 1, 2016 but was not applied to the parcel. The agricultural exemption in the amount of \$51,865 shall be applied.

Dated at Geneseo, New York

November 16, 2016

Ways and Means Committee

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

CLOSE PUBLIC HEARINGS #1 & #2

Chairman Gott asked if anyone wished to comment regarding public hearing #1 and #2. No one wished to speak. The Chairman asked if any Supervisor wished to comment. No one wished to speak.

MOTION TO MOVE LOCAL LAW NO. C – 2016

Mr. Yendell moved and Mr. Davis seconded to move the proposed local law to the table for a vote. Carried.

VOTE ON LOCAL LAW

LOCAL LAW NO. C-2016 A LOCAL LAW AMENDING LOCAL LAW NUMBER 1 OF THE YEAR 1956 RELATIVE TO THE LIVINGSTON COUNTY SELF-INSURANCE PLAN FOR WORKERS' COMPENSATION

BE IT ENACTED by the Board of Supervisors in and for the County of Livingston, as follows:

The text of Local Law Number 1 of 1956, as amended, be and is hereby **AMENDED** to read as follows:

Purpose and Intent:

The purpose and intent of this Local Law is to amend Local Law Number 1 of 1956, as amended, relative to the operation of the Livingston County Self-Insurance Plan for Workers' Compensation (hereinafter "the Plan"). This local law continues the plan in full force and effect under Article 5 of the Workers' Compensation Law and amends the Plan's operations as of the date this law becomes effective.

Article 1. Plan Established and Continued.

The plan of self-insurance provided for in Article 5 of the Workers' Compensation Law is hereby established and continued and shall continue to be known by the name of the "Livingston County Self-Insurance Plan for Workers' Compensation."

Article 2. Plan Governance and Supervision.

The plan of self-insurance hereby established shall be under the general supervision of a Claims Committee which shall consist of the County Administrator, County Auditor and County Treasurer. A Third Party Administrator may be retained, at the Livingston County Board of Supervisor's option, to administer the day-to-day operations of the plan, claims administration and third-party reimbursement. The cost of the Third Party Administrator shall constitute a plan expense. The Claims Committee shall appoint a Secretary and any other employees of the plan within the limits of the appropriation therefore; and shall audit all bills or claims against the plan before payment, if not otherwise delegated to a Third Party Administrator by the Committee, except such sums as may be payable under §25 of the Workers' Compensation Law and awards of the Workers' Compensation Board. The committee shall also have the authority to authorize appeals to the Workers' Compensation Board or Appellate Division, Fourth Department, to commence litigation to recover claim monies paid by the plan or entitled to be recovered by the plan or to otherwise protect the interests of the plan; to approve Workers' Compensation Law § 32 settlements of claims and to assert, compromise or waive workers' compensation liens as to third party actions or recoveries from collateral sources when it is in the best interests of the Plan to do so.

Article 3. Plan Secretary.

The Claims Committee shall appoint a Plan Secretary. The Secretary may receive compensation as Plan Secretary and perform the duties of Plan Secretary in addition to any other county employment held. It shall be the duty of the Secretary to keep minutes of the Claims Committee, to issue certificates evidencing coverage upon request and to maintain a census of each participant in the plan on an annual basis. The Secretary shall perform such other duties as may be necessary to operate the plan in accordance with the Workers' Compensation Law or other applicable laws; shall attend hearings of cases before the Workers' Compensation Board when necessary; shall have the power to authorize necessary medical care which appears from medical reports and information to be justifiable; and shall have the authority to purchase supplies, stationery, forms, books and equipment as may be necessary for the operation of said plan within the limits of the appropriation by the County Board of Supervisors and subject to the procurement policies of the County of Livingston.

Article 4. Participants in Plan; Procedure for Participation; Withdrawal.

(A) Plan Participation.

The County of Livingston shall be a participant in the plan. The Towns and Villages, Town Fire Districts and Town Ambulance Districts located within the geographical boundaries of Livingston County may elect to become participants of said plan. Those municipalities and other entities currently participating in the plan at the time of the adoption of this local law be and are hereby continued in their plan enrollment in the plan.

(B) Procedure for Plan Enrollment.

(1) Any municipality or eligible entity electing to become a participant shall file a certified copy of a resolution or ordinance of its governing body electing to become a participant on or before the first day of August in any year, with membership to be effective on the first day of January following such election, except that for Plan Year 2017, an eligible entity electing to become a participant shall file a certified copy of a resolution or ordinance of its governing body electing to become a participant on or before the first day of January, 2017.

(2) Any municipality or eligible entity choosing to become a participant shall provide the Plan Secretary

with a certified list of its past five (5) year claims history.

(3) The plan shall not be responsible for any claims accruing before the date a municipality or other entity becomes a participant or for incurred but not reported claims prior to becoming a participant.

(C) Procedure for Withdrawal from Plan.

(1) Any participant may withdraw from said plan by filing a certified copy of a resolution of its governing body with the Plan Secretary electing to withdraw as a participant on or before the first day of September in any year with said withdrawal to be effective on the first day of January following the election. Failure to do so on or before the deadline herein shall make the participant liable for the following year's plan assessment as determined by the County Legislature whether or not the participant actually continues in the Plan.

(2) As a term and condition for a participant's withdrawal from the Plan, the participant shall pay all outstanding claims as they mature together with twenty (20) percent of claims paid which represents their share of administrative costs, and the participant shall permit the county to withhold the participant's share of sales tax revenue (if applicable) in an amount sufficient to pay its outstanding liabilities in any succeeding year in the event that the participant fails to pay its outstanding claims, when due, in addition to any other remedies provided for by law to recoup said funds.

(3) In lieu of the requirements of section C(2) of this Article, and at the county's option, the participant withdrawing from the plan shall pay the present value of its total outstanding liabilities, in full, together with an amount equal to its share of future administration costs thirty (30) days prior to the date of its withdrawal from the plan.

(4) Notwithstanding any payments under section C(2) or C(3) of this Article, a participant which withdraws from the Plan shall also be responsible to the plan for the costs attendant to any incurred but not reported claims (IBNR) during the time the participant was a member of the Plan without limitation.

Article 5. Duties of Plan Participants.

All participants in the plan shall cooperate fully with the Claims Committee, Third Party Administrator, if any, and Plan Secretary in the administration of the plan, shall render such reports as may be required, shall promptly furnish all pertinent information relative to any claim and aid in the investigation of any claim regarding its own employees or volunteers.

Article 6. Reports.

(A) Each participant shall maintain a record of all injuries received by employees in the course of their employment or volunteers. The following or equivalent reports or forms, as well as any others required to be filed with the Workers' Compensation Board pursuant to the Workers' Compensation Law or other law, shall be filed promptly with said Board or as otherwise directed by the county and/or Third Party Administrator, if retained:

- (1) Form C-2: employer's report of injury;
- (2) Form C-3
- (3) Form C-11: employer's report of injured employee's change in employment status resulting from injury.
- (4) Form C-61: supplemental report of employer in death case.
- (5) Form C-240: employer's statement of wage earnings preceding date of accident.
- (6) VF-1 (Notice to Liable Political Subdivision); VF-2 (Political Subdivision's Report of Injury of Firefighter) when applicable.
- (7) VAW-1 (Notice to Liable Political Subdivision); VAW-2 (Political Subdivision's Report of Injury to Volunteer Ambulance Worker) when applicable.
- (8) Such other and further forms as the NYS Workers' Compensation Board or Plan may require.

(B) Each participant shall complete, maintain and provide such other reports and forms as required by the Workers' Compensation Board, the county and/or the Third Party Administrator, including forms or reports required by the New York State Department of Labor Division of Public Employee Safety & Health and such other information as may be requested by the county or the Third Party Administrator shall be filed promptly by the participant with the county or Third Party Administrator.

(C) Forms for reports to be filed by participants pursuant to this section shall be furnished by, and be an expense of, the plan; the TPA or county shall develop procedures to expedite or file forms on behalf of a respective participant if it serves the interests of the plan.

(D) The Claims Committee shall report to the County Legislature the failure of a participant to keep or file the required reports hereunder.

Article 7. Safety Programs.

The Chairman of the Livingston County Board of Supervisors shall appoint a Labor-Management Safety Committee as required by Workers' Compensation Law § 71(2). The Committee shall, consistent with the provisions of Workers' Compensation Law § 71, develop, review and enforce the implementation of general, plan-wide safety programs designed for the responsible and reasonable protection of the lives, health and safety of the participants' employees or volunteers by employee classification on an ongoing basis. Priority shall be given to occupations where there are unique hazards and/or recurring injuries to assist in minimizing future plan exposures and risks. The participants shall abide by the safety recommendations of the Committee and shall take such steps as may be deemed by the Committee, as reasonable and practicable, to protect the lives, health and safety of the participants' employees. If a participant's own safety training, programs or procedures are sufficient, the Committee may approve same without further action. The Committee shall report to the Livingston County Board of Supervisors the failure of a participant to abide by the safety recommendations of the Committee. The costs of developing plan safety programs shall be a plan charge. Notwithstanding any other provision to the contrary, nothing herein shall be construed to prohibit any participant from developing or implementing any safety program or procedure, provided that said program or procedure is required by rule, law or regulation or has been approved by the Committee as providing the same or stricter standards of safety.

Article 8. Penalties.

(A) (1) The Claims Committee, after giving 15 days' written notice of the proposed Claims Committee action to the participant alleged to have violated the provisions of this chapter, may impose the following penalties upon a participant:

- (a) For failure to file reports: a fine not to exceed \$500 for any single violation.
- (b) For failure to implement safety recommendations of the Labor-Management Safety Committee: a fine not to exceed \$500 for any single violation and an additional fine not to exceed \$500 per day for each violation still in existence after the expiration of the 30 days from the receipt of a notice of additional penalty to the participant forwarded by the Claims Committee by certified mail, return receipt requested.

(2) Notwithstanding any other provisions to the contrary, any financial penalty imposed by the Claims Committee pursuant to this section may be recovered by an action in any court of competent jurisdiction on behalf of the County of Livingston or be included in the liability of the participant for the annual estimated expenses of the plan and collected in the same as said liability.

(3) Any participant who fails to pay its liability for the annual estimated expenses of the plan as provided herein shall be subject to an automatic penalty equal to one and one-half (1-1/2) percent per month of the participant's liability for the annual estimated expenses of the plan until said amount is paid in full. The Claims Committee, without additional notice, may impose an additional five (5) percent penalty if the participant's unpaid annual estimated liabilities of the plan is included in a succeeding tax levy. The county reserves the right to utilize any remedy available under the Workers' Compensation Law, or its common law right of set-off, to recoup any delinquent plan assessments.

(B) Expulsion. The Claims Committee may expel a participant for failure to observe the rules and regulations adopted herein or for any violation of the provisions of the Workers' Compensation Law, provided that the Committee's determination of expulsion shall be made after a public hearing of which the participant has had at least 15 days' written notice.

(C) Regulations. The Claims Committee shall have the power to adopt, amend or repeal rules and regulations consistent with this chapter for the conduct of hearings concerning the imposition of a penalty against or expulsion of a participant.

(D) Judicial review. Any participant aggrieved by the imposition of a penalty or expulsion as provided herein may have the determination of the Claims Committee reviewed by an Article 78 of the Civil Practice Law and Rules in Supreme Court, Livingston County, provided that said proceeding is commenced within 30 days after the final determination of the Claims Committee sought to be reviewed.

Article 9. Shares of Each Participant.

The share of each participant in the plan regarding annual Plan assessments, administrative costs and contributions shall be collected as provided for in § 67(1) of the Workers' Compensation Law. The County Treasurer may, alternatively, use the county's common law right of set-off to collect any delinquent shares, assessments or payments owed from a plan participant to the Plan from any payments owed to a given plan participant from the County of Livingston deriving from any source whatsoever including, inter alia, sales tax payments or delinquent real property tax payments.

Article 10. Payment of Benefits.

The County Treasurer and/or Third Party Administrator shall pay to claimants workers' compensation benefits as provided in § 25 of the Workers' Compensation Law or benefits as provided by the VFB or VABL, where applicable, upon order of the Plan Secretary. Other payments of liabilities of the plan shall be made by the County Treasurer or Third Party Administrator upon vouchers duly approved by the Claims Committee.

Article 11. Penalties for Offenses.

The violation of any of the provisions of this Local Law by any participant shall be grounds for the expulsion of such participant from the plan.

Article 12. Formula for Plan Apportionments (Non-VFBL & Non- VABL).

Apportionment of all plan costs shall be determined by taking the total amount to be assessed and applying the following formula:

- (1) Fifty percent (50%) of the total revenue for the plan shall be generated based on taxable real property. Fifty percent (50%) of any plan participant's annual assessment shall be computed based upon a plan participant's taxable real property in the following proportion: A. For the County, Towns and Villages: The proportion that the full valuation of its taxable real property bears to the aggregate full valuation of all participants; and B. For Town Fire Districts and Town Ambulance Districts: The proportion that twenty percent (20%) of the full valuation of its taxable real property bears to the aggregate full valuation of all participants.
- (2) Fifty percent (50%) of the total revenue for the plan shall be generated based on experience rating. Fifty percent (50%) of any plan participant's annual assessment shall be computed upon an experience rating. The experience rating is determined by comparing actual losses to expected losses for a three year experience utilizing one base expected loss rate for all employees, plus factors published annually by The New York State Workers' Compensation Board. The base expected loss rate is determined by applying a 25% discount to the Loss Cost for Municipal Employees as reported on the Quarterly Unified Employer Assessment Municipal Self-Insurers Remittance Form.
- (3) The apportionment of plan costs formula of fifty percent (50%) assessed valuation and fifty percent (50%) experience rating shall be phased in as follows:

<u>Plan Year</u>	<u>Assessment Percentage</u>	<u>Experience Percentage</u>
2017	90%	10%
2018	80%	20%
2019	70%	30%
2020	60%	40%
2021 and thereafter	50%	50%

Article 13. Costs of Plan.

Notwithstanding any other provisions to the contrary, any expense, charges or costs of the Plan shall be borne solely by the participants of the Plan.

Article 14. Insurance.

The Plan may procure stop loss, excess and third party employer's liability insurance for the benefit of all plan participants as a Plan expense subject to the appropriation of the Livingston County Board of Supervisors.

Article 15. Severability.

If any part of this local law or the application thereof to any person or circumstance should be adjudged to be invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the application, part or provision of this law directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the rest and remainder of this local law or the application thereof to other persons or circumstances and the Livingston County Board of Supervisors hereby declares that it would have passed this local law or the remainder of it had such invalid application or provision been apparent.

Article 18. Effective Date.

This local law shall be effective January 1, 2017.

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

RESOLUTIONS cont.*Planning*

RESOLUTION NO. 2016-363 ADOPTING SEQR NEGATIVE DECLARATION FOR ADDITIONS TO EXISTING AGRICULTURAL DISTRICTS

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

WHEREAS, Section 303-b of the New York State Agriculture and Markets Law provides for the inclusion of predominantly viable agricultural land within a certified agricultural district prior to the county established review period; now therefore be it

RESOLVED, that the Livingston County Board of Supervisors does hereby determine that the addition of parcels to existing Agricultural Districts is an Unlisted Action pursuant to the State Environmental Quality Review Act; and be it further

RESOLVED, that it is hereby determined that the addition of parcels to existing Agricultural Districts will not have a significant effect on the environment, and that a Draft Environmental Impact Statement will not be prepared.

Dated at Geneseo, New York

November 16, 2016

Public Services Committee

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

RESOLUTION NO. 2016-364 APPROVING ADDITIONS TO EXISTING AGRICULTURAL DISTRICTS

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

WHEREAS, Section 303-b of the New York State Agriculture and Markets Law provides for the inclusion of predominantly viable agricultural land within a certified agricultural district prior to the county established review period; and

WHEREAS, upon recommendation of the Agricultural & Farmland Protection Board, the Livingston County Board of Supervisors established the month of September as the 30-day period in which landowners may petition Livingston County for the inclusion of parcels within existing agricultural districts; and

WHEREAS, Livingston County received one petition for inclusion of land within an existing agricultural district; and

WHEREAS, the Livingston County Agricultural & Farmland Protection Board determined that 1 parcel proposed for inclusion in the agricultural districts consist predominately of viable agricultural land, and that the inclusion of such land would serve the public interest by assisting in maintaining a viable agricultural industry within the agricultural districts; and

WHEREAS, the Agricultural & Farmland Protection Board recommended the inclusion of parcel #24.-2-8.2 in the Town of Avon, in Agricultural Districts #2 as predominantly viable agricultural land; and

WHEREAS, the Livingston County Board of Supervisors held a public hearing on November 16, 2016; and

WHEREAS, the Livingston County Board of Supervisors has determined pursuant to the State Environmental Quality Review Act, that the proposed action will not have a significant impact on the environment; now therefore be it

RESOLVED, that the Board of Supervisors does hereby approve the inclusion of parcel #24.-2-8.2, located in the Town of Avon, in Agricultural District #2 as predominantly viable agricultural land.

Dated at Geneseo, New York

November 16, 2016

Public Services Committee

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

County Auditor

RESOLUTION NO. 2016-365 ACCEPTING THE REPORT OF COMMITTEE ON WORKERS' COMPENSATION INSURANCE ESTIMATE AND APPORTIONMENT OF COUNTY SELF- INSURANCE FOR THE YEAR 2017

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

WHEREAS, the Ways and Means Committee has submitted the following annual estimate and apportionment of expenses for the Livingston County Self-Insurance Plan for the fiscal year beginning January 1, 2017, and ending December 31, 2017, pursuant to Section 67 Paragraph 1 of the Workers' Compensation Law, and

**LIVINGSTON COUNTY SELF INSURANCE PLAN
ANNUAL ESTIMATE AND APPORTIONMENT OF EXPENSES**

1-Jan-17

AWARDS:	\$1,800,000.00
MEDICAL:	\$500,000.00
CLAIM EXP:	\$100,000.00

REHAB SVCS:	\$20,000.00	SUBTOTAL	\$2,420,000.00
ADMINISTRATIVE COSTS:			
Administration (POMCO/Self Funding)	\$84,300.00		
Legal Fees	\$50,000.00		
W.C. Board Assessments	\$150,000.00		
Insurance	\$200,000.00		
Public Goods Pool	\$12,000.00	SUBTOTAL	\$496,300.00
CONTRIBUTION TO RESERVE FUND		SUBTOTAL	\$300,000.00
		TOTAL	\$3,216,300.00
LESS: RECOVERIES	\$430,000.00		
LESS: INTEREST INCOME	\$10,000.00		
LESS: INTERFUND REVENUES	\$1,800,000.00		
		LESS	\$2,240,000.00
AMOUNT TO BE RAISED BY TAX			\$976,300.00

**APPORTIONMENT OF WORKERS' COMPENSATION
INSURANCE FOR THE YEAR 2017**

		ASSESSED VALUES 2015	FULL VALUES	% of TOTAL COSTS	2016 SHARE OF PARTICIPANT	2017 SHARE OF PARTICIPANT
<u>TOWNS</u>						
Avon	100.00%	\$441,015,778	\$441,015,778	4.60%	\$62,470	\$44,955
Caledonia	100.00%	\$280,559,348	\$280,559,348	2.93%	\$40,025	\$28,626
Conesus	100.00%	\$194,808,753	\$194,808,753	2.07%	\$27,681	\$20,170
Geneseo	100.00%	\$574,087,573	\$574,087,573	6.02%	\$80,799	\$58,741
Groveland	100.00%	\$170,516,381	\$170,516,381	1.81%	\$24,190	\$17,626
Leicester	100.00%	\$146,149,967	\$146,149,967	1.54%	\$20,948	\$15,076
Lima	100.00%	\$273,386,573	\$273,386,573	2.86%	\$38,529	\$27,962
Livonia	100.00%	\$572,566,988	\$572,566,988	5.98%	\$81,298	\$58,415
Mt. Morris	100.00%	\$194,111,125	\$194,111,125	2.08%	\$27,556	\$20,315
North Dansville	100.00%	\$232,695,957	\$232,695,957	2.43%	\$32,918	\$23,693
Nunda	100.00%	\$139,163,639	\$139,163,639	1.50%	\$19,826	\$14,653
Ossian	100.00%	\$57,182,197	\$57,182,197	0.61%	\$8,105	\$5,996
Portage	100.00%	\$52,025,755	\$52,025,755	0.56%	\$7,357	\$5,515
Sparta	100.00%	\$96,165,528	\$96,165,528	1.02%	\$13,591	\$9,936
Springwater	100.00%	\$137,252,837	\$137,252,837	1.47%	\$19,452	\$14,351
West Sparta	100.00%	\$84,477,575	\$84,477,575	0.90%	\$11,970	\$8,809
York	100.00%	\$244,587,012	\$244,587,012	2.62%	\$34,789	\$25,545
TOTALS		\$3,890,752,986	\$3,890,752,986	41.01%	\$551,504	\$400,384
<u>COUNTY</u>						
Livingston County		\$3,890,752,986	\$3,890,752,986	47.45%	\$551,504	\$463,232

VILLAGES

Avon	100.00%	\$175,834,793	\$175,834,793	1.94%	\$24,938	\$18,966
Caledonia	100.00%	\$104,001,860	\$104,001,860	1.17%	\$14,838	\$11,381
Dansville	100.00%	\$176,212,320	\$176,212,320	2.10%	\$24,938	\$20,527
Geneseo	100.00%	\$245,272,642	\$245,272,642	2.82%	\$34,664	\$27,579
Leicester	100.00%	\$20,435,749	\$20,435,749	0.21%	\$2,993	\$2,088

Lima	100.00%	\$86,799,649	\$86,799,649	0.98%	\$12,344	\$9,555
Livonia	100.00%	\$66,898,933	\$66,898,933	0.72%	\$9,601	\$6,982
Mt. Morris	100.00%	\$94,782,104	\$94,782,104	1.11%	\$13,466	\$10,870
Nunda	100.00%	\$42,588,860	\$42,588,860	0.49%	\$6,110	\$4,736
TOTALS		\$1,012,826,910	\$1,012,826,910	11.54%	\$143,892	\$112,684
GRAND						
TOTALS		\$8,794,332,882	\$8,794,332,882	100.00%	\$1,246,900	\$976,300

WHEREAS, the Ways and Means Committee recommends the adoption of the report, it is hereby
RESOLVED, that the estimate and apportionment of expenses be approved as submitted, and, be it further
RESOLVED, that pursuant to Section 67, Paragraph 1, of the Workers' Compensation Law, the amount
apportioned to the county and each of the participating towns as set forth in the foregoing report be levied and assessed
upon the taxable property of the County, and that other participating municipalities make payment to the County
Treasurer not later than thirty days after the commencement of the participants next fiscal year, and, be it further
RESOLVED, that certified copies of this report and resolution be forwarded to each participant of this plan.

Dated at Geneseo, New York

November 16, 2016

Ways and Means Committee

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

OTHER BUSINESS

Chairman Gott explained that we will hold the second public hearing open and will reconvene tonight at 7:00 p.m.

ADJOURNMENT UNTIL 7:00 PM

Motion made by Mr. Pangrazio and seconded by Mr. Wadsworth to adjourn the Board meeting until 7:00 p.m. this evening. The Board adjourned at 2:40 p.m. Carried.

LIVINGSTON COUNTY BOARD OF SUPERVISORS REGULAR BOARD MEETING WEDNESDAY, NOVEMBER 16, 2016 7:00 P.M.

ROLL CALL

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

PUBLIC HEARING – 7:00 PM

1. PROPOSED LIVINGSTON COUNTY BUDGET FOR 2017 PURSUANT TO SECTION 359 OF COUNTY LAW – PRESENTATION BY COUNTY ADMINISTRATOR IAN M. COYLE

Mr. Coyle again reviewed his presentation on the proposed Livingston County budget up for consideration by the Board of Supervisors tonight. Mr. Coyle reviewed the budget calendar, state mandates, services and the variety of efforts to keep taxes down while providing quality services to Livingston County citizens. (Presentation Attached).

Chairman Gott asked if there were anyone from the public or any Board member wishing to speak on the proposed budget.

2017 Proposed Budget Comments:

- 1) Charlie Comer and his wife are beef cattle producers in the Town of West Sparta. Mr. Comer spoke on concerns for the #1 business of the county, farmers. One head of beef cattle is worth \$900 less than one year ago. Corn and soybean prices are also down. Farmers are losing money every day. He is here to make the county aware of this situation and ask for some consideration when adopting this budget. Farmers work hard long hours. Livingston County has been designated as a severe drought area. He hopes the Board take into consideration the plight of the farmers.

Chairman Gott asked if anyone else 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.

CLOSE PUBLIC HEARING

The Chairman declared the public hearing closed.

RESOLUTIONS

RESOLUTION NO. 2016-366 ADOPTING BUDGET FOR FISCAL YEAR 2017

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

RESOLVED, that the Proposed Budget for the County of Livingston for the year 2017 is hereby approved and adopted as the final budget for the County of Livingston for the year 2017.

Dated at Geneseo, New York

November 16, 2016

Ways and Means Committee

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

RESOLUTION NO. 2016-367 AUTHORIZING APPROPRIATION OF 2017 ADOPTED BUDGET

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

RESOLVED, that the adopted Livingston County Budget for the year 2017 be appropriated by the County Treasurer and classified by funds and administrative units as set forth in said budget.

Dated at Geneseo, New York

November 16, 2016

Ways and Means Committee

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

ADJOURNMENT

Motion made by Mr. Pangrazio and seconded by Mr. Mahus to adjourn until Wednesday, December 21, 2016 at 1:30 p.m. Carried.

The Board adjourned at 7:21 p.m.