

**WAYS & MEANS COMMITTEE MEETING MINUTES**  
**MONDAY, MAY 11, 2015**  
**1:30 P.M.**

PRESENT: D. Pangrazio, D. Mahus, M. Schuster, D. Cosimano, E. Gott, D. LeFeber, P. Yendell, B. Donohue, W. Wadsworth, I. Coyle

PRESENT AFTER MEETING CALLED TO ORDER: T. Baldwin

**PERSONNEL ISSUES**

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

**1. CENTER FOR NURSING & REHABILITATION – FRANK BASSETT  
AMENDING THE 2015 DEPARTMENT HEAD SALARY SCHEDULE: CENTER FOR NURSING AND  
REHABILITATION**

RESOLVED, that the 2015 Department Head Salary Schedule is amended as follows:

**Center for Nursing and Rehabilitation**

Create and fill one full-time Finance Supervisor position.

**Director's Comments:**

A Senior Account Clerk is retiring in the CNR's Fiscal Office effective May 29. The Department at present has no secondary leadership to serve in the Director of Fiscal Services absence as all subordinates have the title Senior Account Clerk. Director Bassett requests deletion of the vacant Senior Account Clerk position effective June 1, 2015 and creation of a Finance Supervisor position to effect restructuring of the department and assurance of continuity of operations.

Mr. Bassett explained that this is a 36 year employee retiring and he plans to delete this title and create a Finance Supervisor position. The new position would be a 40 hour position. Mr. Bassett explained how this will improve communications between fiscal and contractual providers. Mr. Bassett explained the department structure and the need for a position to cover when Barb Keefe is out of the office. This position currently exists in the Department of Health. He is requesting to delete a senior account clerk and create a Finance Supervisor at a salary not to exceed \$74,000. Mr. Coyle explained that this makes sense to have this position for the CNR. The Medicaid managed long term care contracts will be overseen by this position.

*Motion: Mr. Gott moved and Mr. Cosimano seconded to approve the foregoing resolution ..... Carried.*

**ECONOMIC DEVELOPMENT – JULIE MARSHALL**

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

**1. APPROVING LIVINGSTON COUNTY INFRASTRUCTURE CAPITAL GRANT –  
LIVINGSTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

WHEREAS, the Ways & Means Committee of the Livingston County Board of Supervisors has reviewed and recommended the Livingston County Industrial Development Agency has application to the Livingston County Infrastructure Capital Fund, now, therefore, be it

RESOLVED that the Livingston County Board of Supervisors approves said project as proposed.

Applicant: Livingston County Industrial Development Agency

Project Description: Extension of Tec Drive in the Avon Crossroads Commerce Park

Project Financing Requested: \$200,000.00

Other Funds Committed:US Department of Commerce Economic Development Administration \$412,500.00

Livingston County IDA \$212,500.00

Mrs. Marshall explained that she is here to move forward with the application for the Livingston County Infrastructure Fund. Mr. Coyle explained that we have received a fund request, meeting all of the requirements, and there are funds available. The last request may have been for Caledonia before Mr. Layland retired.

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

**COUNTY ADMINISTRATOR – IAN COYLE**

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

**1. APPROVING ABSTRACT OF CLAIMS #5A-MAY 13, 2015**

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #5A dated May 13, 2015 in the total amount of \$1,434,427.53.

*Motion: Mr. Gott moved and Mr. Baldwin seconded to approve the foregoing resolution ..... Carried.*

**2. AUTHORIZING TRANSFER OF FUNDS – CENTRAL SERVICES**

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.

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

**3. AMENDING 2015 LIVINGSTON COUNTY BUDGET – DEPARTMENT OF HEALTH, HIGHWAY**

RESOLVED, that the 2015 Department of Health budget be amended as follows:

Account	Dept.	Code	Description	Amount
Increase Revenue	A4088	4489	Other Federal Health	\$1,106.00
Increase Appropriation	A4088	4020	Training	\$1,106.00

RESOLVED, that the 2015 Highway Department budget be amended as follows:

Account	Dept.	Code	Description	Amount
Increase Revenue	D5136	3501	State Aid CHIPS	\$172,498.73
Increase Appropriation	D5136	4170	Contract Expense	\$172,498.73

*Motion: Mr. Baldwin moved and Mr. Gott seconded to approve the foregoing resolution ..... Carried.*

**4. INTRODUCTION OF LOCAL LAW NO. D-2015 - AUTHORIZING CONVEYANCE OF EASEMENT TO THE VILLAGE OF GENESEO**

Be it enacted by the Board of Supervisors of the County of Livingston as follows:

**Section 1:**

The Board of Supervisors of Livingston County intends by this Local Law to supersede the provisions of County Law § 215 (5) and § 215 (6), which limit sales of interests in County real property only to the highest responsible bidders after public advertisement. The Board of Supervisors has determined that the conveyance of an easement to the Village of Geneseo for water and sewer main purposes at the Livingston County Courthouse property in Geneseo, New York is not appropriate to convey by sale to the highest bidder after public advertisement.

**Section 2:**

The Livingston County Board of Supervisors hereby determines that it is in the best interest of the County of Livingston to supersede the provisions of § 215 (5) and § 215 (6) of the County Law and therefore authorizes the conveyance of an easement to the Village of Geneseo for water and sewer main purposes at the Livingston County Courthouse property in Geneseo, New York. The terms of such easement shall nevertheless be subject to the prior approval of the Livingston County Board of Supervisors.

**Section 3:**

This Local Law is subject to a permissive referendum.

**Section 4:**

This Local Law shall be effective upon filing with the New York State Secretary of State.

Dated at Geneseo, New York

May 13, 2015 (Introduced)

May \_\_, 2015 (Adopted)

Mr. Coyle explained that John Driscoll and David Morris have both reviewed and approved the site requested for the easement.

**PROVIDING FOR PUBLIC HEARING ON PROPOSED LOCAL LAW NO. D-2015 - AUTHORIZING CONVEYANCE OF EASEMENT TO THE VILLAGE OF GENESEO**

WHEREAS, there has been duly presented and introduced at a meeting of this Board, held on May 13, 2015, a proposed Local Law entitled Local Law No. D – 2015 Authorizing Conveyance Of Easement To The Village Of Geneseo, now therefore be it

RESOLVED, that a public hearing shall be held on the said proposed Local Law by this Board on the 27<sup>th</sup> day of May, 2015 at 1:35 p.m. in the Board of Supervisors Assembly Room in the Livingston County Government Center in the Village of Geneseo, New York and at least six (6) days notice shall be given by posting thereof on the bulletin board of the Government Center in this County and by publishing such notice at least one (1) time in the official newspapers of the County as provided by law.

*Motion: Mr. Gott moved and Mr. Cosimano seconded to approve the foregoing resolution ..... Carried.*

**5. REQUESTING THE NEW YORK STATE SENATE AND THE NEW YORK STATE ASSEMBLY TO AUTHORIZE LIVINGSTON COUNTY TO IMPOSE AN ADDITIONAL RATE OF SALES AND COMPENSATING USE TAXES**

WHEREAS, a bill has been introduced in the New York State Senate (S.04984) and the New York State Assembly (A.05749) to amend the Tax Law, in relation to authorizing Livingston County to impose an additional rate of sales and compensating use taxes, and

WHEREAS, the Livingston County Board of Supervisors must make a Home Rule Request requesting the New York State Senate and the New York State Assembly to enact this special law, now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors request that the New York State Legislature adopt Senate Bill (S.04984) and Assembly Bill (A.05749), amending the Tax Law, in relation to authorizing Livingston County to impose an additional rate of sales and compensating use taxes, and, be it, further

RESOLVED, that the Chairman of the Livingston County Board of Supervisors and the Clerk of the Board of Supervisors are authorized to file the appropriate Home Rule Request with the New York State Senate and the New York State Assembly.

This is the home rule process that we need to do every other year to request the additional 1% sales tax.

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

EXECUTIVE SESSION

Motion made by Mr. Mahus and seconded by Mr. Baldwin that the Board adjourn and reconvene and All Supervisors and County Administrator Ian M. Coyle remain present. Carried.

Mr. Gott moved and Mr. LeFeber seconded that the Committee reconvened in regular session. The following report was presented.

No action taken.

**6. APPOINTING REAL PROPERTY TAX SERVICES DIRECTOR – SCOTT HOBSON**

Mr. Coyle reviewed the interview process and Mr. Hobson’s experience. The recommended salary is \$68,000 and the effective date is 6/28/15.

*Motion: Mr. Gott moved and Mr. Cosimano seconded to approve the foregoing resolution ..... Carried.*

**7. ADOPTING FREEDOM OF INFORMATION LAW REGULATIONS FOR THE COUNTY OF LIVINGSTON**

WHEREAS, the Ways and Means Committee has reviewed the Freedom of Information Law Regulations for the County of Livingston; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby adopts the attached Freedom of Information Law Regulations for the County of Livingston.

**PUBLIC ACCESS TO RECORDS OF  
THE COUNTY OF LIVINGSTON**

Section 1. Purpose and scope

Section 2. Designation of records access officer

Section 3. Location

Section 4. Hours for public inspection

Section 5. Requests for public access to records

Section 6. Subject matter list

Section 7. Denial of access to records

Section 8. Fees

Section 9. Public notice

Section 10. Severability

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**Section 1 Purpose and Scope:**

- (a) The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality.
- (b) These regulations provide information concerning the procedures by which records may be obtained.
- (c) Personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.
- (d) Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

**Section 2 Designation of Records Access Officer:**

- (a) The Livingston County Board of Supervisors is responsible for insuring compliance with the regulations herein, and designates the following person as records access officer:

Livingston County Administrator  
Livingston County Government Center

6 Court Street, Room 302

Geneseo, New York 14454

(585)243-7040

Email address: foil@co.livingston.ny.us

- (b) The records access officer is responsible for insuring appropriate agency response to public requests for access to records. The designation of a records access officer shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.

The records access officer shall insure that agency personnel:

- (1) Maintain an up-to-date subject matter list.
- (2) Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.
- (3) Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.
- (4) Upon locating the records, take one of the following actions:
  - (i) Make records available for inspection; or,
  - (ii) Deny access to the records in whole or in part and explain in writing the reasons therefor.
- (5) Upon request for copies of records:
  - (i) Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8; or,

- (ii) Permit the requester to copy those records.
- (6) Upon request, certify that a record is a true copy ; and
- (7) Upon failure to locate records, certify that:
  - (i) The County of Livingston is not the custodian for such records, or
  - (ii) The records of which the County of Livingston is a custodian cannot be found after diligent search.

**Section 3 Location:**

Livingston County maintains several business locations. Persons seeking records should contact the Records Access Officer for the location of the records they are seeking.

**Section 4 Hours for Public Inspection:**

Requests for public access to records shall be accepted and records produced during all hours regularly open for business.

These hours are: **8:00 AM to 4:00 PM Monday through Friday**

**Section 5 Requests for Public Access to Records:**

- (a) A written request may be required, but oral requests may be accepted when records are readily available.
- (b) If records are maintained on the internet, the requester shall be informed that the records are accessible via the internet and in printed form either on paper or other information storage medium.
- (c) A response shall be given within five business days of receipt of a request by:
  - (1) informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;
  - (2) granting or denying access to records in whole or in part;
  - (3) acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part; or
  - (4) if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.
- (d) In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.
- (e) A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:
  - (1) fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;
  - (2) acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;
  - (3) furnishes an acknowledgment of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;
  - (4) fails to respond to a request within a reasonable time after the approximate date given or within twenty business days after the date of the acknowledgment of the receipt of a request;
  - (5) determines to grant a request in whole or in part within twenty business days of the acknowledgment of

- the receipt of a request, but fails to do so, unless the agency provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;
- (6) does not grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or
  - (7) responds to a request, stating that more than twenty business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

**Section 6 Subject Matter List:**

- (a) The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to subdivision two of Section eighty-seven of the Public Officers Law.
- (b) The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
- (c) The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.

**Section 7 Denial of Access to Records:**

- (a) Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the individual or body established to determine appeals, [who or which] shall be identified by name, title, business address and business phone number.
- (b) If requested records are not provided promptly, as required in Section 5 of these regulations, such failure shall also be deemed a denial of access.
- (c) The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:

**Chairman of the Livingston County Board of Supervisors  
Livingston County Government Center  
6 Court Street, Room 302  
Geneseo, New York 14454  
(585)243-7030**

- (d) Any person denied access to records may appeal within thirty days of a denial.
- (e) The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:
  - (1) the date and location of requests for records;
  - (2) a description, to the extent possible, of the records that were denied; and
  - (3) the name and return address of the person denied access.
- (f) A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.
- (g) The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:
  - Committee on Open Government
  - Department of State
  - One Commerce Plaza
  - 99 Washington Avenue, Suite 650
  - Albany, NY 12231
- (h) The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth subdivision (f) of this section.

**Section 8 Fees:**

- (a) There shall be no fee charged for:
  - (1) inspection of records;

- (2) search for records; or
- (3) any certification pursuant to this part.
- (b) Copies may be provided without charging a fee.
- (c) Fees for copies may be charged, provided that:
  - (1) the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches, unless another statute provides for a different fee. This section shall not be construed to mandate the raising of fees where agencies or municipalities in the past have charged less than 25 cents for such copies;
  - (2) the fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction; and
  - (3) an agency has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.
- (d) The fee an agency may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:
  - (1) an amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and
  - (2) the actual cost of the storage devices or media provided to the person making the request in complying with such request; or
  - (3) the actual cost to the agency of engaging an outside professional service to prepare a copy of a record, but only when an agency's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.
- (e) When an agency has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the agency shall be required to retrieve or extract such record or data electronically. In such case, the agency may charge a fee in accordance with paragraph (d)(1) and (2) above.
- (f) An agency shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.
- (g) An agency may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.
- (h) An agency may waive a fee in whole or in part when making copies of records available.

**Section 9 Public Notice:**

A notice containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen or copies shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

**Section 10 Severability:**

If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

Mr. Coyle explained that this is simply codifying what we have done for years with the exception of the addition to an appeals process.

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

**8. GOVERNMENT EFFICIENCY PLAN CERTIFICATIONS**

Mr. Coyle reviewed what we have compiled so far and reported that he had a review done by the auditors of our savings. He would like to do a resolution authorizing the certifications.

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

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

1. **PICTOMETRY UPDATE** - Mr. Coyle updated the Committee and talked about how this could benefit the town assessors. This Ways and Means meeting should be scheduled for the Board Assembly Room.
2. Labor Counsel Interview Update – The meetings went well. The Committee determined that Hancock Estabrook, LLP was the candidate chosen. They have staff experienced in municipal law and come well-regarded by county peers.
3. K&K Striping – The County Administrator walked the site with the County Highway Superintendent and we will be doing the demo work soon.
5. The ITS Director starts next Monday.

**ADJOURNMENT**

Mr. Gott moved and Mr. Mahus seconded to adjourn the meeting at 1:59 p.m. ....Carried.

Respectfully submitted,

Michele R. Rees  
Clerk of the Board