

WAYS & MEANS COMMITTEE MEETING MINUTES
MONDAY, OCTOBER 27, 2014
1:30 P.M.

PRESENT: D. Pangrazio, D. Mahus, T. Baldwin, M. Schuster, G. Levey, E. Gott, D. LeFeber, P. Yendell, B. Donohue, M. Leader-LC News

ABSENT: I. Coyle

PERSONNEL – TISH LYNN

Action Item(s) To Be Reported

1. EXTENDING AND MODIFYING MILITARY LEAVE BENEFITS PROVIDED BY RESOLUTION 2001-427

WHEREAS, Resolution 2001-427 was adopted in order to provide supplementary pay and continuation of benefits to eligible employees on military leaves; and

WHEREAS, said resolution was scheduled to expire on December 31, 2002 unless extended; and

WHEREAS, the resolution has been extended thereafter and is currently scheduled to expire on December 31, 2014, if not extended; and

WHEREAS, the Ways & Means Committee supports another extension with a revision concerning supplementary pay; now, therefore, be it

RESOLVED, that the provisions of resolution 2001-427 are hereby extended through December 31, 2016 except that the provision concerning supplementary pay shall be revised to read as follows:

RESOLVED, that after expiration of the salary benefits mandated by Military Law Section 242 and during the term of this resolution, all County employees on military leave for active duty in connection with the September 11, 2001 military crisis shall be paid a supplemental salary of the difference between their military pay and their regular County salary, unless their military pay equals or exceeds their normal County salary, for the duration of the military leave but not to exceed a period of one year from the start of the leave.

Ms. Lynn explained that a resolution was originally done in 2001 to provide supplemental pay and some benefit extensions to those in the military service during the current conflicts. The current resolution has been extended, but it is scheduled to expire at the end of this year. Originally the extensions were for one year, but in recent years resolutions have been done with two-year extensions. If agreeable to the extension, Ms. Lynn would like to propose a modification to the extension regarding supplemental pay. Supplemental pay is if the military pay is less than their regular pay, we have been providing the difference. Previously there was no expiration date on supplemental pay. Employees on military leave could be gone for up to five years. We have one person on military pay right now. She is suggesting that we limit it to pay for period not in excess of one year. She described an example where an employee went out on leave, even though this was without supplemental pay that was out for five years and never notified the county.

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

2. MODIFYING FAMILY AND MEDICAL LEAVE ACT POLICY

WHEREAS, Livingston County currently has a Family and Medical Leave Act Policy;

WHEREAS, the Board wishes to clarify the manner in which employees may use family sick leave under the policy; now, therefore, be it

RESOLVED that the Livingston County Family and Medical Leave Act Policy is hereby modified as indicated on the copy which is attached to this resolution and incorporated herein by reference.

Ms. Lynn explained that this is a relatively minor change to the policy. Over the years we have modified all of the collective bargaining contracts for some kind of family leave through family sick leave. Ms. Lynn is proposing allowing people to use their family sick leave up front without exhausting their other accruals first to the extent their contract allows and then they can use their other accruals in the order they designate. She has

actually been allowing this although the contract does not say that.

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

3. FOURTH AMENDMENT TO THE LIVINGSTON COUNTY 401(A) MATCHING DEFERRED COMPENSATION PLAN

WHEREAS, the Livingston County 401(a) Matching Deferred Compensation Plan (the “Plan”) was established effective January 1, 2009 for the benefit of eligible employees;

WHEREAS, under Section 11.1 of the Plan, the County of Livingston, New York (the “Employer”) has the right to amend the Plan; and

WHEREAS, the Employer now wishes to amend the Plan, effective June 26, 2013, to define the term “spouse” so that it is consistent with the United States Supreme Court decision in *United States v. Windsor*, IRS Notice 2014-19 and any subsequent IRS guidance; now, therefore, be it

RESOLVED, the Plan is amended, effective June 26, 2013, as follows:

1. Where it now appears throughout the Plan, the word “spouse” is changed to “Spouse.”
2. Sections 1.28 through 1.32 of the Plan are renumbered Sections 1.29 through 1.33, respectively.
3. The following new Section 1.28 is added to Article 1 of the Plan:

1.28 “Spouse” means an individual’s spouse for Federal tax purposes, determined in accordance with Internal Revenue Service Notice 2014-19 and any related subsequent regulations or other guidance and, it is further

RESOLVED, the County Administrator is hereby authorized to execute a Plan Amendment consistent with this resolution.

Ms. Lynn explained that this was recommended by our benefits attorney who keeps our plan up to date. The Supreme Court handled a case that had to do with the federal defensive marriage act (DOMA) this summer. Essentially DOMA was overruled, in that impacts our plan in that it requires us to recognize same sex spouses pursuant to our benefit plans. We have been doing this for quite a while under state law for our health insurance. Our attorney recommended that we revise our plan to make it very clear that the term spouse could include a same sex spouse. That is a legally married spouse that is not a domestic partner.

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

COUNTY TREASURER – AMY MANN

Action Item(s) To Be Reported

1. Discuss Sale of 2 properties:
 - A. 66 Chapel Street – Village of Mt. Morris
 - B. 1026 Route 70 – Town Portage

Ms. Mann reported that she has spoken with Tom Wamp about the situation and he was in favor of taking these two parcels to auction. The suggested date is December 4 at the Highway facility at 6:00 p.m. It is important to get these properties back in the private sector.

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

COUNTY ADMINISTRATOR – DAN PANGRAZIO

Action Item(s) To Be Reported

1. **APPROVING ABSTRACT OF CLAIMS** – The abstract will be sent out on November 7.

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

2. **AUTHORIZING TRANSFER OF FUNDS – COUNTY HISTORIAN & PROBATION**

Mr. Pangrazio reviewed the transfers for approval.

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

3. **AMENDING 2014 LIVINGSTON COUNTY BUDGET – OFFICE FOR THE AGING**

RESOLVED, that the 2014 Office for the Aging Department budget be amended as follows:

Account	Dept.	Code	Description	Amount
Increase Revenue	A6789	4722	Federal Funds	\$8,703.56
			TOTAL	\$8,703.56
Increase Appropriation	A6789	1000	Personal Services	\$6,000.00
		1950	Temporary Services	\$2,000.00
		8100	FICA	\$703.56
			TOTAL	\$8,703.56

Mr. Pangrazio explained that these are federal funds.

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

4. APPOINTING MEMBERS TO THE LIVINGSTON COUNTY WORKPLACE VIOLENCE PREVENTION COMMITTEE – RENE DIETZ & JASON WOLFANGER

RESOLVED, that the following members are hereby appointed to the Community Services Board for the term designated:

Name	Address	Rep./Title	Term
Livingston County Workplace Violence Prevention Committee			
Rene Dietz	2355 Nunda-Byersville Road, Nunda, NY 14517	Member	10/22/14-10/21/16
Jason Wolfanger	9099 Culbertson Road, Dansville, NY 14437	Member	10/22/14-10/21/16

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

EXECUTIVE SESSION

Motion made by Mr. Gott and seconded by Mr. Mahus that the Board adjourn and reconvene and only Supervisors remain present. Carried.

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

No action taken.

Pre-approved Informational Item(s) To Be Reported

1. Coroners-This will be discussed at the next Ways and Means meeting with the County Administrator.
2. Discussion of Capital Improvement Plan Projects-The lists will be sent to committee by the end of this week.

SETTING BOARD SALARIES

Motion: Mr. Gott moved and Mr. Mahus seconded to increase each board members salary by 2% for 2015. Carried.

ADJOURNMENT

Mr. Gott moved and Mr. Levey seconded to adjourn the committee meeting at 2:40 p.m.

Respectfully submitted,
Michele R. Rees
Clerk of the Board