

**REGULAR BOARD MEETING
WEDNESDAY, FEBRUARY 23, 2022
1:30 P.M.**

ROLL CALL

The roll was called showing all members present except Mr. DiPasquale (Mt. Morris), Mr. Horr (N. Dansville) and Mrs. Babbitt Henry (Springwater).

PLEDGE OF ALLEGIANCE

Geneseo Supervisor William Wadsworth led the Pledge of Allegiance.

APPROVAL OF MINUTES

Minutes of 2/9/22 Regular Meeting Schuster Davis

COMMUNICATIONS

1. Receipt of acknowledgement letter from Senator Borrello for Res. No. 2022-51 and 2022-52.
2. Receipt of acknowledgement letter from NYSAC Executive Director Steve Acquario for Res. No. 2022-52.

ABSTRACT OF CLAIMS

RESOLUTION NO. 2022-68 APPROVING ABSTRACT OF CLAIMS #2B-FEBRUARY 23, 2022

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

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #2B dated February 23, 2022 in the total amount of \$2,192,137.10.

Dated at Geneseo, New York

February 23, 2022

Ways and Means Committee

The roll was called as follows: Ayes-1,609; Noes-0; Absent- DiPasquale, 144; Horr, 177; Babbitt Henry, 79; Total 400; Adopted.

PREFERRED AGENDA REQUIRING ONE ROLL CALL VOTE

RESOLUTION NO. 2022-69 PROCLAIMING MARCH 2022 AS DEVELOPMENTAL DISABILITIES AWARENESS MONTH IN LIVINGSTON COUNTY

WHEREAS, developmental disabilities affect more than 7 million Americans and their families; and

WHEREAS, public awareness and education can enhance a community's understanding of the issues affecting people with developmental disabilities; and

WHEREAS, people with developmental disabilities can be vital and vibrant members of our communities, improving the quality of life for all of us; and

WHEREAS, the month of March has been designated Developmental Disabilities Awareness Month, with 100,000 members and 600 Chapters of The Arc undertaking public awareness, educational, and fundraising initiatives; and

WHEREAS, The Arc of the United States is the nation's leading volunteer-based organization advocating for and with people with developmental disabilities and their families; now, therefore, be it

RESOLVED, the Livingston County Board of Supervisors does hereby proclaim March 2022 as Developmental Disabilities Awareness Month in Livingston County and urges its residents to give full support to efforts that work towards enabling people with developmental disabilities to live full and productive lives of inclusion in our communities.

Dated at Geneseo, New York

February 23, 2022

Human Services Committee

RESOLUTION NO. 2022-70 APPOINTING MEMBER TO THE LIVINGSTON COUNTY TRAFFIC SAFETY BOARD-KENNETH BUCKLEY

RESOLVED, that the following member is hereby appointed to the Livingston County Traffic Safety Board for the term designated:

| Name | Address | Rep./Title | Term |
|-----------------|------------------------------------|---------------------------|-----------------|
| Kenneth Buckley | 322 Bailey Road, Hunt, NY 14846 | Alternate-Town of Portage | 1/1/22-12/31/24 |

Dated at Geneseo, New York
February 23, 2022
Public Services Committee

RESOLUTION NO. 2022-71 RESCINDING RESOLUTION NO. 2022-52

WHEREAS, Resolution No. 2022-52 authorized a resolution opposing Senate Bill S7855; and

WHEREAS, the Resolution did not accurately reflect the entire Western Regional Off-Track Betting Corporation membership changes; now, therefore, be it

RESOLVED, that Resolution No. 2022-52 is hereby rescinded.

Dated at Geneseo, New York
February 23, 2022
Ways and Means Committee

**RESOLUTION NO. 2022-72 RESOLUTION IN OPPOSITION TO SENATE BILL S7855 AS IT
RELATES TO THE MEMBERSHIP OF THE BOARD OF DIRECTORS OF THE WESTERN REGIONAL
OFF-TRACK BETTING CORPORATION**

WHEREAS, the Western Regional Off-Track Betting Corporation (“Corporation”) is a public benefit corporation with headquarters located in Batavia, New York; and

WHEREAS, pursuant to existing New York State law, the Corporation is administered by a Board of Directors comprised of members from fifteen (15) Western New York counties and the Cities of Rochester and Buffalo. The governing body of each participating county/city directly appoints one member to the Board thereby allowing for equal and impartial representation of the participating municipalities that comprise the Corporation; and

WHEREAS, on July 11, 1973, the Livingston County Board of Supervisors passed a resolution authorizing Livingston County to participate in the operation of the Corporation which had been created pursuant to the New York State Racing, Pari-mutuel Wagering and Breeding Law signed by Governor Rockefeller; and

WHEREAS, the Corporation currently owns and operates eleven (11) off-track betting branches, twenty-seven (27) E-Z Bet locations, and a telephone wagering service in fifteen (15) Western New York counties, as well as Batavia Downs Gaming which is a standard bred racetrack and gaming facility; and

WHEREAS, since its inception, the Corporation has generated over \$250 million in operating and surcharge revenues for the taxpayers of the participating municipalities; and

WHEREAS, New York State Senator Timothy M. Kennedy (D-Buffalo) has recently proposed Senate Bill S7855 which seeks to amend the existing Racing, Pari-mutuel Wagering and Breeding Law in relation to the membership of the Corporation’s Board of Directors. Specifically, Senator Kennedy’s proposal calls for revising the composition of the Board to reflect:

- Three (3) members to represent the Counties of Monroe, Wyoming, and Orleans;
- One (1) member to represent the Counties of Chautauqua, Cayuga, Genesee, Livingston, Schuyler, and Seneca;
- Four (4) members to represent the County of Erie;
- One (1) member to represent the County of Niagara;
- One (1) member to represent Counties of Oswego, Cattaraugus, and Wayne;
- One (1) member to represent the City of Buffalo;
- One (1) member to represent the City of Rochester;
- One (1) member appointed by the Governor;
- One (1) member appointed by the temporary President of the Senate; and
- One (1) member appointed by the Speaker of the Assembly; and

WHEREAS, proposed Senate Bill S7855 fails to incorporate representation of Steuben County on the Corporation’s Board all together despite said County having been a member of the Board since 1973; and

WHEREAS, despite the Bill stating its intent is to provide more equal representation of the people of the area who benefit from the Corporation’s proceeds, this legislation will in fact have the opposite effect. The proposed

legislation will decimate the balanced representation formula previously provided by the State Legislature and the Governor as equitable and impartial due to affording each municipality that comprises the Corporation an equal voice in all Board matters; and

WHEREAS, the performance and accomplishments of the Corporation's current Board cannot be discounted when considering this drastic and overreaching legislation, including, but not limited to, the acquisition of an 84-room hotel on the grounds of Batavia Downs, and countless fundraising events for charitable organizations like Make-A-Wish, GLOW YMCA, the Food Bank of Western New York, and the Breast Cancer Coalition of Rochester; and

WHEREAS, in 2021, Batavia Downs once again shattered attendance and wager records with more than 625,000 attendees wagering nearly \$700 million leading to record earning distributions for the seventeen (17) participating municipalities that have come to rely on Corporation distributions; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors does hereby strongly oppose Senate Bill S7855 as it will cause irreparable harm to Livingston County and its economic interests in the Corporation; and be it further

RESOLVED, that the Clerk of this Board of Supervisors shall forward this resolution to Governor Kathy Hochul, Senator George Borrello, Senator Patrick Gallivan, Assemblywoman Marjorie Byrnes, and all others deemed necessary and appropriate.

Dated at Geneseo, New York

February 23, 2022

Ways and Means Committee

RESOLUTION NO. 2022-73 APPROVING THE 2022 NEW YORK STATE LEGISLATIVE AGENDA

RESOLVED, that the Livingston County Board of Supervisors hereby approves the 2022 New York State Legislative Agenda as presented by the County Administrator.

Dated at Geneseo, New York

February 23, 2022

Ways and Means Committee

PREFERRED AGENDA VOTE

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

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

The roll was called as follows: Ayes-1,609; Noes-0; Absent- DiPasquale, 144; Horr, 177; Babbitt Henry, 79; Total 400; Adopted.

RESOLUTIONS REQUIRING A SEPARATE ROLL CALL VOTE

County Administrator/Budget Officer

RESOLUTION NO. 2022-74 AMENDING 2022 LIVINGSTON COUNTY BUDGET- DEPARTMENT OF HEALTH

Mr. Knapp presented the following resolution and moved its adoption: RESOLVED, that the Livingston County Treasurer is authorized and directed to make the requested Budget Amendments per the Budget Amendment entries that have been approved by the Livingston County Administrator.

Dated at Geneseo, New York

February 23, 2022

Ways and Means Committee

The roll was called as follows: Ayes-1,609; Noes-0; Absent- DiPasquale, 144; Horr, 177; Babbitt Henry, 79; Total 400; Adopted.

RESOLUTION NO. 2022-75 AUTHORIZING TRANSFER OF FUNDS-DEPARTMENT OF HEALTH (2) & OFFICE FOR THE AGING (2)

Mr. Knapp 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 Amendment entries that have been approved by the Livingston County Administrator.

Dated at Geneseo, New York

February 23, 2022

Ways and Means Committee

The roll was called as follows: Ayes-1,609; Noes-0; Absent- DiPasquale, 144; Horr, 177; Babbitt Henry, 79; Total 400; Adopted.

RESOLUTION NO. 2022-76 ESTABLISHING AN ACCOUNT-PLANNING

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

RESOLVED, that the Livingston County Treasurer is authorized and directed to establish new accounts per the electronic entries that have been approved by the Livingston County Administrator.

Dated at Geneseo, New York

February 23, 2022

Ways and Means Committee

The roll was called as follows: Ayes-1,609; Noes-0; Absent- DiPasquale, 144; Horr, 177; Babbitt Henry, 79; Total 400; Adopted.

RESOLUTION NO. 2022-77 AMENDING RESOLUTION NO. 2012-392 - ELIMINATING THE JAIL DEBT RESERVE ACCOUNT

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

WHEREAS, pursuant to New York State General Municipal Law §6-h, Livingston County Board of Supervisors' Resolution No. 2012-392 established Jail Debt Reserve Account A0899.3150 using income received from the Livingston County Jail boarding out-of-county inmates; and

WHEREAS, said reserve account was created for the specific purpose of paying the bonded indebtedness incurred from constructing the Livingston County Jail; and

WHEREAS, Livingston County Board of Supervisors' Resolution No. 2016-99 authorized the refinance of the original Public Improvement (Serial) Bonds-2009 used for paying the cost of the County Jail construction. The terms of that refinance specifically prohibits paying bond indebtedness using income generated by the County Jail boarding out-of-county inmates; now, therefore, be it

RESOLVED, that because the Jail Debt Reserve Account can no longer be used as intended, the Livingston County Board of Supervisors hereby authorizes the Livingston County Treasurer to eliminate Jail Debt Reserve Account A0899.3150 and further authorizes her to return the funds contained in that account to the General Fund balance.

Dated at Geneseo, New York

February 23, 2022

Ways and Means Committee

The roll was called as follows: Ayes-1,609; Noes-0; Absent- DiPasquale, 144; Horr, 177; Babbitt Henry, 79; Total 400; Adopted.

County Treasurer

RESOLUTION NO. 2022-78 AMENDING THE INVESTMENT POLICY FOR LIVINGSTON COUNTY

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

WHEREAS, it has been recommended that the Investment Policy for Livingston County be amended; and

WHEREAS, the Ways and Means Committee has reviewed the recommendations and has approved incorporating those amendments into said Investment Policy; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby adopts the attached Investment Policy for Livingston County, effective immediately, with said policy superseding the existing Investment Policy.

Dated at Geneseo, New York

February 23, 2022

Ways and Means Committee

The roll was called as follows: Ayes-1,609; Noes-0; Absent- DiPasquale, 144; Horr, 177; Babbitt Henry, 79; Total 400; Adopted.

Other

RESOLUTION NO. 2022-79 AWARDING BID FOR THE PLANNING DEPARTMENT FOR THE LIVINGSTON COUNTY EMERGENCY COMMUNICATIONS SYSTEM UPGRADE PROJECT PHASE 6- CONTRACT 2: EQUIPMENT SHELTER: SABRE COMMUNICATIONS

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

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WHEREAS, after the proper legal advertisement seeking bids for the Livingston County Emergency Communications System Upgrade Project Phase 6 – Contract 2: Equipment Shelter, two bids were received and opened on February 8, 2022; 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 hereby accepted as the lowest responsible bid, subject to review by the County Attorney and County Administrator:

| | | |
|---|-------------|---------------|
| <u>Contractor</u> | <u>Term</u> | <u>Amount</u> |
| Sabre Communications 7101 Southbridge Drive Sioux City, IA 51111 | N/A | \$103,718.00 |

For: Purchase of equipment shelter for new emergency communications tower located at the Livingston County Emergency Operations Center

| <i>Funding Source</i> | <i>Local Share</i> | <i>Budgeted?</i> |
|--|--------------------|------------------|
| NYS Division of Homeland Security and Emergency Services Statewide Interoperable Communications Grant Program | 0% | Yes |

Dated at Geneseo, New York
February 23, 2022
Ways and Means Committee

The roll was called as follows: Ayes-1,609; Noes-0; Absent- DiPasquale, 144; Horr, 177; Babbitt Henry, 79; Total 400; Adopted.

RESOLUTION NO. 2022-80 AWARDING BID FOR THE PLANNING DEPARTMENT FOR THE LIVINGSTON COUNTY EMERGENCY COMMUNICATIONS SYSTEM UPGRADE PROJECT PHASE 6- CONTRACT 3: STEEL MONOPOLE ANTENNA TOWER: SABRE COMMUNICATIONS

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

WHEREAS, after the proper legal advertisement seeking bids for the Livingston County Emergency Communications System Upgrade Project Phase 6 – Contract 3: Steel Monopole Antenna Tower, two bids were received and opened on February 8, 2022; 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 hereby accepted as the lowest responsible bid, subject to review by the County Attorney and County Administrator:

| | | |
|---|-------------|---------------|
| <u>Contractor</u> | <u>Term</u> | <u>Amount</u> |
| Sabre Communications 7101 Southbridge Drive Sioux City, IA 51111 | N/A | \$56,267.00 |

For: Purchase of steel monopole antenna tower to be located at the Livingston County Emergency Operations Center

| <i>Funding Source</i> | <i>Local Share</i> | <i>Budgeted?</i> |
|--|--------------------|------------------|
| NYS Division of Homeland Security and Emergency Services Statewide Interoperable Communications Grant Program | 0% | Yes |

Dated at Geneseo, New York
February 23, 2022
Ways and Means Committee

The roll was called as follows: Ayes-1,609; Noes-0; Absent- DiPasquale, 144; Horr, 177; Babbitt Henry, 79; Total 400; Adopted.

RESOLUTION NO. 2022-81 AUTHORIZING THE TRANSFER OF FUNDS FOR THE SECOND ROUND OF THE UNITED STATES DEPARTMENT OF AGRICULTURE RECONNECT PROGRAM

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

WHEREAS, Livingston County Board of Supervisors' Resolution No. 2020-106 specifically authorized a public-private partnership with Empire Long Distance Corporation ("Empire") for purposes of a joint application to the United States Department of Agriculture (USDA) for the second round of the ReConnect Program to expand broadband service to rural areas that lack sufficient access to broadband; and

WHEREAS, Livingston County Board of Supervisors' Resolution No. 2020-105 authorized the Chairman to sign a professional services contract with Empire to formalize the public-private partnership referenced in the grant

application and to provide for the actual implementation of the USDA ReConnect Award which was granted to Empire as the lead applicant on or about May 25, 2021; now, therefore, be it

RESOLVED, that per the requirements of the contract between Livingston County and Empire, the County Treasurer is hereby authorized to transfer \$3,768,081.00 from the General Fund to a dedicated account approved by the USDA Rural Utility Service per the ReConnect Program Grant and Security Agreement between Empire and the United States of America dated May 25, 2021.

Dated at Geneseo, New York

February 23, 2022

Ways and Means Committee

The roll was called as follows: Ayes-1,609; Noes-0; Absent- DiPasquale, 144; Horr, 177; Babbitt Henry, 79; Total 400; Adopted.

Personnel

**RESOLUTION NO. 2022-82 AMENDING THE 2022 LIVINGSTON COUNTY SALARY SCHEDULE:
COUNTY ADMINISTRATOR & ECONOMIC DEVELOPMENT**

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

RESOLVED, that the 2022 Livingston County Salary Schedule is amended as follows:

County Administrator:

- Convert one full-time Records Inventory Supervisor position to a part-time position at an hourly wage rate of \$25.82/hour effective immediately.

For: Position needed due to upcoming retirement of Records Inventory Clerk.

Economic Development:

- Convert one part-time Economic Development Assistant position to a full-time position at a Wage Grade 11 CSEA Contract effective 4/1/22.

For: Position duties have changed to involve a heavier volume of bookkeeping and administrative work necessary to accommodate the growing needs of the Economic Development Office.

Dated at Geneseo, New York

February 23, 2022

Ways and Means Committee

The roll was called as follows: Ayes-1,609; Noes-0; Absent- DiPasquale, 144; Horr, 177; Babbitt Henry, 79; Total 400; Adopted.

**RESOLUTION NO. 2022-83 APPOINTING COMMISSIONER OF SOCIAL SERVICES – TRACY
MCCAUGHEY**

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

WHEREAS, the office of Commissioner of Social Services shall become vacant on February 27, 2022 at 11:59 p.m. due to the retirement of Commissioner of Social Services Diane Deane; and

WHEREAS, the County Administrator has recommended the appointment of a successor Commissioner of Social Services pursuant to his powers and duties as specified in Section 4 (C) of Local Law E-2007; and

WHEREAS, the Ways and Means Committee has reviewed the recommendation of the County Administrator, concurs with it, and likewise recommends said appointment to the Board of Supervisors; and

WHEREAS, the Board of Supervisors wishes to make appointment consistent with these recommendations; now, therefore, be it

RESOLVED, that the 2022 Department Head Salary Schedule is hereby amended as follows:

Department of Social Services

Appoint Tracy McCaughey of 50 Westview Crescent, Geneseo, New York to the position of Commissioner of Social Services for a term commencing February 28, 2022 at 12:00 a.m. and terminating May 31, 2026, at an annual salary of \$112,000.00.

Dated at Geneseo, New York

February 23, 2022

Ways and Means Committee

The roll was called as follows: Ayes-1,609; Noes-0; Absent- DiPasquale, 144; Horr, 177; Babbitt Henry, 79; Total 400; Adopted.

Chairman LeFeber congratulated Ms. McCaughey and asked if she would like to address the Board members and audience. Ms. McCaughey extended her appreciation for this opportunity and stated that she looks forward to serving the County in this capacity at the Department and continuing to work with County departments and the Board.

OTHER BUSINESS

1. RETIREMENT RECOGNITION OF DEPARTMENT OF SOCIAL SERVICES COMMISSIONER DIANE DEANE

Mr. Coyle shared that Diane was (one) of his first department head hires. While Diane started in 1988 slaving away over budgets and finances as the Director of Finance/Administrative services at the Social Services Dept., he was mastering 2nd grade at STA. Twenty years in, Diane made her mark with the oversight and management of the Building #1 renovation project as liaison, by dogged pursuit of outcomes, of technical details and at times dealing with some tough contractor characters. Diane's finance focus led to a reputation as a tough, disciplined, no-nonsense manager. This reputation was earned, as she was and remains a stalwart steward of the people's pocketbook. A singular focus in her first two decades gave way to a much broader, holistic approach to department leadership when Diane took over as Commissioner. Mr. Coyle shared some of his initial conversations after Diane's appointment. The sobering reality that she maintains as Commissioner Custody of children and our discussion on the immense, and all-important responsibility that represented to her. There was nothing more important than that. What was a passion for numbers and figures, transferred into the passion for the services side of DSS--Homelessness, child and adult neglect cases, fighting against commentary about folks "on welfare.", explanations to many of us relative to those that are on services and what truly is (versus what truly is not) available to them in terms of "financial benefit." Much of Diane's legacy will play out in the various, positive system changes we have made over the last 10 + years. Mr. Coyle will remember Diane's dedication to the craft of public and social service, workmanship, the diligence of effort, the ownership of the data, the strong, adept managerial presence. No one knew the programs and the detailed intricacies better. Mr. Coyle made note of the thorough process that Tracy succeeded in navigating to become the recommended choice as our selected successor to Diane. This is another testament to Diane for having competent "next in line" leaders at the Deputy position in our departments is important and it shows the willingness and abilities of leaders like Diane to prepare for these situations, to support co-workers, and to pave a path so that even the possibility is plausible. Setting up the next generation of leadership at the Department for success is perhaps the most important legacy a leader can have. In conclusion, Mr. Coyle thanked Diane for wit, your candor, your professionalism and always being there for me, but most importantly for the clients and for the staff and for the people of Livingston County.

Ms. Deane shared her thoughts on the many changes that have occurred since 1988 from 15 standing committee to the current 3, the Government Center didn't exist, DSS was in multiple buildings and there was no County Administrator. Ms. Deane expressed her pride in the many changes and progress that the County has made to improve services. The one thing that hasn't changed in 33 years is the people. Ms. Deane commented on her appreciation of the support that she has always felt from the Board of Supervisors and County Administrator. She has always felt lucky to say that she is from Livingston. Ms. Deane expressed how proud she is of the dedicated and passionate people who work at the Department who provide services to County residents and citizens every day. Ms. Deane introduced her management team who, without them she couldn't do anything. Ms. Deane gave special thanks to Kristine, who teaches them all what not to forget, keeps them organized and assists everyone because she is so knowledgeable. Ms. Deane thanked all of her staff present and the Board of Supervisors for letting her work for Livingston County, she is very proud to do so. The audience presented a standing ovation.

EXECUTIVE SESSION

Motion made by Mr. Pangrazio and seconded by Mr. Fanaro that the Board adjourn and reconvene as a Committee of the Whole for the purpose of discussing the employment history of a particular person; and that David LeFeber act as Chairman, County Administrator Ian Coyle act as secretary, Steve Woodruff, Eric Townsend, Bill Mann and Kate Hill remain present. Carried.

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

REPORT OF EXECUTIVE SESSION

The Board of Supervisors having met in Executive Session hereby reports as follow:

No action taken.

Dated February 23, 2022

David L. LeFeber, Chairman

Ian M. Coyle, Deputy Clerk of the Board

ADJOURNMENT

Motion made by Mr. Pangrazio and seconded by Mr. Schuster to adjourn until Wednesday, March 9, 2022 at 1:30 p.m.
Carried.

The Board adjourned at 2:04 p.m.