

WAYS & MEANS COMMITTEE MEETING MINUTES
MONDAY, JUNE 12, 2023
1:30 P.M.

PRESENT: D. Knapp, W. Wadsworth, D. DiSalvo, D. Fanaro, E. Gott, D. LeFeber, D. Pangrazio, M. Falk, M. Walker, I. Coyle, A. Ellis, B. Mann, S. Hillier

Ways & Means Chair Dwight Knapp asked Nunda Supervisor Merilee Walker to lead the Pledge of Allegiance.

PERSONNEL ISSUES

**1. CENTER FOR NURSING & REHABILITATION – SHARI HUTCHISON
AMENDING THE 2023 LIVINGSTON COUNTY SALARY SCHEDULE: LIVINGSTON COUNTY
CENTER FOR NURSING AND REHABILITATION**

RESOLVED, that the 2023 Livingston County Salary Schedule is amended as follows:

Center for Nursing and Rehabilitation:

- Create two full-time Charge Nurse (Licensed Practical Nurse) positions. These positions are a Grade 12, Charge Nurse (Licensed Practical Nurse) effective July 1, 2023.

For: These positions will provide supervision for clinical care on resident neighborhoods.

Director comments:

These positions are needed to open up additional units to increase facility census.

- Create two full-time Activities Aide positions by combining two-part time positions. The Activity Aide title is a grade 4. The four part-time positions will be deleted upon hiring and successful probationary period of new full time staff members effective July 1, 2023.

For: These positions provide activity programming to residents.

Director comments:

Recruiting of these positions is also part of our plan to reopen the Tidbits café during morning hours. A full-time position will facilitate recruitment.

Ms. Hutchison reviewed the positions for creation.

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

**AMENDING THE 2023 LIVINGSTON COUNTY SALARY SCHEDULE: LIVINGSTON COUNTY
CENTER FOR NURSING AND REHABILITATION**

RESOLVED, that the 2023 Livingston County Salary Schedule is amended as follows:

Center for Nursing and Rehabilitation:

- Create one full time Deputy Director for Finance position with a salary range of \$100,000.00-\$115,000.00 on the Department Head Salary Schedule effective immediately.

For: This position will provide leadership, oversight and direction to the financial department.

Director comments:

ProNexus Recommendations and Finance Department reorganization-Create a new position of Deputy Director for Finance; reorganize structure of department to achieve net neutral positions after the addition of the Deputy Director position. This position is responsible for all reporting functions and will advise on strategies to meeting financial goals and implement initiatives as appropriate. Additional positions may be added or eliminated based on recommendations of the CFO/Director once an organizational review of the finance department is completed.

Ms. Hutchison reviewed the position for creation and next steps for future meetings.

Motion: Mr. Pangrazio moved and Mr. DiSalvo seconded to approve the foregoing resolution Carried.

**2. SHERIFF'S OFFICE – C.D. JASON YASSO
AMENDING THE 2023 LIVINGSTON COUNTY SALARY SCHEDULE: LIVINGSTON COUNTY
SHERIFF'S OFFICE**

RESOLVED, that the 2023 Livingston County Salary Schedule is amended as follows:

Sheriff's Office:

- Create three full time Deputy Sheriff/Road Patrol positions Wage Grade 13 LCCOPS Contract effective immediately.

For: US Department of Justice FY2022 COPS Hiring Program Grant (BOS Res 2022-465) creating three community policing positions.

- Create one full time Clerk position Wage Grade 2 LCDSC Contract effective July 2, 2023.

For: Needed to assist with increased clerical duties required in the Jail, will work ~50/50 Jail/Sheriff Records.

- Delete one part time Clerk position once full time position is filled.
- Delete one part time Clerk/Typist position once full time position is filled.

Chief Deputy Yasso reviewed the positions for creation and those that will be deleted after the positions are filled.

Motion: Mr. Wadsworth moved and Mr. Pangrazio seconded to approve the foregoing resolution Carried.

**3. OFFICE FOR THE AGING – SUE CARLOCK
AMENDING THE 2023 LIVINGSTON COUNTY SALARY SCHEDULE: OFFICE FOR THE AGING
RESOLVED, that the 2022 Livingston County Salary Schedule is amended as follows:**

Office for the Aging:

- Convert one part-time Program Assistant – Office for the Aging position to full-time at Wage Grade 11 FT CSEA Contract effective 6/15/23.

For: This is part of a restructuring and within existing budget. This position offers the flexibility of assisting in several programs and functions, and could also be a pathway to other positions within the Department.

Director comments:

A PT Program Assistant was previously approved; however, an additional resignation was received on 6/5/23 (after Human Services Committee) for an employee who had been out on leave. Due to this development, a FT Program Assistant is needed and requires Board approval. Due to timing, this resolution was not presented at the June HSC meeting. Due to our staffing shortage, we do not want to wait another 30 days and respectfully request approval.

Ms. Carlock reviewed the recent staffing transitions in the office. This is a budget neutral request.

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

**4. COUNTY ADMINISTRATOR – IAN COYLE
APPOINTING TRAINING AND PROFESSIONAL DEVELOPMENT COORDINATOR FOR THE
COUNTY OF LIVINGSTON: KELLY E. GREENWAY**

RESOLVED, that the 2023 Department Head Salary Schedule is amended as follows:

County Administrator

Appoint Kelly E. Greenway, 5705 Yanni Court, Avon, NY 14414 to the position of full-time Training and Professional Development Coordinator effective July 10, 2023, at an annual salary of \$77,500.00.

Mr. Coyle gave a brief overview of the candidate search process. Kelly Greenway comes very well recommended both internally and externally.

Motion: Mr. Wadsworth moved and Mr. DiSalvo seconded to approve the foregoing resolution Carried.

Mr. Coyle reported that the Economic Development item is being pulled per a call with the Auditor this morning.

ECONOMIC DEVELOPMENT – BILL BACON

**1. AUTHORIZING ALLOCATION OF AMERICAN RESCUE PLAN FUNDS: LIVINGSTON
COUNTY DEVELOPMENT CORPORATION**

PURCHASING – ASHLEY SCUTT

Action Item(s) To Be Reported

**1. AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF
SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR LIVINGSTON COUNTY:
JPMORGAN CHASE BANK, N.A.**

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign the following contract for Livingston County, and any future amendments to said agreement, according to the term designated, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
JPMorgan Chase Bank, N.A. 12 Corporate Woods Blvd. Albany, NY 12211 For: Commercial Credit Card Program	6/1/2023-4/12/2027	\$0.00

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

Director's Comments:

NYS has provided provisions to allow for any municipality to participate in their contract with JPMorgan. This allows us to take advantage of an increased rebate schedule that is paid out quarterly vs. annually.

Ms. Scutt reviewed the contract for approval.

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

Informational Item(s) Written Only

MONTHLY ACTIVITY REPORT – MAY 2023

Notable Accomplishments

- I obtained my UPPCC Certified Professional Public Buyer (CPPB) Certification. Only 3 people in the entire State received their certification this Spring.
 - UPPCC is the only independent certifying organization for public procurement. UPPCC Certifications reflect established standards and competencies for those engaged in government procurement and attest to the procurement professional's ability to obtain maximum value for the taxpayer's dollar. Requisite levels of education and professional experience are required to apply.
 - I also earned a reimbursement scholarship of my application fee and examine fee from NASPO, making the CPPB certification no cost.
- Reworked our bid advertisements. The new layout will reduce our advertising costs by approximately 50%.
- Completed our annual crime insurance policy renewal with the help of ITS, HR and the Treasurer's office.
- Started preparing for our county-wide insurance renewal. Prepared a vehicle and equipment report for departments to review and verify.
- Improved our vehicle & equipment forms to show accurate cost information. This helps improve our values for insurance reporting and fixed asset reporting.
- Continued my bi-weekly meetings with my NYSAMPO Emerging Professionals program Mentor, Paul Brennan, Purchasing Director from Rockland County. The purpose of this program is to provide a professional mentor to members of the program in the interest of furthering the members professional development, knowledge and purchasing skills. This program runs for the entire year.

TRAININGS/ PROFESSIONAL DEVELOPMENT

- Certified Professional Public Buyer (CPPB) Certification
- SAMPO Round Table
- Lourdes Coss – Financial Management for Procurement Professionals. - Professional Development
- GSA Programs for State and Local Government Agencies - Training
- FYE Smart Buying with Amazon Business - Webinar
- NIGP Procurement's Role in Cyber Security - Training
- NIGP Top 5 Federal Disaster Grant Procurement Missteps - Training
- NIGP When you speak, do others listen? Professional Development

PURCHASE ORDERS PROCESSED

	PO's PROCESSED	PO DOLLAR VALUE
Monthly	43	\$662,323.40
YTD	191	\$3,699,194.31

PROCUREMENT CARD TRANSACTIONS REVIEWED

	PCARD TRANSACTIONS	PCARD DOLLAR VALUE
Monthly	167	\$56,202.31
YTD	659	\$364,719.62

SOLICITATIONS ISSUED THIS MONTH

Type	Dept	Bid/ RFP Name	Date Issued
BID	OEM	OEM Trailers	5/4/23
BID	CS	Custodial Services – Open	5/25/23
YTD	18		

NYS MINI-BID ISSUED THIS MONTH

Dept	Bid Name	Date Issued
CS	Ford Transit XL Cargo Van	5/24/23
YTD	2	

SOLICITATIONS OPENED THIS MONTH

Type	Dept	Bid Name	Date Opened
RFP	CNR	Radiology Services	5/4/23
RFP	CNR	Medical Services	5/17/23
BID	CS	Custodial Services - NYSID	5/17/23
BID	OEM	OEM Trailers	5/18/23
BID	OEM	Burn Tower demo	5/25/23
YTD	17		

INSURANCE CLAIMS

Monthly: 3

YTD: 18

VEHICLES / EQUIPMENT SURPLUS FORMS PROCESSED

Monthly: 3

YTD: 25

REAL PROPERTY TAX SERVICES – BILL FULLER

Action Item(s) To Be Reported

1. INTRODUCTION & PROVIDING FOR PUBLIC HEARING ON PROPOSED LOCAL LAW NO. B-2023 PROVIDING A PARTIAL EXEMPTION FROM REAL PROPERTY TAXES TO CERTAIN QUALIFYING VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS

WHEREAS, there has been duly presented and introduced at a meeting of this Board, held on June 14, 2023, a proposed Local Law entitled Local Law No. B-2023 Providing a Partial Exemption from Real Property Taxes to Certain Qualifying Volunteer Firefighters and Ambulance Workers; now, therefore, be it

RESOLVED, that a public hearing shall be held on the said proposed Local Law by this Board on July 12, 2023 at 1:35 p.m. in the Board of Supervisors Assembly Room located in the Livingston County Government Center, Geneseo, New York; and, be it further

RESOLVED, that at least six (6) days' notice shall be given by posting thereof on the bulletin board of the Livingston County Government Center and by publishing such notice at least (1) time in the official newspapers of the County as provided by law.

Mr. Fuller reviewed the local law for introduction and setting the public hearing to hear comments on the local law. Mr. Fuller reviewed the current income tax exemption for active firefighters. The Firefighters Association of the State of New York has developed the forms to determine active and inaction status. This local law is the County component. Towns, Villages and Schools would need to take action independently.

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

Informational Item(s) Written Only

1. The Village Tax Rolls and tax bills have been printed and picked up by Village Tax Collectors.
2. Town Assessors are finished with Grievance Day hearings. They were held May 23rd through June 5th.
3. My office will be printing the Towns Final Assessment Rolls, and will be available for the Assessors to pick up the last week of June.
4. The Assessors are required to file their Final Roll with the Town Clerk of their municipality by July 1st.
5. My office will be printing the School Final Rolls for the Assessors to deliver to the School Districts.

COUNTY ADMINISTRATOR – IAN COYLE (Attachments)

Action Item(s) To Be Reported

1. APPROVING ABSTRACT OF CLAIMS #6A-JUNE 14, 2023

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #6A dated June 14, 2023 in the total amount of \$2,182,498.59.

Motion: Mr. DiSalvo moved and Mr. Fanaro seconded to approve the foregoing resolution.... Carried.

2. AMENDING 2023 LIVINGSTON COUNTY BUDGET: DEPARTMENT OF HEALTH, HIGHWAY (3) & WORKFORCE DEVELOPMENT

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.

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

3. AUTHORIZING TRANSFER OF FUNDS: DEPARTMENT OF HEALTH

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.

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

4. RATIFYING TENTATIVE COLLECTIVE BARGAINING AGREEMENT WITH THE CSEA PART-TIME EMPLOYEES UNIT AND AUTHORIZING EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT

WHEREAS, the collective bargaining agreement between the CSEA Full-time employees unit and Livingston County expired on December 31, 2022; and

WHEREAS, the negotiating teams for the parties have reached a tentative agreement for a new collective bargaining agreement; and

WHEREAS, the CSEA Part-time employees unit has ratified this tentative agreement June 5, 2023; and

WHEREAS, the Ways & Means Committee recommends the ratification of this agreement by the County; now, therefore, be it

RESOLVED, that the tentative agreement commencing January 1, 2023 and expiring December 31, 2027, a copy of which is attached hereto, is hereby ratified; and be it further

RESOLVED, that the Chairman of the Livingston County Board of Supervisors and the County

Administrator are hereby authorized to execute a collective bargaining agreement consistent with the terms of the tentative agreement.

Mr. Coyle reviewed the highlights in the new CBA.

Motion: Mr. Pangrazio moved and Mr. Wadsworth seconded to approve the foregoing resolution Carried.

5. AUTHORIZING THE COUNTY ADMINISTRATOR TO NEGOTIATE AMENDMENTS TO THE MEMORANDUM OF UNDERSTANDING FOR COORDINATION OF THE AKZO SETTLEMENT FUNDS

WHEREAS, on December 23, 2014, an Order On Consent and Administrative Settlement was entered into by and among the State of New York, the County of Livingston, Akzo Nobel, Inc. and Akzo Nobel Salt Inc. (collectively "Akzo Nobel") for purposes of addressing the Retsof Salt Mine collapse that occurred on March 12, 1994. Said Order required Akzo Nobel to pay \$20,000,000.00 jointly to the State and the County with the understanding the proceeds would be used to address the impacts of the collapse; and

WHEREAS, for coordination of the recovered settlement funds, the Office of the New York State Attorney General ("AG's Office"), the New York State Department of Environmental Conservation ("DEC"), and the County of Livingston entered into a Memorandum of Understanding ("MOU"); and

WHEREAS, the Livingston County Board of Supervisors subsequently authorized the County Administrator to form a committee for purposes of providing recommendations to the Board on the use of the Akzo Nobel settlement funds; and

WHEREAS, following recommendation of the Akzo Settlement Committee, the Livingston County Board of Supervisors' adopted Resolution No. 2022-385 authorizing the use of Akzo Settlement Funds for engineering and design work for the Leicester/York Regional Water Supply Expansion Project ("Project"). Said Project was deemed a project eligible for settlement funds as it drastically improves the public drinking water infrastructure for the Towns of Leicester and York; and

WHEREAS, the Akzo Settlement Committee, in partnership with the Livingston County Water and Sewer Authority, recently identified a preferred scenario for the scope of the Project. Said scenario entails a multi-year project with an estimated cost of \$13.7 million dollars. Unfortunately, the anticipated budget does not neatly align with the allocation of funds for the three separate accounts established under the MOU; and

WHEREAS, per the terms of the MOU, the parties may amend the agreement by mutual written consent for purposes of revising the allocation of funds and/or the review, approval and reporting procedures. Amendments simply need to be consistent with the purpose of the MOU and with applicable law; and

WHEREAS, the Akzo Settlement Committee, after much discussion and consideration, now recommends that the Livingston County Board of Supervisors seek a modification to the existing MOU to allow for more flexibility in the allocation of settlement funds for this Project and to modify the procedures related to budget approvals and reporting once the Project is underway; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby supports the recommendations of the Akzo Settlement Committee and the County Administrator is hereby authorized to negotiate modifications to the existing MOU with the AG's Office and the DEC for purposes of advancing the identified Project.

Mr. Coyle reviewed the different buckets of funds in the original agreement and how that agreement does allow for amendments to the MOU. The Settlement Committee has now arrived at a recommendation to place certain dollars for certain types of project expenses but the MOU segregated allocations are not in alignment per se with the recommendation that was the preferred alternative.

Motion: Mr. Fanaro moved and Mr. Wadsworth seconded to approve the foregoing resolution Carried.

Pre-approved Informational Item(s) To Be Reported

1. State Legislative Updates-Mr. Coyle reviewed end of session actions. There may be reconciliation funds available as there was a potential violation of law in the action that the Governor took. There has been a lot of discussion about changes in election law changing to even years. The clean slate legislation that passed will make criminal records inaccessible. Mr. Coyle reviewed a possible deal over the weekend updating the Seneca Compact agreement locating a casino in the Rochester area. Last week the City of New York filed an array of lawsuits against counties that filed emergency orders against housing migrants. Mr. Coyle reviewed the status on the recent migrant issues.

2. Budget and Finance Report

COUNTY ATTORNEY – SHANNON HILLIER

Pre-approved Informational Item(s) To Be Reported

1. Tax auction/foreclosure discussion-Ms. Hillier reviewed the US Supreme Court case and the current Article 11 process that we are in the midst of. This is the week of redemption. We are likely to be in a holding pattern for at least a year. We will need to cancel the auction at this time. Direction is needed on what to do with the date of redemption. There are currently 39 parcels left to be redeemed. Ms. Hillier is recommending that we allow people to pay until we know what the moratorium states. There are several counties that have already held an auction or have an auction scheduled. Statute allows penalties to continue if we do decide to pause. A motion is needed today for a resolution on Wednesday.

AMENDING RESOLUTION NO. 2012-30 (DATE OF REDEMPTION AND AUCTION DATE FOR COUNTY TAX FORECLOSURE)

WHEREAS, Resolution No. 2012-30 established the last day to redeem property under the Real Property Tax Law Article 11 tax foreclosure process as the close of County business on June 15th, or the next business day if June 15th falls on a Saturday or Sunday; and

WHEREAS, said Resolution also established the date for the annual auction of properties acquired by the County through the tax foreclosure process as the fourth Thursday of July at 6:00 p.m. Said date and time being reaffirmed in Resolution Nos. 2021-182 and 2021-270; and

WHEREAS, recently, in *Tyler v. Hennepin County*, the United State Supreme Court unanimously ruled that it is unconstitutional for a local government to seize and sell a person's property to recover unpaid property taxes while keeping surplus equity realized from the sale. The surplus value is protected by the Fifth Amendment Takings Clause under the United State Constitution; and

WHEREAS, the Court's decision issued on May 25, 2023, drastically impacts Real Property Tax Law Article 11 and the County's tax foreclosure process. Given the uncertainty surrounding Article 11 and the legal procedures under which County customarily handles property tax foreclosures, the Livingston County Board of Supervisors wishes to establish a new date of redemption for all unpaid 2021 Town and County taxes and cancel the tax auction scheduled for July 27, 2023; now, therefore, be it

RESOLVED, that the annual tax auction of properties acquired by the County through the tax foreclosure process relative to unpaid 2021 Town and County taxes shall be cancelled until further notice; and be it further

RESOLVED, that Resolution Nos. 2012-30 is hereby amended.

Motion: Mr. Pangrazio moved and Mr. Fanaro seconded to approve the foregoing resolution Carried.

ADJOURNMENT

Mr. Pangrazio moved and Mr. DiSalvo seconded to adjourn the meeting at 2:10 p.m.

Respectfully submitted,
Michele R. Rees, IIMC-CMC
Clerk of the Board