

**REGULAR BOARD MEETING  
WEDNESDAY, JUNE 28, 2023  
1:30 P.M.**

**ROLL CALL**

The roll was called showing all members present except Mr. Devine (Groveland) and Mr. Fanaro (Leicester).

**PLEDGE OF ALLEGIANCE**

West Sparta Supervisor Sue Erdle led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

Minutes of 6/14/23 Regular Meeting were approved as presented.

**COMMUNICATIONS**

1. The next Conversation with the County will be held on Thursday, June 29, 2023--5:30 p.m. at the Groveland Town Hall, 4955 Aten Road, Groveland.
2. The NYSAC Fall Seminar is September 13-15, 2023. Let the Clerk know today if you will need accommodations.

**ABSTRACT OF CLAIMS**

**RESOLUTION NO. 2023-238      APPROVING ABSTRACT OF CLAIMS #6B-JUNE 28, 2023**

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

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #6B dated June 28, 2023 in the total amount of \$1,966,932.26.

Dated at Geneseo, New York

June 28, 2023

Ways and Means Committee

The roll was called as follows: Ayes-4,749; Noes-0; Absent-Devine, 126; Fanaro 179, Total 305; Adopted.

**PRIVILEGES OF THE FLOOR**

**ASSEMBLYWOMAN MARJORIE BYRNES**

-133<sup>rd</sup> Assembly District Woman of the Year – Lynne Mignemi

Chairman LeFeber introduced Assemblywoman Marjorie Byrnes for an important recognition that was made to one of our own here at the County. Assemblywoman Byrnes expressed her honor in attending today especially when the County is honoring so many of its' employees for years of service. It makes today all the more important to honor one who is being honored by the State of New York. Assemblywoman Byrnes gave an overview of the Legislative Women's Caucus decision this year to have each different female legislator in their respective district, choose a woman that they individually felt was deserving of special recognition for what they do for their community and for their lifetime of accomplishments to help each and every one of us here. It did not take long for her to determine here choice in Lynne Mignemi. Assemblywoman Byrnes shared a portion of the Proclamations honoring Lynne Mignemi as the 133<sup>rd</sup> Assembly District Woman of the Year. The audience presented a standing ovation.

Lynne Mignemi comments: *Back in March we talked about some different quotes that meant a lot to us. One such quote that has been a guiding principle for me is "every moment you are making a memory". It is a wonderful quote to reflect from the basis that I am far from a perfect person, but every moment you are making a memory. We get to choose what we want that memory to look like; positive or negative. Thank you to Assemblywoman Byrnes and Chief of Staff Stephanie Hann for providing a truly humbling, memorable moment for me today. The flip side of this reflection is a memory that is less than perfect; perhaps when you are not having a great day and do or say something that could be hurtful or we regret. We get to step back and reflect on how can we improve or how can we do that better. I want to acknowledge my staff who have probably borne the majority of my less than stellar moments. I tell them all the time that they are in the trenches doing the hard work and they make me look far better than I deserve every single day. It has been a privilege and an honor to serve the County being a Probation Officer for 36 years. It is hard to single people out and thank them but I'm going to today. Supervisor Jason Varno and Liz Laney are in charge of daily operations which allows me to do the extra things to serve the County, such as, the Task Force. I also want to thank*

*my family for being here today, who have also born some of my less than stellar moments. They did not choose my profession and there have been times over the years they have suffered for it. It is hard to be a child of someone in law enforcement and I am so grateful to my husband and them. Lastly, I'd like to recognize the 10 & 25 year employees today. I've had an awful lot of time to reflect on public service, voluntary service and community service. I think in its purest most simple form, it's an act of love. I think we get into it with those intentions, but as we go on and we are serving; at 10 years taking care of your families, running around like crazy and at 25 years maybe you are taking care of your aging parents. You are working hard, you are serving your communities; publicly, privately and through community service. I have 36 years of service, so I remember what 10 and 25 years felt like and it's hard. I've known a lot of you for my entire career and when it gets hard, it gets tiring, and it gets stressful, remember why you started. It's an active of love in its purest and simplest form. Congratulations to all of you.*

**RESOLUTIONS**

*Clerk of the Board*

**RESOLUTION NO. 2023-239 AMENDING RESOLUTION NO. 2023-150 (2023 EMPLOYEE RECOGNITION-PARTYMAN CATERING & RENTAL)**

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

WHEREAS, Resolution No. 2023-150 authorized the Chairman of the Livingston County Board of Supervisors to sign a contract with Partyman Catering & Rental for the 2023 Employee Recognition event. Said contract was for an amount not to exceed \$5,000.00; and

WHEREAS, due to a higher attendance response than anticipated, there is now a need to increase the contract amount by \$1,000.00; now, therefore, be it

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign a contract amendment with Partyman Catering & Rental to increase the contract amount to an amount not to exceed \$6,000.00; and be it further

RESOLVED, that Resolution No. 2023-150 is hereby amended.

Dated at Geneseo, New York

June 28, 2023

Ways and Means Committee

The roll was called as follows: Ayes-4,749; Noes-0; Absent-Devine, 126; Fanaro 179, Total 305; Adopted.

*County Administrator/Budget Officer*

**RESOLUTION NO. 2023-240 AMENDING 2023 LIVINGSTON COUNTY BUDGET: DEPARTMENT OF HEALTH, PLANNING & SHERIFF**

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

June 28, 2023

Ways and Means Committee

The roll was called as follows: Ayes-4,749; Noes-0; Absent-Devine, 126; Fanaro 179, Total 305; Adopted.

**RESOLUTION NO. 2023-241 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 a new account per the electronic entries that have been approved by the Livingston County Administrator.

Dated at Geneseo, New York

June 28, 2023

Ways and Means Committee

The roll was called as follows: Ayes-4,749; Noes-0; Absent-Devine, 126; Fanaro 179, Total 305; Adopted.

*County Attorney*

**RESOLUTION NO. 2023-242 RESOLUTION AUTHORIZING LIVINGSTON COUNTY TO INVESTIGATE, ENGAGE COUNSEL, AND COMMENCE LITIGATION TO ENJOIN IMPLEMENTATION AND ENFORCEMENT OF THE 2023 MODIFICATION TO SECTION 502 OF THE NEW YORK STATE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW**

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

WHEREAS, in July of 1973, New York State enacted Chapter 346 of the Laws of 1973 to create regional off-track betting corporations in an effort to curb unlawful bookmaking and other illegal wagering and to provide an added source of revenue for participating local governments and the State; and

WHEREAS, when originally enacted, Section 502 of the Racing, Pari-Mutuel Wagering and Breeding Law required regional off-track betting corporations to "be administered by a board of directors...one member from each...participating county." Said members were to be appointed by the county governing body. The mayor of a city was also permitted to appoint a single member to the board with the approval of the city's legislative body. Each appointed member had one vote and all votes were allotted equal weight thereby giving each participating jurisdiction equal control over the operations of the regional off-track betting corporation; and

WHEREAS, in response to the newly enacted legislation, the Western Regional Off-Track Betting Corporation ("WROTB") was established in September 1973 as a public benefit corporation with headquarters in Batavia, New York. Eleven counties and two cities initially chose to participate in the management and administration of WROTB. Between 1976 and 1979 four additional counties elected to take part in the corporation. The participating counties included: Cattaraugus, Cayuga, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Oswego, Schuyler, Seneca, Steuben, Wayne and Wyoming. The two participating cities were the City of Rochester and the City of Buffalo; and

WHEREAS, as for Livingston County, on July 11, 1973, the Board of Supervisors passed Resolution No. 73-158 authorizing the County to participate in WROTB. Said Resolution specifically provided that it was being adopted subject to permissive referendum and would become effective in accordance New York State Municipal Home Rule Law Section 24; and

WHEREAS, on May 2, 2023, as a part of the New York State Budget, Section 502 of the Racing, Pari-Mutuel Wagering and Breeding Law was amended to create Section 502-a specific to WROTB. It terminated the appointments of all existing members of the WROTB Board of Directors and required vacant board positions to be replaced with new appointments. Newly appointed members now vote according to the newly established weighted voting procedures found in Section 502-a. This weighted voting system no longer allows for the founding counties to exercise equal operational control over WROTB as voting power is now concentrated among the board members from Erie County, Monroe County, the City of Buffalo, and the City of Rochester; and

WHEREAS, Article IX, Section 2(b)(2) of the New York State Constitution restricts the State Legislature's ability to act in relation to the "property, affairs or government" of any local government. It specifically states the Legislature:

(2) Shall have the power to act in relation to the property, affairs or government of any local government only by general law, or by special law only (a) on request of two-thirds of the total membership of its legislative body or on request of its chief executive officer concurred in by a majority of such membership, or (b), except in the case of the city of New York, on certificate of necessity from the governor reciting facts which in the judgment of the governor constitute an emergency requiring enactment of such law and, in such latter case, with the concurrence of two-thirds of the members elected to each house of the legislature.

and,

WHEREAS, it is unknown whether the Governor's message of necessity comported with the New York State Constitution, in particular Article III, Section 14. That provision requires bills to be "printed and upon the desks of the members" of the Legislature at least three calendar legislative days before final passage. This mandate may be circumvented if the Governor "certifie[s]...the facts which in his or her opinion necessitate an immediate vote" on the bill. It is unknown whether the Governor stated any facts in a certificate of necessity that form the basis of her opinion that necessitated an immediate vote; and

WHEREAS, in *Matter of Moran v. La Guardia*, 270 N.Y. 450 (1936), the New York State Court of Appeals recognized that "To repeal or modify a statute requires a legislative act of equal dignity and import." Essentially, a law can only be amended by the same procedures that were used to enact it originally. Nothing less than a Home Rule Message from a majority of the founding counties would have satisfied "the doctrine of Legislative Equivalency"; and

WHEREAS, none of the founding counties, including Livingston County, enacted Home Rule Messages requesting Section 502 of the Racing, Pari-Mutuel Wagering and Breeding Law be modified and/or amended, and

certainly never authorized a relinquishment of control of WROTB to Erie County, Monroe County, the City of Buffalo, and the City of Rochester; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby authorizes all necessary litigation to enjoin implementation and enforcement of the 2023 modification to Section 502 of the Racing, Pari-Mutuel Wagering and Breeding Law passed on May 2, 2023 and to name the following as potential Defendants in such legal action: New York State, the Governor of New York State, the New York State Assembly, the New York State Senate, and any other party deemed necessary to bring full relief to the residents of Livingston County.

Dated at Geneseo, New York

June 28, 2023

Ways and Means Committee

The roll was called as follows: Ayes-4,749; Noes-0; Absent-Devine, 126; Fanaro 179, Total 305; Adopted.

**OTHER BUSINESS**

1. CHAIRMAN APPOINTMENT

Livingston County Youth Board			
Name	Address	Title/Represents	Term Expires
Lorilyn Doe	6243 Moose Hill Road, Dansville, NY 14437	Town of Sparta	At Pleasure

2. 26<sup>TH</sup> ANNUAL EMPLOYEE RECOGNITION CEREMONY - HONORING EMPLOYEES WITH 10 AND 25 YEARS OF FULL-TIME SERVICE

**Welcome - Chairman David LeFeber:** *I would like to welcome everyone to our 26<sup>th</sup> annual employee recognition. It is a real important recognition event that we hold every year for our 10 and 25 year employees of the County. We, as the Board of Supervisors, do a lot of policies, legislating and different things but really the employees are the face of the County providing the service and interacting every day with our constituency doing good things. We really appreciate all that you do and are just so grateful to be part a team of everyone here at the County that pitches in and makes Livingston County and the Board of Supervisors look really exceptional. Thank you for all of that.*

**Opening Remarks - County Administrator Ian Coyle:** *It's my great pleasure to welcome you to our 26th annual Employee Recognition ceremony. I have now participated in more than half of these and I can say honestly and confidently that each one is individually and specifically, meaningful to both me and to the Board of Supervisors. Before I begin - a thank you to the Central Services team and Michele Rees, Clerk of the Board, and Jason and the ITS team for assuring everything is set up today and working well today; and of course I listed those people specifically in the event that something does go wrong, we know where to go. KIDDING!*

*Today is probably our biggest audience in 20 years and the people being recognized today represent cumulatively, drum roll please, 510 years of service to Livingston County.*

*11 people being recognized today started to work for the County in 2012.*

*That year, on the national front:*

- *Hurricane Sandy wreaks havoc on the East Coast*
- *The Mayan calendar ends on Dec. 21, 2012, and a faction of people believed that it would mark the end of the world – nothing of consequence to report*
- *Queen Elizabeth II marks 60 years as Queen of the UK*
- *The “Curiosity Rover” successfully lands on Mars*
- *New words of the year: hashtag, earworm, bucket list*

*Locally:*

- *County launches “Thank a Vet” program which provides veterans with discounts from local merchants*
- *Controversial discussions across the county at town level about hydro fracking*
- *Gas is about \$3.75/gallon, hitting its highest-ever prices thus far*

16 people started to work for the County around the year 1997,

That year, on the global/national front:

- Princess Diana and Mother Teresa pass away
- Tiger Woods becomes the youngest golfer to win the Masters at age 21
- Netflix is founded as a DVD rental service, Google.com is registered as a domain name
- “Millennium bug” is the word of the year, referring to the computer glitch AKA “Y2K”; other new words added to the dictionary are emoji and freegan

Locally:

- The ITS department is still called Data Processing and Emergency Medical Services is part of the Department of Health
- Controversy is swirling about the proposed smoking ban, primarily affecting restaurants and bars
- Gas is about \$1.32/gallon

Fast forward to 2023 and we are in a new era where work is taking on new meanings and labels. The great reset. The great re-evaluation. Tenure seems to be shorter. People are more apt to have more jobs, more employers, etc. Unemployment is very, very low. So it is perhaps extra significant that today we are expressing our sincere appreciation for years of service. For the value of dedication to an employer. For commitments. For a career and a calling and those that treat their vocation as more than just a job, but a chance to serve their community, and to be motivated by public service.

There's a lot written these days about Artificial Intelligence, or AI. My guess is that In 10 years and 25 years at this ceremony, under the historical highlights, there will be something about AI. I typed into ChatGPT “write a speech for the Livingston County NY employee recognition ceremony” and I kid you not, in less than 10 seconds after I pressed enter on my prompt, it wrote a full speech. When I told him this, My (now former) friend Sean in the office stated “you will soon be obsolete!”

All kidding aside, two things to offer on this anecdote; 1) I didn't use the AI. This is all personal and individual and 2) While we may end up having to use these features, our work is really, if you think about it, the opposite of artificial intelligence. The antonym for artificial is sincere. Another antonym is genuine. I think of touch-points, hand holding, physical therapy, arguing a case, defending a case, going physically to a home for social services, taking a pulse of a patient, personally instructing someone on how to do a resume for a first job, designing a highway project, operating a piece of equipment, providing physical protection and security, addressing public safety, answering a phone call with a live voice, serving a customer with a calm demeanor; the list goes on and on. That's sincere and genuine public service at its peak and that goes on every day with the people here.

Employee recognition means different things for different people. For me, it's a chance to convey a heartfelt thank-you to those that have made a commitment to county government. For the Board of Supervisors, it's an opportunity to reflect on what they call the “doers” of county government. The Board sets policy, and passes laws and resolutions and approvals and funds budgets and plans strategically for the County's future, but the day-to-day activities of making county government work “for the people” take place outside of these walls for the most part. For the Department Heads, I'm sure today is also a time of gratitude and general happiness. The honorees are their co-workers and friends and what we call our “work family.” And finally and most importantly, for those that are being recognized today, I am hoping this is a time to accept and receive the acknowledgement and appreciation that sometimes goes unsaid or maybe not said enough, but today is for sure being said proudly and loudly - we are grateful.

On behalf of the Board of Supervisors, thank you for all you do, all you have done and all that you will still do, for the residents of Livingston County.

**Presentation of Awards - Clerk of the Board Michele Rees:** I'd like to welcome everybody today. This is really exciting for me every year to see all the names of people I have seen over the years but might not have been able to put a face to. I'll be announcing each department honoree, including those unable to attend today. When I call your

*name, please walk up the left side of the room to the Chairman, County Administrator and Vice Chairman, to receive your gift, a quick photo. At this time, I'd like to call all of the department heads except those being recognized up to form a receiving line to my left.*

**DEPARTMENT HEAD 10 YEAR AWARD**

**Department of Health**-Jennifer Rodriguez

**District Attorney**-Gregory McCaffrey

**Highway**-Jason Wolfanger

**Workforce Development/Youth Bureau**-Ryan Snyder

**10 YEAR AWARDS**

**Center for Nursing & Rehabilitation**-Laura Rudney, Billi-Jo Shotwell

**Department of Health**-Sally Jacobs

**Department of Social Services**-Andrew Thompson

**Highway**-Zachary Cracknell, John Craft III

**Public Defender**-Kelly Donohue

**25 YEAR AWARDS**

**Center for Nursing & Rehabilitation**-Anthony Jarzyna

**County Clerk**-Michelle Post

**Department of Health**-Jill Burley, Peggy Hamilton

**Department of Social Services**-Kimberlee Schifino, Michelle Weaver

**Sheriff**-William Boyd, Gene Chichester, George Frisiras, Michael Hillier, Lawrence Kennedy, Cory Noto, Daniel Rittenhouse, Michael Yencer

**Workforce Development/Youth Bureau**-Helen Terry

**Closing Remarks - Vice Chair Dan Pangrazio** *Before I get started I would like to let you know that you witnessed something very important, and that is we know who handles the Hillier money. I just want to echo some things that Ian said first about Michele and the crew. They do a heck of a job every year setting this event up every time. First, I just want to congratulate each and every one of you, you really make a good contribution to the county. The Board of Supervisors truly appreciates everything you do, and because of it, it makes this a great county to live in and bring up kids in. With that, the food will be served after we adjourn, pictures will be up front and you can leave your awards at your chairs. Thank you friends and family for coming as well. Thank you.*

**ADJOURNMENT**

Motion made by Mr. Pangrazio and seconded by Mr. DiSalvo to adjourn until Wednesday, July 12, 2023 at 1:30 p.m. Carried.

The Board adjourned at 2:13 p.m.