

WAYS & MEANS COMMITTEE MEETING MINUTES
MONDAY, AUGUST 22, 2022
1:30 P.M.

PRESENT: D. Knapp, D. Fanaro, E. Gott, D. Babbitt Henry, D. LeFeber, G. Deming, D. DiSalvo, M. Falk, D. Wester, I. Coyle, B. Mann, S. Hillier
ABSENT: W. Wadsworth, D. Pangrazio

Ways & Means Chair Dwight Knapp asked Grants & Public Information Coordinator Sean Farnsworth to lead the Pledge of Allegiance.

PERSONNEL ISSUES

1. WORKFORCE DEVELOPMENT – MARY GULDENSCHUH
AMENDING A PORTION OF RESOLUTION NO. 2022-36: SUMMER YOUTH EMPLOYMENT PROGRAM

WHEREAS, the Board of Supervisors adopted Resolution No. 2022-36 establishing the 2022 County employee salaries and certain compensation and benefits for other employees; and

WHEREAS, the Livingston County Office Of Workforce Development/Youth Bureau has a Summer Youth Employment Program each year funded by New York State Office Of Temporary And Disability Assistance through the Livingston County Department of Social Services TANF funds; and

WHEREAS, the funding amount is unknown until receipt each year and must be spent in its entirety; and

WHEREAS, the Office of Workforce Development/Youth Bureau will not know the final payroll amount to be paid to each participant until the conclusion of the program each year; now, therefore, be it

RESOLVED, that the Office of Workforce Development/Youth Bureau shall determine the amount of the final payroll for each participant of the Summer Youth Employment Program, using the remaining program funds available, and be it further

RESOLVED, that the Office of Workforce Development/Youth Bureau is hereby authorized to process final payroll for the Summer Youth Employment Program through Livingston County payroll.

Ms. Guldenschuh summarized the TANF funding and the need to have a resolution to allow for the grant funding balance to be paid out in the payroll system. There were 9 Arc participants, 26 hired and 23 completed the program.

Motion: Mrs. Babbitt Henry moved and Mr. Gott seconded to approve the foregoing resolution Carried.

2. HUMAN RESOURCES – KATE HILL
AMENDING A PORTION OF RESOLUTION NO. 2022-36: VACATION ACCRUAL

WHEREAS, the Livingston County Board of Supervisors previously adopted Resolution No. 2022-36 establishing the 2022 County employee salaries and certain compensation and benefits for other employees; and

WHEREAS, pursuant to the resolution Department Heads an employee accrues five (5) days of vacation at the time of hire;

WHEREAS, in order to recruit and hire experienced functional department leaders and individuals to serve in a deputy level position it may be necessary or desirable to provide more than five (5) days of vacation leave; now, therefore, be it

RESOLVED; that effective October 1, 2021 individuals hired by Livingston County to serve as a functional department leader and individuals hired to serve in a deputy level position will accrue fifteen (15) days of vacation at the time of hire; and be it further

RESOLVED, that Resolution No. 2022-36 is hereby amended accordingly.

Ms. Hill introduced Katelyn Gelser, Benefits Specialist and how she is very grateful for her team. Ms. Hill explained that increasing the vacation accruals at hire from five to fifteen days will assist with recruitment. These have no cash value were they to be removed from the position before a full year. Mr. Coyle reviewed the separate benefit package for anyone that is a non-union member.

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

AMENDING A PORTION OF RESOLUTION NO. 2022-36: HEALTH INSURANCE DROP PAYMENT

WHEREAS, the Livingston County Board of Supervisors previously adopted Resolution No. 2022-36 establishing the 2022 County employee salaries and certain compensation and benefits for other employees; and

WHEREAS, pursuant to the resolution Department Heads who drop or forgo County health insurance coverage shall be entitled to a "drop payment" after they have been without County health insurance for at least one year;

WHEREAS, the County practice has required the Department Head to be without County health insurance for the full plan year and does not allow for monthly prorations; now, therefore, be it

RESOLVED; the amount of the drop payment will prorated on a monthly basis for a department head that meet the eligibility requirements as set forth within Resolution 2022-36; and be it further

RESOLVED, that Resolution No. 2022-36 is hereby amended accordingly.

Ms. Hill reviewed the current process to request a drop payment and explained that this addresses someone that may have a life event within a year.

Motion: Mrs. Babbitt Henry moved and Mr. Fanaro seconded to approve the foregoing resolution Carried.

AMENDING A PORTION OF RESOLUTION NO. 2022-36: HEALTH INSURANCE ELIGIBILITY

WHEREAS, the Livingston County Board of Supervisors previously adopted Resolution No. 2022-36 establishing the 2022 County employee salaries and certain compensation and benefits for other employees; and

WHEREAS, pursuant to this resolution any non-union / managerial / Department Head employee that is other than a full-time status is ineligible for participation in the County's health insurance program;

WHEREAS, in order to recruit and retain experienced attorneys in certain part-time positions it may be necessary or desirable to provide an opportunity for these staff to buy into the health insurance program; now therefore be it resolved

RESOLVED; that part-time attorney positions covered within this resolution will be eligible to buy into the county's Standard Insurance plan at a 40% contribution towards premium equivalent costs but will be ineligible for any drop payments; and be it further resolved

RESOLVED, that Resolution No. 2022-36 is hereby amended accordingly.

Ms. Hill reviewed the difficulties that the law departments are having recruiting attorney, particularly part time attorneys when other counties offer part time attorneys health insurance. There was discussion on health insurance for Board members. Ms. Hill reviewed the changing market and the need to assist with recruitment and retention. Mr. Coyle reviewed the variety of positions that are listed as part time but are not truly working part time hours.

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

CLERK OF THE BOARD – MICHELE REES

Action Item(s) To Be Reported

1. ESTABLISHING STANDARD WORK DAY

RESOLVED, that the Livingston County Board of Supervisors hereby establishes the standard work days for its employees and will report days worked to the New York State and Local Employees' Retirement System based on the time keeping system or the record of activities maintained and submitted by the Clerk of the Board.

Ms. Rees explained that this is the annual resolution showing each position title in each department setting their standard work day for retirement credit.

Motion: Mrs. Babbitt Henry moved and Mr. LeFeber seconded to approve the foregoing resolution Carried.

2. ESTABLISHING STANDARD WORK DAY AND RETIREMENT REPORTING CREDIT

RESOLVED, that the Livingston County Board of Supervisors hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body:

Ms. Rees explained that this is also an annual process where each of the listed employees are elected or appointed for new terms in 2022 and do not complete a time sheet and/or have accruals requiring that a record

of activity log be recertified or a new log submitted to determine retirement credit.

Motion: Mr. Gott moved and Mrs. Babbitt Henry seconded to approve the foregoing resolution Carried.

COUNTY ATTORNEY – SHANNON HILLIER

Action Item(s) To Be Reported

1. AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN A LETTER OF ENGAGEMENT FOR LEGAL SERVICES–MAGAVERN MAGAVERN GRIMM LLP

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign the following Engagement Letter, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Magavern Magavern Grimm LLP	N/A	\$220.00/hour Partner
1100 Rand Building		\$100.00/hour legal assistant
14 Lafayette Square		
Buffalo, New York 14203		

For: Legal services related to matters involving accounts receivable at the Center for Nursing and Rehabilitation, as well as matters involving Medicaid and the Department of Social Services.

Ms. Hillier reported that this action is to formalize the contract to help the CNR with outstanding accounts receivable and also included legal services for DSS support collections.

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

2. INTRODUCTION OF LOCAL LAW NO. 2-2022 (B) EXTENDING THE ADDITIONAL MORTGAGE RECORDING TAX WITHIN THE COUNTY OF LIVINGSTON

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

Section 1. Purpose and Intent

The purpose of this law is to authorize the County of Livingston, pursuant to the provisions of Section 253-y of the New York State Tax Law, to impose an Additional Mortgage Recording Tax.

Section 2. Imposition of Tax

For the period beginning December 1, 2022 and ending December 1, 2025, unless further extended by Local Law of the Board of Supervisors, there is hereby imposed, in the County of Livingston, a tax of \$0.25 for each \$100.00, and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within the County of Livingston and recorded on or after December 1, 2022 and a tax of \$0.25 on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than \$100.00.

Section 3. Applicability

The taxes imposed under the authority of this law shall be administered and collected in the same manner as the taxes imposed under Subdivision 1 of Section 253 of the Tax Law and Paragraph (b) of Subdivision 1 of Section 255 of the Tax Law.

Section 4. Additional Mortgage Recording Tax

A tax imposed pursuant to this law shall be in addition to the taxes imposed by Section 253 of the Tax Law.

Section 5. Real Property Located in More Than One County

Where real property covered by the mortgage subject to the tax imposed pursuant to this law is situated in the State of New York but within and without the County of Livingston, the amount of such tax due and payable to the County shall be determined in a manner similar to that prescribed in Paragraph 1 of Section 260 of the Tax Law. Where such property is situated within and without the County, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed herein.

Section 6. Disposition of Taxes

Notwithstanding any provision of Article 11 of the Tax Law to the contrary, the balance of all monies paid to the recording officer of the County of Livingston during each month upon account of the tax imposed pursuant to this local law, after deduction of the necessary expenses of his or her office as provided in Section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of this section or Section 260 of the Tax Law are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be

paid over by such officer on or before the tenth day of each succeeding month to the Treasurer of the County of Livingston and, after the deduction by such Treasurer of the necessary expenses of his or her office provided in Section 262 of the Tax Law, shall be deposited in the general fund of the County of Livingston for expenditure on any county purpose. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of Section 253-y of the Tax Law or Section 260 of the Tax Law are first to be apportioned by the Commissioner of Taxation and Finance, shall be paid over by the recording officer receiving same as provided by the determination of said Commissioner of Taxation and Finance.

Section 7. Payment of Tax

The tax imposed pursuant to this law shall be payable on the recording of each mortgage of real property subject to taxes thereunder. Such tax shall be paid to the recording officer of the county in which the real property or any part thereof is situated, except where real property is situated within and without the County of Livingston, the recording officer of the county in which the mortgage is first recorded shall collect the tax imposed by this law. It shall be the duty of such recording officer to endorse upon each mortgage a receipt for the amount of the tax so paid. Any mortgage so endorsed may thereupon or thereafter be recorded by any recording officer and the receipt for such tax endorsed upon each mortgage shall be recorded therewith. The record of such receipt shall be conclusive proof that the amount of tax stated therein has been paid upon such mortgage.

Section 8. Effective Date

This local law shall take effect December 1, 2022, provided a certified copy thereof is mailed by registered or certified mail to the New York State Commissioner of Taxation and Finance at least 30 days prior to such date. Certified copies of this local law shall also be filed with the Livingston County Clerk, the Secretary of State, and the State Comptroller within five (5) days after the date it is duly enacted.

Ms. Hillier explained that this is the local law that will allow us to collect the additional ¼% a mortgage is filed with the County Clerk, a 1% mortgage tax is collected based off of the mortgage amount. This particular local law being introduced today would increase that tax to 1¼% with that added ¼% being additional revenue to the County. The term of this local law would be for a 3-year period effective December 1, 2022-December 1, 2025. The next two resolutions pertain to this local law.

Motion: Mrs. Babbitt Henry moved and Mr. Gott seconded to approve the foregoing resolution Carried.

3. PROVIDING FOR PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 2-2022 (B) EXTENDING THE ADDITIONAL MORTGAGE RECORDING TAX WITHIN THE COUNTY OF LIVINGSTON

WHEREAS, there has been duly presented and introduced at a meeting of this Board, held on August 24, 2022, a proposed Local Law entitled Local Law No. 2-2022 Extending the Additional Mortgage Recording Tax Within the County of Livingston; now, therefore, be it

RESOLVED, that a public hearing shall be held on the said proposed Local Law by this Board on September 14, 2022 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. LeFeber seconded to approve the foregoing resolution..... Carried.

4. A RESOLUTION ADOPTING LOCAL LAW NO. 2-2022 EXTENDING THE ADDITIONAL MORTGAGE RECORDING TAX WITHIN THE COUNTY OF LIVINGSTON

WHEREAS, proposed Local Law No. 2-2022, entitled: Extending the Additional Mortgage Recording Tax within the County of Livingston was heretofore introduced on August 24, 2022; and

WHEREAS, in accordance with the law, a public hearing upon proposed Local Law No. 2-2019, was duly held before this Board of Supervisors on September 14, 2022; and

WHEREAS, said proposed Local Law in final form has been on the desks of the members of this Board of Supervisors since the August 24, 2022, constituting a period of over seven (7) days, exclusive of Sundays; now, therefore, be it

RESOLVED, that the aforesaid proposed Local Law No. 2-2022 entitled: Extending the Additional Mortgage Recoding Tax within the County of Livingston introduced on August 24, 2022, be hereby approved and adopted as Local Law No. 2-2022.

This resolution will be on the 9/14/22 Board agenda after closing the public hearing.

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

Pre-approved Informational Item(s) To Be Reported

1. Review local law involving a residency waiver for certain identified public officers-Ms. Hillier explained that the last local law done in 2022 having to do with residency requirements for certain titled public officers. The Sheriff has reached out to Ms. Hillier asking that the full time correction officers be added to the local law waiving the residency requirement for contiguous counties. Ms. Hillier is seeking the Committee's feelings on this. Once all the title positions are determined, a local law will be addressed. Mr. Coyle explained that the Sheriff's Office already has the part time correction officers on the local law and the Sheriff is looking to expand that catchment area.

Motion: Mr. Gott moved and Mrs. Babbitt Henry seconded to approve the foregoing resolution Carried.

COUNTY ADMINISTRATOR – IAN COYLE

Action Item(s) To Be Reported

1. APPROVING ABSTRACT OF CLAIMS #8B-AUGUST 24, 2022

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #8B dated August 24, 2022 in the total amount of \$1,638,620.45.

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

2. AMENDING 2022 LIVINGSTON COUNTY BUDGET: DEPARTMENT OF HEALTH, HIGHWAY (2) & SHERIFF'S OFFICE

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.

Mr. Coyle reviewed the budget amendments for approval.

Motion: Mrs. Babbitt Henry moved and Mr. LeFeber seconded to approve the foregoing resolution Carried.

3. AUTHORIZING TRANSFER OF FUNDS: CENTER FOR NURSING AND REHABILITATION (INTERFUND TRANSFER) & OFFICE FOR THE AGING

RESOLVED, that the Livingston County Treasurer is authorized and directed to make the requested transfers per the budget transfer entries that have been approved by the Livingston County Administrator.

Mr. Coyle reviewed the transfers for approval. There was discussion regarding the cash flow situation at the nursing facility. There is a state government economic lifeline that we are believed to be eligible for. Best case would almost reimburse us for this transfer and then some. There was discussion on the uncertainty on what the impact to the budget and IGT dollars will be. Right now this is a stop gap measure for purposes of operational loss. Mr. Coyle gave a brief history of the nursing home when we had it really good, which is why we were able to build up the reserves like we did and recaptured any dollars that were eligible to come back to the County's General Fund. Some of the dollars that we have lost are dollars that we extracted back to the General Fund. Bailout is not necessarily the correct word because it is a County operation and every single County operation except for DMV, needs a subsidy. When we had the IGT, we had a subsidy that we had to match from the General Fund.

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

Pre-approved Informational Item(s) To Be Reported

1. CNR Update-Mr. Coyle gave a brief CNR update – The director vacancy is out and there have been a couple of interested parties enquire. We know recruitment is difficult in the present situation. Frank Bassett has been engaged and is usually on site Tuesday-Thursday and has provided additional recommendations, some of which Justin was working on. This has been extremely meaningful and of impact. Mr. Coyle shared some

areas being addressed: agency contracts-negotiating crisis rates of pay down and move our own hires up, get admissions to the range of 185 this week and then up to 185-199 with the efforts of the full staff moving forward, hospital discharge contact made, more insurance rate agreements, try to get into the distressed provider system, receivable action done today, payroll glitches, finance & 2023 budget, therapy contracts, audit cash flow update status, full dialysis expanded marketing planned for October, 6 new hires since last week, health worker bonus, potential local union benefit. A full report will be done at the Board meeting. There was further discussion on the initiatives and changes being done in several areas.

2. Salary and Benefits Survey / Planning Items

EXECUTIVE SESSION

Motion made by Mr. Fanaro and seconded by Mrs. Babbitt Henry that the Committee adjourn and reconvene for the purpose of discussing information regarding proposed, pending or current litigation and collective negotiations pursuant to Article 24 of the Civil Service law (the Taylor Law) and all Supervisors, County Administrator Ian M. Coyle, County Attorney and Kate Hill and Katelyn Gelser remain present. Carried.

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

The Ways and Means Committee having met in Executive Session, hereby reports as follows:
No action taken.

ADJOURNMENT

Motion: Mr. Fanaro moved and Mr. Gott seconded to adjourn the meeting at 3:15 p.m.

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