

**WAYS & MEANS COMMITTEE MEETING MINUTES
MONDAY, NOVEMBER 16, 2015
1:30 P.M.**

PRESENT: D. Pangrazio, D. Mahus, T. Baldwin, M. Schuster, D. Cosimano, E. Gott, D. LeFeber, Other P. Yendell, I. Coyle & C. Baker-Genesee Sun

**MEDICAID APPEAL AND LITIGATION UNIVERSAL SETTLEMENT - FRANK BASSETT
AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS
TO SIGN A MEDICAID APPEAL AND LITIGATION UNIVERSAL SETTLEMENT AGREEMENT
WITH THE NEW YORK STATE DEPARTMENT OF HEALTH**

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is authorized to sign a Medicaid Appeal and Litigation Universal Settlement Agreement with the New York State Department of Health, subject to review by the County Attorney and County Administrator.

Mr. Bassett reviewed the process for the settlement of Medicaid rate appeals filed by both County nursing homes over the course of many years. Mr. Bassett was in the practice of refiling those appeals every year. We were not the only impacted operator throughout the state. The state has elected to identify a value for all outstanding appeals. We have ~40 appeals going back to 1994. It has a value to us of \$1.64M-\$1.68M to be paid out over the course of five years. This needed to be added to the agenda today because the state wanted this done by end of calendar year 2015.

Motion: Mr. Baldwin moved and Mr. Cosimano seconded to approve the foregoing resolution Carried.

PERSONNEL ISSUES - TISH LYNN

1. CENTER FOR NURSING & REHABILITATION – FRANK BASSETT

- ASSISTANT DIRECTOR OF NURSING SERVICES VACANCY UPDATE-The person in this position would like to return to acute care with a new employer. She did a great job for us. He would like to have a salary range of \$72,000-\$75,000 as there will not be an increase until 2017.

Motion: Mr. Gott moved Mr. Baldwin seconded to approve the aforementioned salary range. Carried.

- FINANCE SUPERVISOR VACANCY UPDATE-The current range was \$42,000-\$48,000 several months ago he would like to set the range to fill this position at \$43,000-\$49,000.

Motion: Mr. LeFeber moved Mr. Mahus seconded to approve the aforementioned salary range. Carried.

2. COUNTY CLERK – MARY STRICKLAND

- AMENDING THE 2015 DEPARTMENT HEAD SALARY SCHEDULE: COUNTY CLERK
RESOLVED, that the 2015 Department Head Salary Schedule is amended as follows:

County Clerk

Delete one full time Second Deputy County Clerk position effective immediately.

She is ready to fully staff both the county clerk and DMV offices.

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

- AMENDING THE 2015 HOURLY EMPLOYEE SALARY SCHEDULE: COUNTY CLERK
RESOLVED, that the 2015 Hourly Employee Salary Schedule is amended as follows:

County Clerk

Create one full time Motor Vehicle Supervisor Position Salary Grade 12

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

- DISCUSSION OF DEPUTY COUNTY CLERK & SALARY-She plans to put an ad in the paper and needs to set the salary. She discussed keeping the salaries for the County Clerk and the County Treasurer deputies equal at \$55,000-58,000. Chairman Gott discussed whether this amount is enough. The Committee agreed to proceed with this range.

3. DEPARTMENT OF SOCIAL SERVICES – DIANE DEANE

AMENDING THE 2015 HOURLY EMPLOYEE SALARY SCHEDULE: DEPARTMENT OF SOCIAL SERVICES

RESOLVED, that the 2015 Hourly Employee Salary Schedule is amended as follows:

Department of Social Services

Convert the part time caseworker position to full time effective immediately.

This conversion will help cover numerous FMLA's and upcoming vacancies.

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

4. SHERIFF'S OFFICE – SHERIFF TOM DOUGHERTY/CHIEF DEPUTY YASSO

AMENDING THE HOURLY EMPLOYEE SALARY SCHEDULE – SHERIFF'S OFFICE

RESOLVED, that the 2015 Hourly Employee Salary Schedule is amended as follows:

Sheriff's Office

Create one full time Registered Professional Nurse Position – Grade 14

The Sheriff explained that they are taking the Public Health nurses out of the jail and will be staffing their own nurses under their union contract. They are looking to hire one ft and 2 pt positions.

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

COUNTY ATTORNEY – DAVID MORRIS

Action Item(s) To Be Reported

1. HOTEL/MOTEL TAX LAW AND DISCUSSION OF POSSIBLE PENDING LITIGATION

The County Attorney explained the history of the class action submitted by Nassau County against Expedia and other companies that sell hotel accommodations online. The taxes are only being paid on rate that Expedia paid and not the difference when Expedia sells the room online. The action was certified as a class action meaning all of the counties in the state would have been covered by the Nassau County lawsuit. The Appellate Division in Long Island decertified the class. The firm that represented Nassau County is now willing to take on any county that wants to join in the lawsuit on a contingent fee basis. After payment of all expenses they will take 28.5% percent with the County receiving 71.5%. Many counties have already joined in, Erie County, Saratoga. There is no cost to the County to join in, the firm will take their percentage from whatever we recover. Nassau County is still pending. Mr. Coyle explained that there is a meeting tomorrow on the possibility of a bed tax review that we are getting all that we should be getting from B&Bs and cottage rentals.

Motion: Mr. Baldwin moved and Mr. Gott seconded for the County Attorney to proceed with this matter Carried.

COUNTY TREASURER – AMY MANN

Action Item(s) To Be Reported

1. AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR THE LIVINGSTON COUNTY TREASURER: MILLIMAN, INC.

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

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Milliman, Inc.	1/1/16-12/31/19	\$34,500.00

250 Washington Avenue Extension
Albany, NY 12203

For: GASB 45 fees and Services

Ms. Mann explained that this is a renewal of the contract.

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

2. APPROVING ESTIMATED 2016 SALES TAX DISTRIBUTION

RESOLVED, that the list below of 2016 Estimated Sales Tax Distribution be, and the same hereby is, approved:

TOWN

2016 ESTIMATE

Avon	\$ 94,000.00
Caledonia	\$ 54,000.00
Geneseo	\$125,000.00
Groveland	\$ 63,000.00
Leicester	\$ 38,000.00
Livonia	\$184,000.00
North Dansville	\$ 22,000.00
Ossian	\$ 16,000.00
Portage	\$ 15,000.00
Springwater	\$ 50,000.00
West Sparta	\$ 24,000.00
York	<u>\$ 78,000.00</u>
TOTAL	\$763,000.00

Three towns are going up \$1,000 each.

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

3. PROVIDING FOR LEVY OF ERRONEOUS TAXES TO BE CHARGED TO TOWNS

The following is a list of items shown on the records of the County Treasurer as having been charged to the following Towns due to erroneous assessments, errors in the levy of the budget or similar items:

AVON	\$ 1,299.93
CALEDONIA	\$ 368.33
CONESUS	\$ 1,044.19
GENESEO	\$ 2,105.83
GROVELAND	\$ 2,449.05
LEICESTER	\$ 475.77
LIMA	\$ 1,629.33
LIVONIA	\$ 5,761.53
MT. MORRIS	\$ 395.12
NORTH DANSVILLE	\$ 1,298.15
NUNDA	\$ 486.40
OSSIAN	\$.07
PORTAGE	\$ 521.56
SPARTA	\$.12
SPRINGWATER	\$ -.32
WEST SPARTA	\$ -.15
YORK	<u>\$ 845.90</u>
TOTAL	\$ 18,680.81

These numbers are known to the Treasurer by September or October.

Motion: Mr. Baldwin moved and Mr. Cosimano seconded to approve the foregoing resolution *Carried.*

4. DISCUSSION ON SUPPORTING PROCLAMATION OF WORKING TOGETHER FOR LIFE - RESOLUTION CALLING ON COUNTIES TO PROMOTE ORGAN AND TISSUE DONATION AND CALLING ON NEW YORK STATE RESIDENTS TO JOIN THE NEW YORK STATE DONATE LIFE REGISTRY

WHEREAS, through their membership in the New York State Association of Counties (NYSAC), New York's Counties have come together to collectively support several important causes; and

WHEREAS, New York State has the second lowest donor registry enrollment share in the county, with just 24% (approximately 3.8 million) of all residents age 18 and older registered to become organ and tissue donors, compared to the national average of over 50%; and

WHEREAS, in New York State there are more than 10,000 people waiting for an organ transplant which represents the third highest need in the nation; and

WHEREAS, an estimated 600 New Yorkers die every year while waiting for an organ transplant that did not arrive in time; and

WHEREAS, one organ donor can save up to 8 lives, and one tissue donor can improve the lives of more than 50 people; and

WHEREAS, counties play a direct role in saving lives through organ and tissue donation through our DMV offices and Board of Elections where people can register to be organ and tissue donors; and

WHEREAS, county leaders can play an important role in increasing organ and tissue donation by passing resolutions and promoting organ and tissue donation on their websites and through county departments that interact with the public, and

WHEREAS, under the direction of NYSAC Past President Hon. Edward Diana, a strong supporter of organ and tissue donation who himself has a personal experience of being placed on the transplant waiting list, counties are encouraging residents to register as organ and tissue donors; and

WHEREAS, becoming a registered organ and tissue donor in New York State is easy and can be done in many ways, such as, the New York Alliance for Donation website, the MyDMV website, and DMV office, New York State Department of Health Website, New York State voter registration forms or by completing paper enrollment forms; now therefore be it

RESOLVED, that the Livingston County Board of Supervisors hereby urge all counties to pass resolutions to encourage resident to register as organ and tissue donors; and be it further

RESOLVED, that the Clerk of this Board is hereby directed to forward certified copies of this resolution to New York State Governor Andrew Cuomo, New York State Senator Catharine M. Young, New York State Senator Patrick Gallivan, New York State Assemblyman Bill Nojay and the New York State Association of Counties.

Ms. Mann explained that this was discussed at her last association meeting and many counties are joining in with Donate for Life.

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

Pre-approved Informational Item(s) To Be Reported

1. 1 Technology Lane, Caledonia – Set Auction Date, Time & Location-This was filed at the Clerk's office and the 30 day wait is over on November 25. She has spoken with Tom Wamp and we need to decide on the advertising length. She would like to know if the committee would like to include the two parcels below. Chairman Gott can represent the Committee at an auction on 12/10/15 at 6:30 at the Government Center, Room 205 including the two parcels below.

2. Two Properties in Town of Springwater - No Closing - The original buyer was Elizabeth Oliver - Did not close offered to Pamela & Michael VanScooter - Will not be purchasing.

Tax Map # 138.-2-86 State Road - Springwater

Tax Map # 138.-2-87 7351 Webster Crossing Road - Springwater

The title search fee will be added tomorrow for the 2014 town and county taxes starting the process for the next auction.

2:10 REAL PROPERTY TAX SERVICES – JOE PUKOS/BILL FULLER ACTION ITEM(S) TO BE REPORTED

1. AUTHORIZING DIRECTOR OF REAL PROPERTY TAX SERVICES TO APPLY CORRECTIONS FOR TAXES ON 2016 VARIOUS TOWN TAX ROLLS

WHEREAS, the Director of Real Property Tax Services has attached five (5) recommendations, applications and/or decisions (19 parcels) to correct the various Tax Rolls (Real Property Tax Law Sections 550 and 554), and

WHEREAS, the following corrections are hereby recommended for the 2016 Tax Rolls for the various towns in Livingston County, it is hereby

RESOLVED, that the Director of Real Property Tax Services is authorized to apply these corrections to the 2016 tax rolls,

- 1. Town of Groveland**
Owner: Dennis Bradford **Tax Map Number: 100.83-1-16.111**

Reason for correction: Correct special district WD282 from 3 units to 1 unit.

- 2. Town of Groveland**
Owner: Dennis Bradford **Tax Map Number: 100.83-1-16.112**

Reason for correction: Correct special district WD282 from 3 units to 1 unit.

- 3. Town of Livonia**
Owner: Richard Kosakowski **Tax Map Number: 75.-1-15.1**

Reason for correction: The investigation found that this parcel should have received a 45% senior citizen exemption rather than 30%. The percent of senior citizen exemption should be corrected to 45%.

- 4. Town of N. Dansville**
Owner: CVS Albany, LLC **Tax Map Number: 203.7-7-40.11**

Reason for correction: The investigation found that this parcel should have received a business exemption in the amount of \$336,700. The exemption should be applied.

- 5. Town of York**
Owner: Various **Tax Map Number: Various**

Reason for correction: Formation of Water District WD534 McVean Road Water Vacant and Water District WD535 McVean Road Water Occupied. Water Districts and applicable units shall be added.

Mr. Pukos reviewed the annual corrections for approval. There are five recommendations that are typical to past years. Mr. Mahus questioned the CVS parcel in North Dansville and Mr. Pukos explained that it will be on June 2016 village bill.

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

2. DIRECTING THE REAL PROPERTY TAX DIRECTOR TO SPREAD UNPAID WATER CHARGES AND UNPAID SEWER CHARGES ON 2016 TAX ROLLS - LIVINGSTON COUNTY WATER & SEWER AUTHORITY

WHEREAS, the Livingston County Water and Sewer Authority(LCWSA), pursuant to Section 1199-yyy(2) of the Public Authorities Law, has provided to the Board, a statement of unpaid sewer and water charges in the district serviced by the LCWSA, and

WHEREAS, such statement of unpaid charges is on file with the Clerk to the Board, now, therefore, be it

RESOLVED, that pursuant to said Section 1199-yyy(2) of the Public Authorities Law, the Real Property Tax Director is hereby authorized and directed to levy the sums stated in said statement against property liable, and state the amount of the charge in a separate column in the 2016 Annual Tax Rolls of the County under the heading "water charge" or "sewer disposal charge," as applicable, and to pay such amounts, excluding penalties and interest, to the Livingston County Water & Sewer Authority.

This is also an annual resolution and this file comes directly from Cathy VanHorne.

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

Mr. Pukos explained that they had an enormous amount of help from the Batavia ORPS office with inputting all the information normally done by Bev Colvert.

Action Item(s) To Be Reported

1. APPROVING ABSTRACT OF CLAIMS #11A–NOVEMBER 11, 2015

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #11A dated November 11, 2015 in the total amount of \$2,312,876.91.

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

2. AUTHORIZING TRANSFER OF FUNDS – DEPARTMENT OF HEALTH, HIGHWAY, RECORDS MANAGEMENT

These are all internal transfers.

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

3. AMENDING 2015 LIVINGSTON COUNTY BUDGET - DEPARTMENT OF HEALTH, HIGHWAY, OFFICE FOR THE AGING

RESOLVED, that the 2015 Department of Health budget be amended as follows:

Account	Dept.	Code	Description	Amount
Increase Revenue	A4110	2705	Donations	\$3,000.00
Increase Appropriation	A4110	4200	Ads	\$3,000.00

And be it further,

RESOLVED, that the 2015 Highway Department budget be amended as follows:

Account	Dept.	Code	Description	Amount
Increase Revenue	D5110	2650	Sale of Scrap	\$2,900.00
		2770	Unclassified Revenue	\$18,000.00
		2772	Sign Reimbursement	\$2,100.00
		2773	Reimb. From Other Govts.	\$32,000.00
			TOTAL	\$55,000.00
Increase Appropriation	D4421	4421	Stone & Gravel	\$55,000.00
			TOTAL	\$55,000.00

And,

Account	Dept.	Code	Description	Amount
Increase Revenue	D5110	5031	Interfund Transfer	\$136,302.84
Increase Appropriation	D5110	4421	Stone & Gravel	\$136,302.84

And be it further,

RESOLVED, that the 2015 Office for the Aging budget be amended as follows:

Account	Dept.	Code	Description	Amount
Increase Revenue	A6785	4772	Federal Revenue	\$425.00
Increase Appropriation	A6785	4020	Travel	\$425.00

The health amendment was interesting because we received a donation from Uof R for some of the cancer screening we do.

Motion: Mr. Baldwin moved and Mr. Cosimano seconded to approve the foregoing resolution Carried.

MOTION TO MOVE AGENDA

Motion Mr. Gott moved and Mr. LeFeber seconded to move #5 to the end of the meeting. Carried.

6. ADOPTING BUDGET FOR FISCAL YEAR 2016

RESOLVED, that the Proposed Budget for the County of Livingston for the year 2016 is hereby approved and adopted as the final budget for the County of Livingston for the year 2016. These are both our standard resolutions to be done at the public hearing this week. The budget has been filed. It is tax cap compliant, there are minimum increases and the average impact to homeowners is \$10. The budget funds all programs and services.

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

7. AUTHORIZING APPROPRIATION OF 2016 ADOPTED BUDGET

RESOLVED, that the adopted Livingston County Budget for the year 2016, be appropriated by the County Treasurer and shall be classified by funds and administrative units as set forth in said budget.

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

Pre-approved Informational Item(s) To Be Reported

1. Budget Update - Mr. Coyle explained that he has been working on some social media pieces "Did You Know..." with Heather Grant. There was discussion on sharing the mandated costs in the budget report with the public.
2. CIP Review - Mr. Coyle distributed a review of the rolling five year Capital Improvement Program. The availability of any rollover money will be reviewed in January.
3. Discussion of DH Salary Schedule

EXECUTIVE SESSION

Motion made by Mr. LeFeber and seconded by Mr. Mahus that the Board adjourn and reconvene and All Supervisors and County Administrator Ian M. Coyle remain present. Carried.

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

personal history

The Ways & Means Committee having met in Executive Session reports as follows:

No action taken.

5. APPOINTING DIRECTOR OF REAL PROPERTY TAX SERVICES I – WILLIAM E. FULLER

WHEREAS, the office of the Director of Real Property Tax Services will became vacant on October 15, 2015; and

WHEREAS, the County Administrator has recommended the appointment of a new Director of Real Property Tax Services I 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 to the Board of Supervisors said appointment; and

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

RESOLVED, that the 2015 Department Head Salary Schedule is amended as follows:

Real Property Tax Services

Appoint William E. Fuller of 5121 Reservoir Road, Geneseo, New York, 14454 to the position of full-time Director of Real Property Tax Services I to fill the unexpired term of Scott L. Hobson at an annual salary of \$70,000 effective November 22, 2015 and terminating September 30, 2019.

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

ADJOURNMENT

Mr. Gott moved and Mr. Mahus seconded to adjourn the meeting at 3:21pmCarried.

Respectfully submitted,

Michele R. Rees
Clerk of the Board

