

**REGULAR BOARD MEETING  
WEDNESDAY, SEPTEMBER 14, 2016  
1:30 P.M.**

**ROLL CALL**

The roll was called showing all members present except Mrs. Babbitt Henry (Springwater).

**PLEDGE OF ALLEGIANCE**

York Supervisor Gerald L. Deming led the Pledge of Allegiance.

**MOMENT OF SILENCE**

Chairman Gott requested a moment of silence in honor of State Assemblyman Bill Nojay, who passed away recently. Bill was a champion for our county. He always carried our message to Albany and brought back good results.

**APPROVAL OF MINUTES**

Minutes of 8/24/16 Regular Meeting were approved as presented.

**COMMUNICATIONS**

1. The Fall Job Fair will be held on Thursday, September 15, 2016 Noon-2:00 p.m. at the Geneseo Methodist Church, 4520 Genesee Street, Geneseo.

**INTRODUCTION OF LOCAL LAW****LOCAL LAW B – 2016 A LOCAL LAW CREATING THE OFFICE OF LIVINGSTON COUNTY CONFLICT DEFENDER**

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

**Section 1: Legislative Intent**

The County of Livingston, through the Board of Supervisors, recognizes its Constitutional responsibility in providing mandated legal representation to indigent persons. Currently, Livingston County provides mandated legal representation through the County Public Defender's Office, a contract with a local legal aid society when a conflict of interest disqualifies the Public Defender and with an Assigned Counsel Program providing mandated representation services when a conflict of interest disqualifies the Public Defender and the local legal aid society. The Board seeks to create a new office to directly provide mandated representation in certain conflict situations, and to otherwise manage, administer and supervise mandated representation services that are not provided by the Public Defender. To that end, the Board seeks to create the Livingston County Conflict Defender's Office, and it is the intent of this Local Law to establish a framework to achieve that goal in accordance with the laws of the State of New York.

**Section 2: Conflict Defender: Qualifications; Appointment; Term**

The Office of Livingston County Conflict Defender is hereby established and there shall be a Conflict Defender who shall be appointed by the Board of Supervisors. The term of office of the first Conflict Defender appointed pursuant to this local law shall commence on the date of his or her appointment and shall expire on December 31, 2017. The term of office of each subsequent Conflict Defender shall be for four years. The Conflict Defender shall serve at the pleasure of the Board of Supervisors and shall report to the County Administrator pursuant to the provisions of Local Law No. 6 of the year 2007. S/he shall be admitted to the practice of law in the State of New York, and shall be continuously admitted thereto during the term of office. S/he shall have five years' experience as a practicing attorney, three of which shall have been in criminal defense and/or Family Court. The Conflict Defender shall hold no other public or political office, shall not maintain an office for the private practice of law and shall devote full working time to the County. The Conflict Defender shall be a resident of the County of Livingston during the term of office.

**Section 3: General Powers**

A. Representative of the Board: The Conflict Defender shall, as herein provided, act as representative of the Board of Supervisors in providing mandated representation.

B. Legal Representation Duties:

1. Criminal: In the event primary mandated representation cannot be provided when a conflict of interest exists in the Public Defender's Office, then the conflict defender shall represent, without charge, at the request of the defendant, or by order of the court with the consent of the defendant, each indigent defendant who is charged with a crime as defined in Section 722-a of the County Law in the county or counties in which such conflict defender serves. When representing an indigent defendant, the conflict defender shall counsel and represent him at every stage of the proceedings following arrest, shall initiate such proceedings as in his/her judgment are necessary to protect the rights of

the accused, and may, in his/her discretion, prosecute any appeal, if in his/her judgment the facts and circumstances warrant such appeal.

2. Civil: The conflict defender shall also represent, without charge, in a proceeding in family court or surrogate's court in the county or counties where such conflict defender serves, any person entitled to counsel pursuant to §262 and §1120 of the Family Court Act, and §407 of the Surrogate's Court Procedure Act, or any person entitled to counsel pursuant to Article 6-C of the Correction Law, who is financially unable to obtain counsel, and who, for whatever reason, is not represented by the public defender. When representing such person, the conflict defender shall counsel and represent him at every stage of the proceedings, shall initiate such proceedings as in the judgment of the conflict defender are necessary to protect the rights of such person, and may prosecute any appeal when, in his/her judgment the facts and circumstances warrant such appeal.

3. Resources: Within the appropriations therefore, the Conflict Defender may assign professional, technical and clerical personnel in the investigation, preparation, conduct and appeal in any court proceedings involving indigent defendants or respondents.

C. Administrative and Supervisory Duties:

1. Office Operations: The Conflict Defender shall be responsible for the management and operation of the Conflict Defender's Office in accordance with sound management principles, Board of Supervisor's policies, and Civil Service law, and shall have the powers and duties necessary to carry out the functions of the office as set forth herein and such other responsibilities as may from time to time be imposed by resolution of the Board of Supervisors. S/he shall develop and administer the systems, policies, practices and procedures of the office, and shall coordinate and administer all activities of the office. S/he shall prepare such reports as may be required by the Board of Supervisors, and develop and administer the budgets of the office.

2. Assigned Counsel Plan: The Conflict Defender shall administer the Assigned Counsel Plan to insure quality representation of indigent defendants/respondents; fair and reasonable compensation of assigned counsel; and adequate resources for defense and representation of the indigent. The Conflict Defender shall consult with, and solicit input from, the Livingston County Bar Association, and shall endeavor to develop plans, standards, policies and procedures in cooperation with the Bar, to jointly enhance the quality of mandated representation. In no case shall the Conflict Defender participate as counsel to a defendant/respondent when an attorney or attorneys of the Assigned Counsel Plan are representing indigent defendants/respondents. The Conflict Defender's duties with regard to the plan shall include but not be limited to:

- a. Develop professional standards for panel attorneys, in conjunction with the Livingston County Bar Association, and compile and maintain a list of qualified panel attorneys willing to accept conflict assignments;
- b. Recruit attorneys, in conjunction with the Livingston County Bar Association, develop an application process, and review and select qualified attorneys for conflict assignments on a rotating basis by the courts;
- c. Maintain a record of all attorneys assigned by the courts;
- d. Formulate guidelines for the maximum number of cases to be assigned to panel attorneys to insure that workload does not negatively affect quality of representation;
- e. Develop and implement a complaint procedure regarding attorney performance;
- f. Develop and administer a fair and equitable payment process, review attorney vouchers and make recommendations to the assigning court;
- g. Establish and maintain relevant continuing legal education programs for panel attorneys;
- h. Advise the Board of Supervisors as to such other matters as to the Conflict Defender, in his/her professional judgment, would contribute to enhancing and improving the quality of conflict defense provided by Livingston County.

**Section 4: Powers Of Appointment and Removal**

The Conflict Defender is vested with the power and authority to appoint, supervise, discipline and remove assistant conflict defenders and employees, and assign and re-assign powers and duties to such employees, consistent with the laws of the State of New York. The Conflict Defender may appoint as many assistant attorneys, clerks, investigators, stenographers and other employees as s/he may deem necessary, subject to the authorization of the Board of Supervisors.

**Section 5: Removal of the Conflict Defender**

The Livingston County Board of Supervisors may dismiss the Conflict Defender, prior to the expiration of the Conflict Defender's term of office, upon cause, cause being insubordination, immoral character, inefficiency, incompetency, neglect of duty, or inability, by reason of sickness or disability, to discharge the duties and responsibilities of office beyond the period of any leave authorized by the New York State Civil Service Law, subject to the following conditions:

The Board of Supervisors shall adopt a resolution stating their intention to remove the Conflict Defender and the reasons therefore. A copy of the resolution shall be served upon the Conflict Defender. The Conflict Defender may, within ten (10) days,

demand a hearing. If the Conflict Defender demands a hearing, the Board of Supervisors shall appoint a committee to hold a hearing, in executive session, not less than ten (10) days nor more than twenty (20) days from the date of the demand. After the hearing, the committee shall recommend dismissal or retention of the Conflict Defender. The Board of Supervisors may accept or reject the recommendation of the committee. The decision of the Board of Supervisors shall be final and binding, subject to the right of appeal in accordance with law. If the Conflict Defender does not demand a hearing, the Board of Supervisors may dismiss the Conflict Defender ten (10) days after service of a copy of the resolution upon the Conflict Defender. Upon the passing of the resolution, the Board of Supervisors may suspend the Conflict Defender from official duties without pay. If the charges against the Conflict Defender are not sustained by the Board of Supervisors or are not sustained after any appeal from the decision of the Board of Supervisors, the Conflict Defender shall be entitled to be paid for the period of suspension.

**Section 6: Classification**

Pursuant to Municipal Home Rule Law §10, the Conflict Defender shall be placed in the unclassified service.

**Section 7: Separability**

If any clause, sentence, paragraph or section of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not impair or invalidate the remainder hereof, but shall be confined to its operation to the clause, sentence, paragraph or section directly involved in the controversy in which judgment shall have been rendered.

**Section 8: Effective Date**

This Local Law shall take effect upon its being duly filed in the Office of the New York State Secretary of State.

Dated at Geneseo, New York

September 14, 2016

Chairman Gott request that the County Administrator comment on the local law being introduced today. Mr. Coyle explained that we are establishing via local law, the Office of Conflict Defender. Right now and for the last few years we have contracted for this work so that the private sector has picked up the conflict office work from the Public Defender’s Office. Whenever the Public Defender or someone in her office has a conflict, right now it goes to Genesee Legal Aid and before that, Attica Legal Aid. In this case we will set up an actual Conflict Defender office, staff them with County positions. Right now this is establishing the Office of Conflict Defender and we would then recruit for a Conflict Defender. They would be the first line of defense when the Public Defender has a conflict. Other counties have done this and he believes this is a good move in terms of cost and management of services. We have to do this by local law to establish the office.

**ABSTRACT OF CLAIMS**

**RESOLUTION NO. 2016-267 APPROVING ABSTRACT OF CLAIMS #9A-SEPTEMBER 14, 2016**

**APPROVING ABSTRACT OF CLAIMS #9A – SEPTEMBER 14, 2016**

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

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #9A dated September 14, 2016 in the total amount of \$2,706,049.65.

Dated at Geneseo, New York

September 14, 2016

Ways and Means Committee

The roll was called as follows: Ayes - 1,930; Noes - 0; Absent - Babbitt Henry, 79; Adopted.

**PRIVILEGES OF THE FLOOR**

**1. COUNTY HISTORIAN AMIE ALDEN – COMMEMORATIVE PLANS**

Amie Alden comments:

*Thank you for inviting me today to address the Board. I wanted to begin with a few images of where we were when I became County Historian and reveal my most current project and some major historical accomplishments coming up on the horizon.* Mrs. Alden reviewed a presentation showing the history of the Livingston County Historian’s Office from the cobblestone building in Geneseo with the Historical Society and Museum to what was once the TB Hospital Superintendent’s house where the office is now located on the Mt. Morris campus. Coincidentally, the Cobblestone building in Geneseo was built almost 100 years before the building where the Historian is housed today. County support and numerous grants made a tremendous difference. Mrs. Alden acknowledged her deputy, Holly Watson, and all of her dedication to the Historian’s office. She has really been a tremendous help in organizing the archival collections adding resources to our website and super sharp editing skills to various projects. Mrs. Alden reviewed the Historical Timeline by Era project and the vision and detail to complete the project. Mrs. Alden stated that it is not too early to start planning for Livingston County’s Bicentennial. There are 200 weeks beginning in 2017 to 2021. She is

hoping to work with every department, town, village, library and school, not just a document of where we have been, but to look at where we would like to go as well.

**PREFERRED AGENDA REQUIRING ONE ROLL CALL VOTE**

**RESOLUTION NO. 2016-268 PROCLAIMING THE WEEK OF SEPTEMBER 18-24, 2016 AS ADULT DAY SERVICES WEEK IN LIVINGSTON COUNTY IN CELEBRATION OF NATIONAL ADULT DAY SERVICES WEEK**

WHEREAS, adult day care centers at the local, state and national level provide vital medical care, including medication monitoring, therapies, and health education, and provide invaluable opportunities for disabled and elderly Americans to have social interaction; and

WHEREAS, the medical model adult day care center, located at the Livingston County Center for Nursing and Rehabilitation, known as the Garden of Life is the only adult day care program in Livingston County and it provides a high quality of care and services to meet the needs of Livingston County residents, now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors proclaims September 18-24, 2016 as Adult Day Services Week in Livingston County in honor of the valuable contributions Livingston County's Garden of Life Adult Day Health Care Program and its staff make to the quality of life of our county.

Dated at Geneseo, New York

September 14, 2016

Human Services Committee

**RESOLUTION NO. 2016-269 PROVIDING FOR PUBLIC HEARING ON PROPOSED LOCAL LAW NO. B-2016 A LOCAL LAW CREATING THE OFFICE OF LIVINGSTON COUNTY CONFLICT DEFENDER**

WHEREAS, there has been duly presented and introduced at a meeting of this Board, held on September 14, 2016, a proposed Local Law entitled Local Law No. B-2016 a local law creating the Office of Livingston County Conflict Defender, it is hereby

RESOLVED, that a public hearing shall be held on the said proposed Local Law by this Board on the 28 day of September, 2016 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.

Dated at Geneseo, New York

September 14, 2016

Public Services Committee

**RESOLUTION NO. 2016-270 PROVIDING FOR A PUBLIC HEARING TO CONSIDER PUBLIC COMMENT ON THE COUNTY'S COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") CONTRACT WITH THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL ("NYSOCR") FOR AN ECONOMIC DEVELOPMENT PROJECT IN THE TOWN OF AVON**

RESOLVED, that the Livingston County Board of Supervisors hereby schedules a public hearing to be held on September 28, 2016 at 1:35 PM in the Board of Supervisors Assembly Room, Livingston County Government Center, Third Floor, Geneseo, New York, with the purpose of said hearing to provide information to the public regarding the Community Development Block Grant (CDBG) program and to consider citizen comments regarding the County's contract with the NYS Office of Community Renewal to support an economic development project in the Town of Avon that involves the creation or retention of permanent jobs, 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 newspaper of the County as provided by law.

Dated at Geneseo, New York

September 14, 2016

Public Services Committee

**RESOLUTION NO. 2016-271 APPOINTING MEMBER TO THE LIVINGSTON COUNTY PLANNING BOARD: ALEXANDER PIERCE**

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

Name	Address	Title/Representing	Term Expires
Alexander Pierce	PO Box 19, Nunda, NY 14517	Town of Nunda-Completing term for Jeff Long	12/31/16

Dated at Geneseo, New York  
September 14, 2016  
Public Services Committee

**RESOLUTION NO. 2016-272 PROCLAIMING SEPTEMBER 18-24, 2016 AS SHERIFF’S WEEK IN LIVINGSTON COUNTY**

WHEREAS, the Office of Sheriff is celebrating its 195<sup>th</sup> anniversary in Livingston County, having been one of the original constitutional offices of our County; and

WHEREAS, despite changes in its function, status and powers during its long history, the Office of Sheriff has maintained a continuous existence, preserved its distinguishing heritage, and continued to be an essential component of our criminal justice community; and

WHEREAS, the Office of Sheriff has evolved into a modern, professional, full-service law enforcement agency, manned by fully trained police officers, using state-of-the-art technology and applying the latest and most advanced theories and practices in the criminal justice field; and

WHEREAS, the Office of Sheriff is unique in the community, and the duties of the Office go far beyond the traditional role of "Keeper of the Peace," and extend into many facets of public service, including maintaining the county jail, providing security in our courts, dispatching emergency services, and serving and executing civil process for our courts; and

WHEREAS, as a constitutionally empowered office directly responsible to the People, the Office of Sheriff remains, even today, responsive and accountable to the public it serves; and

WHEREAS, it is fitting to celebrate the historical contributions of the Office of Sheriff and the significant role which the office plays in our modern criminal justice system; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby proclaims the week of September 18-24, 2016 as Sheriff’s Week in Livingston County.

Dated at Geneseo, New York  
September 14, 2016  
Public Services Committee

**PREFERRED AGENDA VOTE**

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

Motion made by Mr. Wadsworth and seconded by Mr. Davis to move the Preferred Agenda. Carried.

The roll was called as follows: Ayes - 1,930; Noes - 0; Absent - Babbitt Henry, 79; Adopted.

**RESOLUTIONS REQUIRING A SEPARATE ROLL CALL VOTE**

*Department of Health*

**RESOLUTION NO. 2016-273 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR THE LIVINGSTON COUNTY DEPARTMENT OF HEALTH: DR. JENNIFER GRAHAM**

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

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

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
<b>Dr. Jennifer Graham</b>	10/1/16-9/30/18	\$50.00/Hour
Stoney Brook Pediatrics		\$200.00 Month Minimum

22 Red Jacket Street  
Dansville, NY 14437

For: Reproductive Health Center Medical Director

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted ?</i>
100% Title X	0%	Yes X No

Dated at Geneseo, New York  
September 14, 2016  
Human Services Committee

The roll was called as follows: Ayes - 1,930; Noes - 0; Absent - Babbitt Henry, 79; Adopted.

Department of Social Services

**RESOLUTION NO. 2016-274 AUTHORIZING THE COMMISSIONER OF SOCIAL SERVICES TO SIGN A CONTRACT WITH THE FOLLOWING: LIVINGSTON COUNTY OFFICE FOR THE AGING**

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

RESOLVED, that the Commissioner of Social Services is hereby authorized to sign the following agreement for the Livingston County Department of Social Services, according to the term designated, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
<b>Livingston County Office for the Aging</b>	10/1/16-9/30/17	\$5,000.00

3 Murray Hill Drive  
Mt. Morris, NY 14510

For: Alternate Certifier for the Home Energy Assistance Program (HEAP) focus on the Elderly population.

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted ?</i>
100% Federal HEAP Admin.	0%	Yes X No

Dated at Geneseo, New York  
September 14, 2016  
Human Services Committee

The roll was called as follows: Ayes - 1,930; Noes - 0; Absent - Babbitt Henry, 79; Adopted.

**PUBLIC SERVICES COMMITTEE**

District Attorney

**RESOLUTION NO. 2016-275 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR THE LIVINGSTON COUNTY DISTRICT ATTORNEY'S OFFICE: NEW YORK STATE DIVISION OF CRIMINAL JUSTICE**

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

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

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
<b>NYS Division of Criminal Justice Services</b>	10/1/16-9/30/17	\$29,200.00

80 S. Swan Street  
Albany, New York 12210

For: The Aid to Prosecution

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted ?</i>
State Grant	0%	Yes X No

Dated at Geneseo, New York  
September 14, 2016  
Public Services Committee

The roll was called as follows: Ayes - 1,930; Noes - 0; Absent - Babbitt Henry, 79; Adopted.

Planning

**RESOLUTION NO. 2016-276 AUTHORIZING AGREEMENT WITH THE TOWN OF LIVONIA FOR ADMINISTRATION OF ENVIRONMENTAL PROTECTION FUND GRANT**

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

WHEREAS, the Town of Livonia, on behalf of Livingston County and the Village of Livonia, applied for a grant from the New York State Department of State under the Local Waterfront Revitalization Program for a Wilkins Creek Subwatershed Stormwater Study, and was awarded \$14,000; now therefore be it

RESOLVED, that the Chairman is hereby authorized to sign an agreement and any amendments thereto with the Town of Livonia for administration of the Environmental Protection Fund grant, after review by the County Attorney and County Administrator.

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted ?</i>
NYS Local Waterfront Revitalization Program	0%	Yes X No

Dated at Geneseo, New York

September 14, 2016

Public Services Committee

The roll was called as follows: Ayes - 1,930; Noes - 0; Absent - Babbitt Henry, 79; Adopted.

*Sheriff*

**RESOLUTION NO. 2016-277 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR THE LIVINGSTON COUNTY SHERIFF'S OFFICE: MONROE COUNTY**

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

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

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
<b>Monroe County</b> 39 W. Main St. Rochester, NY 14614 For: Forensic Laboratory Services	1/1/16-12/31/16	\$75,000.00

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted ?</i>
A3171	100%	Yes X No

Dated at Geneseo, New York

September 14, 2016

Public Services Committee

The roll was called as follows: Ayes - 1,930; Noes - 0; Absent - Babbitt Henry, 79; Adopted.

WAYS & MEANS COMMITTEE

*County Administrator/Budget Officer*

**RESOLUTION NO. 2016-278 AUTHORIZING TRANSFER OF FUNDS – DEPARTMENT OF HEALTH (2)**

Mr. Pangrazio 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 Transfer Request Forms on file in the Office of the Clerk of the Board which have been approved by the Livingston County Administrator.

Dated at Geneseo, New York

September 14, 2016

Ways and Means Committee

The roll was called as follows: Ayes - 1,930; Noes - 0; Absent - Babbitt Henry, 79; Adopted.

**RESOLUTION NO. 2016-278 AMENDING 2016 LIVINGSTON COUNTY BUDGET – DEPARTMENT OF HEALTH**

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

RESOLVED, that the 2016 Department of Health budget be amended as follows:

Account	Dept.	Code	Description	Amount
Increase Revenue	A4110	3472	STAID Special Health	\$2,862.00
Increase Appropriation	A4110	4200	Print/Ads	\$2,862.00

Dated at Geneseo, New York

September 14, 2016

Ways and Means Committee

The roll was called as follows: Ayes - 1,930; Noes - 0; Absent - Babbitt Henry, 79; Adopted.

**RESOLUTION NO. 2016-280 ESTABLISHING PETTY CASH AMOUNTS FOR COUNTY CLERK GENESEO AND DANSVILLE DMV OFFICES FOR THE YEAR 2016**

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

RESOLVED, that the following petty cash amounts and designees be established for the year 2016:

<u>Department</u>	<u>Custodian</u>	<u>Amount</u>
Geneseo DMV	Mary Strickland	\$400.00
Dansville DMV	Mary Strickland	\$400.00

Dated at Geneseo, New York  
September 14, 2016

Ways and Means Committee

The roll was called as follows: Ayes - 1,930; Noes - 0; Absent - Babbitt Henry, 79; Adopted.

**RESOLUTION NO. 2016-281 DECLARING SURPLUS PROPERTY – PROBATION DEPARTMENT**

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

WHEREAS, the County of Livingston owns surplus personal property that is no longer necessary for public use, now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby declares the following item as surplus property to be disposed of as determined by the County Administrator:

**(Probation Department)**

Quantity	Year, Make & Model	Serial/VIN
1	2007 Ford Taurus	1FAFP53UX7A185539

Dated at Geneseo, New York  
September 14, 2016

Ways and Means Committee

The roll was called as follows: Ayes - 1,930; Noes - 0; Absent - Babbitt Henry, 79; Adopted.

**RESOLUTION NO. 2016-282 AUTHORIZING THE LIVINGSTON COUNTY HIGHWAY DEPARTMENT TO PURCHASE (1) ONE NEW FORKLIFT – DOOSAN INDUSTRIAL VEHICLE AMERICA**

Mr. Pangrazio presented the following resolution and moved its adoption: RESOLVED, that the Livingston County Board of Supervisors hereby authorizes the purchase of one new Doosan G25P Forklift from Doosan Industrial Vehicle American under NY SOGS Contract#PC67141, subject to review by the County Attorney and County Administrator.

<u>Contractor</u>	<u>Amount</u>
<b>Doosan Industrial Vehicle America</b> 2475 Mill Center Parkway, Suite 400 Buford, GA 30518	\$24,389.00

For: Purchase of (1) new Doosan G25P Forklift. Not to exceed the amount indicated.

<u>Funding Source</u>	<u>Local Share</u>	<u>Budgeted ?</u>
2016 Machinery Fund Appropriations	100%	Yes X No

Dated at Geneseo, New York  
September 14, 2016

Ways and Means Committee

The roll was called as follows: Ayes - 1,930; Noes - 0; Absent - Babbitt Henry, 79; Adopted.

**RESOLUTION NO. 2016-283 AUTHORIZING THE LIVINGSTON COUNTY HIGHWAY DEPARTMENT TO PURCHASE TWO LAWN TRACTORS – DEERE & COMPANY**

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

RESOLVED, that the Livingston County Board of Supervisors hereby authorizes the purchase of two John Deere Lawn Tractors from Deere & Company under NY SOGS/National Joint Powers Alliance (NJPA) Contract#PC66663, subject to review by the County Attorney and County Administrator.

<u>Contractor</u>	<u>Amount</u>
<b>Deere &amp; Company</b> 2000 John Deere Run Cary, NC 27513	\$32,441.02

For: Purchase of two John Deere X738 4x4 Lawn Tractors with 60” mower decks and ROPS hard cabs.

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted ?</i>
2016 Machinery Fund Appropriations	100%	Yes X No

Dated at Geneseo, New York

September 14, 2016

Ways and Means Committee

The roll was called as follows: Ayes - 1,930; Noes - 0; Absent - Babbitt Henry, 79; Adopted.

**RESOLUTION NO. 2016-284 INCREASING CAPITAL PROJECT ACCOUNT FOR THE YEAR 2016–AMBULANCE EQUIPMENT**

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

RESOLVED, that the County Treasurer is authorized to increase Capital Project Account **H1629.2900** in the amount of \$200,000.00 to be funded from Interfund Transfers **H1629.5031** in the amount of \$200,000.00, and it is further

RESOLVED, that the County Treasurer is hereby directed to transfer budgeted funds to the Ambulance Equipment Capital Project from Transfer to Capital Account **A9950.9000** in the amount of \$200,000.00.

Dated at Geneseo, New York

September 14, 2016

Ways & Means Committee

The roll was called as follows: Ayes - 1,930; Noes - 0; Absent - Babbitt Henry, 79; Adopted.

**RESOLUTION NO. 2016-285 INCREASING CAPITAL PROJECT ACCOUNT FOR THE YEAR 2016–CAMPUS UPGRADES**

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

RESOLVED, that the County Treasurer is authorized to increase Capital Project Account **H6121.2900** in the amount of \$200,000.00 to be funded from Interfund Transfers **H6121.5031** in the amount of \$200,000.00, and it is further

RESOLVED, that the County Treasurer is hereby directed to transfer budgeted funds to the Campus Upgrades Capital Project from Transfer to Capital Account **A9950.9000** in the amount of \$200,000.00.

Dated at Geneseo, New York

September 14, 2016

Ways & Means Committee

The roll was called as follows: Ayes - 1,930; Noes - 0; Absent - Babbitt Henry, 79; Adopted.

**RESOLUTION NO. 2016-286 INCREASING CAPITAL PROJECT ACCOUNT FOR THE YEAR 2016–COURTHOUSE UPGRADES**

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

RESOLVED, that the County Treasurer is authorized to increase Capital Project Account **H1625.2900** in the amount of \$50,000.00 to be funded from Interfund Transfers **H1625.5031** in the amount of \$50,000.00, and it is further

RESOLVED, that the County Treasurer is hereby directed to transfer budgeted funds to the Courthouse Upgrades Capital Project from Transfer to Capital Account **A9950.9000** in the amount of \$50,000.00.

Dated at Geneseo, New York

September 14, 2016

Ways & Means Committee

The roll was called as follows: Ayes - 1,930; Noes - 0; Absent - Babbitt Henry, 79; Adopted.

**RESOLUTION NO. 2016-287 INCREASING CAPITAL PROJECT ACCOUNT FOR THE YEAR 2016–E 911 UPGRADES**

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

RESOLVED, that the County Treasurer is authorized to increase Capital Project Account **H3020.2900** in the amount of \$50,000.00 to be funded from Interfund Transfers **H3020.5031** in the amount of \$50,000.00, and it is further

RESOLVED, that the County Treasurer is hereby directed to transfer budgeted funds to the E911 Upgrades Capital Project from Transfer to Capital Account **A9950.9000** in the amount of \$50,000.00.

Dated at Geneseo, New York

September 14, 2016

Ways & Means Committee

The roll was called as follows: Ayes - 1,930; Noes - 0; Absent - Babbitt Henry, 79; Adopted.

**RESOLUTION NO. 2016-288      INCREASING CAPITAL PROJECT ACCOUNT FOR THE YEAR 2016–  
GOVERNMENT CENTER UPGRADES**

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

RESOLVED, that the County Treasurer is authorized to increase Capital Project Account **H1628 .2900** in the amount of \$150,000.00 to be funded from Interfund Transfers **H1628.5031** in the amount of \$150,000.00, and it is further

RESOLVED, that the County Treasurer is hereby directed to transfer budgeted funds to the Government Center Upgrades Capital Project from Transfer to Capital Account **A9950.9000** in the amount of \$150,000.00.

Dated at Geneseo, New York

September 14, 2016

Ways & Means Committee

The roll was called as follows: Ayes - 1,930; Noes - 0; Absent - Babbitt Henry, 79; Adopted.

**RESOLUTION NO. 2016-289      INCREASING CAPITAL PROJECT ACCOUNT FOR THE YEAR 2016–  
ITS UPGRADES**

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

RESOLVED, that the County Treasurer is authorized to increase Capital Project Account **H1680. 2900** in the amount of \$300,000.00 to be funded from Interfund Transfers **H1680.5031** in the amount of \$300,000.00, and it is further

RESOLVED, that the County Treasurer is hereby directed to transfer budgeted funds to the ITS Upgrades Capital Project from Transfer to Capital Account **A9950.9000** in the amount of \$300,000.00.

Dated at Geneseo, New York

September 14, 2016

Ways & Means Committee

*County Attorney*

The roll was called as follows: Ayes - 1,930; Noes - 0; Absent - Babbitt Henry, 79; Adopted.

**RESOLUTION NO. 2016-290      DECLARATION OF SEQR LEAD AGENCY AND ADOPTION OF SEQR  
NEGATIVE DECLARATION FOR PROPOSED PURCHASE OF APPROXIMATELY .38 ACRES ON  
POAGS HOLE ROAD FROM OPCO, INC.**

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

WHEREAS, Livingston County is proposing the purchase of approximately .38 acres (TMP# 203.-1-42.2) on Poags Hole Road in the Town of North Dansville from OPCO, Inc.; and

WHEREAS, the proposed action is subject to the State Environmental Quality Review Act, with the Livingston County Board of Supervisors being the only involved agency; and

WHEREAS, the proposed action is an Unlisted Action pursuant to the State Environmental Quality Review Act; and

WHEREAS, a Short Environmental Assessment Form has been completed pursuant to the State Environmental Quality Review Act; now therefore be it

RESOLVED, that the Livingston County Board of Supervisors as the only involved agency, does hereby declare itself as Lead Agency for the proposed action; and be it further

RESOLVED, that the Livingston County Board of Supervisors, as Lead Agency, does hereby determine that the proposed project will not have a significant effect on the environment, a draft Environmental Impact Statement will not be prepared, and the Livingston County Board of Supervisors does hereby adopt the SEQR Negative Declaration for the project.

Dated at Geneseo, New York

September 14, 2016

Ways and Means Committee

The roll was called as follows: Ayes - 1,889; Noes – Erdle, 41; Absent - Babbitt Henry, 79; Adopted.

**RESOLUTION NO. 2016-291      AUTHORIZING THE PURCHASE OF PROPERTY LOCATED IN  
DANSVILLE, NEW YORK FROM OPCO, INC.**

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

WHEREAS, the County of Livingston has agreed to purchase 0.38 acres to be added to the development property known as Exit 4-Dansville Crossings located on the corner of Route 36 just off the I-390 Exit 4 ramp and Poags Hole Road, Dansville, New York; and

WHEREAS, an appraisal has been obtained, and the County and OPCO, Inc. have reached an agreement for the purchase of the property; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors authorizes the purchase of 0.38 acres of vacant land located on the corner of Route 36 and Poags Hole Road, Dansville, New York from OPCO, Inc., at a cost not to exceed \$22,000.00; and, it is, further

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is authorized to sign all documents prepared and approved by the County Attorney and County Administrator necessary to finalize the transfer of property.

Dated at Geneseo, New York

September 14, 2016

Ways and Means Committee

The roll was called as follows: Ayes - 1,889; Noes – Erdle, 41; Absent - Babbitt Henry, 79; Adopted.

County Treasurer

**RESOLUTION NO. 2016-292 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR THE LIVINGSTON COUNTY TREASURER: PHILLIPS LYTLE LLP**

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

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>
<b>Phillips Lytle LLP</b>	2015 in rem proceeding	\$358.00/Parcel
1400 First Federal Plaza		
Rochester, NY 14614		
For: Foreclosure for 2014 tax year		

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted ?</i>
2016 County Budget	100%	Yes X No

Dated at Geneseo, New York

September 14, 2016

Ways and Means Committee

The roll was called as follows: Ayes - 1,930; Noes - 0; Absent - Babbitt Henry, 79; Adopted.

Personnel

**RESOLUTION NO. 2016-293 AMENDING THE 2016 HOURLY EMPLOYEE SALARY SCHEDULE: DEPARTMENT OF HEALTH & SHERIFF’S OFFICE**

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

RESOLVED, that the 2016 Hourly Employee Salary Schedule is amended as follows:

**Department of Health**

- Create one (1) Full-time Registered Professional Nurse position.
- Create one (1) Full-time Nutrition Aide position.

**Sheriff’s Office:**

- Create one full-time Corrections Officer position.

Dated at Geneseo, New York

September 14, 2016

Ways and Means Committee

The roll was called as follows: Ayes - 1,930; Noes - 0; Absent - Babbitt Henry, 79; Adopted.

**RESOLUTION NO. 2016-294 AMENDING THE 2016 DEPARTMENT HEAD SALARY SCHEDULE: CONFLICT DEFENDER OFFICE & VETERAN SERVICES**

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

RESOLVED, that the 2016 Department Head Salary Schedule is amended as follows:

**Conflict Defender**

- Create one (1) Full-time Conflict Defender position.

### **Veteran Services**

- Convert ¾ time Director of Veterans Service Agency position to full-time effective immediately.

Dated at Geneseo, New York

September 14, 2016

Ways and Means Committee

The roll was called as follows: Ayes - 1,930; Noes - 0; Absent - Babbitt Henry, 79; Adopted.

### **RESOLUTION NO. 2016-295 APPOINTING SOCIAL SERVICES ATTORNEY FOR THE LIVINGSTON COUNTY DEPARTMENT OF SOCIAL SERVICES – JENNIFER NOTO**

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

RESOLVED, that the 2016 Department Head Salary Schedule is amended as follows:

### **Department of Social Services**

- Appoint Jennifer Noto of 24 Crossett Road, Geneseo, New York 14454 to the position of full-time Social Services Attorney at an annual salary of \$90,000.00 effective November 9, 2016.

Dated at Geneseo, New York

September 14, 2016

Ways and Means Committee

The roll was called as follows: Ayes - 1,930; Noes - 0; Absent - Babbitt Henry, 79; Adopted.

### **RESOLUTION NO. 2016-296 APPOINTING DEPUTY PERSONNEL OFFICER FOR THE LIVINGSTON COUNTY PERSONNEL OFFICE – RICHARD D. JOKI**

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

RESOLVED, that the 2016 Department Head Salary Schedule is amended as follows:

### **Personnel Office**

Appoint Richard D. Joki of 11639 Davis Road, Prattsburg, New York 14873 to the Deputy Personnel Officer position at an annual salary of \$73,000.00 effective October 3, 2016.

Dated at Geneseo, New York

September 14, 2016

Ways and Means Committee

The roll was called as follows: Ayes - 1,930; Noes - 0; Absent - Babbitt Henry, 79; Adopted.

Chairman Gott congratulated Mr. Joki and asked if he would like to say a few words.

Mr. Joki thanked Chairman Gott and explained that he has a long history of serving the public in a variety of capacities. The opportunity to come into this position is very exciting for him and he is looking forward very much to serving the Board, the County and all of the public. Mr. Joki thanked the Chairman again for this opportunity.

### **RESOLUTION NO. 2016-297 APPOINTING DIRECTOR OF VETERANS SERVICE AGENCY– JASON SKINNER**

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

WHEREAS, the Director of Veterans Service Agency position became vacant on October 16, 2015;

WHEREAS, the County Administrator has recommended the appointment of a new Director of Veterans Service Agency pursuant to his powers and duties as specified in Section 4 (C) of Local Law 6-2007; 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 appointment consistent with these recommendations; now, therefore, be it

RESOLVED, that the 2016 Department Head Salary Schedule is amended as follows:

### **Veteran Services**

Appoint Jason Skinner of 7969 Carney Hollow Road, Springwater, New York to the position of Director of Veterans Service Agency effective September 18, 2016 at an annual salary of \$47,500.00.

The roll was called as follows: Ayes - 1,930; Noes - 0; Absent - Babbitt Henry, 79; Adopted.

Chairman Gott explained that Jason does not need introduction as he has been here for a period of time. The Chairman stated how fortunate we feel to have Jason as the Director of Veteran Services for the County. Jason does a fabulous job representing our veterans in the County and we would just like to welcome you full time. Chairman Gott congratulated Jason Skinner on his appointment.

**RESOLUTION NO. 2016-298      MODIFYING DEPARTMENT HEAD VACATION ACCRUALS**

Mr. Pangrazio presented the following resolution and moved its adoption: WHEREAS, the County wishes to modify when new department heads receive their first week of vacation in order to improve recruitment efforts; now, therefore, be it

RESOLVED, that effective upon adoption of this resolution the department head vacation accruals shall be calculated as follows:

**Vacation.**

- a. Department Heads other than those listed in subsection “b” below will be provided with vacation as provided in this subsection.

Such Department Heads will accrue vacation in accordance with the following table:

<u>Anniversary of Date of Hire</u>	<u>Vacation Accruals</u>
Upon hire	5 days
1 – 10 year	15 days
11 year	16 days
12 year	17 days
13 year	18 days
14 year	19 days
15–24 year	20 days
25 year and subsequent anniversaries	25 days

A maximum of two (2) working days vacation may be held over from one anniversary year to the next. These days will not accumulate from year to year, but will be used in the new anniversary year.

Department Heads may receive payment in lieu of vacation on the same basis as provided to CSEA full-time unit employees under the terms of their collective bargaining agreement.

- b. The following Department Heads employed at the Department of Health will accrue vacation on the same basis as provided under the NYSNA contract. These Department Heads are: The Directors of Patient Services, and the WIC Program Coordinator. These department heads shall not be entitled to vacation carryover or payment in lieu of vacation unless such benefits are provided by the NYSNA contract.
- c. Only vacation accrued on and after the employee’s first anniversary of his/her date of hire may be payable upon termination of employment. Accrued vacation will not be payable upon termination of employment unless the requirements set forth in Article 18, §4 of the CSEA full-time employee collective bargaining agreement are met. “Notice of termination” as used in Article 18, §4 subparagraph d shall mean when applied to Department Heads: (i) notice of disciplinary charges for those with Civil Service Law §75 or similar due process rights, or (ii) actual notice of termination for all others.

And be it further

RESOLVED, that the provisions of this resolution shall supersede any conflicting provisions of Resolution No. 2015-368.

Dated at Geneseo, New York

September 14, 2016

Ways and Means Committee

The roll was called as follows: Ayes - 1,930; Noes - 0; Absent - Babbitt Henry, 79; Adopted.

**OTHER BUSINESS**

**1. CHAIRMAN APPOINTMENTS**

**Agricultural and Farmland Protection Board**

Name	Address	Title/Represents	Term Expires
Christopher Cicero	6670 Cadyville Road, Livonia, NY 14487	Farm Bureau	6/1/2020
Les Cole	3186 Bronson Hill Road, Livonia, NY 14487	Agribusiness	6/1/2020

**Youth Advisory Board**

Name	Address	Title/Represents	Term Expires
Carson Correll	1717 Parkside Place, Lima, NY 14485	Youth	At Pleasure

John A. Correll	1717 Parkside Place, Lima, NY 14485	Lima	At Pleasure
Susan Bell	108 Big Tree Street, Livonia, NY 14487	Livonia	At Pleasure
Anthony Scavone, Jr.	9814 Jay Knapp Road, Dansville, NY 14437	Ossian	At Pleasure
Sarah Quinlan	38 Chapel Street, Mt. Morris, NY 14510	BEA	At Pleasure
Dawn Weber	4612 Millennium Drive, Geneseo, NY 14454	CASA	At Pleasure
Mark Wittmeyer	24 Groveland Road, Apt. C, Geneseo, NY 14454	CCE	At Pleasure

**ADJOURNMENT**

Motion made by Mr. Pangrazio and seconded by Mr. Mahus to adjourn until Wednesday, September 28, 2016 at 1:30 p.m. Carried.

The Board adjourned at 2:09 p.m.