

**REGULAR BOARD MEETING
WEDNESDAY, MARCH 28, 2018
1:30 P.M.**

ROLL CALL

The roll was called showing all members present except Mr. Schuster, (Sparta) and Mrs. Erdle, (West Sparta).

PLEDGE OF ALLEGIANCE

The County Administrator introduced William Morgan:

William “Bill” Morgan Jr. was born in South Lima, NY. Bill graduated from Livonia Central High School and earned his Associates Degree in Electronics from the Memphis Naval Air Station in Tennessee. Bill enlisted in the U.S. Marine Corp in 1970 completing basic training at Paris Island, South Carolina. Bill served the Marines as an Electronics Technician on experimental aircraft in Beauford, South Carolina and Marine Corps Air Station at Cherry Point, North Carolina. Specifically, Bill worked with the AV-8A Harrier vertical take-off and landing attack aircraft.

Bill’s military decorations include Expert Rifle Badge, National Defense Medal and Good Conduct Medal.

Upon exiting the Marines, Bill worked at Eastman Kodak Company, where he completed an apprentice program, then worked in the digital imaging area installing and maintaining semi-conductor manufacturing equipment. Bill retired after 35 years with the Eastman Kodak Company.

Bill currently resides in Springwater, New York where he is the Commander and Treasurer of the Kern Robinson American Legion Post 905 in and the Director of the American Legion Riders at his Post. Bill was married to Elaine for 28 years who passed away in 2004. They have two grown children whom also reside in Springwater. Bill is currently engaged to Pat Willsea and they raise beef cattle on her farm and harvest hay to feed the cattle. She has three great grandchildren to whom Bill is “PAPA”.

William Morgan, led the Pledge of Allegiance.

The County Administrator and Chairman LeFeber, on behalf of the Livingston County Board of Supervisors, presented a Certificate of Appreciation to William Morgan. The audience presented a standing ovation.

APPROVAL OF MINUTES

Minutes of 3/14/18 Regular Meeting were approved as presented.

PUBLIC HEARING**LOCAL LAW NO. A-2018 A LOCAL LAW PROVIDING FOR MUNICIPAL OPIOID COST RECOVERY AND PUBLIC NUISANCE**

Chairman LeFeber asked the County Attorney to comment on the local law.

County Attorney Shannon Hillier explained that this law is a necessary component to the opioid litigation and declares the opioid epidemic and its impact on the County a public nuisance. This in turn allows the County to seek reimbursement from various responsible parties the costs associated with that epidemic. Overall, this will also support the piece to the County to proceed with the opioid litigation that we approved several weeks ago.

Chairman LeFeber declared the Public Hearing open and stated anyone interested in speaking to please come forward and sign in at the podium. No one wished to speak. The Chairman asked if any Supervisor wished to comment. The Chairman announced that the public hearing would remain open until the end of the meeting.

ABSTRACT OF CLAIMS**RESOLUTION NO. 2018-104 APPROVING ABSTRACT OF CLAIMS #3B-MARCH 28, 2018**

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

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #3B dated

March 28, 2018 in the total amount of \$3,082,403.25.

Dated at Geneseo, New York

March 28, 2018

Ways and Means Committee

The roll was called as follows: Ayes-1,915; Noes-0; Absent-Schuster, 53; Erdle, 41; Total 94; Adopted.

PRIVILEGES OF THE FLOOR

1. ANGELA ELLIS, PLANNING DIRECTOR - COUNTY PLANNING BOARD RECOGNITIONS

Angela Ellis comments: *Thank you Mr. Chairman. Good afternoon! Thank you for giving me the opportunity to come before the Board today to present on the Livingston County Planning Board and to help recognize its 51 years of volunteer and staff service. What is the Livingston County Planning Board and What do they do? Those members present, please stand and be recognized. Specific section of NYS GML that requires that certain planning and zoning actions come before a County Planning Board for review and recommendation back to the local community on issues of county wide and intermunicipal significance. Typical actions include development site plans, subdivisions, area and use variances, zoning amendments, and a few more. There is a brochure and map on the desks. The Planning Department staff present, please stand. Because we want to be prepared and do it right the first time.*

"If you fail to plan, you are planning to fail!" — Benjamin Franklin

What does that mean when it comes to County Planning Board review? What does the Board consider when reviewing development proposals? Compatibility of various land uses-Traffic impacts-Impact on existing and proposed County or State uses-Protection of community character-Compatibility with Municipal and County Plans and Studies.

Often having the same discussions as would be held by the local planning and zoning boards. Here are some statistics.....Over 51 years – our board has reviewed 4,089 projects-This past year, the County Planning Board reviewed 140 projects or actions from local planning and zoning boards, town boards and village boards. Here is the breakdown. Here is something relatively young (10 years old) that we are particularly proud of-LET'S Plan – Livingston Education & Training Series for Planning....

2,123 Training Credit Hours for municipal and county planning and zoning officials-We've had 386 local planning and zoning board officials participate in at least one of our training events-When the County Planning Board meets – Big Picture – Today, we often remind others to think of the bigger picture, to try and make decisions that help the situation at large, not just a part of it. In this case, to look at countywide and intermunicipal impacts with respect to Public Safety, Health and Welfare

The map shows the residential development Pre-1900 to post 1980. When you look at the big picture for overall community development, our bigger picture issues are-Community Health-Quality of Life-Community Investment

It all comes back to the backbone of how we do what we do – Our volunteers and Department staff. We have 3 County Planning Board members who have hit major milestones of service and we would like to recognize them today. Mr. Chairman (who also served on the County Planning Board representing the Town of Avon) and Mr. Kevin Fahey, Chairman of the County Planning Board, and Deputy Director Heather Ferrero, please come join me at the podium to help present the awards. I would also like to ask Mr. Havilah Toland and Ms. Joanne Palmer to join us as well. Mr. Neenan unfortunately is unable to attend today.

Havilah Toland – Who retired this year after 27 years of service to the Board

Dennis Neenan – Our representative from the Town of Lima with 28 years of service, but who couldn't be here today.

Joanne Palmer – Now our longest serving member of 32 years representing the Village of Livonia

Havilah Toland comments: It has been such an honor. The 27 years went by fast. This organization has some of the finest people I've ever known. It is a cooperative effort and I thank them for their efforts.

Joanne Palmer comments: Being on this Board has been a highpoint of my life. I have learned so much and done so many things. I want to thank this Board and my own supervisor, Eric Gott for their support. As far as I know, you are stuck with me forever.

PREFERRED AGENDA REQUIRING ONE ROLL CALL VOTE

RESOLUTION NO. 2018-105 DECLARING SURPLUS PROPERTY – HIGHWAY & SHERIFF’S OFFICE

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(s) as surplus property to be disposed of as determined by the County Administrator:

Highway

Quantity	Year, Make & Model	Mileage	Serial #
1	#79, 1997 Ingersoll Rand DD110 Double-Drum Vibratory Pavement Roller	4,927 hrs	149972
1	#108, 1993 Bomag BW55E Walk-Behind Vibratory Roller	N/A	10162002366

Sheriff’s Office

Quantity	Year, Make & Model	Mileage	Serial #
2	2002 Ski Doo Grand Touring GS 600	1,400	2BPS207622V000045 2BPS207632V000040

Dated at Geneseo, New York

March 28, 2018

Ways and Means Committee

RESOLUTION NO. 2018-106 RECOGNIZING MARCH AS WOMEN’S HISTORY MONTH

WHEREAS, March is “Women's History Month” as declared both by the State of New York and also by the Congress of the United States of America; and

WHEREAS, the Livingston County Board of Supervisors does hereby officially recognize the unique and important contributions that women have made to New York State, its counties, and the United States at large; and

WHEREAS, New York’s counties are served by many women who work together to improve the representation and participation of women in all areas of government and provide a network of support for women in local government; and

WHEREAS, today women serve on the Livingston County Board of Supervisors and hold various leadership positions within Livingston County, bringing the diverse experiences of women into County issues and public policy; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors resolves to observe March 2018 as “Women's History Month” and to thereby honor the women of Livingston County past and present; and be it further

RESOLVED, that the Livingston County Board of Supervisors further recognizes March as “Women's History Month” and commends the efforts that women leaders have on our society as a whole.

Dated at Geneseo, New York

March 28, 2018

Ways and Means Committee

RESOLUTION NO. 2018-107 APPOINTING MEMBERS TO THE LIVINGSTON COUNTY BOARD OF ETHICS – COLLEEN HAY & LAURIE SATTORA

RESOLVED, that the following members are hereby reappointed to the Board of Ethics for the terms designated:

Livingston County Board of Ethics			
Name	Address	Rep./Title	Term
Colleen Hay	105 Kensington Court, Livonia, NY 14487	Member	1/1/18-12/31/21
Laurie Sattora	760 Sand Hill Road, Caledonia, NY 14423	Member	1/1/18-12/31/21

Dated at Geneseo, New York

March 28, 2018

Ways and Means Committee

PREFERRED AGENDA VOTE

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

Motion made by Mr. Pangrazio and seconded by Mr. DiPasquale to move the Preferred Agenda. Carried.
The roll was called as follows: Ayes-1,915; Noes-0; Absent-Schuster, 53; Erdle, 41; Total 94; Adopted.

RESOLUTIONS REQUIRING A SEPARATE ROLL CALL VOTE

County Administrator

RESOLUTION NO. 2018-108 AUTHORIZING TRANSFER OF FUNDS – DEPARTMENT OF HEALTH

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

March 28, 2018

Ways and Means Committee

The roll was called as follows: Ayes-1,915; Noes-0; Absent-Schuster, 53; Erdle, 41; Total 94; Adopted.

RESOLUTION NO. 2018-109 ADOPTING SEQR NEGATIVE DECLARATION FOR PROPOSED EXPANSION OF THE LIVINGSTON COUNTY EMERGENCY OPERATIONS CENTER

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

WHEREAS, Livingston County is proposing to expand the Livingston County Emergency Operations Center located at 3360 Gypsy Lane in the Town of Groveland; 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 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

March 28, 2018

Ways and Means Committee

The roll was called as follows: Ayes-1,915; Noes-0; Absent-Schuster, 53; Erdle, 41; Total 94; Adopted.

Personnel

RESOLUTION NO. 2018-110 AMENDING THE 2018 LIVINGSTON COUNTY SALARY SCHEDULE – DISTRICT ATTORNEY

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

WHEREAS, the State of New York mandates the salary amount for the Livingston County District Attorney, and

WHEREAS, the State Judicial Compensation Commission has increased the District Attorney salary amount, now therefore be it

RESOLVED, that the 2018 Livingston County Salary Schedule is amended as follows:

District Attorney

Set the 2018 salary for the District Attorney to \$197,600.00 effective April 1, 2018.

Dated at Geneseo, New York

March 28, 2018

Ways and Means Committee

The roll was called as follows: Ayes-1,915; Noes-0; Absent-Schuster, 53; Erdle, 41; Total 94; Adopted.

RESOLUTION NO. 2018-111 APPROVING APPOINTMENT OF LIVINGSTON COUNTY DEPUTY HIGHWAY SUPERINTENDENT – ZACHARY A. CRACKNELL

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

RESOLVED, that the Livingston County Board of Supervisors hereby approves the County Highway Superintendent's appointment of Zachary A. Cracknell, 5649 Sutton Road, Avon, NY 14414 as Deputy Highway Superintendent, for a term commencing April 4, 2018 and terminating April 3, 2022, at an annual salary of \$73,000.00.

Dated at Geneseo, New York

March 28, 2018

Ways and Means Committee

The roll was called as follows: Ayes-1,915; Noes-0; Absent-Schuster, 53; Erdle, 41; Total 94; Adopted.

RESOLUTION NO. 2018-112 APPROVING APPOINTMENT OF LIVINGSTON COUNTY DEPUTY HIGHWAY SUPERINTENDENT – SHANNON E. RICE

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

RESOLVED, that the Livingston County Board of Supervisors hereby approves the County Highway Superintendent's appointment of Shannon E. Rice, 8143 Dutch Street Road, Mount Morris, NY 14510 as Deputy Highway Superintendent, for a term commencing April 4, 2018 and terminating April 3, 2022, at an annual salary of \$73,000.00.

Dated at Geneseo, New York

March 28, 2018

Ways and Means Committee

The roll was called as follows: Ayes-1,915; Noes-0; Absent-Schuster, 53; Erdle, 41; Total 94; Adopted.

RESOLUTION NO. 2018-113 APPROVING APPOINTMENT OF LIVINGSTON COUNTY DEPUTY HIGHWAY SUPERINTENDENT – JASON M. WOLFANGER

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

RESOLVED, that the Livingston County Board of Supervisors hereby approves the County Highway Superintendent's appointment of Jason M. Wolfanger, 9099 Culbertson Road, Dansville, NY 14437 as Deputy Highway Superintendent, for a term commencing April 4, 2018 and terminating April 3, 2022, at an annual salary of \$79,000.00.

Dated at Geneseo, New York

March 28, 2018

Ways and Means Committee

The roll was called as follows: Ayes-1,915; Noes-0; Absent-Schuster, 53; Erdle, 41; Total 94; Adopted.

Chairman LeFeber asked the Highway Superintendent to comment on the last three resolutions passed.

Superintendent Donald Higgins comments: I would like to offer my most sincere thank you to the County Administrator and the Board of Supervisors for approving these three very important appointments. These three gentlemen represent the long-term future of the County Highway Department and their appointments today are key to our success. These three gentlemen have 58 years of combined education, construction and transportation related experience. Thank you again.

CLOSE PUBLIC HEARING

Chairman LeFeber asked if anyone wished to comment regarding the public hearing. No one wished to speak. The Chairman asked if any Supervisor wished to comment. Supervisor Carman questioned one section of the local law.

The Chairman declared the public hearing closed.

MOTION TO MOVE LOCAL LAW NO. A – 2018

Supervisor Carman stated that he does agree with the intent to recover any cost, but not the mass entity piece under section V. There are times when prescriptions are needed and he cannot approve as written. The County Administrator suggested adding the word inappropriate to local law section specified.

VOTE ON LOCAL LAW

Mr. Pangrazio moved and Mr. DiPasquale seconded to amend section V4 and V5 adding the word inappropriate before selling, distributing...

LOCAL LAW NO. A-2018 – A LOCAL LAW PROVIDING FOR MUNICIPAL OPIOID COST RECOVERY AND PUBLIC NUISANCE**I. Purpose and intent.**

The opioid epidemic is sweeping the country. Addiction to and abuse of opioids is one of the greatest challenges facing Livingston County. A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioids were sold, distributed, and prescribed in the County over the past several years, a practice that continues today. The selling, distributing, and prescribing of large amounts of opioids in our community has created a public health and safety hazard affecting the residents of the County. This crisis has devastated families, wreaked havoc on our economy, and produced a generation of narcotic dependence. As a result of the opioid epidemic, costs related to healthcare, family and social services, criminal justice, addiction and rehabilitation, and many other areas have significantly increased. Many of these costs are paid by the County.

The purpose and intent of this legislation is to allow the County to recover these costs, despite the existence of the common-law municipal cost recovery rule (a.k.a. free public services doctrine) and declare the opioid epidemic and its effects on the County a public nuisance. Specifically, the County provides services related to the opioid epidemic, which are funded by tax revenues. This statute clarifies that reimbursement may be sought for the costs of providing such services, whenever practicable, from the responsible party. To accomplish this, the County establishes this cost recovery procedure and declares the opioid epidemic and its effects on the County a public nuisance.

II. Definitions.

“Costs” means all expenditures related to the opioid epidemic that directly or indirectly arise from the County’s response to a responsible party’s action or inaction.

“Responsible party” means any person or corporation whose negligent, intentional, or otherwise wrongful conduct causes the incident resulting in the County incurring costs or who is found liable or made responsible by a court for the costs incurred by the County in the form of damages, regardless of the cause of action.

III. Governmental function cost recovery.

The County may recover the costs of governmental functions related to opioids marketed, sold, manufactured, dispensed, prescribed, and/or distributed by the responsible party. If a responsible party fails to pay the costs demanded, the County may initiate and recover costs through administrative, civil, and/or criminal action against the responsible party. In that case, the County may also recover attorney’s fees, interest, and any other payment or type of damages the court deems proper.

IV. Effect of criminal or civil proceedings on governmental function cost recovery.

The initiation of administrative or civil proceedings for governmental function cost recovery does not bar the criminal prosecution of a responsible party for any associated violation. Similarly, criminal prosecution does not bar civil collection of costs for the violation giving rise to the criminal prosecution.

V. Public nuisance.

The County hereby finds and declares the following:

- 1) That addiction to and abuse of opioids is one of the greatest challenges facing the County;
- 2) A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioid pain pills were sold, distributed and prescribed in the County over the past several years which practice continues today;
- 3) There is evidence showing that approximately four in five heroin users began their addiction by first using and then misusing prescription pain medications containing opioids;
- 4) The inappropriate selling, distributing, and prescribing of large amounts of opioid pain pills in the County has created a public health and safety hazard affecting the residents of the County, resulting in devastation to County families, a negative effect on the County economy, wasted public resources, and a generation of narcotic dependence;
- 5) That inappropriate selling, distributing, and prescribing of prescription opioid pain pills is a hazard to public health and safety, which has created a public nuisance to the citizens of the County, and said nuisance remains unabated;
- 6) That, in addition to all other powers and duties now conferred by law upon the County, the County is authorized to enact ordinances, issue orders, and take other appropriate and necessary actions for the

elimination of hazards to public health and safety and to abate or cause to be abated anything which the commission determines to be a public nuisance;

- 7) That manufacturers of prescription opioids and those in the chain of distribution have wrongfully abused the privilege of selling and/or providing medication to our residents and must be held accountable; and
- 8) That it is the duty of the County to vindicate the rights of the citizens of the County and take action to abate this public nuisance.

VI. Retroactive application.

This legislation applies retroactively.

Dated at Geneseo, New York

March 14, 2018 (Introduced)

March 28, 2018 (Adopted)

The roll was called as follows: Ayes-1,915; Noes-0; Absent-Schuster, 53; Erdle, 41; Total 94; Adopted.

OTHER BUSINESS

1. COUNTY ADMINISTRATOR IAN COYLE – 2018 STATE OF THE COUNTY PRESENTATION

The County Administrator presented the 2018 State of the County.

There was an art contest for the cover among fifth graders of which Briana Lynn at Cal-Mum won and celebrated with a pizza party and some county swag delivered by Mr. Coyle and Mr. Pangrazio.

2017 Year at a Glance

- Timely, balanced budget & Clean audit opinion
- Shared Services report filed
- NYS Approval for Land Bank
- Commenced Energy Performance Contract
- Millions in New Grant Awards
- Mobile Radio Cutover
- Conflict Defender office

2017 - By the Numbers

- 97% - CNR Occupancy
- 27 Miles of Highway paving/reconstruction work
- \$2.6MM in awards through County Grants Office
- 106 Teen Recognition Award Recipients
- 4,812 Dispatches for Service – County EMS
- ~150 Projected Jobs from IDA induced projects
- ONLY County in NY with accredited PH, SO, EMS
- 9th Healthiest County in NYS
- 1,684 New Voter Registrations
- 74,000 Meals for Seniors

2017 - How did we do?

GFOA Distinguished Budget Award, NACo 2017 Achievement Awards, USA Today/Gannett Recognition, County Health Rankings, ICMA Community Hero

2018 - Trends & Indicators

- New York State Budget Presents Concerns
- County Population Neutral/Stable 2000-2016
- Poverty Levels High, Especially Among Children
- 2018 Healthiest Counties Ranking
- Sales tax Increase 2017, ~2x NYS average

2018 - Competitiveness Planning

- Public Market
- Multi-Generational Community Center Study
- Al Lorenz Park Master Plan
- Thrive in Livingston Anti-Poverty Plan
- Water Supply Study

- EOC/EMS Building Expansion Project
- Downtown 2.0 Program
- Dialysis Extension Clinic
- Brew in Livingston
- 911 Interoperability Improvements
- Broadband Initiatives
- Building 1 Auditorium

The 2018 State of the County-Forward-Looking, Stable, Accredited, Prepared, Focused, Results-Oriented and Healthy.

ADJOURNMENT

Motion made by Mr. Pangrazio and seconded by Mr. Mahus to adjourn until Wednesday, April 11, 2018 at 1:30 p.m. Carried.

The Board adjourned at 2:25 p.m.