

**REGULAR BOARD MEETING
WEDNESDAY, OCTOBER 10, 2018
1:30 P.M.**

ROLL CALL

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

PLEDGE OF ALLEGIANCE

The County Administrator introduced Luz Diaz:

Luz Diaz was born in Camden, New Jersey. She graduated from Rafael Roccia High School in Puerto Rico and was a 2004 Genesee Community College Graduate in Dansville.

Luz enlisted in the United States Army on October 2, 2006 and completed basic training at Fort Jackson, South Carolina. During her military service, she completed automated logistics course at Fort Lee, Virginia and Non Commissioned Officer Professional Development at Fort Hood Texas and completed both combat life savers course and warrior leader's course. She served two deployments in Iraq from June 25 to December 20, 2007 and April 22, 2009 to April 15, 2010. Luz received an Honorable discharge on February 17, 2013 at the rank of Sergeant (E-5).

Her military awards include: Iraq Campaign Medal with two Campaign Stars, Two Army Achievement Medals, Two Good Conduct Medals, Meritorious Unit Commendation, National Defense Service Medal, Global War on Terrorism Service Medal, Army Service Ribbon, and Overseas service Ribbon.

Luz currently serves many capacities within the Church of Christ in Mount Morris. She serves as missionary, secretary, captain of children's church, women's group leader, youth Bible school teacher, and secretary to women's of faith association for council.

Luz Diaz currently resides in Geneseo with her husband José Sorano. She has three children; one son is a veteran himself and a purple heart recipient, and one granddaughter.

Luz Diaz, 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 Luz Diaz. The audience presented a standing ovation.

APPROVAL OF MINUTES

Minutes of 9/26/18 Regular Meeting were approved as presented.

PUBLIC HEARINGS

1. CONSIDER OBJECTIONS TO TENTATIVE 2018 SPECIAL ASSESSMENT ROLL OF THE LIVINGSTON COUNTY WATER DISTRICT NO. 1 ZONES 1,2,3,4,4A, AND 5, CONESUS LAKE COUNTY SEWER DISTRICT – EXT. #8 AND #9, AND GROVELAND STATION COUNTY SEWER DISTRICT

Chairman LeFeber asked Water and Sewer Authority Executive Director Michelle Baines to comment on the first public hearing.

Ms. Baines explained that this is annual public hearing to hear any objections to the number of units assigned each parcel in the various County water and sewer districts. This special assessment roll is compiled by the County Real Property Tax Services office. The units are assigned based upon rules and regulations that this Board adopted when these County districts were first formed. This special assessment shows how many water and/or sewer units you will be charged on your County tax bill for 2019. This is not a new charge. This special assessment pays for the construction of water and sewer systems.

2. LOCAL LAW NO. C - 2018 SUPERSEDING COUNTY LAW 215 (3) RELATING TO A LEASE OF REAL PROPERTY FROM JOHN L. STEVENS, CAROL J. STEVENS AND JOEL STEVENS

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

Ms. Hillier explained that this local law supersedes County Law for purposes of the County leasing property on Short Tract Road for the development of another tower site related to emergency communications. The lease would be for a period of 99 years.

3. LOCAL LAW NO. D - 2018 – A LOCAL LAW AMENDING AND RESTATING LOCAL LAW NO. 4 OF THE YEAR 2016 RELATIVE TO THE LIVINGSTON COUNTY SELF-INSURANCE PLAN FOR WORKERS' COMPENSATION

Chairman LeFeber asked County Administrator Ian Coyle to comment on the local law.

Mr. Coyle explained that we presently have the County, 17 Towns and 9 Villages participating in addition to Livonia Ambulance and to allow for the entry of a non-municipal, but still public entity to amend and restate our Workers Comp law. This would give the Livingston County Water and Sewer Authority the ability to participate under our Workers' Compensation Plan.

Chairman LeFeber declared the Public Hearings 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 hearings would remain open until the end of the meeting.

COMMUNICATIONS

1. Thank you card from the family of Nancy Vogt.
2. A Memory Walk event is scheduled for Thursday, October 25--5:00pm-6:00pm starting at the CNR. Contact Kim Kavanagh (243-7222 or kkavanagh@co.livingston.ny.us) for more information.
3. Notification from the Villages of Avon, Caledonia, Geneseo, Leicester, Lima, Livonia, Mt. Morris and Nunda requesting the County Treasurer collect delinquent village taxes for the year 2018-2019.
4. Notice of Public Hearing from the Town of Richmond.
5. The 2018 Budget Workshop is immediately following today's Board meeting.

ABSTRACT OF CLAIMS

RESOLUTION NO. 2018-326 APPROVING ABSTRACT OF CLAIMS #10A-OCTOBER, 2018

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

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #10A dated October 10, 2018 in the total amount of \$2,806,848.37.

Dated at Geneseo, New York

October 10, 2018

Ways and Means Committee

The roll was called as follows: Ayes - 1,937; Noes - 0; Absent - Fanaro, 72; Adopted.

PRIVILEGES OF THE FLOOR

1. WORKFORCE DEVELOPMENT DIRECTOR RYAN SNYDER AND JOHNSON CONSULTING PRESIDENT & CEO CHARLES JOHNSON AND REPRESENTATIVE BRANDON DOWLING

• COMMUNITY CENTER STUDY PRESENTATION

Mr. Snyder thanked the Board for this opportunity and explained that Johnson Consulting is a real estate and hospitality consulting firm based in Chicago, Illinois. The purpose of their presentation today is to provide information on the results of the needs assessment and feasibility study conducted earlier this year and answer any questions. Charlie Johnson reviewed the work being done over the last few months for the feasibility study for this community center. Johnson Consulting is eminently qualified to work on this type of project and has worked on similar projects throughout the Country. There was a resounding response from the community on the survey work. Brandon Dowling reviewed a summarization of their report. Phase 1 consists of the scope, a market assessment and audit of the local community, business plan and financial projections. Phase 2 consists of business plan and financial projections. The outcome is certainly a need for a multi-generational community center. There was a tremendous response on civic pride to improve quality of life. Livingston is the only GLOW County without a multi-generational facility currently within the county. Stakeholder meetings were held at the beginning of this process. Key needs were improved quality of life and meet the needs of the local community. Over 1,800 responses to survey were received from the community. 70% of the respondents leave the county once per month for this type of activity. Marketplace needs were athletics and recreation space as well as senior and community space consisting of an indoor track, as well as, turf, hard courts, senior community space for health and wellness, like nutrition and fall prevention. Mr. Dowling reviewed the four sites were analyzed for the type of facility to meet our needs. Costs estimates are ~18M facility depending on specific features. There was a request for more information for next steps moving forward. Surveys were done by web based

and hard copy shared with schools and senior nutrition sites. The need for swimming facilities and personnel to operate the facility was discussed. With responses at less than 3% of total residents in Livingston County, it would be better to get more resident feedback responses. The costs were discussed and Mr. Coyle explained that study work funds were set aside over the last two budgets. A 1/10 mile track is very short and too small to host competitions. Mr. Dowling explained that the track was primarily planned for a walking track. These tracks are typically above the playing fields. There was Board concern that 97% of County residents did not respond and whether it was possible to add something to ballots as a non binding ballot/referendum. A \$15M tax levy increase is not something that can be approved without more information. Mr. Coyle explained that the survey numbers that we received were the best we could get across the population. The cost of operation is a big budget line that needs to be considered further. There was concern with mileage and the willingness to travel up to 10 miles. The Board would like more information from Ryan Snyder, Sue Carlock and Bill Bacon to present at a Human Services Committee meeting on is involved with Phase 2 and what it will cost. Chairman LeFeber explained that this is a huge step that we really want to research fully before moving forward.

PREFERRED AGENDA REQUIRING ONE ROLL CALL VOTE

RESOLUTION NO. 2018-327 PROCLAIMING THE MONTH OF OCTOBER 2018 AS BREAST CANCER AWARENESS MONTH

WHEREAS, breast cancer is the second most commonly diagnosed form of cancer for women in the United States and remains the second leading cause of cancer death among American women; and

WHEREAS, mammography, an "x-ray of the breast," is recognized as the single most effective method of detecting breast changes long before physical symptoms can be seen or felt. Early detection and improved treatment is believed to have significantly reduced the number of deaths caused by breast cancer; and

WHEREAS, researchers, scientists, and numerous nonprofit organizations are dedicated to discovering the cure for breast cancer; and

WHEREAS, we recognize that over two and a half million Americans are breast cancer survivors that gives us hope for a better future and during the month of October, we acknowledge the extraordinary commitment and effort invested in this cause; now, therefore be it

RESOLVED, that the Livingston County Board of Supervisors extends their deepest respect for the survivors and those advocating for the prevention and cure, and does hereby proclaim October 2018 as "Breast Cancer Awareness Month" in Livingston County.

Dated at Geneseo, New York

October 10, 2018

Human Services Committee

RESOLUTION NO. 2018-328 PROCLAIMING THE MONTH OF OCTOBER 2018 AS DOMESTIC/FAMILY VIOLENCE EDUCATION AND AWARENESS MONTH FOR LIVINGSTON COUNTY

WHEREAS, October is National Domestic Violence Awareness Month across the United States, and Purple has been designated as the domestic violence color marker, and

WHEREAS, the issue of domestic/family violence is a major societal problem that costs the County government and taxpayers thousands of dollars each year and will only yield in part to continual focus and exposure by the County government, its affiliates and committees, and

WHEREAS, the Livingston County Domestic Violence Consortium and the Livingston County Domestic Violence Task Force fully support the implementation of this resolution in support of their collaborative efforts within the County, and

WHEREAS, the Education, Prevention and Awareness arm of Chances and Changes, Inc. demonstrates a partnership commitment to provide presentations and information to schools to educate kindergarten through college level students, many area public sector organizations, and emphasizes the need for exposure and training for County businesses, especially their managers and supervisors on this difficult topic, and

WHEREAS, events and programs are offered by the County domestic/family violence agency, Chances and Changes, Inc., during October of each year in acknowledgement of this National Awareness Month, and include programs with and for SUNY Geneseo and other County students, community residents recognized by Partners In Change awards and other County activities such as candlelight vigils and Friends and Family Information Sessions; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors does hereby proclaim the month of October, 2018 as Domestic/Family Violence Education and Awareness Month for Livingston County.

Dated at Geneseo, New York
October 10, 2018

Human Services Committee

RESOLUTION NO. 2018-329 APPOINTING MEMBER TO THE COMMUNITY INITIATIVES COUNCIL: AMELIA YOUSEY

RESOLVED, that the following member is hereby appointed to the Livingston County Community Initiatives Council for the term designated:

Livingston County Community Initiatives Council			
Name	Address	Rep/Title	Term
Amelia Yousey	328 University Ave, Rochester NY, 14607	Private Sector	10/10/18 - 12/31/19 (filling M. Keihl vacancy)

Dated at Geneseo, New York
October 10, 2018

Human Services Committee

RESOLUTION NO. 2018-330 PROVIDING FOR PUBLIC HEARING ON PETITIONS TO JOIN EXISTING AGRICULTURAL DISTRICTS AND REFERRING THEM TO THE LIVINGSTON COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD

WHEREAS, Section 303-b of the New York State Agriculture and Markets Law provides for the inclusion of viable agricultural land within a certified Agricultural District; and

WHEREAS, Livingston County has received petitions from landowners requesting the inclusion of their land in Agricultural Districts; now therefore be it

RESOLVED, that a public hearing on the inclusion of viable agricultural land within existing Agricultural Districts will be held at 1:35 PM on November 28, 2018, in the Board Room at the Livingston County Government Center, Geneseo; and be it further

RESOLVED, that a notice of the public hearing be published in the County's official newspaper, and as otherwise provided for by law; and be it further

RESOLVED, that the petitions shall be referred to the Livingston County Agricultural and Farmland Protection Board, as provided for by law.

Dated at Geneseo, New York
October 10, 2018

Public Services Committee

RESOLUTION NO. 2018-331 PROVIDING FOR A PUBLIC HEARING TO CONSIDER PUBLIC COMMENT ON THE COUNTY'S COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL FOR AN ECONOMIC DEVELOPMENT PROJECT IN THE TOWN OF LIVONIA

RESOLVED, that the Livingston County Board of Supervisors hereby schedules a public hearing to be held on November 14, 2018 at 1:35 PM in the Board of Supervisors Assembly Room, Livingston County Government Center, Third Floor, Geneseo, New York, for the purpose of providing 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 the Rising Storm Brewing Company, LLC project in the Town of Livonia, and at least ten (10) 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
October 10, 2018

Public Services 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. Deming and seconded by Mr. Wadsworth to move the Preferred Agenda. Carried.
The roll was called as follows: Ayes - 1,937; Noes - 0; Absent - Fanaro, 72; Adopted.

RESOLUTIONS REQUIRING A SEPARATE ROLL CALL VOTE

Center for Nursing and Rehabilitation

RESOLUTION NO. 2018-332 AUTHORIZING A PROFESSIONAL SERVICES CONTRACT FOR LABORATORY SERVICES TO THE LIVINGSTON COUNTY CENTER FOR NURSING AND REHABILITATION – NICHOLAS H. NOYES MEMORIAL HOSPITAL

Mrs. Donohue presented the following resolution and moved its adoption:

WHEREAS, the County of Livingston solicited a Request for Proposal for Laboratory Services to the Livingston County Center for Nursing and Rehabilitation, and one (1) proposal was received, now, therefore, be it

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign the following contract, which is determined to be the most qualified to provide said services, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Nicholas H. Noyes Memorial Hospital 111 Clara Barton Street Dansville, New York 14437	11/1/18-10/31/21, w/two additional 1 year terms, at the County's sole option, ending October 31, 2023.	Fee Schedule

For: Laboratory Services

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
CNR Operating Budget	N/A	X Yes No

Dated at Geneseo, New York

October 10, 2018

Human Services Committee

The roll was called as follows: Ayes - 1,937; Noes - 0; Absent - Fanaro, 72; Adopted.

RESOLUTION NO. 2018-333 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR THE CENTER FOR NURSING AND REHABILITATION: WORLD WIDE TRAVEL STAFFING, LLC

Mrs. Donohue 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 Center for Nursing and Rehabilitation, and any future amendments to said contract, according to the term designated, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
World Wide Travel Staffing, LLC. 2829 Sheridan Drive Tonawanda, NY 14150	11/01/18-10/31/19	Fee Schedule

For: Supplemental clinical staffing

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
Operating Budget	N/A	X Yes No

Dated at Geneseo, New York

October 10, 2018

Human Services Committee

The roll was called as follows: Ayes - 1,937; Noes - 0; Absent - Fanaro, 72; Adopted.

RESOLUTION NO. 2018-334 AMENDING RESOLUTION NO. 2018-35

Mrs. Donohue presented the following resolution and moved its adoption:

WHEREAS, Resolution No. 2018-35 authorized the Chairman of the Board of Supervisors to sign a professional services contract for medical services to the Livingston County Center for Nursing and Rehabilitation to include Physician and Medical Director services; and

WHEREAS, the parties now wish to exclude the provision of Medical Director services as part of the scope of work to be provided by Shifa Medical, PLLC and, as a result, the contract for medical services needs to be amended; now therefore, be it

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign the following contract amendment for the Livingston County Center for Nursing and Rehabilitation, according to the terms designated, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Shifa Medical, PLLC 213 Main Street Dansville, New York 14437	6/1/18-5/31/21	No Fee

For: Professional services contract for medical services to the County's Center for Nursing and Rehabilitation

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
N/A	\$0	Yes No

And be it further

RESOLVED, that Resolution No.2018-35 is hereby amended.

Dated at Geneseo, New York

October 10, 2018

Human Services Committee

The roll was called as follows: Ayes - 1,937; Noes - 0; Absent - Fanaro, 72; Adopted.

RESOLUTION NO. 2018-335 AUTHORIZING A PROFESSIONAL SERVICES CONTRACT FOR MEDICAL DIRECTOR SERVICES TO THE LIVINGSTON COUNTY CENTER FOR NURSING AND REHABILITATION – DOUGLAS B. MAYHLE, MD

Mrs. Donohue presented the following resolution and moved its adoption:

WHEREAS, the County of Livingston wishes to retain the services of a physician to provide Medical Director Services to the Livingston County Center for Nursing and Rehabilitation, and

WHEREAS, Dr. Douglas B. Mayhle has agreed to provide these services, now, therefore, be it

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

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Douglas B Mayhle, MD 9792 Fancher Heights Houghton, New York 14744	11/1/18-5/31/21, w/option to renew for two additional 1 year terms by mutual agreement, ending 5/31/23.	\$165.00/hr, Increase 3% annually June 1.

For: Medical Director Services

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
CNR Operating Budget	N/A	X Yes No

Dated at Geneseo, New York

October 10, 2018

Human Services Committee

The roll was called as follows: Ayes - 1,937; Noes - 0; Absent - Fanaro, 72; Adopted.

Department of Health

RESOLUTION NO. 2018-336 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACTS FOR THE LIVINGSTON COUNTY DEPARTMENT OF HEALTH: ENVIRONMENTAL TESTING AND CONSULTING, INC., DR. JENNIFER GRAHAM & NMS LABS

Mrs. Donohue 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 contracts for the Livingston County Department of Health and any future amendments to said contracts, according to the terms designated, subject to review by the County Attorney and County Administrator:

Environmental Testing and Consulting, Inc. P.O. Box 466 Batavia, NY 14021	10/16/18-10/15/19	\$875.00 per investigation + lab fees \$8,000.00 contract amount
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For: Environmental risk assessments of homes and buildings for lead resulting in children with high lead exposure.

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
LC/NYS aid - 36%-100%,	36%-100%,	Yes X No

	dependent upon state aid	
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Dr. Jennifer Graham 10/1/18-9/30/20 \$50.00/hour
 Stony Brook Pediatrics \$200.00/month, minimum
 22 Red Jacket Street
 Dansville, NY 14437
 For: Family Planning Medical Director

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

NMS Labs 5/1/18-4/30/20 Exhibit A Pricing
 3701 Welsh Road
 Willow Grove, PA 19090
 For: Toxicology Lab services in conjunction with autopsies.

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

Dated at Geneseo, New York
 October 10, 2018
 Human Services Committee

The roll was called as follows: Ayes - 1,937; Noes - 0; Absent - Fanaro, 72; Adopted.

RESOLUTION NO. 2018-337 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING MEMORANDUM OF UNDERSTANDING FOR THE LIVINGSTON COUNTY DEPARTMENT OF HEALTH – GENESEO MIGRANT CENTER /GENESE VALLEY EDUCATIONAL CENTER

Mrs. Donohue 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 Memorandum of Understanding for the Livingston County Department of Health, and any future renewals to said Memorandum of Understanding 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>
Geneseo Migrant Center	7/1/18-6/30/19	Translation \$.20/word Interpretation-\$30.00/hour Mileage-current IRS rate
3 Mt. Morris-Leicester Road Leicester, New York 1481		
For: Translation and interpretation services for non-migrant individuals from the Geneseo Migrant Center		

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
Funding for the service is dependent on the program that uses it (i.e. if WIC or RHC would be zero county cost; other programs maybe 100%.	0% - 100% dependent upon program	X Yes No

Dated at Geneseo, New York
 October 10, 2018
 Human Services Committee

The roll was called as follows: Ayes - 1,937; Noes - 0; Absent - Fanaro, 72; Adopted.

Workforce Development/Youth Bureau

RESOLUTION NO. 2018-338 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR THE COMMUNITY INITIATIVES COUNCIL: CATHERINE S. APOSTOLERIS

Mrs. Donohue 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 Community Initiatives Council, and any future amendments to said contract, according to the term designated, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Catherine S. Apostoleris	10/10/18 - 9/30/19	Not to exceed \$4,875.00
7296 Woodruff Road		

Lima, New York 14485

For: Completion of the 2019 Community Needs Assessment

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
Community Service Block Grant	0%	Yes

Dated at Geneseo, New York

October 10, 2018

Human Services Committee

The roll was called as follows: Ayes - 1,937; Noes - 0; Absent - Fanaro, 72; Adopted.

Emergency Management Services

RESOLUTION NO. 2018-339 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR THE LIVINGSTON COUNTY OFFICE OF EMERGENCY MANAGEMENT-NYS DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES

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 Office of Emergency Management, and any future amendments to said contract, according to the term designated, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
NYSDHSES 1220 Washington Ave., Building 7A, Suite 710 Albany, NY 12242	9/1/18 – 8/31/21	\$112,467.00

For: FY 18 State Homeland Security Program

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
New York State Department of Homeland Security and Emergency Services	0	No

Dated at Geneseo, New York

October 10, 2018

Public Services Committee

The roll was called as follows: Ayes - 1,937; Noes - 0; Absent - Fanaro, 72; Adopted.

Emergency Medical Services

RESOLUTION NO. 2018-340 AMENDING A PORTION OF RESOLUTION 2015-281

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

WHEREAS, Resolution No. 2015-281 authorized the Chairman of the Board of Supervisors to sign a contract for the Emergency Medical Services Department, and

WHEREAS, the Emergency Medical Services Department wishes to extend the term of the agreement from 9/30/2018 to 6/30/2019; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign contract amendments for the Emergency Medical Services Department according to the terms designated, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Greater Rochester Health Foundation 150 State Street, Suite 100 Rochester, NY 14614	10/1/15- 6/30/19	\$599,393.00

For: Clinical Services for Older Adults Grant - "Emergency Department Care Transitions Coaching to Help Older Adults Maintain their Health"

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

And be it further,

RESOLVED, that Resolution No. 2015-281 is hereby amended.

Dated at Geneseo, New York

October 10, 2018

Public Services Committee

The roll was called as follows: Ayes - 1,937; Noes - 0; Absent - Fanaro, 72; Adopted.

Highway

RESOLUTION NO. 2018-341 AUTHORIZING THE SUPPLEMENTAL AGREEMENT #1 TO BRIDGE NY FEDERAL AID OR STATE AID PROJECT, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE-AID ELIGIBLE COSTS, OF A FEDERAL-AID AND/OR STATE-AID TRANSPORTATION PROJECT, AND APPROPRIATING FUNDS THEREFORE - PENNIMITE ROAD OVER WILKINS CREEK, TOWN OF LIVONIA

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

WHEREAS, Sponsor will design, let and construct the "Project", and

WHEREAS, a Project for the Replacement of Pennimite Road Bridge over Wilkins Creek, Town of Livonia, P.I.N 4BNY.04 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ration of 95% Federal funds and 5% non-federal funds, and

WHEREAS, the County of Livingston desires to advance the Project by making a commitment of 100% of the non-federal share of costs of Preliminary Engineering and Design Phases, and

WHEREAS, Livingston County Board of Supervisors Res. No. 2017-294 authorized \$20,000.00 for Preliminary Engineering and Design Phases, now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby approves the above-subject project, and it is hereby further

RESOLVED, that the Livingston County Board of Supervisors hereby authorizes the Chairman of the Board of Supervisors to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering, Design, Construction and Construction Inspection work for the Project or portions thereof; and it is further

RESOLVED, that the Livingston County Board of Supervisors hereby agrees that the County of Livingston shall be responsible for all cost of the project which exceed the amount of the NY Bridge Funding awarded to the County of Livingston, and it is further

RESOLVED, that the total sum of \$403,712.00 is hereby appropriated from Livingston County Budget Appropriations and made available to cover the cost of participation in the above phases of the Project, and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Livingston County Board of Supervisors shall convene as soon as possible to appropriate said excess amount immediately upon notification by the Livingston County Highway Superintendent thereof, and it is further

RESOLVED, that Livingston County hereby agrees that construction of the Project shall begin no later than eighteen (18) months after award, and that the Project shall be completed within THREE years of commencing construction, and it is further

RESOLVED, that the Chairman of the Board of the Livingston County Board of Supervisors be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal-Aid and/or State-Aid on behalf of the County of Livingston with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
NYS Department of Transportation 50 Wolf Road Albany, NY 12232	6/1/17-3/31/22	\$403,712.00

For: State/Local Supplemental Agreement #1 for Replacement of Pennimite Road Bridge, Town of Livonia, PIN 4BNY.04, BIN 2258050 for all Phases of Project.

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
NYS Bridge-NY Program, Town of Livonia	0%(See Comment)	Yes X No

Dated at Geneseo, New York

October 10, 2018

Public Services Committee

The roll was called as follows: Ayes - 1,937; Noes - 0; Absent - Fanaro, 72; Adopted.

RESOLUTION NO. 2018-342 AUTHORIZING THE SUPPLEMENTAL AGREEMENT #1 TO BRIDGE NY FEDERAL AID OR STATE AID PROJECT, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE-AID ELIGIBLE COSTS, OF A FEDERAL-AID AND/OR STATE-AID TRANSPORTATION PROJECT, AND APPROPRIATING FUNDS THEREFORE - PENNYCOOK ROAD OVER UNNAMED CREEK, TOWN OF PORTAGE

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

WHEREAS, Sponsor will design, let and construct the "Project", and

WHEREAS, a Project for the Replacement of Pennycook Road Bridge over Unnamed Creek, Town of Portage, P.I.N 4BNY.03 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ration of 95% Federal funds and 5% non-federal funds, and

WHEREAS, the County of Livingston desires to advance the Project by making a commitment of 100% of the non-federal share of costs of Preliminary Engineering and Design Phases, and

WHEREAS, Livingston County Board of Supervisors Res. No. 2017-295 authorized \$19,000.00 for Preliminary Engineering and Design Phases, now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby approves the above-subject project, and it is hereby further

RESOLVED, that the Livingston County Board of Supervisors hereby authorizes the Chairman of the Board of Supervisors to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering, Design, Construction and Construction Inspection work for the Project or portions thereof; and it is further

RESOLVED, that the Livingston County Board of Supervisors hereby agrees that the County of Livingston shall be responsible for all cost of the project which exceed the amount of the NY Bridge Funding awarded to the County of Livingston, and it is further

RESOLVED, that the total sum of \$308,550.00 is hereby appropriated from Livingston County Budget Appropriations and made available to cover the cost of participation in the above phases of the Project, and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Livingston County Board of Supervisors shall convene as soon as possible to appropriate said excess amount immediately upon notification by the Livingston County Highway Superintendent thereof, and it is further

RESOLVED, that Livingston County hereby agrees that construction of the Project shall begin no later than eighteen (18) months after award, and that the Project shall be completed within THREE years of commencing construction, and it is further

RESOLVED, that the Chairman of the Board of the Livingston County Board of Supervisors be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal-Aid and/or State-Aid on behalf of the County of Livingston with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
NYS Department of Transportation	6/1/17-3/31/22	\$308,550.00
50 Wolf Road		
Albany, NY 12232		

For: State/Local Supplemental Agreement #1 for Replacement of Pennycook Road Bridge, Town of Portage, PIN 4BNY.03, BIN 2210950 for all Phases of Project.

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
NYS Bridge-NY Program, Town of Portage	0%See Comment)	Yes X No

Dated at Geneseo, New York

October 10, 2018

Public Services Committee

The roll was called as follows: Ayes - 1,937; Noes - 0; Absent - Fanaro, 72; Adopted.

Planning

RESOLUTION NO. 2018-343 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR THE LIVINGSTON COUNTY PLANNING DEPARTMENT: CC ENVIRONMENT AND PLANNING

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 Planning Department, and any future amendments to said contract, according to the term designated, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
CC Environment & Planning	9/1/18 – 12/31/18	Not to exceed \$8,793.00

23 Jackson Street

Batavia, NY 14020

For: Graphic Design for Conesus Lake Public Education Efforts

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
2016 Great Lakes Small Grants Program	0	Yes

Dated at Geneseo, New York

October 10, 2018

Public Services Committee

The roll was called as follows: Ayes - 1,937; Noes - 0; Absent - Fanaro, 72; Adopted.

Sheriff

RESOLUTION NO. 2018-344 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR THE LIVINGSTON COUNTY SHERIFF'S OFFICE –NYS DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES

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, and any future amendments to said contract, according to the term designated, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
NYSDHSES	9/1/18 – 8/31/21	\$37,489.00

1220 Washington Ave., Building 7A, Suite 710

Albany, NY 12242

For: FY 18 State Law Enforcement Terrorism Prevention Program

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
New York State Department of Homeland Security and Emergency Services	0	Yes

Dated at Geneseo, New York

October 10, 2018

Public Services Committee

The roll was called as follows: Ayes - 1,937; Noes - 0; Absent - Fanaro, 72; Adopted.

County Administrator/Budget Officer

RESOLUTION NO. 2018-345 AUTHORIZING TRANSFER OF FUNDS – HIGHWAY (3)

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

October 10, 2018

Ways and Means Committee

The roll was called as follows: Ayes - 1,937; Noes - 0; Absent - Fanaro, 72; Adopted.

RESOLUTION NO. 2018-346 AMENDING 2018 LIVINGSTON COUNTY BUDGET – OFFICE FOR THE AGING

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

RESOLVED, that the Livingston County Treasurer is authorized and directed to make the requested Budget Amendments per the Budget Amendment entries, which have been approved by the Livingston County Administrator.

Dated at Geneseo, New York

October 10, 2018

Ways and Means Committee

The roll was called as follows: Ayes - 1,937; Noes - 0; Absent - Fanaro, 72; Adopted.

Personnel

RESOLUTION NO. 2018-347 AMENDING THE 2018 HOURLY EMPLOYEE SALARY SCHEDULE: CENTER FOR NURSING AND REHABILITATION & DEPARTMENT OF HEALTH

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

RESOLVED, that the 2018 Hourly Employee Salary Schedule is amended as follows:

Center for Nursing and Rehabilitation

- Create one full-time Director of Long Term Care position.
- Delete one full-time Director of Long Term Care position upon retirement of incumbent Franklin Bassett.

Department of Health

- Create one full-time Mental Health Licensed Therapist position.

Dated at Geneseo, New York

October 10, 2018

Ways and Means Committee

The roll was called as follows: Ayes - 1,937; Noes - 0; Absent - Fanaro, 72; Adopted.

Real Property Tax Services

RESOLUTION NO. 2018-348 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR THE LIVINGSTON COUNTY DEPARTMENT OF REAL PROPERTY TAX SERVICES: BUSINESS AUTOMATION SERVICES, INC.

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 Department of Real Property Tax Services, and any future amendments to said contract, according to the term designated, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Business Automation Services, Inc. (BAS)	N/A	Not to exceed \$78,489.00
661 Plank Road		
Clifton Park, NY 12065		
For: Tax Collection Software		

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
LC Budget	TBD	Yes No X

Dated at Geneseo, New York

October 10, 2018

Ways and Means Committee

The roll was called as follows: Ayes - 1,937; Noes - 0; Absent - Fanaro, 72; Adopted.

CLOSE PUBLIC HEARINGS

Chairman LeFeber declared all three public hearings closed.

MOTION TO MOVE LOCAL LAW NO. C - 2018 SUPERSEDING COUNTY LAW 215 (3) RELATING TO A LEASE OF REAL PROPERTY FROM JOHN L. STEVENS, CAROL J. STEVENS AND JOEL STEVENS

Mr. Gott moved and Mr. Pangrazio seconded to move the proposed local law to the table for a vote. Carried.

VOTE ON LOCAL LAW NO. C – 2018 SUPERSEDING COUNTY LAW 215 (3) RELATING TO A LEASE OF REAL PROPERTY FROM JOHN L. STEVENS, CAROL J. STEVENS AND JOEL STEVENS

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

Section 1:

The Board of Supervisors of Livingston County intends by this Local Law to supersede the provisions of County Law §215 (3) which limits leases of real property by the County to 5 year terms. The Board of Supervisors has determined that the lease of real property on Short Tract Road, Nunda, New York from John L. Stevens, Carol J. Stevens and Joel Stevens for the siting of an emergency communication tower should not be limited to a 5-year term.

Section 2:

The Livingston County Board of Supervisors hereby determines that it is in the best interest of the County of Livingston to supersede the provisions of §215 (3) of the County Law and therefore authorizes the lease of real property on Short Tract Road, Nunda, New York from John L. Stevens, Carol J. Stevens and Joel Stevens for the siting of an emergency communication tower for a period of 99 years. The terms of such lease shall nevertheless be subject to the prior approval of the Livingston County Board of Supervisors.

Section 3:

This Local Law is subject to a permissive referendum.

Section 4:

This Local Law shall be effective upon filing with the New York State Secretary of State.

Dated at Geneseo, New York

September 12, 2018 (Introduced)

October 10, 2018 (Adopted)

The roll was called as follows: Ayes - 1,937; Noes - 0; Absent - Fanaro, 72; Adopted.

MOTION TO MOVE LOCAL LAW NO. D - 2018 – A LOCAL LAW AMENDING AND RESTATING LOCAL LAW NO. 4 OF THE YEAR 2016 RELATIVE TO THE LIVINGSTON COUNTY SELF-INSURANCE PLAN FOR WORKERS' COMPENSATION

Mr. Pangrazio moved and Mr. Falk seconded to move the proposed local law to the table for a vote. Carried.

VOTE ON LOCAL LAW NO. D - 2018

A LOCAL LAW AMENDING AND RESTATING LOCAL LAW NO. 4 OF THE YEAR 2016 RELATIVE TO THE LIVINGSTON COUNTY SELF-INSURANCE PLAN FOR WORKERS' COMPENSATION

BE IT ENACTED by the Board of Supervisors in and for the County of Livingston, as follows:

The text of Local Law 2016-4 is hereby **AMENDED AND RESTATED** to read as follows:

Purpose and Intent:

The purpose and intent of this Local Law is to amend Local Law Number 1 of 1956, as amended, relative to the operation of the Livingston County Self-Insurance Plan for Workers' Compensation (hereinafter "the Plan"). This local law continues the plan in full force and effect under Article 5 of the Workers' Compensation Law and amends the Plan's operations as of the date this law becomes effective.

Article 1. Plan Established and Continued.

The plan of self-insurance provided for in Article 5 of the Workers' Compensation Law is hereby established and continued and shall continue to be known by the name of the "Livingston County Self-Insurance Plan for Workers' Compensation."

Article 2. Plan Governance and Supervision.

The plan of self-insurance hereby established shall be under the general supervision of a Claims Committee which shall consist of the County Administrator, County Auditor and County Treasurer. A Third Party Administrator may be retained, at the Livingston County Board of Supervisor's option, to administer the day-to-day operations of the plan, claims administration and third-party reimbursement. The cost of the Third Party Administrator shall constitute a plan expense. The Claims Committee shall appoint a Secretary and any other employees of the plan within the limits of the appropriation therefore; and shall audit all bills or claims against the plan before payment, if not otherwise delegated to a Third Party Administrator by the Committee, except such sums as may be payable under §25 of the Workers' Compensation Law and awards of the Workers' Compensation Board. The committee shall also have the authority to authorize appeals to the Workers' Compensation Board or Appellate Division, Fourth Department, to commence litigation to recover claim monies paid by the plan or entitled to be recovered by the plan or to otherwise protect the

interests of the plan; to approve Workers' Compensation Law § 32 settlements of claims and to assert, compromise or waive workers' compensation liens as to third party actions or recoveries from collateral sources when it is in the best interests of the Plan to do so.

Article 3. Plan Secretary.

The Claims Committee shall appoint a Plan Secretary. The Secretary may receive compensation as Plan Secretary and perform the duties of Plan Secretary in addition to any other county employment held. It shall be the duty of the Secretary to keep minutes of the Claims Committee, to issue certificates evidencing coverage upon request and to maintain a census of each participant in the plan on an annual basis. The Secretary shall perform such other duties as may be necessary to operate the plan in accordance with the Workers' Compensation Law or other applicable laws; shall attend hearings of cases before the Workers' Compensation Board when necessary; shall have the power to authorize necessary medical care which appears from medical reports and information to be justifiable; and shall have the authority to purchase supplies, stationery, forms, books and equipment as may be necessary for the operation of said plan within the limits of the appropriation by the County Board of Supervisors and subject to the procurement policies of the County of Livingston.

Article 4. Participants in Plan; Procedure for Participation; Withdrawal.

(A) Plan Participation.

The County of Livingston shall be a participant in the plan. The Towns and Villages, Town Fire Districts and Town Ambulance Districts located within the geographical boundaries of Livingston County, and the Livingston County Water and Sewer Authority may elect to become participants of said plan. Those municipalities and other entities currently participating in the plan at the time of the adoption of this local law be and are hereby continued in their plan enrollment in the plan.

(B) Procedure for Plan Enrollment.

(1) Any municipality or eligible entity electing to become a participant shall file a certified copy of a resolution or ordinance of its governing body electing to become a participant on or before the first day of August in any year, with membership to be effective on the first day of January following such election, except that for Plan Year 2019, an eligible entity electing to become a participant shall file a certified copy of a resolution or ordinance of its governing body electing to become a participant on or before the first day of December, 2018, with membership to be effective on the first day of January 2019.

(2) Any municipality or eligible entity choosing to become a participant shall provide the Plan Secretary with a certified list of its past five (5) year claims history.

(3) The plan shall not be responsible for any claims accruing before the date a municipality or other entity becomes a participant or for incurred but not reported claims prior to becoming a participant.

(C) Procedure for Withdrawal from Plan.

(1) Any participant may withdraw from said plan by filing a certified copy of a resolution of its governing body with the Plan Secretary electing to withdraw as a participant on or before the first day of September in any year with said withdrawal to be effective on the first day of January following the election. Failure to do so on or before the deadline herein shall make the participant liable for the following year's plan assessment as determined by the County Legislature whether or not the participant actually continues in the Plan.

(2) As a term and condition for a participant's withdrawal from the Plan, the participant shall pay all outstanding claims as they mature together with twenty (20) percent of claims paid which represents their share of administrative costs, and the participant shall permit the county to withhold the participant's share of sales tax revenue (if applicable) in an amount sufficient to pay its outstanding liabilities in any succeeding year in the event that the participant fails to pay its outstanding claims, when due, in addition to any other remedies provided for by law to recoup said funds.

(3) In lieu of the requirements of section C(2) of this Article, and at the county's option, the participant withdrawing from the plan shall pay the present value of its total outstanding liabilities, in full, together with an amount equal to its share of future administration costs thirty (30) days prior to the date of its withdrawal from the plan.

(4) Notwithstanding any payments under section C(2) or C(3) of this Article, a participant which withdraws from the Plan shall also be responsible to the plan for the costs attendant to any incurred but not reported claims (IBNR) during the time the participant was a member of the Plan without limitation.

Article 5. Duties of Plan Participants.

All participants in the plan shall cooperate fully with the Claims Committee, Third Party Administrator, if any, and Plan Secretary in the administration of the plan, shall render such reports as may be required, shall promptly furnish all

pertinent information relative to any claim and aid in the investigation of any claim regarding its own employees or volunteers.

Article 6. Reports.

(A) Each participant shall maintain a record of all injuries received by employees in the course of their employment or volunteers. The following or equivalent reports or forms, as well as any others required to be filed with the Workers' Compensation Board pursuant to the Workers' Compensation Law or other law, shall be filed promptly with said Board or as otherwise directed by the county and/or Third Party Administrator, if retained:

- (1) Form C-2: employer's report of injury;
- (2) Form C-3
- (3) Form C-11: employer's report of injured employee's change in employment status resulting from injury.
- (4) Form C-61: supplemental report of employer in death case.
- (5) Form C-240: employer's statement of wage earnings preceding date of accident.
- (6) VF-1 (Notice to Liable Political Subdivision); VF-2 (Political Subdivision's Report of Injury of Firefighter) when applicable.
- (7) VAW-1 (Notice to Liable Political Subdivision); VAW-2 (Political Subdivision's Report of Injury to Volunteer Ambulance Worker) when applicable.
- (8) Such other and further forms as the NYS Workers' Compensation Board or Plan may require.

(B) Each participant shall complete, maintain and provide such other reports and forms as required by the Workers' Compensation Board, the county and/or the Third Party Administrator, including forms or reports required by the New York State Department of Labor Division of Public Employee Safety & Health and such other information as may be requested by the county or the Third Party Administrator shall be filed promptly by the participant with the county or Third Party Administrator.

(C) Forms for reports to be filed by participants pursuant to this section shall be furnished by, and be an expense of, the plan; the TPA or county shall develop procedures to expedite or file forms on behalf of a respective participant if it serves the interests of the plan.

(D) The Claims Committee shall report to the County Legislature the failure of a participant to keep or file the required reports hereunder.

Article 7. Safety Programs.

The Chairman of the Livingston County Board of Supervisors shall appoint a Labor-Management Safety Committee as required by Workers' Compensation Law § 71(2). The Committee shall, consistent with the provisions of Workers' Compensation Law § 71, develop, review and enforce the implementation of general, plan-wide safety programs designed for the responsible and reasonable protection of the lives, health and safety of the participants' employees or volunteers by employee classification on an ongoing basis. Priority shall be given to occupations where there are unique hazards and/or recurring injuries to assist in minimizing future plan exposures and risks. The participants shall abide by the safety recommendations of the Committee and shall take such steps as may be deemed by the Committee, as reasonable and practicable, to protect the lives, health and safety of the participants' employees. If a participant's own safety training, programs or procedures are sufficient, the Committee may approve same without further action. The Committee shall report to the Livingston County Board of Supervisors the failure of a participant to abide by the safety recommendations of the Committee. The costs of developing plan safety programs shall be a plan charge. Notwithstanding any other provision to the contrary, nothing herein shall be construed to prohibit any participant from developing or implementing any safety program or procedure, provided that said program or procedure is required by rule, law or regulation or has been approved by the Committee as providing the same or stricter standards of safety.

Article 8. Penalties.

(A) (1) The Claims Committee, after giving 15 days' written notice of the proposed Claims Committee action to the participant alleged to have violated the provisions of this chapter, may impose the following penalties upon a participant:

(a) For failure to file reports: a fine not to exceed \$500 for any single violation.

(b) For failure to implement safety recommendations of the Labor-Management Safety Committee: a fine not to exceed \$500 for any single violation and an additional fine not to exceed \$500 per day for each violation still in existence after the expiration of the 30 days from the receipt of a notice of additional penalty to the participant forwarded by the Claims Committee by certified mail, return receipt requested.

(2) Notwithstanding any other provisions to the contrary, any financial penalty imposed by the Claims Committee pursuant to this section may be recovered by an action in any court of competent jurisdiction on behalf of the County of Livingston or be included in the liability of the participant for the annual estimated expenses of the plan and collected in the same as said liability.

(3) Any participant who fails to pay its liability for the annual estimated expenses of the plan as provided herein shall be subject to an automatic penalty equal to one and one-half (1-1/2) percent per month of the participant's liability for the annual estimated expenses of the plan until said amount is paid in full. The Claims Committee, without additional notice, may impose an additional five (5) percent penalty if the participant's unpaid annual estimated liabilities of the plan are included in a succeeding tax levy. The county reserves the right to utilize any remedy available under the Workers' Compensation Law, or its common law right of set-off, to recoup any delinquent plan assessments.

(B) Expulsion. The Claims Committee may expel a participant for failure to observe the rules and regulations adopted herein or for any violation of the provisions of the Workers' Compensation Law, provided that the Committee's determination of expulsion shall be made after a public hearing of which the participant has had at least 15 days' written notice.

(C) Regulations. The Claims Committee shall have the power to adopt, amend or repeal rules and regulations consistent with this chapter for the conduct of hearings concerning the imposition of a penalty against or expulsion of a participant.

(D) Judicial review. Any participant aggrieved by the imposition of a penalty or expulsion as provided herein may have the determination of the Claims Committee reviewed by an Article 78 of the Civil Practice Law and Rules in Supreme Court, Livingston County, provided that said proceeding is commenced within 30 days after the final determination of the Claims Committee sought to be reviewed.

Article 9. Shares of Each Participant.

The share of each participant in the plan regarding annual Plan assessments, administrative costs and contributions shall be collected as provided for in § 67(1) of the Workers' Compensation Law. The County Treasurer may, alternatively, use the county's common law right of set-off to collect any delinquent shares, assessments or payments owed from a plan participant to the Plan from any payments owed to a given plan participant from the County of Livingston deriving from any source whatsoever including, inter alia, sales tax payments or delinquent real property tax payments.

Article 10. Payment of Benefits.

The County Treasurer and/or Third Party Administrator shall pay to claimants workers' compensation benefits as provided in § 25 of the Workers' Compensation Law or benefits as provided by the VFB or VABL, where applicable, upon order of the Plan Secretary. Other payments of liabilities of the plan shall be made by the County Treasurer or Third Party Administrator upon vouchers duly approved by the Claims Committee.

Article 11. Penalties for Offenses.

The violation of any of the provisions of this Local Law by any participant shall be grounds for the expulsion of such participant from the plan.

Article 12. Formula for Plan Apportionments (Non-VFBL & Non-VABL). Apportionment of all Plan costs shall be determined by taking the total amount to be assessed and applying the following formula:

(1) Fifty percent (50%) of the total revenue for the Plan shall be generated based on Taxable Real Property. Fifty percent (50%) of any Plan participant's annual assessment shall be computed based upon a plan participant's taxable real property in the following proportion:

(a) For the County, Towns and Villages: The proportion that the full valuation of its taxable real property bears to the aggregate full valuation of all participants; and

(b) For Town Fire Districts and Town Ambulance Districts: The proportion that twenty percent (20%) of the full valuation of its taxable real property bears to the aggregate full valuation of all participants.

(2) Fifty percent (50%) of the total revenue for the Plan shall be generated based on Experience Rating. Fifty percent (50%) of any Plan participant's annual assessment shall be computed upon an Experience Rating. An experience modifier will be calculated for each Plan participant comparing actual losses to expected losses for a three-year experience utilizing one base expected loss rate for all employees, plus factors published annually by The New

York State Workers' Compensation Board. The Experience Rating premium will be calculated using the current year Loss Cost for Municipal Employees as reported on the Quarterly Unified Employer Assessment Municipal Self-Insurers Remittance Form, as a base rate, multiplied by participant payrolls and experience modifiers. A uniform Special Plan Discount Ratio up to 25% may be applied each year to achieve fulfillment of the Livingston County Self Insurance Plan Annual Estimate and Apportionment of Expense budgeted Amount to Be Raised by Tax.

- (3) The apportionment of plan costs formula of fifty percent (50%) assessed valuation and fifty percent (50%) experience rating shall be phased in as follows:

<u>Plan Year</u>	<u>Assessment Percentage</u>	<u>Experience Percentage</u>
2017	90%	10%
2018	80%	20%
2019	70%	30%
2020	60%	40%
2021 and thereafter	50%	50%

- (4) Special district or authorities participating in the Plan with limited taxable real property will have unique rating factors developed by the County and will be calculated on an annual basis. The County will apply a Special District or Authority Discount / Surcharge, in addition to standard rating factors such as taxable values, payrolls, experience modifiers, and towns/villages/counties served to manage special participant pricing to within 30% of New York State Workers' Compensation Board (NYSWCB) rating guidelines. In calculating the NYSWCB Premium for a Special District or Authority, the Plan shall cap any NYSWCB annual rate increase to a maximum of 25%.

The following special district or authorities are included in the Plan:

(a) Livonia Ambulance District #1

(b) Livingston Water and Sewer Authority Service

Article 13. Costs of Plan.

Notwithstanding any other provisions to the contrary, any expense, charges or costs of the Plan shall be borne solely by the participants of the Plan.

Article 14. Insurance.

The Plan may procure stop loss, excess and third party employer's liability insurance for the benefit of all plan participants as a Plan expense subject to the appropriation of the Livingston County Board of Supervisors.

Article 15. Severability.

If any part of this local law or the application thereof to any person or circumstance should be adjudged to be invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the application, part or provision of this law directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the rest and remainder of this local law or the application thereof to other persons or circumstances and the Livingston County Board of Supervisors hereby declares that it would have passed this local law or the remainder of it had such invalid application or provision been apparent.

Article 18. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of the State of New York.

September 12, 2018 (Introduced)

October 10, 2018 (Adopted)

The roll was called as follows: Ayes - 1,937; Noes - 0; Absent - Fanaro, 72; Adopted.

OTHER BUSINESS

1. SOCIAL HOST LAW DISCUSSION-Chairman LeFeber reviewed presentations at the Humans Services Committee on the Social Host Law proposal and direction from the Board of Supervisors. The Board members commented on the actual need for a County local law, and how this causes concern holding folks liable for something out of their control. There is concern for larger property owners needing to police their acreage. Towns and Village are still able to adopt their own local law. There are 18 counties and 37 towns and village in New York State that have passed a local law. There is concern that the State did not choose to pass a social host law. Mrs. Walker did review the local law movement from the Board of Health. Mr. Deming requested comments from the Sheriff's Office on underage drinking arrests. Undersheriff Bean explained that he sits on the Healthy Communities That Care Board and this topic has been discussed in-depth. There have been 14.5

ABC Complaints per year or slightly over 1 investigation per month. Investigations do not always result in an arrest. A social host law would give us another tool in the toolbox but it is not a huge problem in Livingston County. The University students are largest area of concern and the Village of Geneseo already has a social host law. Chairman LeFeber summarized that the Board of Supervisors does not support moving forward with a social host law at the County level. Social host law adoption should be left in local hands and control. This is a university issue not a county issue.

2. The County Administrator reminded the Board to remain for the Budget workshop immediately after adjournment today.

ADJOURNMENT

Motion made by Mr. Pangrazio and seconded by Mr. Mahus to adjourn until Wednesday, October 24, 2018 at 1:30 p.m. Carried.

The Board adjourned at 2:38 p.m.