

12th Day
Friday, July 9, 2010
11:00 a.m.

The regular meeting of the Board of Supervisors was held in their chambers in the Court House, Chairman Hoffman presiding.

The Pledge of Allegiance was led by Supervisor Spickerman

Upon roll call, all Supervisors were present except Supervisors LeRoy and Park who were absent. County Administrator James Marquette and County Attorney Daniel Wyner were also present.

APPROVAL OF MINUTES:

Mrs. Collier moved, seconded by Mr. Lauderdale, to waive the reading of the minutes of the previous meeting and approve them as distributed. Upon roll call, carried.

PRIVILEGE OF THE FLOOR:

Chairman Hoffman opened the floor at this time for members of the public to address the Board of Supervisors on items listed on the agenda for action. There was no public comment.

Mr. Lauderdale moved, seconded by Mr. Spickerman to remove the resolution from the Table. Upon roll call, all supervisors voted Aye except Supervisors Crane and Lauderdale who voted Nay. Absent – Supervisors LeRoy and Park. Carried.

RESOLUTION NO. 425-10: AUTHORIZATION TO AMEND 2010 COUNTY BUDGET FOR THE PAYMENT OF SECRETARIAL ALLOWANCE FOR THE DISTRICT ATTORNEY AND PUBLIC DEFENDERS DEPARTMENTS (TABLED June 15, 2010; ADOPTED July 9, 2010)

Mrs. Collier presented the following:

WHEREAS, a recent Internal Revenue Service audit of Wayne County disclosed a few deficiencies in current procedures and policies; and

WHEREAS, one area noted was the process for paying secretarial allowance to staff of the District Attorney's and Public Defenders departments; and

WHEREAS, the audit recommend that such payments shall be reported as taxable; now, therefore, be it

RESOLVED, that the County Treasurer hereby create the following line items and amend the 2010 County Budget for the proper recording of secretarial allowance paid to employees of Wayne County:

A1165-DISTRICT ATTORNEY:

\$13,500.00 to .51903 Non-Positions

\$ 1,033.00 to .58200 Payments to Social Security

\$13,500.00 from .54471 Secretarial Allowance

A1170-PUBLIC DEFENDER:

\$13,500.00 to .51903 Non-Positions

\$ 1,033.00 to .58200 Payments to Social Security

\$13,500.00 from .54471 Secretarial Allowance

A1990-CONTINGENT FUND GEN:

\$ 2,066.00 from .54000 Contractual Expense

Mr. Kelsch moved, seconded by Mr. Miller.

Clarification was requested as to whom this secretarial allowance was for and why this was necessary.

County Administrator Marquette explained that the exam results from the Internal Revenue Service audit that was completed earlier this year revealed that the secretarial

allowances that are paid to the Part-time Assistant Public Defenders and Assistant District Attorneys are considered taxable and need to be added to their salaries for the appropriate taxes to be calculated and deducted accordingly.

Supervisor Park arrived to the Board Meeting at 11:07 a.m.

After several discussions, Mr. Lauderdale moved, seconded by Mrs. Crane, to amend the resolution by adjusting the gross figure of the total amount to reflect a zero county cost with no transfer needed from the Contingent Fund.

Upon roll call on the proposed amendment, all Supervisors voted Nay, except Supervisors Groat, Crane, Lauderdale and Park who voted Aye. Absent - Supervisor LeRoy. The Chairman declared the proposed amendment defeated.

Mr. Kelsch moved the adoption of the original resolution. Seconded by Mr. Miller. Upon roll call, all Supervisors voted Aye except Supervisors Groat, Crane, Lauderdale and Park who voted Nay. Absent - Supervisor LeRoy. The Chairman declared the original resolution adopted.

There was further discussion and suggestions that perhaps these department budgets should be reviewed and set up differently for 2011.

SCHEDULED BUSINESS

Public Health Director Diane Devlin updated Supervisors on the corrective action plan that was prepared in response to citations issued against the County's Certified Home Health Agency (CHHA) by the State Department of Health and the changes that have been implemented in order to meet the requirements of all issues cited. A copy of the Wayne Community Nursing Care Certified Home Health Agency Annual Program Evaluation for 2009 was made available to all supervisors for their input and was accepted by the Board of Supervisors. Mrs. Devlin said this report will be submitted on an annual basis to the Board and minutes of the PAC on a quarterly basis to her standing committee. Supervisors accepted the corrective action plan submitted by Mrs. Devlin, along with the minutes from Professional Advisory Committee (PAC).

AD HOC COMMITTEE – Hotchkiss Building Committee

RESOLUTION NO. 474-10: AUTHORIZATION TO RATIFY ACTIONS OF THE PLANNING DEPARTMENT IN CONNECTION WITH THE REQUEST FOR QUALIFICATIONS FOR THE HOTCHKISS BUILDING RENOVATION/RESTORATION PROJECT AND AUTHORIZE EXECUTION OF A CONTRACT WITH SARATOGA ASSOCIATES FOR DESIGN SERVICES FOR SAME

Mr. Manktelow presented the following:

WHEREAS, in accordance with Federal procurement requirements and consistent with Wayne County procurement policy, the Planning Department issued a Request for Qualifications (RFQ) for design services in connection with the Hotchkiss Building Renovation/restoration project; and

WHEREAS, in response to the RFQ, the County received sixteen qualifications packages; and

WHEREAS, the Hotchkiss Building Ad Hoc Committee has reviewed all qualifications, interviewed potential design firms and recommended that Wayne County retain Saratoga Associates for design phase, bidding phase and construction phase services associated with the renovation/restoration of the Hotchkiss Building; now, therefore, be it

RESOLVED, that the actions of the Planning Department in connection with the issuance of the Request for Qualifications are hereby ratified; and be it further

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute an agreement with Saratoga Associates, subject to approval by the County Attorney as to form and content, for design preparation of bid documents, bidding and construction phase services for the renovation/restoration of the Hotchkiss Building in an amount not to exceed \$147,000, inclusive of costs for reimbursable expenses associated with printing drawings, mileage; and postage and deliveries.

Mr. Spickerman moved the adoption of the resolution. Seconded by Mr. Colacino. Upon roll call, all Supervisors voted Aye. Absent - Supervisor LeRoy. The Chairman declared the Resolution adopted.

Mrs. Collier took this opportunity to address the Board to comment on the time and effort Mrs. Devlin put into getting the corrective action plan together regarding the County's Certified Home Health Agency (CHHA).

Mr. Plant moved, seconded by Mr. Miller to put a motion on the floor to authorize the County Administrator to prepare a resolution to direct the head of Probation to NOT send an amendment to the monitoring plan, as directed by Albany, for the ignition interlock devices.

Mr. Plant explained the purpose of this motion. Leandra's Law mandates stricter penalties for driving drunk while transporting children under the age of 16. He continued that Counties are concerned with an unfunded provision of the law that requires all drivers convicted to have ignition interlock devices installed on their cars.

Each interlock sentence involves confirmation that the device was installed and that the data from the machine of offenders be carefully monitored. A county probation officer would need to be added to the staff and this position would be held responsible to report their findings.

Mr. Plant continued that the Director of Probation was instructed by Albany to prepare an amendment to show the counties intent for the implementation and monitoring of this program for Wayne County.

Upon roll call, all Supervisors voted Aye. Absent – Supervisor LeRoy. The Chairman declared the motion carried.

Mr. Plant moved, seconded by Mr. Hammond, for a second motion to be placed on the floor for consideration.

Motion to contact other counties to see if they will join in "a class action suite" against the State of New York for mandating Leandra's Law without providing funding.

There were several discussions regarding this motion and all were in agreement that counties need to join together on specific issues to send messages that local governments cannot put up with these unfunded mandates imposed by Albany, directing them to do something without providing the necessary funding.

County Attorney Wyner suggested that the motion be changed from "a class action suite" to "an action suite".

Mr. Kelsch moved, seconded by Mr. Miller to amend the motion on the Floor to read as follows:

Motion to contact other counties to see if they will join in "an action suite" against the State of New York for mandating Leandra's Law without providing funding'.

Upon roll call, all Supervisors voted Aye. Absent – Supervisor LeRoy. The Chairman declared the motion carried.

ADJOURNMENT:

The Chairman announced that the next schedule meeting of the Board is Tuesday, July 20, 2010 at 9:00 a.m.

Ms. Park moved, seconded by Mr. Lauderdale, that the board adjourn at 11:47 a.m.
Carried.

Sandra J. Sloane, Clerk, Wayne County Board of Supervisors
