

15th Day
Tuesday, July 19, 2011
9:00 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, followed by Chairman Hoffman giving the invocation.

Upon roll call, all Supervisors were present.

County Administrator James Marquette and County Attorney Daniel Connors were also present.

APPROVAL OF MINUTES:

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

COMMUNICATIONS:

The Clerk read the following:

A letter was received from Jeffrey Harper, Attorney for Kenneth Bond, regarding his bid of several properties at the Public Auction Sale of real property. He is requesting that the Board not void these purchases due to a delinquency in taxes paid on one other parcel owned by Mr. Bond. These taxes were immediately paid when notified of the rejection of bid.

A letter was received from Joseph Tavano, President of JTE, Inc., regarding his recent bid of property located adjacent to his business property in the Town of Galen. He is requesting the Board to allow the sale of the property to proceed as the unpaid taxes were an oversight by his Chief Financial Officer; and immediately paid when notified of the rejection of bid.

Notifications of grant awards were received from the NYS Office for the Aging for Title VII of the Old Americans Act and the State Long Term Care Ombudsman Program for 2011-2012.

A letter was received from David Howard, Chairman of the Board of Fulton County, regarding his request for the Board to enact a local law of a Truth in Taxation County Law, to demonstrate the "cause and effect" between state-imposed mandates and county property taxes.

Copies of certified resolutions were received from the Ontario County Board of Supervisors regarding appointments to the Finger Lakes Workforce Investment Board.

A copy of an adopted resolution was received from the Seneca County Board of Supervisors entitled, "Resolution Urging NYS to Significantly Cut the Unfunded Mandates that cause Local Property Tax Increases before Imposing a Cap on Local Property Taxes" was received.

A letter was received from John Reynolds, President of the Wayne County Volunteer Fireman's Association, to share his concerns regarding the performance of the New Public Safety Radio System.

A copy of the Finger Lakes Community College Dean's list for Spring 2011 was received and forwarded to Members of the Board.

A copy of the Wayne County Auditor's accounts payable report for July 2011 totaling \$4,203,045.91 was received and filed.

Mr. Miller moved, seconded by Mrs. Collier, that the Communications be received and filed. Upon roll call, carried.

BIDS:

Av Bridging Gateway System for Emergency Management Office
Energy Services Company for Buildings and Grounds

Mrs. Bender moved, seconded by Mr. Plant, that the bids be referred to the appropriate committees for review. 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.

David Lieberman from the Town of Sodus; Scott and Martha Vanderweel from the Town of Huron; Rosemary Bowler from the Town of Lyons; Stephanie Boerman, and Diane Stokesberry from the Sodus, all requested to address the Board with their concerns regarding certain properties acquired by the County by tax deed that were recently put up for a public auction on June 22, 2011. They requested that the board not sell the auctioned property to the bidders and to allow them to pay the taxes due; enabling them to keep their homes.

Mary Ellen Fava requested to address the Board to discuss separate items listed on the agenda pertaining to beach erosion and homeland security.

Chairman Hoffman reminded Ms. Fava of the procedure this Board follows for comments under Privilege of the Floor; and directed her to limit her comments to the subject matter appearing on the agenda only.

RESOLUTION NO. 440-11: AUTHORIZATION FOR THE SALE OF COUNTY PROPERTY ON WARNCKE ROAD TO DAVID LOVELESS

Mr. Hammond presented the following:

WHEREAS, the County of Wayne owns a parcel of land on Warncke Road, in the Town of Lyons; and

WHEREAS, the Highway Superintendent has recommended that the above mentioned should be surplus it has been determined that a portion of said parcel of land is surplus land; and

WHEREAS, David Loveless is desirous of purchasing a portion of said County property consisting of .091 acres from the County of Wayne for the sum of Ninety One and 00/100 dollars (\$91.00), together with the cost of the survey and all other closing costs; now, therefore, be it

RESOLVED, that a certain parcel of land presently owned by the County of Wayne as more fully described Survey map 10240 which map is on file with the Clerk of the Board of Supervisors is hereby declared surplus land; and

RESOLVED, that the sale of a .091 acre parcel of property owned by the County of Wayne to David Loveless is hereby authorized and be it further that the terms of the sale are as follows:

1. David Loveless will pay the County of Wayne Ninety One and 00/100 dollars (\$91.00) for the purchase of said land owned by the County of Wayne.
2. David Loveless will pay for the survey and all closing costs.
3. David Loveless will execute a contract of sale with the County of Wayne.
4. The County of Wayne will provide David Loveless with a quit-claim deed.

and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute any documents necessary to complete the sale of said property to David Loveless on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content.

Ms. Park moved the adoption of the resolution. Seconded by Mr. Manktelow. Upon roll call, adopted.

RESOLUTION NO. 441-11: INCREASING THE INTERNAL REVENUE SERVICE (IRS) MILEAGE RATE AS COUNTY MILEAGE ALLOWANCE EFFECTIVE JULY 1, 2011 AND AUTHORIZING FUTURE CHANGES TO MILEAGE REIMBURSEMENT RATES AS THE IRS MILEAGE RATE CHANGES

Mr. Hammond presented the following:

WHEREAS, the IRS has issued an updated, per mile rate that is allowed for reimbursement for standard mileage at 55.5 cents per mile, an increase from 51 cents per mile that was adopted for January 1, 2011; and

WHEREAS, Wayne County has negotiated with its unions and is obliged to reimburse employees on approved County business the prevailing IRS rate per mile; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors hereby adopts the prevailing Internal Revenue Service mileage rate of 55.5 cents per mile for reimbursement to employees utilizing personal vehicles for approved County business effective July 1, 2011; and be it further

RESOLVED, in the event there are IRS mileage rate changes in the future, that the Wayne County Board of Supervisors authorizes the mileage rate reimbursed to employees utilizing personal vehicles for approved County business to be adjusted to reflect the then prevailing Internal Revenue Service (IRS) mileage rate without further specific Board action.

Mr. Lauderdale moved the adoption of the resolution. Seconded by Mrs. Collier. Upon roll call, adopted.

RESOLUTION NO. 442-11: ACCEPTING BIDS FOR REAL PROPERTY AUCTION SALE

Mr. Hammond presented the following:

WHEREAS, pursuant to Resolution No. 321-10 certain properties acquired by the County by tax deed were sold at public auction sale held June 22, 2011; and

WHEREAS, the following individuals owe property taxes to Wayne County Kenneth Bond in the amount of \$3,630.87 as of 6/23/11, Craig Perkins in the amount of \$11,552.89 as of 6/23/11 and Joseph Tavano Sr. in the amount of \$5,183.00 as of 6/23/11. Pursuant to Resolution No.317-11 item number six (6) these bids will be disapproved and the individual's deposit will be forfeited to the County.

WHEREAS, such properties were auctioned subject to approval and acceptance of the bids by the Board of Supervisors; and

WHEREAS, the Finance Committee of the Board of Supervisors have reviewed and recommends the bids set forth below be accepted; and

RESOLVED, that the Board of Supervisors have determined that it is in the best interest of the County to accept the bids listed below and such bids are hereby approved and accepted; the Chairman of the Board of Supervisors is hereby authorized and directed to execute a quit-claim deed for each parcel, subject to approval of the form of the deed by the County Attorney, and to affix the seal of the Board of Supervisors to such deeds; and the County Treasurer is hereby authorized and directed to record and deliver the respective deed upon receipt of the payments required by the terms and conditions of sale; and be it further

TOWN	TAX MAP #	BIDDER	BID PRICE
ARCADIA	68111-14-392415	Lucila Romero-Ponce 412 Woodhill Newark, NY 14513	\$13,000
ARCADIA	68110-07-549891	Palmer Group 205 Pine Blvd Newark, NY 14513	\$14,000

ARCADIA	68110-09-055710	Teresa K Murphy P.O. Box 220 Auburn, NY 13021	\$26,000
ARCADIA	68114-00-460799	Wayne Motorcycle Club P.O. Box 143, Route 31 East Newark, NY 14513	\$1,400
ARCADIA	69110-00-056668	David W. Downey 7540 Mount Pleasant Road Lyons, NY 14489	\$500
ARCADIA	69110-00-644441	M2L2 Inc. P.O. Box 295 Penfield, NY 14526	\$50,000
ARCADIA	69111-00-306796	Robert Lannon 6429 Catchpole Shoers Road North Rose, NY 14516	\$5,000
BUTLER	75116-07-617976	Michael Gennaro Lubrano 5697 Jungle Road Newark, NY 14513	\$100
GALEN	73112-00-322482	Jet Gas Inc. 11098 State Route Clyde, NY 14433	\$16,000
GALEN	74112-13-182473	109 W. Genesee St. Land Trust 789 PreEmption Road #343 Geneva, NY 14456	\$10,000
GALEN	74112-13-206408	Charles S. Speedy 47 Elmwood Avenue Geneva, NY 14456	\$8,000
GALEN	74112-14-381463	Charles S. Speedy 47 Elmwood Avenue Geneva, NY 14456	\$12,000
GALEN	74112-17-208066	Douglas J. Drago 210 Humphrey Road Scottsville, NY 14546	\$200
GALEN	74112-18-314109	Michael Gennaro Lubrano 5697 Jungle Road Newark, NY 14513	\$4,000
GALEN	74113-00-354855	Mark & Lorraine Anderson 17 Reed Street Waterloo, NY 13165	\$8,000
GALEN	75111-00-217755	Donald & Mary Woodard	\$3,400

	75111-00-226754	6737 Lakeview Sodus, NY 14551	
HURON	72118-07-518911	B & D Holdings LLC 332 Vienna Street Palmyra, NY 14522	\$21,000
HURON	72118-07-542899 72118-07-546900	Donald & Mary Woodard 6737 Lakeview Sodus, NY 14551	\$6,500
HURON	75118-00-258382	William Griffiths 12003 Wheeler Road Wolcott, NY 14590	\$13,000
LYONS	70111-16-783406	Charles S. Speedy 47 Elmwood Avenue Geneva, NY 14456	\$13,500
LYONS	70114-00-544306	E. Mimi Guilliams 5697 Jungle Road Newark, NY 14513	\$3,000
LYONS	71111-05-224997	O. Mahanaim FO, LLC 1880 Washington Street S. Walpole, MA 02071	\$14,500
LYONS	71111-10-278735	Charles S. Speedy 47 Elmwood Avenue Geneva NY 14456	\$14,500
LYONS	71111-13-154389	1 st Bidder Disqualified NO SECOND BIDDER	\$5,000
LYONS	71112-17-137019	12 Summit St. Land Trust 789 Pre Emption Road # 343 Geneva, NY 14456	\$20,000
MACEDON	60113-00-966508	M2L2 Inc. PO Box 295 Penfield, NY 14526	\$3,750
MACEDON	63111-00-275866	Thomas C Littefield 2364 Canandaigua Road Macedon, NY 14502	\$3,500
MARION	67115-00-191949 67115-00-194937	Marvin DeFisher 4950 Marion E Williamson Rd Marion, NY 14505	\$39,000
ONTARIO	63117-14-363416	Tamburrino Properties, LLC P.O. Box 828 Webster, NY 14580	\$21,000

PALMYRA	64111-10-326661	Joseph R. Digravio 7311 Five Mile Line Webster, NY 14680	\$34,000
ROSE	72114-00-587884	Fiona D. Jarrett-Thelwell & Matthew Dunphy 8 Washington St Apt D Seneca Falls, NY 13148	\$1,500
ROSE	72115-00-228569	Lloyd Durham 9991 Miner Road North Rose, NY 14516	\$4,500
ROSE	73114-00-267400	Mark & Lisa Humbert 3896 Rose Valley Road Clyde, NY 14433	\$17,000
ROSE	74114-05-174929	James Marshall Early & Alice Early P.O. Box 58 Rose, NY 14542	\$6,000
ROSE	74114-05-190969	Eric Fisher 7021 Ontario Center Road Ontario, NY 14519	\$800
SAVANNAH	77114-00-189021	Peter F. & Katherine J. Morsdorf P.O. Box 27 South Butler, NY 13154	\$4,000
SAVANNAH	78112-00-051024	Mark & Lorraine Anderson 17 Reed Street Waterloo, NY 13165	\$10,000
SODUS	69118-00-610029	E. Mimi Guilliams 5697 Jungle Road Newark, NY 14513	\$5,000
SODUS	68115-00-210328	Jack & Janice Stone 4386 Maple Ridge Road Newark, NY 14513	\$500
SODUS	69118-00-895084	Donald & Mary Woodward 6737 Lakeview Sodus, NY 14551	\$200
SODUS	69116-00-904215	Donald & Mary Woodward 6737 Lakeview Sodus, NY 14551	\$65,000
SODUS	69117-00-892435	Fowler Bros. Inc. 10273 Lummisville Road Wolcott, NY 14590	\$600

SODUS	69117-06-253931	Donald & Mary Woodward 6737 Lakeview Sodus, NY 14551	\$2,500
SODUS	69117-06-468969	Robert DeGrande 12908 Church Street Wolcott, NY 14590	\$4,500
SODUS	70116-00-149574	Steven A. Bartleson 7704 School Street Sodus, NY 14551	\$16,500
SODUS	70116-00-166184	Stephen R. & Ginger M. Knapp 7625 Christian Hill Road Sodus, NY 14551	\$20,000
SODUS	70116-00-507657	Steven A. Bartleson 7704 School Street Sodus, NY 14551	\$20,000
SODUS	70119-19-709161	Eric Fisher 7021 Ontario Center Road Ontario, NY 14519	\$3,700
SODUS	71118-15-533402	Louis & Mary Denes 1240 Street Route 96 Phelps, NY 14532	\$180,000
WALWORTH	63115-00-636668	William Keymel 4769 Walworth Ontario Road Walworth, NY 14568	\$11,500
WALWORTH	63115-00-711626	Katie Alexander 6128 Eddy Ridge Road Williamson, NY 14589	\$26,000
WILLIAMSON	65117-07-679879 65117-07-697875	Katie Alexander 6128 Eddy Ridge Road Williamson, NY 14589	\$7,000
WILLIAMSON	66117-00-948045	Joseph R. Diaravio 7311 Five Mile Line Webster, NY 14680	\$4,250
WILLIAMSON	66117-05-244765	Douglas J. Drago 210 Humphrey Road Scottsville, NY 14546	\$16,000
WILLIAMSON	66118-00-080356	Carl Miller Jr. 114 Fowler Place Ilion, NY 13357	\$17,500
WILLIAMSON	67117-00-258787	Joseph R. Diaravio 734 Five Mile Line	\$25,000

		Webster, NY 14680	
WILLIAMSON	67117-06-252908	Donald & Mary Woodard 6737 Lakeview Sodus, NY 14551	\$1,000
WOLCOTT	75117-12-973649	Steven Edward Spinelli 25 High Street Sodus, NY 14551	\$1,300
WOLCOTT	75117-15-711499	Julius Toth Jr. 64 Mt. Vernon Avenue Rochester, NY 14620	\$400
WOLCOTT	77118-00-482461	Ruth Martin & James Fisher Jr. 7093 E Bay Road Wolcott, NY 14590	\$1,400
WOLCOTT	77120-00-090913	Julius & Bridget Toth 64 Mt. Vernon Avenue Rochester, NY 14620	\$10,500

Mr. Plant moved the adoption of the resolution. Seconded by Ms. Park.

Mr. Hammond moved, seconded by Mr. Plant, that this be amended to remove the name of Kenneth Bond from the listing for Tax Map No. 71111-13-154389, as his bid was not eligible due to back taxes owed at the time of the sale. Motion carried.

Mr. Groat moved to amend, seconded by Mr. Colacino, that Mr. Tavano's loss of bid deposit be reduced to 15%, for reasons that he was a first time auction bidder; he operates and employs several people in the area; His business enhances the community and is a true asset to Clyde and the Town of Galen. He asked the Board for their consideration with this proposed amendment.

Mrs. Collier asked County Attorney Connors if this contract matter, including the other properties that were mentioned under the Privilege of the Floor, is subject for an executive session of the Board.

Mr. Connors stated that only the contract issues may appropriately be discussed in executive session.

EXECUTIVE SESSION:

Mrs. Collier moved, seconded by Mr. Plant that the Board go into executive session at 9:35 a.m. to discuss contract issues relating to the recent property auction tax sale. Motion carried.

REGULAR SESSION:

Mrs. Crane moved, seconded by Mr. LeRoy that the Board go back into regular session at 9:45 a.m. Carried.

The Chairman called for a long roll call vote for the amendment from Mr. Groat, currently on the floor; and requested the Clerk to repeat the proposed amendment for the record.

Upon roll call on the amendment, all Supervisors voted Nay, except Supervisors Colacino and Groat who voted Aye. The Motion was defeated.

Mr. Spickerman moved, seconded by Mr. Manktelow, to propose the amendment to remove all "owner-occupied" parcels from the sale and extend 30 days to make full payment or acceptable resolution with the County Treasurer.

The County Attorney was asked to clarify the term "owner-occupied" to board members.

Mr. Groat addressed the Board to request why this amendment was being proposed when the previous amendment, was not approved.

Mr. Spickerman explained that this proposed amendment would treat every single owner-occupied parcel the same and not single any one parcel out, individually.

There was discussion that noted that not every person involved in this sale took the liberty to send letters to the board to request consideration, so this may not apply to every person in this situation.

Mr. Hammond called for a vote on the amendment on the Floor.

Upon roll call on Mr. Spickerman's proposed amendment, all Supervisors voted Nay, except Supervisors Colacino, Spickerman, Groat, Manktelow, and Collier who voted Aye. The Motion was defeated.

The Chairman called for a long roll call for the adoption of the resolution on the floor that included the removal of Mr. Bonds name from the original resolution.

Upon roll call, all Supervisors voted Aye, except Supervisors Colacino, Spickerman, Groat, Manktelow and Collier who voted Nay. The Chairman declared the Resolution adopted.

RESOLUTION NO. 443-11: TAX REFUND – ERROR ON TAX ROLL

Mr. Hammond presented the following:

WHEREAS, applications for refund of real property tax claimed to be attributable to an error on the tax roll has duly been filed with the Director of Real Property Tax Services ("Director") for the properties listed below, pursuant to the provisions of Article Five, Title 3 of the Real Property Tax Law; and

WHEREAS, the Director investigated the circumstances of the claimed errors and has submitted a report recommending the applications be approved; now, therefore, be it

RESOLVED, pursuant to Article 5, Title 3 of the Real Property Tax Law that the following applications are hereby approved and the County Treasurer is hereby authorized and directed to pay the refunds:

TOWN OF ARCADIA

2011 Tax Roll

Account No.	68113-00-766847	
Assessed to:	Eugene & Lorraine Weimer	
Total Tax Difference:	\$ 134.86	Total County Tax Difference: \$ 0
Refund:	\$ 134.86	

TOWN OF ARCADIA

2011 Tax Roll

Account No.	68113-00-693830	
Assessed to:	Eugene & Lorraine Weimer	
Total Tax Difference:	\$ 134.87	Total County Tax Difference: \$ 0
Refund:	\$ 134.87	

TOWN OF ROSE

2009 Tax Roll

Account No.	74114-00-420812
Assessed to:	Scott Converse

Total Tax Difference: \$ 37.84 Total County Tax Difference: \$ 0
Refund: \$ 37.84

TOWN OF ROSE

2010 Tax Roll
Account No. 74114-00-420812
Assessed to: Scott Converse
Total Tax Difference: \$ 37.03 Total County Tax Difference: \$ 0
Refund: \$ 37.03

and be it further

RESOLVED, that the County Treasurer is hereby authorized and directed to charge back the refunds in the manner prescribed by Section 556 of the Real Property Tax Law.

Ms. Park moved the adoption of the resolution. Seconded by Mr. Plant. Upon roll call, adopted.

PROCLAMATION:

Sheriff Virts and Supervisor Plant, Chairman of the Public Safety Committee, presented a proclamation honoring Norman Bargerstock for his 25 years of dedicated service with the Wayne County Sheriff's Office and the people of this community.

RESOLUTION NO. 444-11: AMENDING RESOLUTION 770-83 ESTABLISHING ADVISORY COMMITTEE ON CRIMINAL JUSTICE ALTERNATIVES TO CHANGE COMPOSITION OF MEMBERSHIP

Mr. Plant presented the following:

WHEREAS, Resolution No. 770-83 created the Wayne County Committee on Criminal Justice Alternatives; and

WHEREAS, the Resolution established the membership of the Advisory Committee at twenty-six (26) members; and

WHEREAS, the Committee has reviewed and recommended a change in the composition of the membership; now, therefore, be it

RESOLVED, that Resolution No. 770-83 is hereby amended as follows:

- "2. The membership of the Advisory Committee shall consist of a minimum of twenty-six (26) persons representing the following groups, agencies, and organizations:

Courts, Agencies, and Criminal Departments

Superior Courts
Magistrates Association
Community Services Board
District Attorney
Public Defender
Wayne County Board of Supervisors
Probation Department
Sheriff
Wayne Pre-Trial Services
Family Courts
Legal Aid
Wayne County Bar Association
Youth Bureau
Wayne Behavioral Health Network
Social Services Department

Members from the above fifteen (15) positions will serve by virtue

of their office, without term limit

Non-Criminal Justice Departments & Disciplines/Private Sector

Churches
Youth
Finance
Alcohol and Drug Services
Education
Poverty
Five (5) Members at Large

Members from the above group of eleven (11) will serve terms of two years each.”

Mr. LeRoy moved the adoption of the resolution. Seconded by Mrs. Crane. Upon roll call, adopted.

RESOLUTION NO. 445-11: AUTHORIZATION TO MODIFY THE 2011 COUNTY BUDGET FOR THE LOCAL EMERGENCY PLANNING COMMITTEE TRUST ACCOUNT FOR EMERGENCY MANAGEMENT

Mr. Plant presented the following:

WHEREAS, in 2010, Emergency Management had unexpended funds in the amount of \$5,488.90 in A3640.54574 SARA funds; and

WHEREAS, these funds are entrusted to the county to be expended as decided by the Local Emergency Planning Committee; now, therefore be it

RESOLVED that the County Treasurer is hereby authorized to transfer \$5,488.90 from the Unappropriated General Fund Balance; and, be it further

RESOLVED, that the County Treasurer is hereby authorized to make the following budget adjustment:

A3640-Emergency Management

(appropriations)

\$5,488.90 to .54574 Sara Title III

Mrs. Crane moved the adoption of the resolution. Seconded by Mr. Colacino. Upon roll call, adopted.

RESOLUTION NO. 446-11: AUTHORIZATION TO AMEND BUDGET AND EXPEND STATE HOMELAND SECURITY GRANT 09 FUNDS(SHSGP-09)

Mr. Plant presented the following:

WHEREAS, Emergency Management previously received SHSGP grants for FY2009, with no cash match, and the Wayne County Board of Supervisors approved acceptance of said grants (Resolution No. 926-09); and

WHEREAS, certain radio equipment is now commercially available; now, therefore, be it RESOLVED that the Director of Emergency Management is hereby authorized to purchase:

1 Unity XG-100M Transceiver with associated equipment and installation for \$ 6,097; and be it further

RESOLVED, that the County Treasurer is hereby authorized to make the following budget adjustments:

A3640-Emergency Management:

(revenues)

\$6,097 to .43302 Homeland Security

(appropriations)

\$6,097 to .52203 Homeland Security

Mr. Kelsch moved the adoption of the resolution. Seconded by Mrs. Crane. Upon roll call, adopted.

RESOLUTION NO. 447-11: AUTHORIZATION FOR COUNTY TREASURER TO AMEND BUDGET FOR EMERGENCY MANAGEMENT HOMELAND SECURITY GRANT

Mr. Plant presented the following:

WHEREAS, Emergency Management has two income accounts .43302 and .43306 titled Homeland Security; and

WHEREAS, Resolutions 176-11, 178-11, and 328-11 authorized expenditures with grant reimbursements to line A3640.43306 Homeland Security in the amounts of \$4,275.00, \$25,900.00, and \$28,606.00 respectively, but reimbursement requests sent to the state requested reimbursement to A3640.43302; now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized to make the following budget adjustments:

A3640 Emergency Management

(revenues)

\$58,781 from .43306 Homeland Security

\$58,781 to .43302 Homeland Security

Mr. Colacino moved the adoption of the resolution. Seconded by Mrs. Bender. Upon roll call, adopted.

RESOLUTION NO. 448-11: AUTHORIZATION TO AMEND BUDGET AND PURCHASE UNIVERSAL BRIDGE ASSEMBLY FOR NATIONAL WARNING SYSTEM (NAWAS) IN EMERGENCY MANAGEMENT OFFICE

Mr. Plant presented the following:

WHEREAS, moving the Emergency Operations Center into the new Public Safety Building required the move of the NAWAS State and Local Alternate Warning Points; and

WHEREAS, due to the increased distance from the 911 Center (Primary Warning Point), additional hardware is required, which FEMA will not fund; now, therefore, be it

RESOLVED, that the Wayne County Office of Emergency Management is authorized to purchase the required additional hardware - a MODEL 408A Comlabs 8 Port Universal Bridge Assembly (UBA8) for proper operation of the Alternate State Warning Point; and, be it further

RESOLVED, that the County Treasurer is hereby authorized to make the following budget adjustments:

A3640-Emergency Management:

(appropriations):

\$1,000 from .54126 Field Supplies

\$1,000 to .52200 Office Equipment

Mrs. Crane moved the adoption of the resolution. Seconded by Mr. Lauderdale. Upon roll call, adopted.

RESOLUTION NO. 449-11: AUTHORIZATION TO EXPEND FUNDS FOR COMMUNICATIONS EQUIPMENT FOR WAYNE COUNTY EMERGENCY MANAGEMENT

Mr. Plant presented the following:

WHEREAS, Resolution No. 570-09 authorized the disposal of an existing communication tower and the purchase, construction, and installation of a new communications tower and communications shelter at Brantling Hill, and

WHEREAS, this project included the removal, but not re-installation of certain critical radio systems (antennas and coaxial cable) used for emergency communications by Emergency Management, and

WHEREAS, Wayne County Emergency Management is desirous of re-establishing the ability to provide emergency communications at these locations and others during times of radiological emergencies or other disasters; and

WHEREAS, this proposal will provide for the purchase and installation of the necessary seven antennas, and other required equipment and supplies; and

WHEREAS, there are currently funds available in A3640.54126 Field Supplies for the

\$3,064 in required Field Supplies, and

WHEREAS, the expenditure of these funds is in accordance with NYS Executive Law Article 2-B § 29-c.

Radiological Preparedness that requires Nuclear License Fee funds be used specifically for Radiological Emergency

Preparedness; now, therefore, be it

RESOLVED, that the Director of Emergency Management is authorized to purchase the necessary seven antennas, and other required equipment, supplies, and installation of said equipment; and, be it further

RESOLVED, that the County Treasurer is hereby authorized to make the following budget adjustments:

A3640-Emergency Management

(appropriations)

\$8,085 from .52201 Computer Equipment

\$1,535 to .52000 Equipment and other Cap Outlay

\$6,550 to .54400 Contracted Services

Mr. Groat moved the adoption of the resolution. Seconded by Mrs. Crane. Upon roll call, adopted.

RESOLUTION NO. 450-11: AUTHORIZATION TO EXECUTE AN AGREEMENT WITH THE VILLAGE OF CLYDE IN RELATION TO THE RADIO INTEROPERABILITY PROJECT

Mr. Plant presented the following:

WHEREAS, Wayne County 911, in association with the Radio Interoperability Project, and in keeping with the initial goal of arriving at a total of nine remote receiver sites in the county, is in need of an additional site at which to locate remote receivers, and

WHEREAS, the sites to be added must be located in areas that would prove to be advantageous to our radio system, in that the desired goal of improved portable radio coverage must result from the addition of each site, and

WHEREAS, a site originally proposed in the Town of Savannah to serve the southeastern section of the county has not proven feasible to develop, necessitating that an alternate site be developed, and

WHEREAS, the Village of Clyde owns two water tanks located on hills within the village, either of which could be fitted with the equipment necessary to develop the site as a receiver site, with an adequate path possible from either site to the Rose network junction site; now, therefore, be it

RESOLVED, that the Chairman of the Board shall be authorized to sign a lease agreement with the Village of Clyde, 6 South Park Street, Clyde, New York 14433, which would allow the County to mount one omni directional receive antenna and one wireless link "dish" antenna on the top of the ladder safety guard, with four radios, one power supply, an Ethernet switch, and other miscellaneous equipment to be located within a shelter at the site, and be it further

RESOLVED, that there shall be no lease payments from the County to the Village in association with this lease, with said lease agreement subject to the approval of the County Attorney as to form and content.

Mr. Groat moved the adoption of the resolution. Seconded by Mr. LeRoy. Upon roll call, adopted.

RESOLUTION NO. 451-11: AUTHORIZATION TO AMEND TO 2011 COUNTY BUDGET FOR THE ELIMINATION OF A CRIMINAL RECORDS CLERK POSITION AND THE HIRING OF ADDITIONAL PART-TIME DEPUTY SHERIFFS

Mr. Plant presented the following:

WHEREAS, the Wayne County Sheriff's Office has a vacant Criminal Records Clerk position in the Criminal Records Office due to a recent employee retirement; and

WHEREAS, for re-organizational reasons, the Sheriff does not wish to replace said

Criminal Records Clerk position; and

WHEREAS, there is currently \$21,718 in funds available to cover the cost of 3 part-time Deputy Sheriffs for the remainder of 2011, due to the vacant Criminal Records Clerk position; and

WHEREAS, the cost of 3 part-time Deputy Sheriffs for the remainder of 2011 will not exceed

\$21,718; and

WHEREAS, the Sheriff is requesting to vacate one Criminal Records Clerk position, and that \$21,718 be transferred from department A3110-Sheriff to department A3114-Sheriff Road Patrol to cover the cost of 3 part-time Deputy Sheriffs for the remainder of 2011; now therefore, be it

RESOLVED, that the Sheriff is hereby authorized to vacate one Criminal Records Clerk position and hire three part-time Deputy Sheriffs, at a cost not to exceed \$21,718, for the remainder of 2011; and be it further

RESOLVED, that the Wayne County Treasurer is hereby authorized and directed to amend the 2011 County Budget as follows:

Account No A3110-Sheriff

\$19,056 from .51367 Criminal Records Clerk

\$1,060 from .58200 Social Security

\$169 from .58600 Disability

\$1433 from .58100 NYS Retirement

Account No A3114-Road Patrol

\$20,195 to .51377 Deputy Sheriff Part-Time

\$ 1,523 to .58200 Social Security

Mr. LeRoy moved the adoption of the resolution. Seconded by Mr. Kelsch. Upon roll call, all Supervisors voted Aye. The Chairman declared the Resolution adopted.

RESOLUTION NO. 452-11: AUTHORIZATION TO AMEND THE BUDGET FOR A 2010 STATE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM GRANT RECEIVED FROM THE OFFICE OF HOMELAND SECURITY

Mr. Plant presented the following:

WHEREAS, the Wayne County Sheriff's Office has been awarded a no cash match, 2010 State Law Enforcement Terrorism Prevention Program grant, (SLETPP) from the Office of Homeland Security, in the amount of \$89,312; and

WHEREAS, The Wayne County Board of Supervisors previously accepted said grant, authorized the execution of the grant documents, modified the 2011 County Budget and authorized the purchase of Mobile Data Terminals along with Emergency Medical Services related equipment and training (Resolution No. 36-11); and

WHEREAS, the Office of Homeland Security has subsequently amended said grant budget to exclude the purchase of any Emergency Medical Services related equipment and training, and replaced such equipment and training with additional Mobile Data Terminals and a lap top computer for training; and

WHEREAS, the Sheriff is requesting that the 2011 County Budget be amended to reflect such budget changes from the Office of Homeland Security, and that he be granted authorization to purchase 22 Mobile Data Terminals at a cost of \$88,000, and 1 lap top computer at a cost of \$1312.00; and

WHEREAS, the cost of said Mobile Data Terminals and lap top computer shall not exceed the grant amount of \$89,312, and shall be at no cost to Wayne County taxpayers; now, therefore, be it

RESOLVED, that the Sheriff is hereby authorized to purchase 22 Mobile Data Computers at a cost not to exceed \$88,000, and 1 lap top computer at a cost not to exceed \$1312.00, at no expense to Wayne County taxpayers; and further be it

RESOLVED, that the Wayne County Treasurer is hereby authorized and directed to amend the 2011 County Budget as follows:

Account No A3114-Road Patrol

\$89,312 to .44306 Homeland Security Federal

\$89,312 to .52500 Other Equipment

Mr. LeRoy moved the adoption of the resolution. Seconded by Mrs. Crane.

Mr. Plant requested the Sheriff to explain the program grant received from the Office of Homeland Security.

At this time, Mrs. Collier requested Sheriff Virts to share with the Board, his comments as to how his department deals with the issue of racial profiling; and advocated justice for all residents in this county.

Chairman Hoffman called for a vote on the resolution on the floor. Upon roll call, adopted.

RESOLUTION NO. 453-11: AUTHORIZATION TO REQUEST PROPOSALS FOR ENGINEERING SERVICES FOR JAIL HOUSING REPAIRS

Mr. LeRoy presented the following:

WHEREAS, a recent inspection has revealed that repairs and improvements are needed within the Jail Housing Units; and

WHEREAS, Wayne County is in need of engineering services to determine the extent of repairs and improvements necessary to the mechanical and plumbing chases within the Jail Housing Units and to develop specifications; and be it hereby

RESOLVED, that the Superintendent of Buildings and Grounds, subject to review and approval of the County Attorney is hereby authorized to seek proposals from engineering firms to provide a scope of services, recommendations, specifications and a estimated cost for needed repairs in the mechanical chases located in the Wayne County Jail.

Mr. Colacino moved the adoption of the resolution. Seconded by Mr. Hammond. Upon roll call, adopted.

RESOLUTION NO. 454-11: AUTHORIZATION TO AWARD ENERGY SERVICES COMPANY (ESCO) CONTRACT

Mr. LeRoy presented the following:

WHEREAS, Wayne County solicited proposals from qualified Energy Services Companies (ESCO) to provide energy-related services and improvements to Wayne County buildings; and

WHEREAS, four proposals were received as follows:

Energetix Energy Services Company

Johnson Controls, Inc.

MCW Custom Energy Solutions, LLC

Trane Company

and

WHEREAS, a committee comprised of two members of the Board of Supervisors, the County Attorney, the Fiscal Assistant, the Superintendent of Buildings and Grounds, and the County Administrator reviewed the proposals and invited all four companies to make presentations on June 16, 2011; and

WHEREAS, based upon the proposals submitted, the presentations of the companies, and the responses to questions asked by the committee members, the committee recommended that the Trane Company be selected; now therefore, be it

RESOLVED, that the Wayne County Board of Supervisors hereby designates the Trane Company as Wayne County's Energy Services Company (ESCO); and be it further

RESOLVED, that the Chairman of the Board of Supervisors is authorized to execute an authorization to proceed with a Comprehensive Energy Audit of Wayne County facilities, subject to the review and approval of the County Attorney as to form and to content and with the provision that once said energy audit is undertaken and if Wayne County does not proceed with a Performance Agreement Wayne County will pay Trane Company up to \$42,400 for services and time invested; and be it further

RESOLVED, that in the event Wayne County proceeds with a Performance Agreement, the cost of the Comprehensive Energy Audit will be included in the overall project costs.

Mr. Lauderdale moved the adoption of the resolution. Seconded by Mr. Hammond. Upon roll call, adopted.

RESOLUTION NO. 455-11: AUTHORIZATION TO PROCEED WITH RELOCATION OF OFFICES PROJECT WITHIN THE FIRST FLOOR OF 26 CHURCH STREET, CREATE TWO SEASONAL LABORER POSITIONS, AND AMEND BUDGET

Mr. LeRoy presented the following:

WHEREAS, the County Administrator has provided the Building Relocation and Public Works Committees with a conceptual plan to reallocate office space on the first floor of 26 Church Street (Old Courthouse); and

WHEREAS, the plan has been reviewed with the staff that are impacted; and

WHEREAS, the plan will provide a more functional operation in the available physical space; and

WHEREAS, the plan also will provide space which is more conducive for the conduct of business by Board Committees; and

WHEREAS, the Superintendent of Buildings and Grounds has reviewed the plan and has developed an estimate of the costs of the project; now therefore be it

RESOLVED, that the Board of Supervisors authorizes the plan to proceed; and be it further

RESOLVED, that the County Treasurer is authorized to make the following budget adjustments:

A1615 BUILDINGS AND GROUNDS

(Appropriation)

\$ 6,700 to .51181 Laborer-Seasonal

\$ 4,000 to .52200 Office Equipment

\$20,500 to .54407 Building Maintenance & Repair

A1990 CONTINGENT FUND GEN

(Appropriation)

\$31,200 from .54000 Contractual Expenses

and be it further

RESOLVED, that the Superintendent of Buildings and Grounds is authorized to hire two Seasonal Laborers not to exceed a total of 448 hours.

Mr. Hammond moved the adoption of the resolution. Seconded by Mr. Plant. Upon roll call, adopted.

RESOLUTION NO. 456-11: AUTHORIZATION TO ADVERTISE FOR SEALED BIDS FOR THE SALE OF SURPLUS VACUUM TRUCK IN THE HIGHWAY DEPARTMENT

Mr. LeRoy presented the following:

WHEREAS, the 2011 Budget for Highway Machinery included funds to replace a 1998 vacuum truck; and

WHEREAS, Resolution No. 126-11 directed the 1999 vacuum truck to be declared surplus and sent to the Palmyra Municipal auction; and

WHEREAS, the delivery of the new vacuum truck did not occur until after the Palmyra Municipal auction so the old vacuum truck was not able to be sent; now, therefore, be it

RESOLVED, that the Highway Superintendent is authorized and directed to advertise for sealed bids for the sale of the 1998 Vacuum truck, subject to approval as to form and content by the County Attorney; and be it further

RESOLVED, that the Clerk of the Board of Supervisors is hereby designated and directed to publicly open the bid(s) at the time and place specified in the bid document and to present a record of the bid(s) at the next meeting of the Board of Supervisors following the bid opening.

Mr. Miller moved the adoption of the resolution. Seconded by Mr. Plant. Upon roll call, adopted.

RESOLUTION NO. 457-11: AUTHORIZATION TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH M.A. BONGIOVANNI FOR THE MAGOG ROAD CULVERTS PROJECT

Mr. LeRoy presented the following:

WHEREAS, the Magog Road culvert replacements project is being progressed with 100% CHIPs funds; and

WHEREAS, MA Bongiovanni has been hired to perform pile driving work for the two culverts (res 195-11), and

WHEREAS, after having much difficulty in maintaining a dry excavation with clay dams on the first culvert, it was decided to drive steel sheeting at the second culvert location; and

WHEREAS, MA Bongiovanni prepared an estimate in the amount of \$19,600 to install sheeting around the second culvert to expedite the construction, reduce the dewatering efforts, and provide a safer excavation; and

WHEREAS, this extra work by M.A. Bongiovanni will reduce County Costs associated with labor, materials, and equipment and will not increase the overall project costs; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute a supplemental agreement on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with MA Bongiovanni for the not to exceed cost of \$19,600 associated with the sheeting installation on this project (5112 52941).

Mr. Hammond moved the adoption of the resolution. Seconded by Mr. Colacino. Upon roll call, adopted.

RESOLUTION NO. 458-11: AUTHORIZE APPLICATION TO THE NYS ENVIRONMENTAL PROTECTION FUND FOR THE FORMAN PARK EROSION CONTROL PROJECT

Mr. Spickerman presented the following:

WHEREAS, Forman Park is the most popular park within the Wayne County Parks system, visited by thousands of residents and tourists every year and used for family reunions, community events, graduation parties, weddings, picnics and general recreational activities; and

WHEREAS, severe erosion along the Lake Ontario shoreline within Forman Park has claimed a large amount of land and reduced the area of the park significantly over the past 30 years; and

WHEREAS, this situation is critical and must be addressed before more land within this historic park is lost; now, therefore, be it

RESOLVED, that James Hoffman as Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$200,000 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to Wayne County for the Forman Park Erosion Control Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property, subject to approval as to form and content by the County Attorney.

Mr. Lauderdale moved the adoption of the resolution. Seconded by Mr. LeRoy. Upon roll call, adopted.

RESOLUTION NO. 459-11: AFFIRMATION OF PUBLIC AND COMMUNITY SUPPORT FOR B. FORMAN PARK EROSION CONTROL PROJECT

Mr. Spickerman presented the following:

WHEREAS, B. Forman Park (the "Park") is Wayne County's most heavily used public park; and

WHEREAS, the Park contains significant historic buildings and a beautiful Lake Ontario shoreline; and

WHEREAS, the current rate of erosion along the Lake Ontario shoreline has washed away a significant amount of the parkland; and

WHEREAS, if this erosion problem is not addressed, Wayne County's most popular park will continue to rapidly diminish in size, ultimately threatening historic structures and significantly reducing open space available for public recreation; now, therefore, be it

RESOLVED, that the Board of Supervisors recognizes the historic and recreational significance of B. Forman Park and its importance to the residents of Wayne County and the public and community support for the installation of suitable erosion control measures to mitigate the loss of this valuable and irreplaceable public park property.

Mr. LeRoy moved the adoption of the resolution. Seconded by Mr. Hammond. Upon roll call, adopted.

RESOLUTION NO. 460-11: AUTHORIZE CHAIRMAN TO SIGN ORTHOIMAGERY LETTER FROM NYS OFFICE OF CYBER SECURITY

Mr. Spickerman presented the following:

WHEREAS, the NYS Office of Cyber Security periodically delivers updated orthoimagery to Wayne County; and

WHEREAS, the dataset has sensitive images as identified by the New York State Office of Counter Terrorism; and

WHEREAS, although these images are blurred, Wayne County may gain access to them by obtaining a password from the state; and

WHEREAS, these sensitive images can be distributed only in accordance with the policies of the NYS Office of Cyber Security, which were included in a letter to Wayne County dated May 4, 2011; and

WHEREAS, Wayne County must sign the above referenced letter acknowledging both its receipt and an understanding of the distribution policy before receiving the updated orthoimagery files; now, therefore, be it

RESOLVED, that the Chairman is authorized and directed to sign the above referenced letter from the NYS Office of Cyber Security, subject to prior approval of the content of the letter by the County Attorney.

Mr. Plant moved the adoption of the resolution. Seconded by Mr. Miller. Upon roll call, adopted.

RESOLUTION NO. 461-11: DESIGNATE INTERIM PLANNING DIRECTOR AS LABOR COMPLIANCE OFFICER FOR CANDY APPLE DAY CARE PROJECT

Mr. Spickerman presented the following:

WHEREAS, Wayne County was awarded \$750,000 from the New York State Housing Trust Fund Corporation, Office of Community Renewal ("OCR") New York State Community Development Block Grant ("NYS CDBG") program to finance the development of a new Candy Apple Preschool and Child Care Center facility within the Village of Newark; and

WHEREAS, OCR requires the grant recipient to appoint a labor compliance officer who serves as the contact for wage rates and other labor related matters pertaining to the Candy Apple Day Care project; and

WHEREAS, the labor compliance officer is also responsible for verifying that correct wages and benefits were paid and for signing off on certified payrolls pertaining to said project; and

WHEREAS, Resolution No. 112-11 appointed Sharon Lilla as Labor Compliance Officer for this project; and

WHEREAS, Sharon Lilla is retiring from the position of Planning Director effective July 8, 2011; now, therefore, be it

RESOLVED, that the Board of Supervisors hereby designates Ora Rothfuss, Interim Director, Wayne County Planning Department, as the Labor Compliance Officer for the Candy

Apple Day Care Project.

Mr. Hammond moved the adoption of the resolution. Seconded by Mrs. Bender. Upon roll call, adopted.

RESOLUTION NO. 462-11: APPOINT EILEEN LUTZ AS FAIR HOUSING OFFICER FOR WAYNE COUNTY

Mr. Spickerman presented the following:

WHEREAS, Wayne County often applies for funding from the New York State Housing Trust Fund Corporation, Office of Community Renewal ("OCR") New York State Community Development Block Grant ("NYS CDBG") program; and

WHEREAS, OCR requires grant recipients to appoint a Fair Housing Officer to receive and resolve complaints related to housing discrimination within the County; and

WHEREAS, Sharon Lilla currently serves Wayne County as its Fair Housing Officer; and

WHEREAS, Sharon Lilla is retiring effective July 8, 2011; and

WHEREAS, Eileen Lutz, Executive Director of Community Action in Self Help, Inc.; Wayne County's only comprehensive housing agency, possesses the appropriate training necessary to properly serve Wayne County as its Fair Housing Officer; now, therefore, be it

RESOLVED, that the Board of Supervisors hereby designates Eileen Lutz as Wayne County Fair Housing Officer; and be it further

RESOLVED, that Ms. Lutz shall serve as Fair Housing Officer at no present or future cost to the County.

Mrs. Bender moved the adoption of the resolution. Seconded by Mr. Hammond. Upon roll call, adopted.

RESOLUTION NO. 463-11: AUTHORIZATION TO PROCESS PAYMENTS FOR YEARLY MAIL CHECK PROCESS FOR BOARD OF ELECTIONS

Mrs. Collier presented the following:

WHEREAS, a postcard must be sent to each active voter (approximately 54,000 voters) every year, per NYS Election Law, to verify information in regard to voting; and

WHEREAS, NTS Data Services is capable of processing these cards more efficiently, by sorting and bar coding to postal standards, resulting in lower postal expense; and

WHEREAS, cards cannot be sent until the postage check is received by the US Postal Service, the amount for the postage will have to be processed and delivered, per the US Postal Service regulations, prior to, approximately August 1st of every year; now therefore, be it

RESOLVED that the Wayne County Board of Elections is authorized on a recurring annual basis to process advance payments to the US Postal Service for postage at a cost not to exceed \$16,000 each year to be expended from Account A1450.4166 (Postage Expense) and on a recurring annual basis to process advance payments to NTS Data Services for said services at a cost not to exceed \$7,000 each year to be expended from Account A1450.4421 (Election Expense).

Mrs. Crane moved the adoption of the resolution. Seconded by Mr. Lauderdale. Upon roll call, adopted.

RESOLUTION NO. 464-11: APPROVE CONTRACT WITH KIRTAS TECHNOLOGIES, INC. FOR HOFFMAN ESSAY PRESERVATION

Mrs. Collier presented the following:

WHEREAS, the County Historian has applied for and received a grant from the Hoffman Foundation in the sum of \$6,144.00 to continue the scanning and archiving of the County Hoffman Essays; and

WHEREAS, Kirtas Technologies, Inc. has provided a written quote for these scanning and archiving services; now, therefore, be it

RESOLVED, that the Chairman of the Board is hereby authorized to sign the contract, based upon the review and approval of the County Attorney; and be it further

RESOLVED, that the contract will not exceed the grant/budget line amount of \$6144.00

(budget line A74104-54484).

Mr. Kelsch moved the adoption of the resolution. Seconded by Mrs. Bender. Upon roll call, adopted.

RESOLUTION NO. 465-11: AUTHORIZATION FOR WAYNE COUNTY PUBLIC HEALTH TO DECLARE A CAR AS SURPLUS

Ms. Park presented the following:

WHEREAS, Wayne County Public Health has identified a 2002 Chevrolet Cavalier as surplus and the Wayne County Central Garage agrees that this car should come off of the road; and

WHEREAS, the 2002 Chevrolet Cavalier, VIN # 1G1JC524827354151, will be deemed as surplus and sent to auction; now, therefore, be it

RESOLVED, that the Director of Public Health is hereby authorized to declare the 2002 Chevrolet Cavalier, VIN # 1G1JC524827354151 as surplus and sent to auction as per county policy.

Mrs. Crane moved the adoption of the resolution. Seconded by Mr. Hammond. Upon roll call, adopted.

RESOLUTION NO. 466-11: AUTHORIZATION TO AMEND AGREEMENT WITH FIDELIS CARE NEW YORK AND WAYNE COUNTY PUBLIC HEALTH

Ms. Park presented the following:

WHEREAS, the Medicaid Redesign Team has added personal care services (PCA) as a covered benefit under managed Medicaid; and

WHEREAS, Wayne County Public Health has a Provider Agreement with Fidelis Care New York and performs PCA home visits and wishes to seek reimbursement from Fidelis Care New York for these services; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute the Amendment to the Ancillary Agreement with Fidelis Care New York so that Wayne County Public Health can seek reimbursement for Personal Care Aide service, subject to the approval of the County Attorney as to form and content.

Mrs. Crane moved the adoption of the resolution. Seconded by Mrs. Bender. Upon roll call, adopted.

RESOLUTION NO. 467-11: AUTHORIZATION TO EXECUTE A CONTRACT WITH A NEW PROVIDER OF RELATED SERVICES FOR PRESCHOOL CHILDREN WITH HANDICAPPING CONDITIONS

Ms. Park presented the following:

WHEREAS, the County must contract for the provisions of related services for preschool age children with handicapping conditions pursuant to Section 4410 Education Law; and

WHEREAS, Wayne County Public Health has identified Jennifer Renzi to provide related services as a Teacher of the Visually Impaired and as a Teacher of the Deaf, at a rate of \$58/half hour, for the period of August 1, 2011 till June 30, 2013; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute a contract with Jennifer Renzi, 14121 Wilde Road, Martville, NY 13111 to perform Related Services as a Teacher of the Visually Impaired and as a Teacher of the Deaf, for the amount of \$58/half hour, from August 1, 2011 till June 30, 2013, subject to the approval of the County Attorney as to form and content.

Mrs. Crane moved the adoption of the resolution. Seconded by Mrs. Crane. Upon roll call, adopted.

RESOLUTION NO. 468-11: AUTHORIZATION TO ACCEPT THE AMENDED AGREEMENTS WITH MVP HEALTH CARE FOR WAYNE COUNTY PUBLIC HEALTH

Ms. Park presented the following:

WHEREAS, Wayne County Public Health has several agreements with MVP Health Care

for payment of home care services, public health services, MOMS program and for flu vaccine;
and

WHEREAS, Wayne County Public Health has received amendments to our Service Agreements with MVP Health Care; and

WHEREAS, these Amendments include: Updates the Standard Clauses , Incorporates NCQA-required language stating that Providers may communicate freely with patients concerning treatment regardless of whether a covered benefit, Incorporates NY Public Health Law 4406-c in the Agreements, replaces and references to "Administrative and medical Policy Manuals" with "Administrative and medical Policy Manuals or Provider Resource Manual" in the Agreements, requiring a Certification for Lobbying on file and revising the Notices section in the Agreement; now, therefore, be it

RESOLVED, that the amendments to the Service Agreements between MVP Health Care and Wayne County Public Health home care services, public health services, MOMS program and for flu vaccines are hereby accepted by the Board of Supervisors, effective August 1, 2011, subject to the approval of the County Attorney as to form and content.

Mrs. Collier moved the adoption of the resolution. Seconded by Mrs. Crane. Upon roll call, adopted.

RESOLUTION NO. 469-11: SELECTION OF L. WOERNER d/b/a HCR AS THE SUCCESSFUL PROPOSAL FOR THE PURCHASE OF THE WAYNE COUNTY HOME HEALTH AGENCY

Ms. Park presented the following:

WHEREAS, Resolution No. 768-10 authorized initiating the procedure to sell the Certified Home Health Agency (CHHA) and establish a licensed home care agency; and

WHEREAS, Resolution No. 769-10 authorized a contract with Jack Venesky Consulting Services to prepare a Request for Proposals for the sale of the CHHA; and

WHEREAS, Resolution No. 220-11 authorized the solicitation for proposals for the sale of the CHHA; and

WHEREAS, two proposals were received:

L .Woerner, Inc d/b/a HCR
Lifetime Care

and

WHEREAS, the Health and Medical Services committee and county staff reviewed the proposals and invited both proposers to make a presentation and answer questions; and

WHEREAS, on June 8, 2011, presentations were made to members of the Health and Medical Services Committee and county staff; and

WHEREAS, based on the proposals and presentations, it was decided to focus on the HCR proposal; and

WHEREAS, on June 21, 2011 representatives of HCR met with the County Attorney, County Administrator, Public Health Director, and Health and Medical Services Committee Chair to answer additional questions about their proposal; now therefore be it

RESOLVED, that the Wayne County Board of Supervisors hereby accepts the proposal of L. Woerner, Inc. d/b/a/ HCR for the purchase of the Wayne County Certified Home Health Agency Operating Certificate for the purchase price of \$850,000; and be it further

RESOLVED, that the County Administrator, County Attorney, and the Public Health Director are hereby authorized to begin to negotiate with HCR for a staffing contract/management agreement to facilitate the interim operation of the CHHA while the sale is being finalized; and be it further

RESOLVED, that the County Administrator, County Attorney, and Public Health Director are authorized to proceed with all necessary steps to facilitate the sale of the CHHA.

Mr. Plant moved the adoption of the resolution. Seconded by Mr. Miller. Upon roll call, adopted.

RESOLUTION NO. 470-11: AUTHORIZATION TO AMEND RESOLUTION NO. 315-11 -

CREATE POSITIONS AND SET SALARY

Mrs. Crane presented the following:

WHEREAS, there is an ongoing need for two (2) full time Assistant Social Services Attorney positions in the Wayne County Department of Social Services as evidenced by the workload; and

WHEREAS, the two Assistant Attorney positions have been "bundled" on a single budget line; and

WHEREAS, Resolution No. 315-11 authorized the filling of one of the two Assistant DSS Attorney positions at a salary of \$55,000 to \$57,500; and

WHEREAS, it is now preferable to create a 1st Assistant Attorney position and a 2nd Assistant Attorney position to clarify responsibilities and chain-of-command structure; and

WHEREAS, to do so would not increase the total County cost for the two positions; now, therefore, be it

RESOLVED, that the position of 1st Assistant Social Services Attorney is hereby created and salary set at \$57,431; and be it further

RESOLVED that the position of 2nd Assistant Social Services Attorney is hereby created and salary set at \$55,000; and be it further

RESOLVED, that Resolution No. 315-11 is hereby amended to read "establishes a salary of \$55,000 for the 2nd Assistant Social Services Attorney; and be it further

RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2011 County budget as follows:

A6010 SOCIAL SERVICES (Appropriations)

\$27,500 from .51492 Asst. DSS Atty

\$27,500 to .51594 2nd Asst. DSS Atty

Mr. Hammond moved the adoption of the resolution. Seconded by Mrs. Collier. Upon roll call, all Supervisors voted Aye. The Chairman declared the Resolution adopted.

RESOLUTION NO. 471-11: AUTHORIZATION TO CREATE A FULL TIME SENIOR TYPIST SECRETARIAL SUPPORT POSITION AT THE DEPARTMENT OF SOCIAL SERVICES

Mrs. Crane presented the following:

WHEREAS, Resolution No. 234-11 created a full-time Temporary Senior Typist Secretarial Support position in the Legal area of the Department of Social Services with the condition that it be abolished upon the return to full-time work by the incumbent Legal area Senior Typist; and

WHEREAS, Resolution No. 368-11 amended Resolution No. 234-11 authorizing the full time Senior Typist Secretarial Support position in the Legal area of the Department of Social Services for a period of three months from 5/16/11 – 8/15/11, and abolishing it at the end of that time frame; and

WHEREAS, the legal area has struggled to meet the workload demands with only a single support position, and

WHEREAS, the workload demands now necessitate a second full time support position in the legal area; and

WHEREAS, sufficient funds are in place to hire a full-time Senior Typist; now, therefore, be it

RESOLVED, that a full time Senior Typist position be created in the Legal Area of the Department of Social Services.

Mr. Kelsch moved the adoption of the resolution. Seconded by Mr. Groat. Upon roll call, all Supervisors voted Aye. The Chairman declared the Resolution adopted.

RESOLUTION NO. 472-11: APPROVAL OF REQUEST FOR APPOINTMENT TO THE FINGER LAKES WORKFORCE INVESTMENT BOARD

Mrs. Crane presented the following:

WHEREAS, this Board, has authorized the creation of the Finger Lakes Workforce Development Board for the Counties of Wayne, Yates, Seneca and Ontario in compliance with

the Workforce Development Investment Act (WIA) of 1998; and

WHEREAS, the Workforce Investment Board members must be appointed by the respective Legislative Boards; and

WHEREAS, the Executive Director has solicited nominations in accordance with the Law; and

WHEREAS, the Finger Lakes Workforce Investment Board By-Laws state voting members shall be appointed for terms of three (3) years, and that terms shall be staggered; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors does hereby appoint Douglas Stark, Director of Outpatient Services and Business Development, Newark –Wayne Community Hospital and DeMay Living Center to the Finger Lakes Workforce Investment Board to fill a three (3) year term from 7/1/11 – 6/30/14.

Mrs. Collier moved the adoption of the resolution. Seconded by Mr. Kelsch. Upon roll call, adopted.

RESOLUTION NO. 473-11: RESOLUTION SETTING SALARY FOR THE POSITION OF STAFF DEVELOPMENT COORDINATOR

Mrs. Crane presented the following:

WHEREAS, this position is needed to guarantee that staff in the Child Protective, Adult Protective, Foster Care & Adoption and Preventive Teams receive mandated and other needed training; and

WHEREAS, the services provided by these teams are mandated by New York State; and

WHEREAS, this position is needed to assure efficient and effective service provision; and

WHEREAS, this position is responsible to assure compliance training as well as manage the Finger Lakes Community College and Social Work Education Consortium (SWEC) contracts; and

WHEREAS, the incumbent was paid an annual salary of \$51,852; and

WHEREAS, the County Administrator anticipates authorizing filling the vacated position effective August 12, 2011; and

WHEREAS, the Department needs some lead time in order to interview applicants and make a selection; and

WHEREAS, no salary schedule currently exists for Management Confidential employees and the Board of Supervisors needs to establish a salary for the position; and

WHEREAS, the salary needs to be competitive with other positions in the Department of Social Services, eg. Principal Social Work Examiner, Senior Caseworker; and

WHEREAS, this position is one that is reimbursed at approximately 90%; now, therefore, be it

RESOLVED, that the Board of Supervisors hereby establishes a salary of \$51,000 for the Staff Development Coordinator position referenced herein.

Mr. Hammond moved the adoption of the resolution. Seconded by Mrs. Collier. Upon roll call, all Supervisors voted Aye. The Chairman declared the Resolution adopted.

RESOLUTION NO. 474-11: AUTHORIZATION TO ACCEPT VALUE OF ADDED OF SERVICES RENDERED IN EXCHANGE FOR COSTS INCURRED

Mr. Spickerman presented the following:

WHEREAS, During the commissioning process for the Public Safety Building, it was discovered that there were omissions in the contract documents which led to added expense for the county; and

WHEREAS, Wayne County requested its' Construction Manager to calculate the value of these omissions; and

WHEREAS, the value was determined to be \$9,642.20; and

WHEREAS, when this was reviewed with the architect for the project, SWBR, the architect indicated they had performed additional services during the duration of the project without billing at a calculated amount of \$10,720.00; and

WHEREAS, it was proposed that the value of the additional architectural services offset the value of the omissions; now, therefore, be it

RESOLVED, that the Board of Supervisors hereby authorizes a contract amendment acknowledging the additional work SWBR has performed in exchange for the value of the omissions related to the Public Safety Building project.

Mr. Colacino moved the adoption of the resolution. Seconded by Mr. Lauderdale. Upon roll call, adopted.

RESOLUTION NO. 475-11: AUTHORIZATION TO AWARD RFP FOR EMERGENCY MANAGEMENT AV BRIDGING GATEWAY SYSTEM

Mr. Plant presented the following:

WHEREAS, pursuant to Resolution No. 179-11, the Director of Emergency Management was authorized and directed to issue a Request for Proposal (RFP) for a gateway - bridging system for the Wayne County Emergency Management Office; and

WHEREAS, the following Request for Proposals were received and reviewed by the Emergency Management Office:

Toshiba Business Solutions/AV Solutions	\$103,613.00
--	---------------------

675 Atlantic Avenue
Rochester, NY 14609

and

WHEREAS, Toshiba Business Solutions has been an established, trusted vendor to Wayne County, supplying copiers and AV equipment, and

WHEREAS, the price offered by Toshiba Business Solutions is consistent with the expected project cost; and,

WHEREAS, there are adequate grant funds and previously budgeted funds (Resolution 173-11) to accommodate the proposal, now, therefore, be it

RESOLVED, that the request for proposal for this project is hereby accepted from Toshiba Business Solutions/AV Solutions at a cost of \$103,613.00; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute two contracts on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with Toshiba Business Solutions/AV Solutions, the first at a cost of \$14,950 for the necessary consulting work prior to project implementation, and the second at a cost of \$88,663 for the actual build and installation of said system for a total cost of \$103,613.00; and be it further

RESOLVED, that the County Treasurer is hereby authorized to make the following budget adjustments:

A3640-Emergency Management

(revenues)

\$14,950 to .43302 Homeland Security (SHSGP '09)

\$47,636 to .43302 Homeland Security (SHSGP '08)

(appropriations)

\$62,586 to .52203 Homeland Security

Mr. Hammond moved the adoption of the resolution. Seconded by Mr. LeRoy. Upon roll call, adopted.

RESOLUTION NO. 476-11: AUTHORIZING CERTAIN RADIO COMMUNICATION INFRASTRUCTURE MODIFICATIONS AND RELATED PROJECT ACCOUNT APPROPRIATIONS

Mr. Plant presented the following:

WHEREAS, the changes involved with the Wayne County Radio Communications Infrastructure Project included the implementation of a fire and EMS simulcast system, whereby three transmitter sites are used simultaneously, with a fourth site to be designated as a back-up site, to be used in the event of failure of a component of the three site simulcast system, and

WHEREAS, through the implementation of the phases of the Wayne County Radio Communications Infrastructure Project, and the conduction of various tests, it has been shown that the inclusion of the fourth site as part of the simulcast system, while maintaining the capability of switching to the site for use as a system back-up, would result in an improvement in fire and EMS channel talk-out in the southern-central area of the county, and

WHEREAS, said proposed modifications to the system could be made only by the original contractor who installed and set up the existing system, Finger Lakes Communication Company of Auburn, NY; now, therefore, be it

RESOLVED, that Finger Lakes Communication Company of Auburn, NY, shall be authorized to perform the work and supply the equipment described in their quotation number 102000271, which will add the fire and EMS transmitters located at the Lyons tower site located behind the Buildings and Grounds Department headquarters to the simulcast system, at a cost not to exceed \$88,722.00, and be it further

RESOLVED, that the County Treasurer is hereby authorized and directed to transfer \$88,722.00 from the Unappropriated General Fund Balance as follows:

A9950 – TRANSFER TO CAPITAL FUND PROJECT

\$88,722.00 to .52777 Radio Interoperability Project

H1934 – RADIO INTEROPERABILITY PROJECT

(Revenue)

\$88,722.00 to .45031 – Interfund Transfer

(Appropriation)

\$88,722.00 TO .52000 COCST – Equipment and Other Capital Outlay

Mr. Hammond moved the adoption of the resolution. Seconded by Mrs. Bender. Upon roll call, adopted.

RESOLUTION NO. 477-11: AUTHORIZATION TO PARTICIPATE IN A COOPERATIVE BID COORDINATED BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES OF ONTARIO, SENECA, WAYNE AND YATES COUNTIES FOR VARIOUS COMMODITIES AND/OR SERVICES

Mrs. Collier presented the following:

WHEREAS, the County of Wayne ("County") desires to participate in a Cooperative Bidding Program conducted by the Board of Cooperative Educational Services of Ontario, Seneca, Wayne and Yates Counties ("BOCES") from year to year or, until this Resolution is rescinded, for the purchase of various commodities and/or services; and

WHEREAS, the County is desirous of participating with BOCES in the joint bid of the commodities and/or services on file with the Clerk of the Board as authorized by General Municipal Law, Section 119-o; and

WHEREAS, the County has appointed BOCES as representative to assume the responsibility for drafting specifications, advertising for bids, accepting and opening bids, tabulating bids, reporting the results to the County and making recommendations thereon; now, therefore, be it

RESOLVED, that the County hereby accepts the appointment of BOCES to represent it in all matters related above; and be it further

RESOLVED, that the County hereby authorizes the above-mentioned BOCES to represent it in all matters regarding the entering into contract(s) for the purchase of the commodities and/or services; and be it further

RESOLVED, that the County agrees to assume its equitable share of the costs incurred as a result of the cooperative bidding; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute an agreement on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with BOCES for participation in cooperative bidding conducted by BOCES for various commodities and services and if requested to furnish BOCES with an estimated minimum number of units that will be purchased by BOCES; and be it further

RESOLVED, that the Board of Supervisors hereby authorizes BOCES to award cooperative bids to the bidder deemed to be the lowest responsive and responsible meeting the bids specification and otherwise complying with Article 5-A of the General Municipal Law of the State of New York relating to public bids and contracts.

Mr. LeRoy moved the adoption of the resolution. Seconded by Mr. Kelsch. Upon roll call, adopted.

RESOLUTION NO. 478-11: SETTING DATE FOR PUBLIC HEARING FOR A LOCAL LAW TO RESCIND LOCAL LAW NO. 2-2011 RELATING TO THE REAPPORTIONMENT OF THE BOARD OF SUPERVISORS OF THE COUNTY OF WAYNE

Mrs. Collier presented the following:

RESOLVED, pursuant to Section 20 of the Municipal Home Rule Law that the Board of Supervisors shall hold a public hearing on Monday August 8, 2011, at 10:15 a.m. at Wayne County Board Meeting to be held at the Wayne County Fair Grounds, 300 West Jackson Street, Palmyra, New York, on the following proposed local law:

COUNTY OF WAYNE – STATE OF NEW YORK

A Local Law to Rescind Local Law No. 2-2011 Relating to the Reapportionment of the Board of Supervisors of the County of Wayne.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WAYNE, as follows:

SECTION 1. LEGISLATIVE INTENT

Local Law No. 2 of the year 2011, relating to the reapportionment of the Board of Supervisors of the County of Wayne will be rescinded.

SECTION 2. EFFECTIVE DATE

This local law shall become effective immediately upon the date it is filed in the Office of the Secretary of State.

and be it further

RESOLVED, that the Clerk of the Board of Supervisors is hereby directed to give at least five days notice of such hearing by posting such notice upon the bulletin board at the Court House, Lyons, New York, and by publishing such notice at least once in the official newspapers of the County.

Mr. Colacino moved the adoption of the resolution. Seconded by Mr. Lauderdale.

Mrs. Collier moved, second by Mr. Plant that the resolution be amended by changing the date and time of the public hearing to **Thursday, August 4, 2011 at 9:05 a.m.**; and to be held in the Supervisors' Chambers, instead of the location of the Wayne County Fair. Motion carried.

Upon roll call, adopted.

RESOLUTION NO. 479-11: SETTING DATE FOR PUBLIC HEARING ON LOCAL LAW RELATING TO THE REAPPORTIONMENT OF THE BOARD OF SUPERVISORS OF THE COUNTY OF WAYNE

Mrs. Collier presented the following:

RESOLVED, pursuant to Section 20 of the Municipal Home Rule Law that the Board of Supervisors shall hold a public hearing on Monday August 8, 2011, at 10:20 a.m. at Wayne County Board Meeting to be held at the Wayne County Fair Grounds, 300 West Jackson Street, Palmyra, New York, on the following proposed local law:

COUNTY OF WAYNE – STATE OF NEW YORK

A local law relating to the reapportionment of the Board of Supervisors of the County of Wayne.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WAYNE, as follows:

SECTION 1. LEGISLATIVE INTENT

The Wayne County Board of Supervisors having heretofore enacted local laws implementing adjusted weighted voting plans for simple majority votes and two-thirds majority votes, and since those enactments the 2010 Federal Census having been completed, the Wayne County Board of Supervisors did pursuant to Section 10 of the Municipal Home Rule Law prepare revised plans, utilizing the said 2010 population statistics.

SECTION 2. LEGISLATIVE AUTHORITY

This local law is enacted pursuant to the provisions of Subparagraph 13 of Paragraph a of Subdivision 1 of Section 10 of Municipal Home Rule Law.

SECTION 3. ADJUSTED WEIGHTED VOTING PLAN (SIMPLE MAJORITY)

The apportionment of the voting strength of each of the numbers of the Wayne County Board of Supervisors as determined by utilization of the 2010 Federal Census shall be as follows upon any vote requiring a simple majority vote:

Arcadia	213
Butler	34
Galen	70
Huron	35
Lyons	91
Macedon	145
Marion	77
Ontario	159
Palmyra	127
Rose	39
Savannah	29
Sodus	133
Walworth	149
Williamson	112
Wolcott	72
	<u>1485</u>

A total of 743 affirmative votes shall be required for the adoption of any resolution, local law, motion or proposal requiring a simple majority vote.

SECTION 4. ADJUSTED WEIGHTED VOTING PLAN (TWO-THIRDS MAJORITY)

The apportionment of the voting strength of each of the members of the Wayne County Board of Supervisors as determined by utilization of the 2010 Federal Census shall be as follows upon any vote requiring a two-thirds majority vote:

Arcadia	236
Butler	34
Galen	69
Huron	34
Lyons	90
Macedon	145
Marion	76
Ontario	160
Palmyra	126
Rose	37

Savannah	29
Sodus	131
Walworth	152
Williamson	111
Wolcott	71
	<hr/>
	1501

A total of 1001 affirmative votes shall be required for the adoption of any resolution, local law, motion or proposal requiring a two-thirds majority vote.

SECTION 5. EFFECT OF OTHER LAWS OR ACTS

Local Law No. 2-2002 and any other law, ordinance, resolution or other act of the Wayne County Board of Supervisors relating to reapportionment is herein and hereby superseded.

SECTION 6. SEPARABILITY

If any clause, sentence, paragraph or section of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or section thereof directly involved in the proceeding in which such adjudication shall have been rendered.

SECTION 7. EFFECTIVE DATE

This local law is subject to referendum on petition pursuant to Municipal Home Rule Law Section 20(2)(j). This local law shall take effect 45 days after its adoption pursuant to Municipal Home Rule Law Section 24(1), subject to the provisions thereof.

and be it further

RESOLVED, that the Clerk of the Board of Supervisors is hereby directed to give at least five days notice of such hearing by posting such notice upon the bulletin board at the Court House, Lyons, New York, and by publishing such notice at least once in the official newspapers of the County.

Mr. Plant moved the adoption of the resolution. Seconded by Mr. Kelsch.

Mrs. Collier moved, second by Mr. Plant that the resolution be amended by changing the date and time of the public hearing to **Thursday, August 4, 2011 at 9:10 a.m.**; and to be held in the Supervisors' Chambers, instead of the location of the Wayne County Fair. Motion carried.

Upon roll call, adopted.

RESOLUTION NO. 480-11: AUTHORIZATION TO PURCHASE EQUIPMENT FOR MENTAL HEALTH DEPARTMENT AND TRANSFER FUNDS

Ms. Park presented the following:

WHEREAS, the Mental Health Department in the course of its regular daily business needs to use a table top display unit for advertising the services that are offered for clients for public education in the various programs at Wayne Behavioral Health Network; now, therefore, be it

RESOLVED, that the Mental Health Department is hereby authorized to purchase one table top display unit for \$450.00 and the Treasurer is authorized to make the following amendment to the 2011 budget:

\$450.00 from A43004.54115 M2100 Behavioral Health-Clinic Supplies
to A43002.52200 Behavioral Health-Clinic – Office Equipment

Mr. Miller moved the adoption of the resolution. Seconded by Mrs. Crane. Upon roll call, adopted.

EXECUTIVE SESSION: Mrs. Collier moved, seconded by Mr. Plant that the Board go into Executive Session at 10:19 a.m. to discuss collective bargaining, proposed litigation and a personnel matter. Upon roll call, carried.

REGULAR SESSION: Ms. Park moved, seconded by Mrs. Bender that the Board resume regular session at 11:35 a.m... Carried.

OTHER BUSINESS:

Mr. Hammond moved, seconded by Mr. Lauderdale that six (6) resolutions be allowed on the floor under other business. Motion carried.

RESOLUTION NO. 481-11: AUTHORIZATION TO CHANGE HOLIDAY SCHEDULE TO BE OPEN FOR REGULAR BUSINESS ON ELECTION DAY

Mrs. Collier presented the following:

WHEREAS, those county departments that are on a regular daytime schedule of operations were closed on Election Day, one of the county's designated holidays; and

WHEREAS, it is desired to be open for business on Election Day; and

WHEREAS, Wayne County has successfully negotiated this change with several of its bargaining units; and

WHEREAS, the Wayne County Holiday schedule currently includes Election Day as a Holiday; now, therefore, be it

RESOLVED that Election Day is hereby removed from the holiday schedule for the county; and be it further

RESOLVED, that Management/Confidential employees impacted by this change will receive one floating holiday per year in exchange for the previously granted Election Day Holiday; and be it further

RESOLVED, that Management/Confidential employees receiving this floating holiday must schedule and use the holiday within the year that it is granted and that in the event the floating holiday is not used in the year it is granted, it will be lost effective at the close of business on December 31 of each year.

Mr. Colacino moved the adoption of the resolution. Seconded by Mr. Hammond.

Mrs. Crane asked if any of the official polling sites were located in County Offices.

There was discussion regarding 5 and 10 years of service and the respective credit services hours.

Upon roll call, adopted.

RESOLUTION NO. 482-11: EXTENSION OF VACATION BUY-BACK PROGRAM TO MANAGEMENT/CONFIDENTIAL EMPLOYEES AND CURTAILMENT OF ADDITIONAL ANNUAL LEAVE TIME AT TEN-YEAR ANNIVERSARY OF EMPLOYMENT FOR NEW MANAGEMENT/CONFIDENTIAL EMPLOYEES

Mrs. Collier presented the following:

WHEREAS, the County has instituted a vacation buy-back program for certain employee groups; and

WHEREAS, the vacation buy-back program will increase the amount of time employees are available to provide service; and

WHEREAS, it is desired to extend this program to Management/Confidential employees; and

WHEREAS, it is also desired to alter the accumulation of vacation time for those Management/Confidential employees hired on or after June 7, 2011 by ending the accumulation of additional leave time on the employees' ten-year anniversary of employment; now, therefore, be it

RESOLVED, that the Board of Supervisors hereby authorizes a Vacation Buy-Back Program for Management/Confidential employees under the following terms and conditions:

1. Employees must have adequate time accumulated to participate in of the buy-back program

2. Employees may sell back up to five days of vacation time per year to the county to be calculated using the current hourly value of their annual salary

3. Two opportunities per year to sell back time will be offered by the County; employees must adhere to the requirements established by the Human Resources Department in order to request the sell back of time.

4. In no event shall employees be eligible to receive the benefit other than during the time periods it is being offered by the Human Resources Department.

5. The Human Resources Department shall maintain adequate records in order to determine eligibility in the program and to ensure that participating employees have adequate Vacation Time for the County to buy back and be if further

RESOLVED, that all Managerial/Confidential employees, who are new to Wayne County employment, hired to County service on or after June 7, 2011 will, after having completed 5 continuous years of service, be credited on the employee's anniversary date of employment with the County with five (5) additional annual leave days per year and that no further adjustment in annual leave accrual will be made.

Mr. Kelsch moved the adoption of the resolution. Seconded by Mr. Hammond. Upon roll call, adopted.

RESOLUTION NO. 483-11: ADOPTING 2011 SALARY SCHEDULE FOR COUNTY OFFICERS AND DEPARTMENT HEADS

WHEREAS, the Government Operations Committee has reviewed 2011 Salaries for County Officers and Department Heads and is recommending them in the schedule below to the Board of Supervisors; now, therefore, be it

RESOLVED, that the Board of Supervisors hereby adopts the following schedule for certain County Officers and Department Heads for the year 2011, effective January 1, 2011:

<u>NAME</u>	<u>TITLE</u>	<u>SALARY</u>
Rick Healy	District Attorney	136,552
Tom Warnick	Treasurer	71,535
Michael Jankowski	County Clerk	73,654
Barry Virts	Sheriff	88,022
David Hannan	Coroner	39,073
James Kernan	Public Defender	85,000
James Marquette	County Administrator	118,165
Paul Young	County Auditor	62,500
Shirley Bement	Director of RPTS	64,454
Daniel Connors	County Attorney	92,400
Charles Dye	Human Resource Director	83,435
Marge Bridson	Election Commissioner	11,075
Mark Alquist	Election Commissioner	11,075
M. Josh McCrossen	Commissioner of Social Services	87,088
Kevin Rooney	Superintendent of Highways	77,452
David Sloane	Superintendent of Buildings & Ground	71,070
Deborah George	Director of Information Tech	80,567
Richard Stevens	Director of Probation	75,667
George Bastedo	Director of Emergency Management	53,663
James Lee	E-911 Coordinator	66,355
Diane Devlin	Director of Public Health	73,006

Jim Haitz	Director of Mental Health	91,309
Kathleen Templar	Employment & Training Director	46,417
Christine Worth	Director of Tourism & Promotion	53,360
Robert Manning	Director of Weights & Measures	49,313
Penny Wiarda-Shockley	Director of Aging & Youth	60,969
Peter Evans	County Historian	31,582
Margaret Haroff	Nursing Home Administrator	76,662
Henry Krasucki	STOP-DWI Coordinator (PT)	21,566
Richard Bond	Fire Coordinator (PT)	28,344
C. Thomas Furgeson	Interim Director of Veterans (PT)	17,861

Mr. Hammond moved the adoption of the resolution. Seconded by Mrs. Bender. Upon roll call, adopted.

RESOLUTION NO. 484-11: SETTING DATE FOR PUBLIC HEARING ON LOCAL LAW PROVIDING FOR CHANGES IN SALARIES OF CERTAIN COUNTY OFFICERS DURING THEIR TERM OF OFFICE (2011)

Mrs. Collier presented the following:

WHEREAS, the County of Wayne is desirous of providing for a salary increase for certain county officers during their term of office, and

WHEREAS, the Government Operations Committee is recommending 2011 salaries as listed below; now, therefore, be it

RESOLVED, pursuant to Section 20 of the Municipal Home Rule Law that the Board of Supervisors shall hold a public hearing on **Thursday, August 4, 2011 at 9:15 a.m.** in the Supervisors' Chambers in the County Court House, Lyons, New York, on the following proposed local law:

A Local Law providing for changes in the salaries of certain County officers during their term of office.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WAYNE, as follows:

SECTION 1. The annual salary of the County Treasurer shall be \$71,535 effective January 1, 2011.

SECTION 2. The annual salary of the County Clerk shall be \$73,654 effective January 1, 2011.

SECTION 3. The annual salary of the County Coroner shall be \$39,073 effective January 1, 2011.

SECTION 4. The annual salary of the Commissioner of Social Services shall be \$87,088 effective January 1, 2011.

SECTION 5. The annual salary of the County Administrator shall be \$118,165 effective January 1, 2011.

SECTION 6. The annual salary of the Director of Real Property Tax Service shall be \$64,454 effective January 1, 2011.

SECTION 7. The annual salary of the Human Resource Director shall be \$83,435 effective January 1, 2011.

SECTION 8. The annual salary of the Superintendent of Highways shall be \$77,452 effective January 1, 2011.

SECTION 9. The annual salary of the Sheriff shall be \$88,022 effective January 1, 2011.

SECTION 10. An incumbent holding a position subject to the provisions of Sections 1 through 9 of this local law at the time during the period from the effective date of the salary increase for such position until the time when basic annual salaries are first paid pursuant to this local law for such services in excess of the compensation actually received therefore, shall be entitled to a lump sum payment for the difference between the salary to which such incumbent was entitled for such service and the compensation actually received therefore. Such lump-sum payment shall be made as soon as practicable after this local law becomes effective.

SECTION 11. If any clause, sentence, paragraph, part or provision of this local law shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its effect and operation to the clause, sentence, paragraph, part or provision thereof directly involved in the controversy in which such judgment is rendered.

SECTION 12. This local law is adopted subject to a permissive referendum, and the Clerk of the Board of Supervisors shall give public notice thereof, in the manner provided by law.

SECTION 13. This local law shall take effect on the date it is filed in the Office of the Secretary of State as provided in Section 27 of the Municipal Home Rule Law of the State of New York and shall be deemed to have been in full force and effect from and after January 1, 2011.

Mr. Plant moved the adoption of the resolution. Seconded by Mr. Hammond. Upon roll call, all Supervisors voted Aye. The Chairman declared the Resolution adopted.

RESOLUTION NO. 485-11: ADOPTING 2011 SALARY SCHEDULE FOR COUNTY MANAGERIAL EMPLOYEES NOT SUBJECT TO COLLECTIVE BARGAINING AGREEMENTS

Mr. Collier presented the following:

WHEREAS, the Government Operations Committee has determined 2011 Salaries for Managerial Support Staff not subject to Collective Bargaining Agreements and is recommending them in the schedule below to the Board of Supervisors; now, therefore, be it

RESOLVED, that the Board of Supervisors hereby adopts the following schedule for County Managerial Employees not subject to Collective Bargaining Agreements for the year 2011 effective January 1, 2011:

<u>NAME</u>	<u>TITLE</u>	<u>2011</u>
Sandra Sloane	Clerk of the Board of Supervisors	42,317
Christopher Bokelman	Assist District Attorney (FT)	58,691
David Shaw	Assist District Attorney (FT)	77,854
Jacqueline McCormick	Assist District Attorney (FT)	61,083
Stacey Fox	Assist District Attorney (PT)	18,000
John Barrett	Assist District Attorney (PT)	47,726
Bruce Rosekrans	Assist District Attorney (PT)	40,700
Cynthia Kukuvka	Assist District Attorney (PT)	30,927
Michael Calarco	Assist District Attorney (PT)	30,927
James Reid	Assist District Attorney (PT)	30,927
Elizabeth Sammons	Assist District Attorney (PT)	28,629
Deborah Coons	Victim/Witness Coordinator. (PT)	37,067
Andrew Correia	Assist Public Defender (FT)	78,000
Jason Hoge	Assist Public Defender (FT)	55,000
Gregory Power	Assist Public Defender (PT)	44,866
Robert Zimmerman	Assist Public Defender (PT)	40,323
Richard Youngman	Assist Public Defender (PT)	30,026
William Hendricks	Assist Public Defender (PT)	30,927
John Grow	Assist Public Defender (PT)	30,927
Mark Krause	Assist Public Defender (PT)	30,927
Kenneth Blake	Fiscal Assistant	70,000
Jody Bornheimer	Deputy County Treasurer	55,860
Holly Sutherland	2nd Deputy County Treasurer	42,257
Karen Stewart	Deputy County Clerk	44,442
Colleen Trombino	Second Deputy County Clerk	36,897
Kathleen Pohl	Assistant County Attorney	60,500
Christine Kalinski	Personnel Assistant	49,018

Kelly Borrelli	Deputy Election Commissioner	41,354
Joyce Krebbeks	Deputy Election Commissioner	41,354
Jon Allen	Assistant Superintendent	53,712
Michael Iocco	Personnel Clerk	34,481
Richard House	Undersheriff	71,225
Robert Hetzke	Chief Deputy	70,004
Lester Carr	Corrections Major	70,004
Patrick Willson	E911 Tech Coordinator	53,712
Greg DeWolf	E-911 Operations Manager	50,875
Valerie Edell	Deputy Director Public Health	63,500
Sally Hawman	Administrative Assistant	55,283
Edward Hunt	Dept Director Mental Health	57,392
Patricia McKinny	Program Supervisor	57,963
Stacey Welch	Program Supervisor	51,533
James Reynolds	Supervising Psychologist	75,870
Dr. Muhammad Raja	Staff Psychiatrist	190,000
Sandi Grant	Psychiatric Nurse Practitioner	78,500
Lauren Morgan	Psychiatric Nurse Practitioner	73,797
Amy Smith	Staff Psychologist	68,000
Gary Bennett	Social Services Attorney	87,400
Cecily Molak	Assist DSS Attorney	55,322
Neil Washburn	Dir Administrative Services	64,289
Carol Kastrup	Staff Development Coordinator	52,759
Mary Lee Lippert	Head Social Welfare Examiner	55,360
Dennis Watrous	Information Sys. Tech Coordinator	46,822
Martin Williams	Deputy Director, Aging	45,111
Kathy McGonical	Deputy Director, Youth	45,111
Ora Rothfuss	Agricultural Develop Specialist	50,820
Brian Frey	Assist Highway Super Engineer	62,576
Christopher Hubbs	General Highway Foreman	53,928
Judith Seier	Comptroller-Nursing Home	66,036
Cheryl Acome	Director of Nursing-Nursing Home	71,000
Catherine Chabrier	Assistant AD/Compliance Officer	65,350
Lori Carr	Assistant Director of Nursing	62,500
Kathryn Barclay	Training Coordinator	55,017
Dr. Robert Bierbaum	Medical Director(PHCP)	15,000
Dr. Michael Shoemaker	Physician Clinical	6,525
William Liddle	EMS Coordinator (PT)	20,310
Robert Howard	Animal Control Officers	4,426
Thomas Littlefield	Animal Control Officers	4,070
Mark Plyter	Animal Control Officers	4,426
<u>Hourly</u>		
Charles Morgan	Physician PT	110
Mark Winsburg	Physician PT	110
Richard Hoyt	Psychiatrist	110
Joseph Chruscicki	Psychiatrist	130
Odysseus Adamides	Psychiatrist	150
Christopher Hodgman	Psychiatrist	130
Harlan Kosson	Psychiatrist	130
Raja Rao	Psychiatrist	130
William Kelly	Forensic Program Coordinator	110

Mr. Plant moved the adoption of the resolution. Seconded by Mr. Lauderdale. Upon roll

call, all Supervisors voted Aye. The Chairman declared the Resolution adopted.

RESOLUTION NO. 486-11: ADOPTING 2011 SALARY SCHEDULE FOR COUNTY CONFIDENTIAL SUPPORT STAFF NOT SUBJECT TO COLLECTIVE BARGAINING AGREEMENTS

Mrs. Collier presented the following

WHEREAS, the Government Operations Committee has determined 2011 Salaries for Confidential Support Staff not subject to Collective Bargaining Agreements and is recommending them in the schedule below to the Board of Supervisors; now therefore be it

RESOLVED, that the Board of Supervisors hereby adopts the following schedule for County Managerial Support Staff not subject to Collective Bargaining Agreements for the year 2011 effective January 1, 2011:

<u>NAME</u>	<u>TITLE</u>	<u>2011</u>
Debbie Liseno	Secretary, Board of Supervisors	39,954
Michele Lund	Secretary, District Attorney	30,525
Darcey Koller	Secretary, District Attorney	30,000
Kathy Fox-Groat	Secretary, Public Defender	34,363
Kelley Patchen-Loveless	Secretary, County Administrator	32,227
Allison Lavigne	Internal Audit Clerk	28,241
Kathleen Cahoon	Secretary, County Treasurer	30,863
Melissa Bowman	Secretary, County Attorney	30,245
Megan Fralick	Secretary, County Attorney	30,245
Kaye McCormack	Senior Personnel Clerk	31,758
Betty Chardeen	Secretary, Sheriff's Department	34,753
Sheryl Nesbitt	Stenographic Secretary, DSS	37,261
Giovanna Fasano	Secretary, Nursing Home	34,788
Peter Pallini	Election Clerk	29,530
Kristin Wagner	Election Clerk	29,530

Part-Time per Hour

Mindy Robinson	Secretary, STOP-DWI Program	13.81
Cynthia Roden	Personnel Clerk (PT)	13.74
Christina Savage	Personnel Clerk (PT)	18.95
Correction Officer (PT)	Jail	14.70
Work Program Supervisor	Jail	14.62
Deputy Sheriff (PT)	Sheriff	15.24
Receptionist (Sub)		11.63

Mr. Plant moved the adoption of the resolution. Seconded by Mr. Kelsch. Upon roll call, all Supervisors voted Aye. Supervisor Groat abstained from voting. The Chairman declared the Resolution adopted.

EXECUTIVE SESSION: Mrs. Collier moved, seconded by Mr. Plant, that the Board go into Executive Session to discuss proposed litigation at 11:47 a.m. Upon roll call, carried.

Chairman Hoffman excused Mr. Colacino from the meeting at 12:45 p.m.

REGULAR SESSION: Mr. LeRoy moved, seconded by Mrs. Bender that the Board resume regular session at 12:47 p.m. Carried.

There was open discussion regarding protesters at Military funeral services and similar resolutions and local laws that were adopted by neighboring counties. A sample resolution was distributed for possible consideration for presentation today or referral back to committee

for review.

Mrs. Collier addressed the Board and stated that these proposed resolutions for action are items that are near and dear to the hearts of the residents of Wayne County. With this in mind, she suggested to schedule the public hearing for a proposed local law relating to the disruptions of funeral related events, at the upcoming Board Meeting to be held at the Wayne County Fair on Monday, August 8, 2011.

OTHER BUSINESS:

Mr. LeRoy moved, seconded by Mr. Lauderdale that two (2) resolutions be allowed on the floor under other business. Motion carried.

RESOLUTION NO. 487-11: SUPPORTING SENATE BILL S 3900 AND ASSEMBLY BILL A6617 REGARDING PROTESTORS AT MILITARY FUNERAL SERVICES

Mr. LeRoy presented the following:

WHEREAS, In the course of service to our country and to protect the freedoms that we hold so dear, many members of the U.S. Armed Forces have sacrificed greatly by paying the ultimate price; and

WHEREAS, in recent times there have been those who have organized protests at funeral services and memorial services against our brave soldiers who have given their all; and

WHEREAS, these services and memorials are designed to allow families, friends and communities a time to solemnly honor them and give their last respects; and

WHEREAS, the NYS Senate has unanimously passed Bill S3900 which addresses the concerns of families, friends and community members toward these protestors by limiting the distance they are allowed to gather at the ceremony while still preserving their constitutional rights; and

WHEREAS, the NYS Assembly has taken up similar legislation, Bill A6617; therefore let it be

RESOLVED, that the Wayne County Board of Supervisors supports the New York State Senate in its recent action regarding this matter and encourages the NYS Assembly to pass Bill A6617; and be it further

RESOLVED, that the Clerk of the Board of Supervisors is hereby authorized and directed to send a copy of this resolution to Governor Andrew Cuomo; United States NYS Assembly Leader Sheldon Silver; Assemblyman Robert C. Oaks; NYS Senator Michael F. Nozzolio; United States Senator Charles Schumer; United States Senator Kirsten Gillibrand; and all others deemed necessary and proper.

Mr. Lauderdale moved the adoption of the resolution. Seconded by Mr. Groat. Upon roll call, adopted.

RESOLUTION NO. 488-11: SETTING A PUBLIC HEARING FOR A LOCAL LAW PREVENTING DISRUPTION OF FUNERAL RELATED EVENTS

Mr. LeRoy presented the following:

RESOLVED, pursuant to Section 20 of the Municipal Home Rule Law that the Board of Supervisors shall hold a public hearing on Thursday, August 4, 2011, at 9:20 a.m. at Wayne County Court House, Supervisors' Chambers, 26 Church Street, Lyons, New York, on the following proposed local law:

COUNTY OF WAYNE – STATE OF NEW YORK

A LOCAL LAW PREVENTING DISRUPTION OF FUNERAL RELATED EVENTS

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WAYNE, as follows:

SECTION 1. LEGISLATIVE INTENT

This section shall be known and may be cited as the "The Law against the Disruption of Funeral Related Events".

1. The Legislature finds that:
 - a. it is generally recognized that families have a substantial interest in organizing and attending funerals for deceased relatives;
 - b. the interests of families in privately and peacefully mourning the loss of deceased relatives are violated when funerals are targeted for picketing and other public demonstrations;
 - c. full opportunity exists under the terms and provisions of this section for the exercise of freedom of speech and other constitutional rights at times other than within one (1) hour prior to, during and one (1) hour following the commencement of funerals.
2. The purposes of this section are to:
 - a. Protect the privacy of grieving families within one (1) hour prior to, and one (1) hour following the commencement of funerals; and
 - b. Preserve the peaceful character of cemeteries, mortuaries and churches within one (1) hour prior to, during and one (1) hour following the commencement of funerals; and
 - c. Protect the First Amendment Rights of individuals by placing only restrictions that are content neutral and contain a reasonable time and place limitation.
3. As used in this section:
 - a. "Funeral" means the ceremonies, processions and memorial services held in connection with the burial or cremation of the dead; and
 - b. "Picketing" means protest activities engaged in by a person or persons within one thousand (1,000) feet of a cemetery, mortuary or church within one (1) hour prior to, during and one (1) hour following the commencement of a funeral.
 - c. It is unlawful for any person to engage in picketing within one thousand (1,000) feet of any cemetery, burial plot, mortuary, crematorium, church, synagogue, mosque or temple within one (1) hour prior to, during and one (1) hour following the commencement of a funeral.
 - d. Any person knowingly violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than One Thousand dollars (\$1,000.00), and/or by imprisonment of up to (1) one year.

SECTION 2. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this local law or application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which order or judgment shall be rendered.

SECTION 3. EFFECTIVE DATE

This local law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

Mr. Plant moved the adoption of the resolution. Seconded by Mrs. Bender.

There was some discussion regarding this proposed local law and how it applies to all funerals, whether military or not. It was noted that every funeral should be considered a sacred event; and how the adoption of this local law would help protect the privacy of grieving families.

Mr. LeRoy moved, seconded by Mr. Plant to amend the resolution to conduct the public hearing at the meeting to be hosted at the Wayne County Fair on **Monday August 8, 2011 at 10:05 a.m.** Motion Carried.

Upon roll call, Chairman Hoffman declared the amended resolution adopted.

Mr. Lauderdale made the suggestion to possibly discuss and revamp the procedures that pertain of the annual Real Property Tax Auction Sale for next year.

ADJOURNMENT:

The next meeting of the Board of Supervisors is scheduled for **Thursday, August 4, 2011 at 9:00 a.m.** There will be a short Board session and to continue discussion on the Wayne County Strategic Plan.

The regular board meeting for August will be held on **Monday, August 8, 2011 at 10:00 a.m.** at the Wayne County Fairgrounds in Palmyra.

Mr. Plant moved, seconded by Mr. Lauderdale, that the board adjourn at 1:04 p.m. Carried.

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