

20<sup>th</sup> Day  
Tuesday, October 19, 2010  
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 Wyner were also present.

**APPROVAL OF MINUTES:**

Ms. Park moved, seconded by Mr. Kelsch, 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 copy of the Sheriff's Cash Receipts Report for the month of October 2010 in the amount of \$15,263.70 was received and filed.

A letter of resignation was received from Linda Harissis, Wayne County Auditor, effective October 29, 2010.

The Board received Notification from the NYS Office for the Aging of revisions to certain Grant Awards for several state programs for the period April 1, 2010 through March 31, 2011.

The Board received e-mail communication for the following concerned Wayne County citizens regarding the matter to possibly initiate steps to sell the Certified Home Health Agency: Janet Freeman, Michael Kise, Marlene Donk, Carol Countryman and Terry Yonker.

A copy of the Petition and Notice of Foreclosure for 2009 Delinquent Town and County Taxes was received and filed from the Wayne County Treasurer's Office.

A recommendation letter listing encountered inspection issues was received from Deborah Babbitt-Henry, Code Compliance Specialist from the NYS Department of State.

Copies of Resolutions from the Seneca Board of Supervisors regarding the renaming of a street and proclaiming a day in September to honor Governor David A. Paterson, were received and filed.

Notices of Public Hearings to be conducted by the Wayne County Industrial Development Agency were received for the following projects:

Empire Fruit Growers Co-Op, Inc. Nov. 8, 2010 at 9:30 am Town of Huron Town Hall

Kairos, LLC & Ankom Tech. Corp Nov. 5, 2010 at 9:30 am Town of Macedon Town Hall

A letter was received from the NYS DEC regarding their invitation for residents to submit written comment on a proposed remedy being reviewed by the NYS DEC to address off-site contamination relating to the Garlock Sealing Technologies Brownfield site in Palmyra.

A copy of the County Auditor's accounts payable report for October 2010 totaling \$4,881,746.95 was received and filed.

Mr. LeRoy moved, seconded by Mr. Colacino, that the Communications be received and filed. Upon roll call, carried.

**BIDS:**

Fire Station Base Radio Installation Project

Mr. Plant moved, seconded by Mr. Lauderdale, that the bids received be referred to the appropriate committees for review. Upon roll call, carried.

**ANNUAL REPORTS:**

Sodus Point Park 2010 End-of-the-Year Report

Mrs. Crane moved, seconded by Mr. LeRoy, that all reports be received and filed. Upon roll call, carried.

**PROCLAMATION:**

Sheriff Barry Virts read the proclamation, with Robert Plant, Chairman of the Public Safety Committee, Deborah Coons, Coordinator of Victim/Witness Services, Robin Cannie and Maureen Berson of the Victim Resource Center of Newark, declaring Domestic Violence Awareness Month for the month of October 2010.

**PRIVILEGE OF THE FLOOR:**

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

**SCHEDULED BUSINESS:**

Mrs. Collier addressed the Board regarding the purpose for the Chairman of the Board establishing the 21st Century Committee and to update them on this Committee's progress. The Chairman formed this Committee in response to a State's Commissioner of Property Tax Relief Report stating the need to increase government efficiencies and streamline operations. This Committee looked into several areas of County operation that could possibly be consolidated and continues to look into cost cutting measures that would be in the best interest of the County.

Mr. Groat wanted it noted for the record that as a member of the 21st Century Committee, he does not completely agree with Mrs. Collier's report as this does not necessarily reflect his opinion.

Pamela Ferranti, President of the Wayne County Fair Board, was in attendance to receive a plaque signifying the first County Board meeting held at the Wayne County Fair.

Ms. Ferranti accepted the plaque, on behalf of the Fair Board, and sincerely thanked all Board members for their ongoing cooperation and continued financial support. She added that they look forward to future board meetings being held at the Wayne County Fair.

On behalf of the Board, Supervisor Spickerman read a Resolution in Memoriam for the passing of former Supervisor Peter Densmore from the Town of Butler.

**RESOLUTION NO. 645-10: IN MEMORIAM – PETER DENSMORE**

Mr. Spickerman presented the following:

WHEREAS, Peter Densmore served Wayne County as Supervisor for the Town of Butler from January 1, 1982– December 31, 1987. Throughout his years of service, he diligently served the Citizens of Wayne County with loyalty and dedication. His death is a great loss to his family and the community;

NOW, THEREFORE, in memory of his service to the people of Wayne County, be it RESOLVED, that the Board of Supervisors of the County of Wayne hereby expresses its great regret in the passing of Peter Densmore and extends its deepest sympathy to his family; and be it further

RESOLVED, that this resolution be spread upon the minutes, a copy be presented to the family of Peter Densmore, and that a page of the proceedings be dedicated in his memory.

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

**RESOLUTION NO. 646-10: AUTHORIZATION FOR BUDGET MODIFICATION TO 7311 YOUTH RECREATION PROGRAM**

Mrs. Crane presented the following:

WHEREAS, a boat buoy is needed for Sodus Point; and

WHEREAS, the Marine Rescue Products has the lowest price; and

WHEREAS, the following budget modifications are recommended to reflect those changes and to maximize the state revenue reimbursement; now, therefore, be it

RESOLVED, that the Wayne County Treasurer is hereby authorized and directed to make the following modifications to the following accounts:

Account No. A 7311 – Youth Recreation Program

\$1,059 from .51461 Lifeguard

\$1,059 to 54100 Supplies & Materials

and be it further

RESOLVED, that the Director is hereby authorized to purchase a boat buoy from Marine Rescue Products for \$265 and other supplies needed at the Sodus Point Beach.

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

**RESOLUTION NO. 647-10: AUTHORIZING THE WAYNE COUNTY NURSING HOME TO CONTRACT WITH NURSEFINDERS FOR 2011**

Ms. Park presented the following:

WHEREAS, the contract between the County of Wayne and Nursefinders, Canandaigua, New York for Registered Nurse and/ or Licensed Practical Nurse coverage expires on December 31, 2010; and

WHEREAS, the Wayne County Nursing Home wishes to renew said contract for the period of January 1, 2011– December 31, 2011 at the same rates as 2010; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisors is authorized and directed to execute an agreement, subject to the County Attorney's approval as to form and content and the approval of the 2011 budget, with Nursefinders for the provision of Registered Nurse and /or Licensed Practical Nurse coverage at the Wayne County Nursing Home effective January 1, 2011 to December 31, 2011 at the following rates:

RN Specialty	\$57.50 per hour	\$86.25 per hour overtime
RN	\$49.50 per hour	\$74.25 per hour overtime
LPN	\$39.50 per hour	\$59.25 per hour overtime

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

**RESOLUTION NO. 648-10: AUTHORIZING CONTRACT FOR PODIATRY SERVICES FOR THE WAYNE COUNTY NURSING HOME**

Ms. Park presented the following:

WHEREAS, the contract between the County of Wayne and Dr. Douglas Ring, DPM, a Licensed Podiatrist, for provision of podiatry services expires on December 31, 2010; and

WHEREAS, the Wayne County Nursing Home wishes to renew said contract for the period of January 1, 2011 - December 31, 2011 for a fee of \$23.00 per resident visit, the same fee as 2010; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisors is authorized to execute the agreement with Dr. Douglas Ring, DPM, for provision of podiatry services at the Wayne County Nursing Home effective January 1, 2011 at \$23 per resident visit; subject to the County Attorney's approval as to form and content, and approval of the 2011 budget.

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

**RESOLUTION NO. 649-10: AUTHORIZING THE CHAIRMAN OF THE WAYNE COUNTY BOARD OF SUPERVISORS TO EXECUTE AN AGREEMENT, BETWEEN THE WAYNE COUNTY NURSING HOME AND STERICYCLE**

Ms. Park presented the following:

WHEREAS, the contract between the County of Wayne and Stericycle for providing medical waste pickup and disposal services expires on December 31, 2010; and

WHEREAS, the Wayne County Nursing Home wishes to renew said contract for the period of January 1, 2011 – December 31, 2013 at a fee of \$242 a month based on thirteen (13) stops a year and any additional stops at \$150; now therefore be it

RESOLVED, the Chairman of the Board of Supervisors is authorized to execute the agreement with Stericycle for provision of medical waste pickup and disposal services for the Wayne County Nursing Home effective January 1, 2011 to December 31, 2013 at a fee of \$242 per month, based on thirteen (13) stops a year and any additional stops at \$150; subject to the County Attorney's approval as to form and content and the approval of the 2011 budget.

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

**RESOLUTION NO. 650-10: AUTHORIZING CONTRACT FOR SOCIAL WORK SERVICES FOR THE WAYNE COUNTY NURSING HOME**

Ms. Park presented the following:

WHEREAS, the contract between the County of Wayne and Maria Gigliotti, a certified Social Worker, for the provision of social work services expires on December 31, 2010; and

WHEREAS, the Wayne County Nursing Home would like to renew said contract for the provision of Social Work Consultant services for the period of January 1, 2011 - December 31, 2011 for a fee of \$51.50 per hour, the same rate as 2010; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisors is authorized to execute the agreement with Maria Gigliotti for provision of Social Work Consultant services for the Wayne County Nursing Home, effective January 1, 2011 to December 31, 2011 for a fee of \$51.50 subject to the County Attorney's approval as to form and content and the approval of the 2011 budget.

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

**RESOLUTION NO. 651-10: AUTHORIZING THE CHAIRMAN OF THE WAYNE COUNTY BOARD OF SUPERVISORS TO EXECUTE AN AGREEMENT, BETWEEN THE WAYNE COUNTY NURSING HOME AND TRAVELING EYE CARE**

Ms. Park presented the following:

WHEREAS, the current contract with Traveling Eye Care expires December 31, 2010; and

WHEREAS, Traveling Eye Care provides in-house services to the resident at no cost to the nursing home; and

WHEREAS, the Wayne County Nursing Home wishes to renew the contract with Traveling Eye Care, for the period of January 1, 2011 - December 31, 2011; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisors is authorized to execute the agreement with Traveling Eye Care for the provision of services to residents at the Wayne County Nursing Home effective January 1, 2011 to December 31, 2011 at no cost to the facility; subject to the County Attorney's approval as to form and content.

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

**RESOLUTION NO. 652-10: AUTHORIZATION TO SUBMIT A BUDGET, WORKPLAN AND TO CONTRACT WITH NEW YORK STATE DEPARTMENT OF HEALTH AND HEALTH RESEARCH INC. TO PERFORM EMERGENCY PREPAREDNESS ACTIVITIES**

Ms. Park presented the following:

WHEREAS, Wayne County Public Health (WCPH) currently holds a grant with New York State Department of Health (NYSDOH) , Health Research Inc. to perform mandated Emergency Preparedness activities; and

WHEREAS, WCPH will receive a base award of \$83,789 for the contractual period of August 10, 2010 through August 9, 2011; and

WHEREAS, WCPH wishes to submit a budget, Workplan and contract with NYSDOH Health Research Inc.; now, therefore, be it

RESOLVED, that the Director of Public Health is hereby authorized to submit a budget and work plan to the NYSDOH Health Research Inc for the contractual period of August 10, 2010 through August 9, 2011; and be it further

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign a contractual agreement with the NYSDOH Health Research Inc. for the amount of \$83,789 for the period of August 10, 2010 through August 9, 2011, subject to the approval from the County Attorney as to form and content, for WCPH to perform Emergency Preparedness activities.

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

**RESOLUTION NO. 653-10: AUTHORIZATION TO RENT BILLBOARD SPACE FROM LAMAR ADVERTISING FOR AN ANTI-TOBACCO CAMPAIGN THIS FALL**

Ms. Park presented the following:

WHEREAS, there is money budgeted for billboard rental for advertising the tobacco prevention program; and

WHEREAS, this advertising is funded 100% by tobacco settlement funds; and

WHEREAS, the cost for the rental of 3 billboards for a minimum of 2 months this fall is \$3870; now, therefore, be it

RESOLVED, that the Director of Public Health is hereby authorized to purchase billboard space from Lamar Advertising for the tobacco prevention program to include 3 billboards for a minimum of 60 days from November 1, 2010 until December 26, 2010 for a total of \$3,870.

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

**RESOLUTION NO. 654-10: AUTHORIZATION TO SET NEW RATES FOR RELATED SERVICES FOR JULY 1, 2011 – JUNE 30, 2013 CONTRACTS FOR WAYNE COUNTY PUBLIC HEALTH**

Ms. Park presented the following:

WHEREAS, Wayne County Public Health (WCPH) must contract for the provision of related services for pre-school age children with handicapping conditions, pursuant to Section 4410 of the Education Law; and

WHEREAS, WCPH is in the process of sending out letters to current Related Services providers inquiring if they will be contracting with WCPH for the contract years of July 1, 2011 through June 30, 2013; and

WHEREAS, WCPH would like to set the rate for Related Services at \$58.00 per half hour for the contract period indicated above; now, therefore, be it

RESOLVED, that the Director of Public Health is authorized to set the rate of \$58.00 per half hour for the contract years of July 1, 2011 through June 30, 2013 for Related Services contracted providers.

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

**RESOLUTION NO. 655-10: AUTHORIZATION TO EXECUTE AGREEMENT WITH RUSHVILLE HEALTH CENTER TO PROVIDE IN-KIND DENTAL SUPPLIES FOR SCHOOL-BASED MOBILE DENTAL CLINIC**

Ms. Park presented the following:

WHEREAS, Wayne County Public Health has had a long standing collaboration with the Rushville Health Center, Inc.; and

WHEREAS, Rushville Health Center provides dental care in Wayne County school districts (Red Creek, Newark, Newark BOCES, Williamson BOCES, Roosevelt Children's Center, Sodus, North Rose, Wolcott and more) grades one and four to children, and now moving into 7th and higher, who might not otherwise receive the care; and

WHEREAS, the goal of the program is to enhance access to preventive and primary dental services for underserved kids in rural communities, namely, those kids in non-fluoridated and underserved areas; and

WHEREAS, Wayne County Public Health would be responsible for disposable supplies needed for dental services not to exceed \$2,000; now, therefore, be it

RESOLVED, that Wayne County Chairman of the Board of Supervisors is hereby authorized and directed to execute an agreement with the Rushville Health Center Community Dentistry Program on behalf of the County of Wayne subject to the County Attorney's approval as to form and content for the period September 1, 2010 to June 30, 2011 at a cost not to exceed \$2,000.

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

**RESOLUTION NO. 656-10: AUTHORIZATION TO SIGN AGREEMENT WITH WAYNE COUNTY WORKFORCE DEVELOPMENT FOR WAYNE COUNTY PUBLIC HEALTH TO BECOME A WORKSITE SPONSOR FOR THE TANF AND SAFETY NET RECIPIENTS OF WAYNE COUNTY**

Ms. Park presented the following:

WHEREAS, Wayne County Public Health (WCPH) wishes to sign an agreement with Wayne County Workforce Development department to provide a worksite sponsor for TANF and Safety Net Recipients; and

WHEREAS, the work experience activities will be performed at WCPH under direct supervision of a WCPH employee; and

WHEREAS, this agreement will be open ended; now, therefore, be it

RESOLVED, that the Director of Public Health is hereby authorized to sign the Worksite Sponsor Agreement with the Wayne County Workforce Development department, with the approval of the County Attorney as to form and content.

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

**RESOLUTION NO. 657-10: AUTHORIZATION TO CREATE A DRAW ACCOUNT WITH L-1 IDENTITY SOLUTIONS FOR FINGERPRINTING SERVICES FOR THE WAYNE COUNTY DEPARTMENT OF MOTOR VEHICLES**

Mrs. Collier presented the following:

WHEREAS, all Department of Motor vehicles employees who conduct enhanced driver's license transaction must undergo a criminal history record check; and

WHEREAS, the New York State Department of Criminal Justice Services has partnered with L-1 Identity Solutions for the purposes of taking electronic fingerprints of prospective employees; and

WHEREAS, L-1 Identity Solutions requires an electronic payment on the day of the fingerprints are scanned; and be it further

WHEREAS, the total cost is \$116.75 (per prospective employee); now, therefore, be it

RESOLVED, that the Wayne County Clerk is authorized to set up an Draw account in the amount of \$400 with L-1 Enrollment Services.

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

**RESOLUTION NO. 658-10: DECLARING OFFICE EQUIPMENT SURPLUS FOR CLERK OF THE BOARD**

Mrs. Collier presented the following:

WHEREAS, the Clerk of the Board has determined that an office desk chair is no longer needed in the department; now, therefore, be it

RESOLVED, that one (1) office desk chair is hereby declared surplus and the Superintendent of Buildings and Grounds is hereby authorized to dispose of the item in

accordance with County policy.

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

**RESOLUTION NO. 659-10: AUTHORIZATION TO TRANSFER FUNDS FROM CONTINGENCY TO THE COMPLIANCE BUDGET**

Mrs. Collier presented the following:

WHEREAS, the Board approved Resolution 329-10 which authorized the creation of the Compliance Department and established line item 54456 for printing, total amount \$600.00; and

WHEREAS, the initial printing of Compliance Policy booklets expended these funds and additional booklets must be printed for the orientation of new staff; now, therefore, be it

RESOLVED, that the County Treasurer is directed to amend the 2010 County Budget as follows:

A 1990 – Contingency Fund General:

\$125.00 from .54000 Contractual Expense

A 1041 – Compliance

\$125.00 to .54456 Printing

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

**RESOLUTION NO. 660-10: AUTHORIZATION TO EXECUTE CONTRACTS WITH FINGER LAKES COMMUNITY COLLEGE (FLCC) TO PROVIDE PROFESSIONAL DEVELOPMENT TRAINING, AND LEADERSHIP DEVELOPMENT TRAINING FOR THE PERIOD BEGINNING OCTOBER 1, 2010**

Mrs. Collier presented the following:

WHEREAS, the Board of Supervisors approved resolution 567-07 authorizing a contract with Finger Lakes Community College (FLCC) to establish an employee Professional Development Program; and

WHEREAS, the County of Wayne is desirous of continuing employee training with FLCC; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to enter into two contracts, on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with Finger Lakes Community College to provide 1) on-site continued professional development courses to all interested County employees at a cost of \$600 per session (maximum 15 participants) and 2) on-site leadership development courses at a cost of \$1,475 per session (maximum 25 participants); and be it further

RESOLVED, that the contract become effective October 1, 2010 and shall continue until modified, amended, or terminated by the parties.

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

**RESOLUTION NO. 661-10: AUTHORIZATION TO EXECUTE DOCUMENTATION; APPOINT OFFICER AND ACCEPT NYS SMALL CITIES COMMUNITY BLOCK GRANT ON BEHALF OF CANDY APPLE PRE-SCHOOL AND CHILD DAY CARE CENTER**

Mr. Spickerman presented the following:

WHEREAS, the County of Wayne was awarded a \$750,000.00 Community Development Block Grant (CDBG) administered by the New York State Office of Community Renewal on behalf of Candy Apple Day Car, Candy Apple Pre-School and Child Day Care Center New York on August 26, 2010; now, therefore, be it

RESOLVED, the County of Wayne accepts Grant #1219PF133-10 approved under the New York State Small Cities Community Block Grant Program on behalf of Candy Apple Pre-School and Child Day Care Center New York; and be it further

RESOLVED, the Chairman of the Board of Supervisors, Wayne County, New York, is hereby authorized as the official representative of the County to execute the CDBG Grant Agreement, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the implementation of the program and to provide such additional information as may be required; and be it further

RESOLVED, the Chairman of the Board of Supervisors, Wayne County, New York is authorized to execute a Grant Agreement on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with Candy Apple Day Car, Candy Apple Pre-School and Child Day Care Center New York for the disbursement of the Grant proceeds under guidelines approved by the State of New York; and be it further

RESOLVED, the Chairman of the Board of Supervisors, Wayne County, New York is authorized to execute an Administrative Agreement on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with the Wayne County Industrial Development Agency for the operation and administration of the Grant under guidelines approved by the State of New York; and be it further

RESOLVED, the Chairman of the Board of Supervisors, Wayne County, New York appoints Sharon Lilla as the Certifying Officer responsible for all activities associated with the environmental review process to be complete in conjunction with the Grant.

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

**RESOLUTION NO. 662-10: AUTHORIZATION TO ENTER INTO AGREEMENT WITH TROY AND BANKS TELECOMMUNICATIONS CONSULTANT SERVICES**

Mr. LeRoy presented the following:

WHEREAS, the Buildings and Grounds Department will be changing phone services for dial tone; and

WHEREAS, Emergency Management has numerous lines for special services that will require special attention in the upcoming relocation of the Emergency Management offices; and

WHEREAS, Troy and Banks is a Telecommunications consultant that can provide Wayne County with valuable services during this process; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to enter into an agreement with Troy and Banks as per their standard terms, and subject to approval by the County Attorney as to form and content, to compensate the vendor 25% of the savings that they identify.

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

**RESOLUTION NO. 663-10: AUTHORIZING COUNTY/TOWN CONTRACTS FOR SNOW AND ICE CONTROL ON WAYNE COUNTY HIGHWAYS**

Mr. LeRoy presented the following:

WHEREAS, Wayne County is proposing to enter into an agreement with the towns for snow and ice services for the 2010-2011 season; and

WHEREAS, the reimbursements will be based on actual time and material expended by each town and a per trip cost will be negotiated with each town based on their expenses and the application rates/ratios; and

WHEREAS, the towns will be required to keep a log of trips that will be submitted to the county for reimbursement on a monthly basis; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to execute County/Town contracts for snow and ice control on County Highway during the 2010-2011 winter season, subject to the County Attorney's approval as to form and content.

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

**RESOLUTION NO. 664-10: AUTHORIZATION TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH THE NYSDOT FOR ADDITIONAL FUNDS FOR THE CHRISTIAN HOLLER BRIDGE REHABILITATION PROJECT**

Mr. LeRoy presented the following:

WHEREAS, the Christian Holler Road Bridge Rehabilitation project required additional funds to cover costs associated with extending excavation and paving limits; and

WHEREAS, the original agreement with the NYSDOT was in the amount of \$225,000 (resolution 203-09); and

WHEREAS a supplemental agreement with Silverline Construction in the amount of \$30,822 was prepared and approved (resolution 566-10) for the additional construction work; and

WHEREAS, these additional funds will be 100% federal Funds with no local match; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute a contract on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with the NYSDOT for an additional \$30,000.

Mr. Manktelow Upon roll call, adopted.

**RESOLUTION NO. 665-10: AUTHORIZATION TO SUBMIT A TRANSPORTATION PLANNING PROPOSAL TO THE GENESEE TRANSPORTATION COUNCIL FOR A SIDEWALK STUDY ON THE GANANDA PARKWAY IN THE TOWNS OF MACEDON AND WALWORTH**

Mr. LeRoy presented the following:

WHEREAS, the Genesee Transportation Council (GTC) is currently soliciting for Planning proposals for consideration in the 2011-2012 Unified Planning Work Program (UPWP); and

WHEREAS, the Wayne County Highway Department wishes to submit a proposal to study the need for sidewalks and other pedestrian accommodations along the Gananda Parkway within the Towns of Macedon and Walworth; and

WHEREAS, it is estimated that the study will cost \$65,000 of which \$5000 will be a local share and \$60,000 will be UPWP Federal Funds; and

WHEREAS, if funded, this study will provide the design recommendations and will also serve as a basis to request additional funding for the construction of the pedestrian facilities; now, therefore, be it

RESOLVED, that the County Highway Superintendent is hereby authorized to submit a proposal to the Genesee Transportation Council.

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

**RESOLUTION NO. 666-10: AUTHORIZATION TO EXECUTE MOTOROLA SERVICE AGREEMENT**

Mr. Plant presented the following:

WHEREAS, Wayne County 911 maintains a service agreement with Motorola for 24/7 service of certain essential radio transmitters and related equipment that are part of the public safety radio communications system; and

WHEREAS, Motorola has presented a service agreement renewal for the contract period of October 1, 2010 through September 30, 2011, at a total contract price of \$11,811.24; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors shall be authorized to execute a service agreement with Motorola for the maintenance and repair of certain specified Wayne County 911 radio infrastructure equipment, at a cost not to exceed \$11,812, with such

agreement subject to the approval of the County Attorney as to form and content.

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

**RESOLUTION NO. 667-10: AUTHORIZATION TO ACCEPT GRANT FROM THE US DEPARTMENT OF HOMELAND SECURITY FOR BORDER PROTECTION AND MODIFY THE 2010 COUNTY BUDGET**

Mr. Plant presented the following:

WHEREAS, the Wayne County Sheriff's Office has been awarded a grant from the US Department of Homeland Security for border protection called "Stonegarden 2009," totaling \$152,080; and

WHEREAS, said grant monies are designated for the purchase of fingerprint processing and identification equipment, totaling \$37,267; US Border Patrol interoperable communications equipment for the 911 Center, totaling \$53,825; license plate reader equipment, totaling \$28,000; vehicle fuel/mileage/maintenance costs, totaling \$1,548; and overtime for border security operations in conjunction with the US Border Patrol, totaling \$31,400; and

WHEREAS, there is no cash match for said grant; and

WHEREAS, the Wayne County Sheriff is the administrator of said grant; now, therefore, be it

RESOLVED, that the Sheriff be authorized to accept the "Stonegarden 2009" grant from the US Department of Homeland Security, and the Chairman of the Board of Supervisors is hereby authorized and directed to execute any documents necessary to implement the grant on behalf of the County of Wayne, upon review and approval of the County Attorney; and it be further

RESOLVED, that the Wayne County Treasurer is hereby authorized and directed to amend the 2010 County Budget as follows:

**Account No A3114-Road Patrol**

\$119,092 to .52500 Other Equipment

\$119,092 to .43302 Homeland Security Federal

**Account No A3114-Sheriff**

\$31,440 to .51904 Overtime

\$31,440 to .43302 Homeland Security Federal

**Account No A3114-Sheriff**

\$1,548 to .54114 Car Expense

\$1,548 to .43302 Homeland Security Federal

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

**RESOLUTION NO. 668-10: AUTHORIZATION TO ACCEPT BID AND EXECUTE CONTRACT FOR THE FIRE STATION BASE RADIO INSTALLATION PROJECT**

Mr. Plant presented the following:

WHEREAS, the Clerk of the Board of Supervisors duly advertised for bids for the Fire Station Base Radio Installation Project; and

WHEREAS, the project is a phase of the Interoperable Communications Project, and includes the installation of base radios, power supplies and paging encoders into the 29 fire stations in the county; and

WHEREAS, the following bids were received and reviewed by the 911 Coordinator and the Public Safety Committee:

BIDDER: Furman Communications Inc. \$87,827.00

PO Box 200

Savannah, NY 13146

now, therefore, be it

RESOLVED, that the County of Wayne hereby accepts the bid submitted by Furman Communications Inc.; and be it further

RESOLVED, that the Chairman of the Board of Supervisors shall be authorized to execute an agreement between the County of Wayne and Furman Communications Inc. in the amount of \$87,827 relative to the aforementioned bid, with such agreement subject to the approval of the County Attorney as to form and content.

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

**RESOLUTION NO. 669-10: AUTHORIZATION TO AMEND BUDGET, TRANSFER FUNDS AND PURCHASE AED CABINET FOR FIRE TRAINING BUILDING**

Mr. Plant presented the following:

WHEREAS, there is to purchase an AED Wall Cabinet for the AED currently located in the Fire Training Building; and

WHEREAS, there is available on state contract said equipment; and

WHEREAS, due to the delay in the hiring of the Planner/Trainer position, Wayne County Emergency Management has funding available in the 2010 budget to obtain said equipment; now, therefore, be it

RESOLVED, that the County Treasurer is hereby directed to amend the 2010 county budget as follows:

**A3640-Emergency Management:**

\$232.00 from .51575 EM Training Officer

\$232.00 to .52200 Office Equipment

RESOLVED that the Director of Emergency Management is hereby authorized to purchase the necessary equipment and supplies for the benefit of the Fire Coordinator's Office.

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

**RESOLUTION NO. 670-10: AUTHORIZATION TO AMEND BUDGET AND EXPEND GRANT FUNDS TO PURCHASE STORAGE CONTAINERS FOR WAYNE COUNTY EMERGENCY MANAGEMENT OFFICE FIELD SURVEY TEAMS**

Mr. Plant presented the following:

WHEREAS, Resolution No. 710-08 authorized the acceptance of grant funds and the execution of a contract with NYS Homeland Security; and

WHEREAS, the equipment listed as follows was approved by NYS as acceptable use of the grant funding; and

WHEREAS, all of the equipment to be purchased is available under NYS OGS purchasing contract; and

WHEREAS, this equipment is necessary for the storage and transportation of equipment used by the Emergency Management Office Field Survey Teams; now, therefore, be it

RESOLVED that Wayne County Emergency Management is authorized to purchase the following equipment:

Storage Containers	\$2,926
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and be it further

RESOLVED, that the Wayne County Treasurer is hereby authorized and directed to increase the following accounts:

**A3640-EMERGENCY MANAGEMENT OFFICE:**

\$2,926 to .44306 Homeland Security

\$2,926 to .52203 Homeland Security Equipment

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

**RESOLUTION NO. 671-10: AUTHORIZATION TO EXECUTE AFFILIATION AGREEMENT FOR A STUDENT INTERN FOR THE PROBATION DEPARTMENT**

Mr. Plant presented the following:

WHEREAS, Wayne County Probation periodically agrees to have both undergraduate and graduate students participate in internships through various institutions; and be it further

WHEREAS, the Probation Department has agreed to have a student participate in an internship through the State University of New York, Canton College of Technology; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute said Affiliation Agreement.

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

**RESOLUTION NO. 672-10: AUTHORIZATION TO TRANSFER MONEY FROM THE WAYNE COUNTY CONTINGENCY FUND TO THE WAYNE COUNTY PUBLIC DEFENDER'S 2010 BUDGET, LINE 54502 FOR APPEALS**

Mr. Plant presented the following:

WHEREAS, the Wayne County Public Defender's Office is assigned appeal cases by local and Wayne County Court Judges; and

WHEREAS, the Wayne County Public Defender's Office assigns appeals to attorneys outside of the Public Defender's Office due to conflict and/or complexity issues involved in the case; and

WHEREAS, due to the lengthy times that appeal matters can be pending in the court systems, it is unknown how long an appeal case will be pending or when to expect vouchers from the assigned appellate attorneys; and

WHEREAS, an annual estimated sum of \$15,000 is placed in Wayne County Public Defender's budget for appeals under line item 54502; and

WHEREAS, line item 54502 has been exhausted and the Wayne County Public Defender's Office has received further vouchers from appellate attorneys for their services, currently in the sum of \$ 3,500; now, therefore, be it

RESOLVED, that the Wayne County Treasurer's Office will transfer the sum of \$ 3,500 to line 54502 of the Wayne County Public Defender to cover these outstanding vouchers; and be it further

RESOLVED, that the Wayne County Treasurer's Office amend the 2010 County Budget as follows:

**A1170-PUBLIC DEFENDER:**

\$3,500.00 to .54502 Appeal Service

**A1990-CONTINGENT FUND GEN:**

\$3,500.00 from .54000 Contractual Expense

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

**RESOLUTION NO. 673-10: AUTHORIZATION TO PURCHASE REPLACEMENT SECURITY SERVER FOR INFORMATION TECHNOLOGY**

Mr. Hammond presented the following:

WHEREAS, the current security server has had multiple disk failures, is currently working in a degraded state; and is no longer under warranty; and

WHEREAS, this server performs the login and authentication process for all users of the network; and

WHEREAS, IT needs to continue to separate out these security functions to minimize downtime, as the network has expanded to more users and functions; and

WHEREAS, there is money still available in A16802-52201 that was not spent on previously budgeted items to cover the cost of this replacement; not to exceed \$4,225; and

RESOLVED, that the Director of Information Technology is hereby authorized to

purchase the Security server from account A16802-52201, at a cost not to exceed \$4,225.

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

**RESOLUTION NO. 674-10: RESOLUTION CREATING FISCAL ASSISTANT TO COUNTY ADMINISTRATOR POSITION, ABOLISHING FISCAL MANAGER POSITION, SETTING SALARY, AND AUTHORIZING COUNTY ADMINISTRATOR TO FILL FISCAL ASSISTANT POSITION**

Mr. Hammond presented the following:

WHEREAS, the Fiscal Manager has advised the County Administrator in writing that it is his intention to retire effective October 26, 2010; and

WHEREAS, in consultation with the Human Resources Director, the County Administrator has reviewed and revised the position duties and is recommending a position title change; and

WHEREAS, the position and function is an integral part of the County's Management Team; and

WHEREAS, it is necessary and desirable to recruit for and fill this position as soon as possible; now therefore be it

RESOLVED, that the Management/Confidential position of Fiscal Assistant to County Administrator is hereby created; and be it further

RESOLVED, that the Management Confidential position of Fiscal Manager is hereby abolished effective October 26, 2010; and be it further

RESOLVED, that the annualized salary for the Fiscal Assistant to the County Administrator position shall be up to \$70,000 depending upon qualifications; and be it further

RESOLVED, that the County Administrator is authorized to post, advertise, and fill the Fiscal Assistant to County Administrator position; and be it further

RESOLVED, that the County Treasurer is hereby authorized to make the following adjustments to the 2010 budget:

**A1230 County Administration**

\$5,300 from .51326 Fiscal Manager

\$5,300 to .51586 Fiscal Assistant to County Administrator

Several questions were raised regarding the position of Fiscal Assistant to the County Administrator, including input from the Board for the interview and selection process, the suggestion of combining this position with the County Auditor and/or the future position of Purchasing Officer.

County Attorney Wyner stated that the County Auditor position was designed by specifications referenced within County Law. Clarification was made to Board members that the County Auditor reports to the Finance Committee and the proposed Fiscal Assistant position will report to the County Administrator/Budget Officer. It was also noted that the positions are incompatible with one another and must remain separate.

Further discussion involved concerns with the Fiscal Assistant filling in for the County Administrator in his absence; and if the County Administrator position were vacant, would we be forced to keep the Fiscal Assistant in place.

Mr. Wyner noted that if the position was a competitive one that it would not be protected by the union.

Mrs. Collier stated that the Fiscal Assistant has to work as a team player, with everyone, as well as the County Administrator, as it is imperative that we have a strong administrative team in place. She supports Mr. Marquette choosing his own assistant.

Ms. Park moved the adoption of the resolution. Seconded by Mrs. Bender. Upon roll call, all Supervisors voted Aye, except Supervisor Groat and Manktelow who voted Nay. The Chairman declared the Resolution adopted.

**RESOLUTION NO. 675-10: AUTHORIZATION TO AMEND THE 2010 LEGAL DEFENSE OF INDIGENTS BUDGET**

Mr. Hammond presented the following:

WHEREAS, revenues and expenditures have or will be exceeding line items for 2010 and will require line item transfers; and

WHEREAS, amending the 2010 County Budget for the Legal Defense of Indigents will allow for continued expenditure of funds; now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized to amend the 2010 County Budget as follows:

**A1172-LEGAL DEFENSE OF INDIGENTS:**

\$ 4,000.00 to .54000 Contractual Expense  
\$20,500.00 to .54505 Assigned Counsel-Family  
\$11,310.00 from .54507 Assigned Counsel-Felony  
\$ 8,000.00 to .54556 Assigned Counsel-Misdemeanor

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

**RESOLUTION NO. 676-10: AUTHORIZATION TO ENTER INTO A PERMANENT EASEMENT WITH MIZKAN AMERICAS, INC.**

Mr. Hammond presented the following:

WHEREAS, Mizkan Americas Inc., 7376 Sodus Center Road, Sodus, New York has since 1974 had an existing underground pipe which conveys their products to and from storage tanks located across from railroad tracks leased by Ontario Midland Railroad from the County of Wayne; and

WHEREAS, it has been determined that said pipes have reached the end of their useful life and need to be replaced; and

WHEREAS, Ontario Midland Railroad has reviewed and approved drawings for said pipe replacement submitted by Mizkan Americas Inc; and

WHEREAS, Ontario Midland Railroad has issued a work permit based on said drawings dated August 29, 2010, which will be executed upon receipt of insurance certificates and approval from Wayne County for an easement; and

WHEREAS, by letter dated September 17, 2010 from Ted Powley, Plant Manager for Mizkan Americas Inc., Mizkan Americas Inc has formerly requested that Wayne County grant an easement regarding the above mentioned underground pipe project; and

WHEREAS, upon due deliberation the Wayne County Board of Supervisors is willing to grant Mizkan Americas Inc said easement at no cost providing that Mizkan Americas Inc agrees to indemnify the County of Wayne and maintain insurance coverage naming the County of Wayne and Ontario Midland Railroad as additional insureds together with paying any expenses associated with said easement; now, therefore, be it

RESOLVED, that Chairman of the Wayne County Board of Supervisors is hereby authorized to enter into an easement with Mizkan Americas Inc. together with any agreement to effectuate said easement subject to the approval of the Wayne County Attorney; and be it further

RESOLVED, that there shall be no charge to Mizkan Americas Inc. for the granting of said easement, however, as a condition of the County granting said easement Mizkan Americas Inc. must agree to maintain insurance naming Wayne County and Ontario Midland Railroad as additional insureds in accordance with Wayne County requirements and pay for any and all costs associated with the granting and filing of said easement.

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

Mrs. Crane addressed the Board to ask if this was a County road. After confirmation that it was, the Chairman called for a vote. Upon roll call, adopted.

**RESOLUTION NO. 677-10: AUTHORIZATION SALE OF PROPERTY IDENTIFIED AS T.M. #71111-05-097862**

Mr. Hammond presented the following:

WHEREAS, the County of Wayne acquired title by tax deed, to the property located on Rice Street, which consists of approximately 0.14 acres in the Town of Lyons, Tax Map # 71111-05-097862; and

WHEREAS, by resolution #458-10 the County offered said property to adjoining landowners; and

WHEREAS, none of said adjoining land owners submitted a bid on said property; and

WHEREAS, Robert Marr II by letter dated August 2, 2010 has submitted a proposal to purchase said property from the County of Wayne for a purchase price of One and 00/100 dollars (\$1.00) together with paying all filing fees and transfer taxes; now, therefore, be it

RESOLVED, that the purchase offer of Robert Marr II regarding property located on Rice Street in the Town of Lyons, Tax Map # 71111-05-097862 for a purchase price of One and 00/100 dollars (\$1.00) together with all filing fees and transfer taxes subject to the terms and conditions of sale is hereby accepted; and be it further

RESOLVED, the Chairman of the Board of Supervisors, on behalf of the County, is hereby authorized and directed to execute all documents related to said sale, subject to the County Attorney's approval as to form and content and to deliver a quit-claim deed for said property in accordance with the terms and conditions of sale.

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

**RESOLUTION NO. 678-10: RESOLUTION SETTING SALARY FOR AND AUTHORIZING ADVERTISING OF POSITION OF COUNTY AUDITOR**

Mr. Hammond presented the following:

WHEREAS, the County Auditor has submitted her resignation effective October 29, 2010; and

WHEREAS, the County Auditor position is necessary to provide oversight for County government and

WHEREAS, the Board of Supervisors desires to fill the position to complete the balance of the two-year term; now therefore be it

RESOLVED, that the annual salary for the County Auditor be set up to \$65,000, and be it further

RESOLVED, that the Wayne County Board of Supervisors hereby appoints an interview and selection committee to include the County Administrator, the Human Resources Director, and the County Treasurer, and three members of the Board of Supervisors designated by the Board Chairman to conduct interviews and to make a recommendation to the Board of Supervisors.

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

Mrs. Crane asked if this was the original salary that was first established for this position. County Administrator Marquette replied that the position was originally advertised for \$55,000 but Human Resources did not receive any qualified applicants at that salary rate. It was then changed and re-advertised for \$65,000.

Upon roll call, all Supervisors voted Aye, except Supervisor Groat who voted Nay. The Chairman declared the Resolution adopted.

**RESOLUTION NO. 679-10: AMEND NURSING HOME REHAB PROJECT (H1925) PER CHANGE ORDER NUMBERS APPROVED ON OCTOBER 5, 2010**

Mr. Hammond presented the following:

WHEREAS, the Building Renovation Committee (BRC) has the authority to approve change orders up to \$10,000.00 for the Old Nursing Home Renovation Project; and

WHEREAS, the BRC met on October 5, 2010 to review the status of the project and reviewed and approved various change orders with in components of the project; and

WHEREAS, the following change orders were reviewed and approved for the General Contractor component: GC-72 increase \$2,625.00 for excavation an abandoned sanitary manhole discovered on site, backfill, transport and rebuild existing manhole in disrepair; GC-80 increase \$1,090.00 for existing portion of exterior wall at door C113 up to underside of existing roof deck was removed, new construction of exterior wall to match existing construction; GC-85 increase \$530.00 for 4 additional drywall chases in Rooms 2018 and C1013 to allow for installation of refrigerant and condensate lines; GC-87 increase \$244.00 for bulkhead installation in order to lower ceiling to conceal duct, electrical and fire protection services in waiting room 1112; GC-89 increase \$195.00 for 2' x3' access panel in linear wood ceiling to allow access to scheduled mechanical unit in vestibule V-1006 for a net increase to the General Contractor component of \$4,684.00; and

WHEREAS, the following change orders were reviewed and approved for the Heating, Ventilation and Air Conditioning component: HVAC-06 increase \$9,990.00 for pricing to provide ductless split system air conditioning unit in Room 1140 and chase for piping included in RFP GC-85 for a net increase to the Heating, Ventilation and Air Conditioning component of \$9,990.00; and

WHEREAS, the following change orders were reviewed and approved for the Electrical component: EC-21 increase \$152.00 for the motor for the elevator changing horsepower from 30hp to 40hp, a larger, 90amp fuse is required; EC-22 increase \$831.00 for pricing to provide direct buried ¾" PVC conduit from the gas meter equipment mounted on the exterior of the gas meter building to the crawl space along the North wall of the main building, for phone line being installed by owner; EC-23 increase \$534.00 for pricing for additional lighting and exit sign at stairwell S1004; EC-24 increase \$479.00 for pricing for panel cover for surface mounted Panel LEIT, original panel was a 6" deep panel scheduled to be recessed into a 4" fire rated wall for a net increase to the Electrical component of \$1,996.00; and

WHEREAS, the following change orders were reviewed and approved for the Plumbing and Fire Protection component: PC-09 increase \$820.00 for split system units in IT Room 2035 were moved to allow ease of future servicing, as a result, condensation lines had to be relocated for a net increase to the Plumbing and Fire Protection component of \$820.00; and

WHEREAS, the above approved change orders require amendments to the H1925 CO. BLDG. RENOVATION-ONH budget; now therefore be it

RESOLVED, that the County Treasurer is hereby directed to amend Project H1925 CO. BLDG. RENOVATION-ONH as follows:

**H1925-CO. BLDG. RENOVATION-ONH:**

\$ 4,684.00 to .52813 General Trades  
\$ 9,990.00 to .52814 HVAC  
\$ 1,996.00 to .52815 Electrical  
\$ 820.00 to .52816 Plumbing & Fire Protection  
\$17,490.00 from .52818 Contingency

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

Chairman Hoffman welcomed Mr. Thomas Crowley and the Newark High School Government Class to today's Board Meeting.

**RULE 15 RESOLUTIONS**

**RESOLUTION NO. 680-10: AUTHORIZATION TO EXECUTE APPLICATION FOR STATE TOURISM MATCHING FUNDS**

Mr. Spickerman presented the following:

WHEREAS, that the Wayne County Office of Tourism and Promotion is designated as the Tourist Promotion Agency for the County of Wayne ("County") for the purpose specified in the New York State Promotion Act; now, therefore, be it

RESOLVED, that the Director of Wayne County Office of Tourism and Promotion is hereby authorized to apply on behalf of the County for funding under the 2011 New York State Matching Grant Program for the County Tourism Project

County Share \$ 189,300

State Share \$ 189,300

RESOLVED, that Christine Worth, Project Director is authorized to execute the grant application on behalf of Wayne County.

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

**RESOLUTION NO. R4-3: RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2010 WAYNE COUNTY BUDGET AND PAYMENT FOR NOTIFICATION LETTERS REGARDING CHANGES TO THE RECYCLING PROGRAM**

Mr. Spickerman presented the following:

WHEREAS, changes have recently been made to the Wayne County Recycling Program effective January 1, 2011; and

WHEREAS, it is prudent to notify Wayne County Residents of these changes; and

WHEREAS, letters notifying the Public of changes to the recently adopted County's Recycling Program need to be printed and mailed; and

WHEREAS, costs associated with this notification were not included in the 2010 Wayne County Budget; now, therefore, be it

RESOLVED, that the costs associated with printing the letters totaling \$4999.50 and mailing the letters to all county residents totaling \$6469.16 are authorized to be paid; and be it further

RESOLVED, that the County Treasurer is authorized to amend the 2010 Wayne County Budget as follows:

**A8020 Planning Board**

\$6470 to .54166 Postage

\$5000 to .54456 Printing

**A1990 Contingent Fund Gen**

\$11,470 from .54000 Contractual Expenses

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

There were several comments and concerns involving the notification letter that would be sent to inform residents of the amendments to the Wayne County recycling program. Questions as to county funds being used for the printing and mailing expense of the notification letter were addressed.

Supervisors have received several calls as to what to do with recyclables now that the Local Law has been amended, effective January 2011. Board Members shared concerns as to the content of this letter containing proper contact information.

Chairman Hoffman stated that he had thoroughly reviewed and will be signing the notification letter, on behalf of the Board, and assured Board Members that proper contact information was included to assist in directing residents with their questions.

It was agreed that a copy of this letter should be distributed to all Board members for their review and possible revision during this meeting.

Mr. Plant moved, seconded by Mr. Kelsch, that this resolution be tabled to the end of the meeting to allow time for reviewing the notification letter. Carried.

**OTHER BUSINESS**

Mr. LeRoy moved, seconded by Mr. Kelsch that two (2) resolutions be allowed on the

floor under Other Business. Upon roll call, carried.

**RESOLUTION NO. 681-10: AUTHORIZATION TO EXECUTE CONTRACT WITH TOWN OF LYONS FOR THE DEMOLITION OF THE SHIPPING DOCK ON THE NORTH SIDE OF THE HOTCHKISS BUILDING**

Mr. Manktelow presented the following:

WHEREAS, the New York State's Office of Parks, Recreation and Historic Preservation's Environmental Protection Fund Grant requires a match as part of the grant requirements; and

WHEREAS, the Town of Lyons has agreed to demolish the shipping dock on the North side of the Hotchkiss Building as part of the in-kind match requirement; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute an agreement with the Town of Lyons, subject to approval by the County Attorney as to form and content, for demolition of the shipping dock as part of the renovation/restoration of the Hotchkiss Building.

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

**RESOLUTION NO. 682-10: SETTING DATE FOR LOCAL HEARING ON DESIGN OF THE HOTCHKISS BUILDING RESTORATION/RENOVATION PROJECT**

Mr. Manktelow presented the following:

WHEREAS, the Board of Supervisors seeks public input on the proposed design documents developed by Saratoga Associates for the restoration/renovation of the Hotchkiss Building; now, therefore, be it

RESOLVED, that a public hearing on the proposed design shall be held by the Board of Supervisors on Wednesday, November 3, 2010 at 11:00 a.m. in the Supervisors' Chambers in the County Court House, Lyons, New York; 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. Kelsch. Upon roll call, adopted.

Chairman Hoffman announced that the Board would be taking a five minute recess.

County Administrator Marquette presented a pre-recorded presentation from NYSAC Executive Director Stephen J. Acquario regarding the ongoing concerns of unfunded mandates and property tax increases that the Governor and State Legislature are imposing.

After the NYSAC presentation, Mr. Marquette continued with a power point presentation to highlight items that were not summarized but would directly impact the County tax base, including community college tuitions chargebacks and the 2010 Stimulus Program.

Mr. Marquette noted that by outlining these items put us in alignment with the NYSAC Presentation.

Josh McCrossen was present to briefly explain the expenses the County is faced with pertaining to Medicaid Fraud.

Chairman Hoffman took this opportunity to acknowledge the retirement of Keith Kubasik, Wayne County Fiscal Manager, for his 10 years of dedicated service to Wayne County.

**OTHER BUSINESS**

Ms. Park moved, seconded by Mr. Groat that one (1) resolution be allowed on the floor under Other Business. Upon roll call, carried.

**RESOLUTION NO. 683-10: RESOLUTION URGING NEW YORK STATE TO**

**SIGNIFICANTLY CUT THE UNFUNDED MANDATES THAT CAUSE LOCAL PROPERTY TAX INCREASES BEFORE IMPOSING A CAP ON LOCAL PROPERTY TAXES**

Mr. Hammond presented the following:

WHEREAS, New York property taxes are nearly 80% above the national average; and

WHEREAS, New York county leaders have long recognized the need for lower property taxes and have been strong advocates in support of lowering the local tax burden for decades; and

WHEREAS, counties do not have a choice over how to spend most of their locally raised revenues as mandates from Albany and other fixed costs make up as much as 80 percent of a typical county budget; and

WHEREAS, Governor Paterson and many State Legislators support a cap on local property tax levies of 4%, or 120% of inflation, whichever is less, but the current crop of property tax cap proposals do nothing to reduce or eliminate current State mandates on counties or prevent new mandates; and

WHEREAS, arbitrarily capping property taxes without addressing root causes would cripple county governments within a few short years, because all non-mandated spending would have to be eliminated to meet the cap; and

WHEREAS, little action has been taken by New York State to decrease or control the costs of unfunded State mandates, which have been driving up county property tax levels for decades; and

WHEREAS, the major cost drivers for counties are fixed costs and delivering state services locally; and

WHEREAS, counties' fixed costs include pension contributions, which are determined by benefit levels established by the State Legislature; and

WHEREAS, the other major cost drivers are unfunded and under funded state mandates, such as Medicaid, early intervention services, pre-school special education, public assistance, child welfare, youth detention, probation, and indigent defense that will cost county property tax payers and New York City residents over \$10 billion this year alone, along with numerous other programs; and

WHEREAS, these mandated costs grow well in excess of the rate of inflation nearly every year, including:

- County payments to New York State Retirement System that are expected to rise 40% in 2011 and by a similar amount in 2012, and have grown by over 1000 percent since the year 2000 due to generous benefit expansions mandated by the State Legislature and Governor.
- Since 2005, the local share of Medicaid costs has increased at least 3% each year and sometimes by double digit annual increases in the years prior to 2005.
- The State continued to shift its costs to counties in the 2009-10 and 2010-11 State budgets by over \$400 million in human service delivery alone.
- New York State counties are owed hundreds of millions of dollars in state reimbursement at any given moment, without providing any compensation to counties for the cost of "floating" cash to the state, and this amount can easily double when the State Budget is not adopted on time.

WHEREAS, simply capping property taxes does nothing to reduce the costs of these and many other State services that counties must pay for and implement at the local level; in fact it preserves the distinction of having the highest property taxes in the nation; and

WHEREAS, this distinction continues to drive people and businesses out of New York and acts as a deterrent to re-location to our state; and

WHEREAS, the property tax cap proposal allows local boards to override the cap with a two-thirds majority vote, thereby not only shifting costs to local governments, but also unfairly shifting blame to local leaders for tax increases that are actually caused by the State; now therefore be it

RESOLVED, that the Wayne County Board of Supervisors encourages all parties, state and local, to enact legislation so that fiscal responsibility for services resides with the level of

government that has the decision-making authority over those services; this will in turn reduce the property tax burden and not preserve the status quo; and be it further

RESOLVED, that the Wayne County Board of Supervisors urges the Governor, and State Legislature not to impose a local property tax cap unless it is coupled with significant cuts in local costs for State mandated programs that cause local property tax increases; and be it further

RESOLVED, that copies of this Resolution be forwarded to Governor Paterson, members of the New York State Legislature, the New York State Association of Counties and all those deemed necessary and proper.

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

Mr. Plant made a comment as to how these unfunded mandates will impact the Town of Walworth and possibly raise the tax rate by 4% alone.

Upon roll call, adopted.

Mr. Lauderdale moved, seconded by Mr. Plant, that Resolution No. 684-10 (R4-3) be removed from the Table. Upon roll call, all Supervisors Voted Aye. Motion carried.

**RESOLUTION NO. 684-10: RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2010 WAYNE COUNTY BUDGET AND PAYMENT FOR NOTIFICATION LETTERS REGARDING CHANGES TO THE RECYCLING PROGRAM**

Mr. Spickerman presented the following:

WHEREAS, changes have recently been made to the Wayne County Recycling Program effective January 1, 2011; and

WHEREAS, it is prudent to notify Wayne County Residents of these changes; and

WHEREAS, letters notifying the Public of changes to the recently adopted County's Recycling Program need to be printed and mailed; and

WHEREAS, costs associated with this notification were not included in the 2010 Wayne County Budget; now, therefore, be it

RESOLVED, that the costs associated with printing the letters totaling \$4999.50 and mailing the letters to all county residents totaling \$6469.16 are authorized to be paid; and be it further

RESOLVED, that the County Treasurer is authorized to amend the 2010 Wayne County Budget as follows:

**A8020 Planning Board**

\$6470 to .54166 Postage

\$5000 to .54456 Printing

**A1990 Contingent Fund Gen**

\$11,470 from .54000 Contractual Expenses

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

As requested, a proposed notification letter was distributed to Board Members for their review. This letter will be mailed to Wayne County Residents to address the amendments of the local law recently adopted, that will impact the delivery of curbside recycling collection. Request to make a few minor changes were noted and it was agreed that the letter will be revised.

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

Mr. Plant took this opportunity to thank Chairman Hoffman for his efforts in holding the August Board meeting on opening day at the Wayne County Fair; and he encourages that we make this an annual event.

**EXECUTIVE SESSION:**

At 11:05 a.m., Mrs. Collier moved, seconded by Mr. Plant, that the Board go into Executive Session to discuss a personnel matter. Upon roll call, carried.

**REGULAR SESSION:**

At 11:13 a.m., Mr. Lauderdale moved, seconded by Mr. Colacino that the Board resume regular session. Carried.

**OTHER BUSINESS**

Mr. Kelsch moved, seconded by Mr. Manktelow that one additional resolution be allowed on the floor under Other Business. Upon roll call, carried.

**RESOLUTION NO. 685-10: APPOINTMENT OF WAYNE COUNTY PUBLIC DEFENDER**

Mrs. Collier presented the following:

WHEREAS, Resolution No. 330-10 created the position of full time Public Defender effective January 1, 2011; and

WHEREAS, the same resolution authorized the appointment of a Search Committee for the position; and

WHEREAS, the Search Committee was appointed and comprised of ten members representing the Community, the Legal Profession, the Diversity Task Force, the Board of Supervisors, and County Staff; and

WHEREAS, the position description was reviewed and revised, the position was advertised, and candidates were interviewed by the Search Committee; and

WHEREAS, the Search Committee has recommended that Attorney James Kernan be appointed to the position of Public Defender; now, therefore, be it

RESOLVED, that James Kernan is hereby appointed to the position of Public Defender for a one-year term commencing January 1, 2011 to December 31, 2011 at the annual salary of \$85,000.

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

Mr. Lauderdale addressed the Board with his concerns of upcoming vacancy of the County Auditor and processing of the next audit. In lieu of the fact that the County Auditor position would soon be vacant, he commented on the issue and importance of county residency.

**ADJOURNMENT:**

The next scheduled meeting of the Board is Wednesday, November 3, 2010 at 11:00 a.m.

Ms. Park moved, seconded by Mr. Kelsch, that the board adjourn at 11:15 a.m. Carried.

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