

**WAYNE COUNTY BOARD OF SUPERVISORS  
2009 ANNUAL SESSION**

1st Day  
Monday, January 5, 2009

Pursuant to Section 151 of the County Law the Board of Supervisors convened in their chambers in the Court House, Village of Lyons, New York, on the 5th day of January 2009 at 9:00 a.m. and was called to order by Sandra J. Sloane, Clerk of the previous Board.

Invocation was given by the Clerk.

**ROLL CALL:**

ARCADIA	Richard Colacino
BUTLER	David Spickerman, Sr.
GALEN	Steven Groat
HURON	Laurie Crane
LYONS	James Fabino
MACEDON	William Hammond
MARION	Jolene Bender
ONTARIO	Robert Kelsch
PALMYRA	David Lyon
ROSE	Lucinda Collier
SAVANNAH	Kenneth Lauderdale
SODUS	Steven LeRoy
WALWORTH	Robert Plant
WILLIAMSON	James Hoffman
WOLCOTT	Kim Park

Upon roll call, all members of the board were present. County Attorney Daniel Wyner and County Administrator James Marquette were also present.

**ELECTION OF PERMANENT CHAIRMAN:**

Mr. Groat placed in nomination the name of James D. Hoffman, Town of Williamson, for Permanent Chairman, seconded by Mr. Fabino.

Mr. Hammond moved the nominations be closed. Seconded by Mr. Lauderdale.

Total Votes cast for Mr. Hoffman - 4225

The Clerk declared James D. Hoffman duly elected as Permanent Chairman and appointed Supervisors Groat and Fabino to escort the Chairman to the Chair.

Chairman Hoffman addressed the Board to express his appreciation by thanking members for his re-election of Permanent Chairman; and asked for their continued support for the coming year.

**ELECTION OF CLERK OF THE BOARD:**

Ms. Park placed in nomination the name of Sandra J. Sloane as Clerk of the Board. Seconded by Mrs. Bender.

Mr. Plant moved, seconded by Mr. Kelsch, that the nominations be closed and the Clerk cast one ballot for Sandra J. Sloane. Carried. The Chairman declared Sandra J. Sloane duly elected Clerk of the Board.

**ELECTION OF DEPUTY CLERK OF THE BOARD:**

Mr. Plant placed in nomination the name of Debbie Ann Liseno as Deputy Clerk of the Board. Seconded by Mr. Kelsch.

Mr. Lauderdale moved, seconded by Mrs. Crane, that nominations be closed and the Clerk cast one ballot for Debbie Ann Liseno. Carried. The Chairman declared Debbie Ann Liseno duly elected Deputy Clerk of the Board.

**ELECTION OF BUDGET OFFICER:**

Mr. Hammond placed in nomination the name of James Marquette as Budget Officer. Seconded by Mr. LeRoy.

Mrs. Bender moved, seconded by Mrs. Crane, that nominations be closed. The Chairman declared James Marquette duly elected Budget Officer.

**ELECTION OF DEPUTY BUDGET OFFICER:**

Mr. Hammond placed in nomination the name of Keith Kubasik as Deputy Budget Officer. Seconded by Mr. LeRoy.

Mrs. Bender moved, seconded by Mr. Kelsch, that nominations be closed. The Chairman declared Keith Kubasik duly elected Deputy Budget Officer.

**ELECTION OF PURCHASING AGENT:**

Mr. Fabino placed in nomination the name of Sandra J. Sloane as Purchasing Agent. Seconded by Mrs. Crane.

Mrs. Collier moved, seconded by Mrs. Crane, that the nominations be closed and the Clerk cast one ballot for Sandra J. Sloane. Carried. The Chairman declared Sandra J. Sloane, duly elected Purchasing Agent.

**ELECTION OF DEPUTY PURCHASING AGENT:**

Mrs. Collier placed in nomination the name of Debbie Ann Liseno as Deputy Purchasing Agent. Seconded by Mrs. Bender.

Mr. Plant moved, seconded by Mrs. Crane, that the nominations be closed and the Clerk cast one ballot for Debbie Ann Liseno. Carried. The Chairman declared Debbie Ann Liseno, duly elected Deputy Purchasing Agent.

**MAJORITY LEADER:**

Mr. Fabino announced that the Republicans had chosen Mr. David Lyon as Majority Leader.

**MINORITY LEADER:**

Mr. Groat announced that he himself, Mr. Steven Groat is designated as Minority Leader.

**2009 STANDING COMMITTEES:**

Number	Committee Name	Number on	Committee
No. 1	<b>FINANCE COMMITTEE</b> Lyon, Plant, Hammond, Bender Lauderdale	5 Members	
No. 2	<b>PUBLIC SAFETY COMMITTEE</b> Bender, Colacino, Plant, LeRoy, Crane		5 Members
No. 3	<b>PUBLIC WORKS COMMITTEE</b> LeRoy, Fabino, Spickerman, Lyon, Colacino		5 Members
No. 4	<b>ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE</b> Spickerman, Kelsch, Lyon, Hammond, Groat		5 Members
No. 5	<b>GOVERNMENT OPERATIONS COMMITTEE</b> Collier, Lauderdale, Spickerman, Bender, Kelsch		5 Members

- |       |   |           |
|-------|---|-----------|
| No. 6 | <b>HEALTH AND MEDICAL SERVICES COMMITTEE</b><br>Park, Crane, Fabino, Plant, Collier | 5 Members |
| No. 7 | <b>HUMAN SERVICES COMMITTEE</b><br>Hammond, Groat, Fabino. Park, Collier            | 5 Members |

Mrs. Collier moved, seconded by Mr. Fabino, that the Standing Committees for 2009 be approved as presented. Upon roll call, carried.

On behalf of the Board, the Clerk read the Newspaper Designations for both Republican and Democratic Parties.

**NEWSPAPER DESIGNATION - REPUBLICAN**

We the undersigned Republican members of the Board of Supervisors of the County of Wayne, do hereby designate The Times of Wayne County, a weekly newspaper published in Macedon, New York, to publish the concurrent resolutions of the Legislature for the year 2009.

We also designate The Times of Wayne County, a weekly newspaper published in Macedon, New York, to publish the official canvass.

We also designate The Times of Wayne County, a weekly newspaper published in Macedon, New York, to publish the election notices issued by the Secretary of State.

**NEWSPAPER DESIGNATION - DEMOCRATIC**

We the undersigned Democratic member of the Board of Supervisors of the County of Wayne hereby designate the Courier Gazette, a weekly newspaper published in Newark, New York, to publish the concurrent resolutions of the Legislature for the year 2009.

We also designate the Courier Gazette, a weekly newspaper published in Newark, New York, to publish the official canvass.

We also designate the Time of Wayne County, a weekly newspaper published in Macedon, New York, to publish the election notices issued by the Secretary of State.

**RESOLUTION NO. 1-09: ADOPTING RULES OF ORDER FOR THE YEAR 2009**

Mrs. Collier presented the following:

RESOLVED, that the following Rules of Order of the Wayne County Board of Supervisors as presented are hereby adopted as the Rules of Order for the Year 2009:

**WAYNE COUNTY BOARD OF SUPERVISORS  
RULES OF ORDER - 2009**

**RULE 1. Organizational Meeting**

A. The organizational meeting of the Board shall be held on or before January 8 in each year. Written notice of the time and date of this meeting shall be mailed to all Supervisors by the Clerk at least 48 hours in advance of the meeting. The Clerk shall call the meeting to order and the first order of business shall be to conduct the election of a permanent Chairperson for the ensuing year.

B. In the absence or inability of the Chairperson to act, the designated Majority Leader shall be acting Chairperson and shall possess all powers and perform all duties of the Chairperson of the Board and shall serve without additional compensation. In the event of this occurrence, the Majority Leader shall not act in both capacities. The Majority Caucus shall designate an acting Majority Leader for so long as the Majority Leader is acting Chairperson.

The Board, under the Chairperson, shall then proceed with:

- a. The adoption of a time and date for regularly scheduled meetings.
- b. The election or appointment of the Clerk, Deputy Clerk, Budget Officer of the Board, County Attorney, and any other elective or appointive officers required by law or desired by the Board.
- c. The adoption of the Rules of Order for the ensuing year.
- d. Other matters that the Chairperson wishes to bring before this meeting.

**RULE 2. Regular Meetings:**

Regular meetings of the Board shall be held on the third Tuesday of each month beginning at 9:00 a.m. during January, February, April, May, July, August, October, November and December, and at 7:00 p.m. during March, June, September and for the public hearing on the budget in December, unless amended by a majority of the Board of Supervisors.

**RULE 3. Special Meetings:**

Special meetings shall be held at the call of the Clerk upon direction of the Chairperson or upon written request signed by a majority vote of the Board. A notice in writing stating the time, place and purpose of the special meeting shall be served personally or by mail upon each member of the Board by the Clerk at least 48 hours before the date fixed for holding the meeting; however, in lieu of this the Chairperson at a regular meeting may announce the time, place and purpose of an adjourned meeting and if the majority of the Board approved it, the adjourned meeting shall be held at the appointed time and place without written notification.

**RULE 4. Place of Meetings:**

All Meetings shall be held in the Supervisors' Chambers, Court House, 26 Church Street, Lyons, New York, unless otherwise provided for by call.

**RULE 5. Quorum:**

Members present possessing more than 50% of the total voting power shall constitute a quorum for the transaction of business. If a quorum is not present within 45 minutes after the time set for a meeting, the members present shall adjourn.

**RULE 6. Presence of County Attorney:**

The County Attorney shall be present during all meetings unless excused by the Chairperson.

**RULE 7. Temporary Chairperson:**

The Majority Leader will serve as acting Chairperson in the absence of the Chairperson at any meeting of the Board of Supervisors. The acting Chairperson shall have and exercise all the powers and duties of the Chairperson at the meeting over which they are called to preside,

**RULE 8. Order of Business:**

The normal order of business at each session shall be as follows:

1. Call to Order
2. Pledge of Allegiance
3. Invocation
4. Roll Call
5. Approval of Minutes
6. Read Claims
7. Communications
8. Unfinished Business
9. Privilege of the Floor
10. Reports of Standing Committees
11. Reports of Special Committees
12. Resolutions

13. Adjournment

**RULE 9. Roll Call:**

On roll call, the Clerk shall record by name all members present or absent; shall further record the arrival of any member listed as absent; and the departure of any member listed as present during the course of each meeting.

Any member desiring permanent departure from the meeting prior to the adjournment shall request permission to be excused from the Chairperson.

**RULE 10. Approval of Minutes of Previous Meeting:**

Minutes of previous meeting shall be read unless waived by the Board by a motion duly made, seconded and adopted.

**RULE 11. Payment of Claims:**

The Clerk shall have received by the 5th of each month all claims to be paid that month. Each claim shall be approved by the department or committee having authority for the purchase. Claims shall be listed in summary, showing each claim by number and amount and total amount for each department. Claims shall be presented to the Board at regular meeting.

The Clerk shall prepare a summary of claims by Committees and Departments and shall place a copy of such summary on the desk of each member prior to each regular meeting.

The separate items of any bill, account, claim, motion or resolution shall be read if requested by any member.

The Chairperson shall then refer the claims to the appropriate committee Chairperson and the committee shall review and approve them prior to presentation to the Board for audit and approval for payment.

After examination and review of the claims by the committee and there being no objection to any of the claims by any committee or Board member, the Chairperson of the Finance Committee or in his absence a member of that committee, shall move that the claims as audited be approved and that the Clerk shall draw orders on the County Treasurer for payment of same.

Each account or claim, or any item of such account or claim shall be voted on separately by the Board, if requested by any member.

**RULE 12. Communications:**

The Clerk shall read petitions, notices, departmental reports and other communications and the chair shall take the appropriate action; however, the Chairperson may permit, or, at his pleasure, request a person other than the Clerk to read a communication.

**RULE 13. Resolutions and Motions:**

Any member may offer a resolution or motion which shall be acted on promptly subject to these rules.

The term resolution as herein used shall mean a formal proposed action in writing. Every appropriation requiring expenditure of funds shall be by resolution. Every resolution shall contain a short title setting forth the purpose of the proposed action.

All resolutions shall be filed with the Clerk no later than four days prior to the date of the meeting at which the resolutions are to be presented. All Department Heads will file

resolutions and committee agendas with the County Administrator at least one week prior to their standing committee date.

The County Administrator shall refer each resolution originated by a Department Head or Agency to the Standing Committee having jurisdiction over any of the subject matter of the resolution. Referrals will be made by the Standing Committee to all Board committees which have an interest in the issue. The Standing Committee shall promptly act on each resolution referred by the County Administrator and shall submit its report or recommendation on the resolution at the next regular meeting of the Board of Supervisors following such referral. Any changes to the intent, meaning or financial features of a proposed resolution will be referred to the Chairperson of the Standing Committee by the committee meeting secretary prior to inclusion of the matter in the Board of Supervisor's agenda.

In the event a Standing Committee does not submit its report or recommendation at the next regular meeting of the Board of Supervisors, the Board may act on the resolution without further committee consideration and without committee report or recommendation.

Upon the request of any member, any amendment to a resolution shall be reduced to writing.

Resolutions or referrals which are not acted upon before the end of the calendar year do not continue into the next calendar year.

**Rule 14. Rules of Debate:**

When a question is under debate, the procedure and rules of debate shall be governed by Robert's Rules of Order relative to precedence of motions as follows:

- a. Fix the Time at Which to Adjourn:  
(requires second, not debatable, may be amended & requires a majority).
- b. Adjourn:  
(requires second, not debatable, may not be amended & requires a majority).
- c. Recess:  
(requires second, not debatable, may be amended & requires a majority).
- d. Suspend Rules:  
(requires second, not debatable, may not be amended & requires a 2/3 vote without previous notice)
- e. Lay on the Table:  
After a motion is stated and it is in the possession of the Board, it may be laid on the table until requested to come back before the Board. (may be amended & requires a majority).
- f. Previous Question:  
(requires second, not debatable, may not be amended & requires a 2/3 vote).
- g. Limit or Extend Limits of Debate:  
(requires second, not debatable, may be amended, & requires a 2/3 vote).
- h. Postpone:  
The object is to set a time when a matter must be considered (requires second, debatable, may be amended & requires a majority).
- i. Commit or Refer:  
(requires second, debatable, may be amended & requires a majority).
- j. Hold a Motion:  
After a motion is stated and it is in possession of the Board, before discussion or amendment, it may be held until the next meeting day if requested by any member of the Board provided such request is made on his first recognition by the Chairperson, but only one such request shall be granted on only one motion with 2/3 vote.
- k. Amend:  
(requires second, debatable, may be amended & requires a majority).

- i. Postpone Indefinitely:  
The object is to kill a local law, resolution, or motion (requires second, debatable, may not be amended & requires a majority).
- m. Withdraw:  
The maker of a local law, motion, or resolution has the right to request a "Withdraw" at any time. The maker and the person who seconded it can withdraw a motion that has been seconded before any debate, with 2/3 vote. Once a local law, motion, or resolution is under debate, permission by a motion seconded and approved by majority vote is required (not debatable, may not be amended & requires a majority vote). If there is an objection to the request to withdraw, a vote of the Board shall be taken.
- n. Take From Table:  
Must be "Taken from Table" after tabling motion was made (requires second, not debatable, may not be amended & requires a majority).
- o. Reconsider:  
To bring up a question for discussion and obtain a new vote. Only one who voted with prevailing side can make this motion, but anybody can second; can only be made on same day (requires second, debatable, may not be amended & requires a 2/3 vote).
- p. Rescind:  
To annul some action, no matter how old, except where action has been taken that cannot be undone. Rescind a motion any time can be moved by anyone; requires a second, except "to give notice." If "Notice" of the motion to be proposed was given at a previous meeting or pre-filed for this meeting, a majority vote will carry. No "Notice" given requires two-thirds vote to carry (requires second, debatable, may be amended & requires a 2/3 vote without previous notice).
- q. Renew:  
Used to reintroduce a local law, resolution, or motion again at a future session. Can be made and seconded by any Legislator (requires second, debatable, may be amended & requires a 2/3 vote without previous notice).

**RULE 15. Resolutions, Filing Deadline:**

No resolution shall be offered unless it first has been reviewed by the County Administrator and filed with the Clerk of the Board by noon of the fourth working day prior to and not including the day of the session at which it is offered. Any resolution which has been filed in accordance with this rule may be offered by any member of the Board at the next scheduled Board meeting. This rule shall not apply to special meetings of the Board under Rule 3, nor to the Organizational Meeting of the subsequent year, under Rule 1. Any resolution filed with the Clerk of the Board pursuant to this section shall be listed on the agenda under the following title: Rule 15 Resolutions.

**RULE 16. All Committees:**

Standing or special committees, shall as promptly as possible report to the Board upon such resolutions, communications or other matters as may be referred to them.

**RULE 17. Unfinished Business:**

All reports, resolutions and other matters laid on the table may be called there from under "Unfinished Business" in the regular order of business. All questions laid over by rule, or by request of any member for one day shall be considered in order on the succeeding day, or at the next session, under the heading of "Unfinished Business".

A list of unfinished business and special orders to be acted upon by the Board shall be kept by the Clerk and listed in the agenda.

A motion to lay a question on the table shall be decided without amendment or debate and a motion to postpone the question indefinitely or to adjourn to a day certain until it is decided, shall preclude all amendments to the main question. All reports, resolutions and other matters laid on the table may be called there by any Board member with approval or a majority vote of the Board.

A motion or a motion for adopting a resolution may be placed on the table by a majority vote and a majority vote will be necessary to take it off the table.

**RULE 18. Agenda:**

The Clerk shall prepare a statement of the order of business for each meeting of the Board which shall also contain the title and author of each resolution to be presented together with the number to be assigned thereto. The order of business shall be mailed to each Supervisor no later than five (5) calendar days prior to the date of the meeting. Any resolution not set forth in the order of business shall be tabled by the Chairperson until the next meeting of the Board, unless upon motion regularly made, the members present by two-thirds vote authorize the consideration of such resolution.

**RULE 19. Amendments:**

These rules of order shall be amended only by a two thirds vote of the Board and only after ten days notice, which notice shall be in writing and be filed with the Clerk and shall specify the particulars of such proposed amendments. Notice shall be given to members of the Board by the Clerk as directed by Committee No. 5.

**RULE 20. Suspension of Rules:**

Any rule may be suspended by the unanimous consent of the members present, but the suspension of such rule shall apply only to those matters which shall be before the Board at the time of such suspension.

**RULE 21. Addressing the Board:**

Before speaking, a member shall request recognition by the Board Chair. Upon being recognized, the member shall rise and address the Chair. While a member is speaking, no member shall entertain any private discourse, or pass between him and the Chair. When the Board Chair is putting a question, no member shall walk about or out of the room.

No member shall speak on any question without first raising his or her hand, and upon being recognized by the Board Chair may proceed. When two or more members raise their hands at the same time the Chair shall name the member who shall speak first.

**RULE 22. Call to Order:**

A member called to order shall immediately sit down unless permitted to explain. If an appeal be taken from the decision of the chair, the Board shall decide the case without debate and the question shall be stated by the chair to be "Shall the decision of the chair stand as the judgment of the Board?"

**RULE 23. Voting Requirement:**

Every member present when a motion is stated from the chair shall vote thereon, unless excused by the Chairperson, or unless he is directly interested in the motion, in which case, if he chooses, he may be excused from voting. Every member requested to be excused from voting may make a brief and verbal statement of the reason for his request. The Chairperson in all cases has the right to vote and when the vote is equally divided, including his vote, the question shall be lost.

**RULE 24. Required Ayes and Nays:**

Taking into consideration Rule 34, hereafter, at the Chairperson's discretion with the Boards' consent, the ayes and nays shall be taken by vote on any resolution appropriating money, levying taxes, confirming reports of committees and making appointments and fixing salaries and upon any other motion or resolution when demanded by any member of the Board.

**RULE 25. The Order of Rules:**

When a question is under debate, no motion shall be entertained unless for adjournment of the Board, for the previous question, to place on table indefinitely, to place on table for a certain day, to hold, to amend it. These several motions shall have precedence in the order in which they are here stated and shall not be subject to debate.

**RULE 26. Several Propositions:**

If the question in debate contains several distinct propositions, the same may be divided by the Chairperson at the request of any member to the end that a vote may be taken on each proposition.

**RULE 27. Privilege of the Floor:**

Privilege of the floor for members of the public other than members of the Board of Supervisors shall extend to any person appearing for him/herself in which case each individuals appearing shall be limited to three minutes; and to persons representing any group in which case there shall be allowed only one spokesman for the group, who shall be limited to a maximum time of five minutes. Any person requesting this privilege shall be limited to subject matter appearing on the agenda. All speakers must sign up with the Clerk at least 15 minutes before the starting time of the Board meeting. The total amount of time allowed for Privilege of the Floor at a Board meeting will be limited to 30 minutes. The Chairperson of the Board shall have the authority to place additional time limits on how long individuals may speak.

**RULE 28. Motion to Reconsider:**

No motion for reconsideration shall be in order unless made on the same day, or the meeting day next succeeding that on which the decision proposed to be reconsidered took place. A motion to reconsider must be made by a member who voted with the majority on the decision of the motion or resolution proposed to be reconsidered. When a motion to reconsider has been defeated, it shall not again be submitted to the Board.

**RULE 29. Motion to Rescind:**

A motion to rescind can only be entertained when moved by a member who voted with the majority in the action which is proposed to rescind, and requires the affirmative vote of a majority of the total members of the Board.

**RULE 30. Weighted Voting:**

Until such time as the apportionment of the voting power of members of the Board is revised, it is as follows:

	<u>Majority</u>	<u>Two-thirds</u>
Arcadia	630	706
Butler	105	101
Galen	206	200
Huron	98	97
Lyons	265	280
Macedon	393	395
Marion	228	213
Ontario	439	420
Palmyra	351	323
Rose	114	105
Savannah	86	90

Sodus	403	400
Walworth	381	387
Williamson	310	301
Wolcott	<u>216</u>	<u>207</u>
Total	4225	4225

Whenever in these rules of order there is reference to a majority vote or a two-thirds vote of the Board, it means a majority of the voting power of the members of the Board or two-thirds of the voting power of the Board. A total of 2113 affirmative votes shall be required for the adoption of any resolution, local law, motion or proposal requiring a simple majority vote. A total of 2817 affirmative votes shall be required for the adoption of any resolution, local law, motion or proposal requiring a two-thirds majority vote. The figures utilized for the above weighted voting system were provided by the National Ten-Year Censuses.

**RULE 31. Committee Vote and Records:**

Because committee reports and recommendations are not binding, Standing Committees shall not use a weighted vote in committee recommendations, however, any member of the Board in compliance with Rule 14 may offer a motion or resolution regarding any matter referred to Committee with or without the benefit of the Committee's report or recommendation. The Standing Committee shall report to the full Board the names of members in favor of or opposed to any measure which is not unanimous. If there is dissent in committee, a member of the dissenting group may present a report of the minority to the Board. Each committee shall take attendance and keep summary minutes of business transacted, said minutes to be turned over to the Clerk for record.

Any member of the public wishing to address a Committee shall give three business days prior notice to the County Administrator, said notice shall consist of the person's name, address and the subject matter that they wish to discuss. The County Administrator shall then determine the appropriate standing committee and discuss with the Committee chairman and the Chairman of the board of Supervisors, adding said member of the public to said committee agenda. The County Administrator shall notify members of the public whether they have been added to a committee's agenda prior to the committee meeting. Individuals appearing before a committee shall be limited to a five minutes presentation. If more than one person represents any group, there shall be allowed only one spokesperson for the group.

**RULE 32. Order of Voting:**

The Clerk shall maintain a record of order of voting by roll call and the first call for a vote on motions and resolutions shall be rotated in alphabetical order by towns.

**RULE 33. Short Roll Call:**

In conjunction with Rule 27, the Chairperson may ask for a short roll call on a matter having no controversy or debate, and hearing no objection, the Clerk may ask for the vote of the Supervisors from Arcadia and Wolcott, or first and last towns alphabetically present at meeting, and if their vote is in agreement the vote will be recorded as unanimous. If there is disagreement, there shall be a full roll call.

**RULE 34. Standing Committees:**

The Chairman of the Board shall appoint the Standing Committees within ten days from the date of organization in January and file a list of the same with the Clerk. The Chairperson may make temporary appointments to fill vacancies on any committee caused by the resignation or death of a member. In case of the absence of the Chairperson of any committee at any meeting, the second named member on the committee list shall act as temporary Chairperson.

The County Administrator and standing committees shall hold meetings with department heads

and shall recommend purchases and audit all claims and be generally responsible to the Board for the orderly operation of the affairs under the committee. The committee not only has the power of making recommendations to the Board but shall make recommendations on all committee matters.

Any direct costs incurred by a member in performing the duties of a committee and mileage expenses to and from meetings shall be reimbursed to him/her by the county.

No. 1 5 Members

**FINANCE COMMITTEE**

- a. County Treasurer
  - tax advertising
  - contingency fund
  - projects
  - community college
  - liability and causality reserve fund
  - uncollected insurance
  - judgment and claims
  - expenses on acquired property
  - hospital and medical insurance
  - interfund transfers
  - serial bond
  - library
  - Medical Scholarship
  - Educational TV
- b. Information Technology
- c. Real Property Tax

No. 2 5 Members

**PUBLIC SAFETY COMMITTEE**

- a. Sheriff
- b. E-911
  - ALS
- c. Probation
- d. District Attorney
  - animal abuse investigations
  - grant jury
  - crime victims' board
- e. Public Defender
- f. Legal Defense of Indigents
- g. Emergency Management Services
- h. Mutual Aid
- i. Stop DWI
- j. Coroner
- k. Pre-Trial Services
- l. Justice and Constables

No. 3 5 Members

**PUBLIC WORKS COMMITTEE**

- a. Highway
  - machinery
- b. Central Garage
- c. Buildings and Grounds
- d. Consumer Affairs

- e. Soil and Water Conservation

No. 4 5 Members

**ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE**

- a. Economic Development
  - industrial development site
- b. Planning
  - solid waste
  - joint municipal projects
  - agricultural districts
- c. Tourism
  - publicity
- d. Bus Operations
- e. Cooperative Extension
- f. Palmyra Union Ag. Society
- g. Fish and Game

No. 5 5 Members

**GOVERNMENT OPERATIONS COMMITTEE**

- a. Legislative Board
  - rules of order
  - inter-municipal
  - re-appointments
  - County Administrator
- b. Clerk of the Board
  - mailing
  - Court House copier
  - Un-distributed postage
  - County officer dues
- c. County Clerk
- d. County Attorney
- e. Board of Elections
- f. Personnel Department
  - civil services
  - salaries and benefits
  - workers' compensation
  - human resources
  - employee relations
  - union negotiations
  - staff development
  - education and training
  - employee safety
  - handicapped access
  - affirmative action
  - new position re-classification
  - cafeteria plan
- g. Print Shop
- h. Historian

No. 6 5 Members

**HEALTH AND MEDICAL SERVICES COMMITTEE**

- a. Nursing Home
- b. Public Health
- c. Mental Health

No. 7

5 Members

**HUMAN SERVICES COMMITTEE**

- a. Social Services
- b. Aging and Youth
- c. Workforce Development
- d. Veterans' Services
- e. Wayne County Action Program,

**RULE 35. Special Committees:**

Special Committees may be authorized at any legal meeting of the Board. They shall, unless otherwise ordered or directed by a majority of the Board, be appointed by the Chairman of the Board. The period of time that a special committee shall serve shall be designated when it is created. Any person appointed to a special committee shall be notified in writing of such appointment by the Clerk.

**RULE 36. Committee Meetings:**

A meeting of the committee may be called by a majority of the committee. No Committee shall meet without the Committee Chairperson notifying the members of the committee and a majority of the members must be present to act.

**RULE 37. Executive Session:**

On motion of any member duly seconded and carried by a majority vote, the Board shall go into executive session, presided over by the Chairperson of the Board, during which time any matters permitted under the New York State Open Meeting Law may be discussed, debated and voted upon. Only members of the Board shall participate in the executive session and such other persons may be called into the session as may be necessary.

**RULE 38. Minutes**

The minutes of the Board shall be printed monthly and delivered by the Clerk of the Board on or before the regular meeting of the Board for the next succeeding month.

**RULE 39. Parliamentary Law:**

All questions not covered by the rules shall be decided according to Robert's Rules of Order.

**RULE 40. Adopted Rules:**

Said adopted rules shall control until permanent Chairperson seated and new rules of order are adopted.

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

Mr. Plant moved that RULE 2 of the 2009 Rules of Order be amended to read that the monthly Board Meetings are to be held at 9:00 a.m., with the exception of the Budget Public Hearing that is held at 7 p.m. in December.

Several discussions took place regarding the purpose of holding evening sessions for public attendance to the Wayne County Board Meetings.

Mr. LeRoy moved, seconded by Mr. Groat, that the Rules of Order be amended to hold evening sessions for the months of March, September and the annual budget public hearing held in December. Upon roll call, all Supervisors voted Nay, except Supervisors Colacino, Groat, Crane, Bender, Collier and LeRoy who voted Aye. The Chairman declared this amendment defeated.

Upon roll call on the original amendment for eliminating all evening Board sessions, with the exception of the annual budget public hearing that is held in December, scheduled for 7 p.m. All Supervisors voted Nay except Supervisors Lyon, Collier, Plant and Park who voted Aye. The Chairman declared this amendment defeated.

Mr. Plant moved, seconded by Mr. Kelsch, that the Rules of Order be amended to be renumbered correctly. Upon roll call, all Supervisors voted Aye.

Upon roll call on the amended Rules of Order for 2009, all Supervisors voted Aye. The Chairman declared the resolution adopted.

**RESOLUTION NO. 2-09: OFFICIAL NEWSPAPER DESIGNATIONS FOR 2009**

Mrs. Collier presented the following:

RESOLVED, pursuant to Section 214(2) of the County Law the Wayne County Board of Supervisors hereby designates the Times of Wayne County, published in Macedon, New York, and the Courier Gazette, published in Newark, New York, as official newspapers for the publications of all Local Laws, notices and other matters as required by law to be published.

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

**RESOLUTION NO. 3-09: AUTHORIZATION FOR CLERK TO PURCHASE SUPPLIES FOR THE BOARD OF SUPERVISORS FOR 2009**

Mrs. Collier presented the following:

RESOLVED, that the Clerk of the Board of Supervisors is hereby authorized and directed to purchase necessary stationery and supplies for the Board of Supervisors for the year 2009.

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

**RESOLUTION NO. 4-09: ADOPTION OF INVESTMENT POLICY FOR THE COUNTY OF WAYNE FOR 2009**

Mr. Lyon presented the following:

RESOLVED, that the following policy is hereby adopted:

**INVESTMENT POLICY FOR THE COUNTY OF WAYNE**

**I. SCOPE:**

This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

**II. OBJECTIVES**

The primary objectives of the County of Wayne's investment activities are, in the priority order,

- \* To conform with all applicable federal, state and other legal requirements (legal);
- \* To adequately safeguard principal (safety);
- \* To provide sufficient liquidity to meet all operating requirements (liquidity); and
- \* To obtain a reasonable rate of return (yield).

**III. DELEGATION OF AUTHORITY:**

The governing board's responsibility for administration of the investment program is delegated to the County Treasurer, who shall establish a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

**IV. PRUDENCE:**

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the County of Wayne to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

**V. DIVERSIFICATION:**

It is the policy of the County of Wayne to diversify its deposits and investments by financial institution, by investment instrument, and maturity scheduling.

**VI. INTERNAL CONTROLS:**

It is the policy of the County of Wayne for all moneys collected by any officer or employee of the government to transfer those funds to the County Treasurer within 5 days of deposit, if less than \$500, the same day of deposit, if more than \$500, or within the time period specified in law, whichever is shorter.

The County Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

**VII. DESIGNATION OF DEPOSITORIES:**

Pursuant to Section 212 of the County Law and Section 10 of the General Municipal Law, the depositories designated by the County of Wayne shall be any bank or trust company authorized to do business in the State of New York; each such depository shall be limited to \$50,000,000 of deposits at any one time.

**VIII. COLLATERALIZING OF DEPOSITS:**

In accordance with the provisions of General Municipal Law, 10, all deposits of the County of Wayne, including certificates of deposits and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by:

1. obligations of New York State
2. obligations of the United States
3. obligations of federal agencies, where the principal and interest are guaranteed by the United States
4. obligations of New York State local governments.

**IX. SAFEKEEPING AND COLLATERALIZATION:**

Eligible securities used for collateralizing deposits shall be held by (the depository and/or a third party) bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the County of Wayne to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the County, such securities shall be delivered in a form suitable for transfer or with assignment in blank to the County or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the County will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the County a perfected interest in the securities.

**X. PERMITTED INVESTMENTS:**

As authorized by General Municipal Law, 11, the County of Wayne authorizes the County Treasurer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- \* Special time deposit accounts;
- \* Certificates of Deposits;
- \* Obligations of the United States of America;
- \* Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- \* Obligations of the State of New York;
- \* Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorize such investment;
- \* Certificates of Participation (COPS) issued pursuant to GML, 109-b;
- \* Obligations of the County of Wayne, but only with any moneys in a reserve fund established pursuant to GML, 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the County of Wayne within such times as the proceeds will be needed to meet expenditures for the purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the County of Wayne within two years of the date of purchase.

**XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS:**

The County of Wayne shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution and dealer. All financial institutions with which the County of Wayne conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the County of Wayne. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The County Treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

**XII. PURCHASE OF INVESTMENTS:**

The County Treasurer is authorized to contract for the purpose of investments:

1. Directly from an authorized trading partner.
2. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the County of Wayne, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the County Treasurer. All such transactions shall be confirmed in writing to the County of Wayne by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the County of Wayne, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with, or become a part of the backing for any other deposits or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

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

**RESOLUTION NO. 5-09: AUTHORIZATION FOR COUNTY TREASURER TO TRANSFER GENERAL FUND CASH TO ALL FUNDS WHEN REQUIRED**

Mr. Lyon presented the following:

WHEREAS, the County has in the past, authorized the transfer of General Fund cash to other Funds in the County on an as needed basis; and

WHEREAS, the County is desirous of continuing this procedure during 2009 when required; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors hereby authorizes the County Treasurer to transfer cash from the General Fund to other Funds on an as needed, temporary basis; and be it further

RESOLVED, that any transfer is only temporary and must be returned to the General Fund before the end of the fiscal year; and be it further

RESOLVED, that the County Treasurer is hereby directed to inform the County Administrator of a required transfer prior to the transfer being made and report said transfers to the Finance Committee at its next regular committee meeting after the transfer is made.

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

**UNFINISHED BUSINESS**

Ms. Park moved, seconded by Mr. Lauderdale, that one (1) resolution be removed from the table from the previous meeting for consideration.

**RESOLUTION NO. 6-09: AUTHORIZING CONTRACT FOR PROFESSIONAL SERVICES FOR THE WAYNE COUNTY NURSING HOME**

Ms. Park presented the following:

WHEREAS, Catherine Chabrier has provided consultant services to the Wayne County Nursing Home; and

WHEREAS, the agreement expired on December 31, 2008; and

WHEREAS, the Wayne County Nursing Home must maintain its compliance program in accordance with the Deficit Reduction Act of 2005 (DRA); and

WHEREAS, the Wayne County Nursing Home must retain consultant services for the management of its Compliance Program; and

WHEREAS, the Wayne County Nursing Home is desirous to contract with Catherine Chabrier at fee of \$34 an hour for a maximum of \$49,440 a year for the purpose of complying with the provisions of the above regulations; and; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisors is authorized to sign the contract on behalf of the Wayne County Nursing Home, subject to the County Attorney's approval as to form and content, with Catherine Chabrier for the purpose of providing the above-mentioned services under the following schedule:

- January 1, 2009 through June 30, 2009 to work three (3) days per week
- July 1, 2009 through December 31, 2009 to work five (5) days per week.

There was some discussion regarding the provision of consultant services to the Wayne County Nursing Home for its compliance program.

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

Mr. Plant moved, seconded by Ms. Park that seven (7) resolutions be allowed on the floor under Other Business. Upon roll call, all Supervisors voted Aye.

**RESOLUTION NO. 7-09: AUTHORIZATION TO PROCESS PAYMENT TO NYS DCJS FOR THE WAYNE COUNTY SHERIFF'S OFFICE**

Mrs. Bender presented the following:

WHEREAS, the volume of pistol permit applications have dramatically increased over the last two months for the Wayne County Sheriff's Office; and

WHEREAS, the escrow account is based upon lower levels of activity for this service; and

WHEREAS, New York State Division of Criminal Justice Services (DCJS) requires timely payments to replenish said escrow account; now, therefore, be it

RESOLVED, that the County Treasurer and Clerk of the Board are hereby authorized to process payment to NYS DCJS, at a cost not to exceed \$14,000.00 for the purpose of replenishing the escrow account for the processing of pistol permits for the Wayne County Sheriff's Office.

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

**RESOLUTION NO. 8-09: APPOINTMENTS TO WAYNE COUNTY INDUSTRIAL DEVELOPMENT AGENCY FOR 2009**

Mr. Spickerman presented the following:

WHEREAS, the Wayne County Industrial Development Agency was formed pursuant to Chapter 916 of the laws of 1969, which provide that members of the Agency be appointed by the governing body of the County of Wayne; and

WHEREAS, pursuant to Resolution No. 145(69) adopted by the Wayne County Board of Supervisors, provided that one member of said Agency should be the Chairman of the Wayne County Board of Supervisors and one member should be the Chairman of the Planning Committee of the Wayne County Board of Supervisors; now, therefore, be it

RESOLVED, that pursuant to Resolution No. 145(69) and Section 890 of the General Municipal Law, the following are hereby appointed as members of the Wayne County Industrial Development Agency:

1. James D. Hoffman, Chairman of the Wayne County Board of Supervisors
2. David Spickerman, Sr., Chairman of the Economic Development and Planning Committee of the Wayne County Board of Supervisors

and be it further

RESOLVED, that said members shall serve at the pleasure of the Wayne County Board of Supervisors and each member shall continue to hold office until his successor is appointed and has qualified; and be it further

RESOLVED, that the Clerk of the Board of Supervisors is hereby directed to send a certified copy of this Resolution to the Secretary of State, New York State Department of State as well as the Wayne County IDA.

Mr. Fabino moved the adoption of the resolution. Seconded by Mr. Plant. Upon roll call, all Supervisors voted Aye. Mr. Spickerman and Mr. Hoffman abstained from voting. The Chairman declared the Resolution adopted.

**RESOLUTION NO. 9-09: APPOINTMENT OF WAYNE COUNTY ELECTION COMMISSIONERS**

Mrs. Collier presented the following:

WHEREAS, the terms of office for Richard E. Clark and Jack W. Bailey, Election Commissioners, expired on December 31, 2008; and

WHEREAS, the Wayne County Republican Committee has recommended the appointment of Richard E. Clark and the Wayne County Democratic Committee has recommended the reappointment of Jack W. Bailey; and

WHEREAS, the appropriate certificates of party recommendation have been filed with the Clerk of the Board of Supervisors in accordance with Section 3-204 of the Election Law; now, therefore, be it

RESOLVED, pursuant to Sections 3-202 and 3-204 of the Election Law, that Richard E. Clark and Jack W. Bailey are hereby appointed Election Commissioners of the Board of Elections of the County of Wayne for a two-year term of office commencing January 1, 2009

and ending December 31, 2010.

Mr. Kelsch 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. 10-09: AUTHORIZE ADOPTING THE 2009 WAYNE COUNTY HEALTH CARE PLAN-MS FUND**

Mrs. Collier presented the following:

WHEREAS, the 2009 County Budget needs to be amended for the costs associated with the Health Care Trust; now, therefore, be it

RESOLVED, that pursuant to Article 6 of the Wayne County Health Care Plan Trust Agreement, the Wayne County Board of Supervisors does hereby approve the 2009 budget for the Health Care Plan and authorize the County Treasurer to amend the 2009 Budget as follows:

REVENUES:

MS9060.41616 Self Pays	\$ 215,000.00
MS9060.42401 Interest Earnings	\$ 5,000.00
MS9060.42680 Insurance Recoveries	\$ 175,000.00
MS9060.42709 Employee Contributions	\$ 1,408,750.00
MS9060.42710 Town/Village Contributions	\$ 103,000.00
MS9060.42801 Interfund Revenues	\$ 9,517,000.00
TOTAL REVENUES	\$11,423,750.00

APPROPRIATIONS:

MS1710.54000 Contractual Expense	\$ 343,740.00
MS1710.54300 Insurance	\$ 312,900.00
MS1710.54501 Accountants & Auditors	\$ 5,000.00
MS1710.54506 Attorneys	\$ 2,500.00
MS9060.58400 Hospitalization Expense	\$10,759,610.00
TOTAL APPROPRIATIONS	\$11,423,750.00

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

**RESOLUTION NO. 11-09: AUTHORIZE PURCHASING EXCESS WORKERS COMPENSATION FOR THE SELF INSURED WORKERS COMPENSATION PROGRAM**

Mrs. Collier presented the following:

WHEREAS, the County of Wayne, Towns, Villages and authorities are enrolled in a Self-Insured Workers Compensation Plan; and

WHEREAS, the County is interested in renewing the Excess Workers Compensation Policy for the Wayne County Self Insurance Plan; 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 NY Marine & General Insurance Company through Mr. A Richard Nowak as broker for Ithaca Agency, a Division of Haylor, Freyer & Coon, Inc., 112 W. State Street, PO Box 38, Ithaca, New York 14850 for a total premium not to exceed \$73,210.00, payable from the self-insurance account for the contract period 1/1/09 to 1/1/10.

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

**RESOLUTION NO. 12-09: AUTHORIZE PURCHASING EXCESS EMPLOYER LIABILITY INSURANCE FOR THE WORKERS COMPENSATION PROGRAM**

Mrs. Collier presented the following:

WHEREAS, the County of Wayne, Towns, Villages and authorities are enrolled in a Self-Insured Workers Compensation Plan; and

WHEREAS, the County is interested in renewing the Excess Employers Liability Policy for the Wayne County Self Insurance Plan; 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 United States Liability Insurance through Mr. with Mr. A Richard Nowak as broker for Ithaca Agency, a Division of Haylor, Freyer & Coon, Inc., 112 W. State Street, PO Box 38, Ithaca, New York 14850 for a total premium not to exceed \$40,842.00, payable from the self-insurance account for the contract period 1/1/09 to 1/1/10.

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

**RESOLUTION NO. 13-09: AUTHORIZATION TO ACCEPT BIDS FOR PURCHASE OF VAN FOR THE WAYNE COUNTY NURSING HOME**

Ms. Park presented the following:

WHEREAS, the Board of Supervisors have duly advertised for bids for the purchase of a van for the Wayne County Nursing Home in accordance with the provisions of Section 103 of the General Municipal Law; and

WHEREAS, the bid received by Shepard Bros., Inc meets the specifications as issued and hereby recommended; now, therefore, be it

RESOLVED, that said bid is hereby accepted for the amount of \$41,995.00 and the contract for the purchase of the vehicle for the Wayne County Nursing Home is hereby awarded to Shepard Brothers, Inc.

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

**ADJOURNMENT:**

Chairman Hoffman announced that the next meeting of the Board is scheduled for Tuesday, January 20, 2009 at 9:00 a.m.

On motion of Mr. LeRoy and Mr. Groat, the Board adjourned at 9:45 a.m. Carried.

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

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