

8th Day  
Tuesday, April 21, 2009  
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 Fabino, followed by Chairman Hoffman giving the invocation.

Upon roll call, all Supervisors were present, except Supervisor Crane who was absent. 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.

**SUMMARY OF CLAIMS BY COMMITTEE:**

<b>Committee No. 1</b>	<b>Finance</b>	
A13252	Treasurer	9,238.24
A13254	Treasurer	728.46
A13554	Assessment - Real Property Tax	3,728.04
A13644	Expenses on Prop Acquired	144.65
A16804	Information Technology	6,235.00
A16804	Information Technology	6,440.47
A19104	Unallocated Insurance	269,545.38
A19304	Judgments & Claims	5,646.96
A24904	Community College	531,975.18
H19332	Building Renovation Project	35,876.38
H19392	Route 31 Complex	3,008.49
		<u>\$ 872,567.25</u>
<b>Committee No. 2</b>	<b>Public Safety</b>	
A11652	District Attorney	11,346.93
A11702	Public Defender	5,298.42
A11702	Public Defender	27,144.52
A11724	Legal Defense of Indigents	68,974.47
A11734	Wayne Pre-Trial Services, Inc.	9,219.92
A11854	Coroner	2,470.00
A11904	Grand Jury	4,076.62
A31104	Sheriff	2,941.00
A31104	Sheriff	8,840.16
A31124	Sheriff - Civil Office	12,693.60
A31134	Sheriff - Juvenile Office	1,239.36
A31144	Sheriff - Road Patrol	13,145.50
A31144	Sheriff - Road Patrol	3,475.91
A31154	Sheriff - Detective Unit	2,910.00
A31154	Sheriff - Detective Unit	190.19
A31164	Sheriff - Court Security	489.20
A31404	Probation	10,026.00
A31404	Probation	4,927.75
A31504	Sheriff - Jail	3,700.08
A31504	Sheriff - Jail	43,094.26

A33154	Stop DWI	2,451.37
A34104	Mutual Aid (Fire Coordinator)	995.00
A34104	Mutual Aid (Fire Coordinator)	1,026.47
A36404	Emergency Management Office	4,099.00
A36404	Emergency Management Office	3,836.18
A36424	E911 Communications	7,753.18
A36444	ALS Services	5,522.89
TE	Trust Expendable	<u>2,498.90</u>
		<b>\$ 264,386.88</b>

**Committee No. 3 Public Works**

A16150	Buildings & Grounds	70.00
A16152	Buildings and Grounds	1,215.00
A16154	Buildings & Grounds	56,629.68
A16404	Central Garage	8,949.42
A87304	Soil Conservation	69,057.68
D50104	Highway Administration	311.59
D50202	Highway Engineering	81.09
D51104	Maintenance of Roads & Bridges	27,002.89
D51114	Road Striping and Sign Maint	474.85
D51122	Road Construction	324,788.66
D51424	Snow Removal – County	23,403.51
DM51302	Road Machinery	2,660.00
DM51304	Road Machinery	<u>83,364.24</u>
		<b>\$ 598,008.61</b>

**Committee No. 4 Economic Development & Planning**

A63264	Economic Development Admin	148,594.00
A64104	Publicity (Tourism)	1,426.46
A64114	Tourism Matching Funds Program	981.30
A80204	Planning Board	1,296.48
A81604	Solid Waste Management	236,092.75
A86874	Economic Dev Zone Admin	10,662.50
A87544	County Extension Serv	106,161.75
H59022	Amtrak Station	<u>2,596.24</u>
		<b>\$ 507,811.48</b>

**Committee No. 5 Government Operations**

A10104	Legislative Board	5,887.43
A10404	Clerk Legislative Board	306.90
A12304	County Administration	209.85
A14104	County Clerk	1,542.12
A14204	County Attorney	1,026.70
A14304	Personnel Department	683.25
A14314	Cafeteria Plan	690.00
A14504	Board of Elections	2,329.99
A14504	Board of Elections	957.60
A16704	Undistributed Meter Postage	3,378.00
A16714	Printing Department	2,863.24
A75104	County Historian	132.00
MS17104	Administrative Fees	20,971.36
MS90554	Disability	4,187.50
S17104	Workers Comp	<u>189,923.56</u>
		<b>\$ 235,089.50</b>

**Committee No. 6 Health & Medical Services**

A40102	Public Health	1,726.03
A40104	Public Health	5,652.93

A40112	Public Health Service	9,749.36
A40114	Public Health Service	59,147.01
A40162	PH - Early Intervention 0-1	12,097.75
A40164	PH - Early Intervention 0-1	140,278.62
A40174	PH - Child w/Spec Needs 3-5	623,360.40
A40182	Public Health Education	3,268.45
A40194	Wayne Community Nursing Care	24,195.50
A40194	Wayne Community Nursing Care	39,822.94
A40204	PH - EMS Coordinator	773.05
A43004	Behavioral Health	5,561.64
A43004	Behavioral Health	102,508.05
A43224	Community Providers	275,316.00
E60004	NH Combined	5,136.16
E60004	NH Combined	<u>223,411.21</u>
		<b>\$ 1,532,005.10</b>

**Committee No. 7 Human Services**

A60104	Administration	275.00
A60104	Administration	73,500.05
A60704	Purchase of Services	2,166.34
A61294	State Training School	88,677.02
A61404	Safety Net	720.00
A62124	WFD/DSS Intensive Employment	1,099.06
A62144	Economic Opportunity & Develop	491.40
A61274	WFD-DSS Wage Subsidy	110.60
A62934	WIA Adult	384.68
A62944	WIA Dislocated	1,245.02
A62954	WIA Youth	1,535.08
A62964	TANF Summer	915.21
A65104	Veteran Services	447.00
A65104	Veteran Services	4,706.00
A67724	Area Agency on Aging	66,647.34
A73104	Youth Bureau	<u>21,084.51</u>
		<b>\$ 264,004.31</b>

<b>Warrant Total</b>	<b>\$ 4,273,873.13</b>
<b>During the Month Utilities</b>	<b>\$128,549.85</b>
<b>Miscellaneous Disbursements</b>	<b>\$ 683,183.55</b>

Ms. Park moved, seconded by Mr. Plant, that the Summary of Claims be referred to the appropriate committees for audit. Upon roll call, carried.

**COMMUNICATIONS:**

The Clerk read the following:

A copy of the Western Finger Lakes Solid Waste Management Authority's January 26, 2009 Board Meeting minutes were received and filed.

A copy of a certified resolution from the Orange County Legislature was received urging the NY State Senate and Assembly to vote against portion of Bill No. S.60/A.60 that seeks to amend the Alcoholic Beverage Control Law that would create a new grocery or drug store wine license.

A letter was received from Mayor Michael Sullivan from the Village of Sodus Point requesting support from the Board in his submission for funding consideration under the recently enacted Federal Economic Stimulus Plan for improvements to their water distribution system.

Notice of Public Hearing for the Town of Huron was received from the Wayne County

Industrial Development Agency for a real estate transfer for Marshall Farms Group, LTD, scheduled for April 23, 2009 at 9:30 a.m. at the Huron Town Offices.

A copy of an Operating Certificate for the Wayne County Community Services Board to operate a Part 822 chemical dependence outpatient service was issued by the Office of Alcoholism and Substance Abuse Services (OASAS).

The Board received a Thank You Note from the Family of Laura Hammond.

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

**BIDS:**

WC Highway Department –

Concrete Gutters and Sidewalks for W. Walworth Road Hamlet Project  
Construction and Maintenance Materials for 2009

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

**ANNUAL REPORTS:**

WC Real Property Tax Services  
WC Buildings and Grounds  
WC Human Resources Department  
WC Historian  
WC Emergency Mgmt Office  
WC E911 Communications

Wayne Behavioral Health Network  
WC ALS Services  
WC Sheriff Department  
WC Mutual Aid  
WC Highway Department

**FINANCIAL STATEMENTS**

Lyons Community Health Initiatives Corp.

WC Industrial Development Agency

WC Water and Sewer Authority Letter of Communication and Management Letter for 2008

WC Water and Sewer Authority Basic Financial Statements for 2008

WC Fire Services Resource and Equipment Inventory

Mr. Plant moved, seconded by Mr. Kelsch, that all annual reports and financial statements be received and filed. Upon roll call, carried.

**PRIVILEGE OF THE FLOOR:**

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

**RESOLUTION NO. 241-09: AUTHORIZATION TO APPOINT MEMBER TO THE AGING SERVICES ADVISORY COUNCIL**

Mr. Hammond presented the following:

WHEREAS, the New York State Office for the Aging requires each Area Agency on Aging to have an Aging Services Advisory Council; and

WHEREAS, a position on the Wayne County Aging Services Advisory Council is now vacant due to the term expiration of Roy Herrmann; and

WHEREAS, Alice Reynolds, a resident of the Town of Walworth has expressed an interest in filling this vacant position; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors hereby appoints Alice Reynolds to the Wayne County Aging Services Advisory Council for a term commencing on May 1, 2009 and ending on April 30, 2012; and be it further

RESOLVED, that the appointment is hereby confirmed.

Alice Reynolds

4676 Ontario Center Road

Walworth, NY 14568

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

adopted.

**RESOLUTION NO. 242-09: AUTHORIZATION TO PURCHASE BROCHURES FOR THE RUNAWAY PROGRAM AND THE FACT PROGRAM**

Mr. Hammond presented the following:

WHEREAS, the Department of Aging and Youth has requested quotes from three local printing companies for 1000 Runaway Program brochures and 500 Families and Communities Together (FACT) brochures. Both program brochures will be distributed to schools, human services agencies and families; and

WHEREAS, the Sunrise Imaging Company provided the lowest bid of \$750 to print the 1,500 brochures; now, therefore, be it

RESOLVED, that the Department of Aging and Youth is requesting authorization to contract with Sunrise Imaging for a total of 1,500 brochures at a cost of \$750.00 to be paid out of object code 54150 (Office Supplies).

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

**RESOLUTION NO. 243-09: AUTHORIZATION TO REMOVE, APPOINT AND REAPPOINT YOUTH BOARD MEMBERS**

Mr. Hammond presented the following:

WHEREAS, Jennifer Arelline, education representative and Greg Brinkman, School Resource Officer request to be removed as a member of the Wayne County Youth Board due to change in circumstances; now, therefore, be it

RESOLVED, request authorization from the Chairman of the Board of Supervisors to appoint to the Wayne County Youth Board for a period of three years:

James Haitz, Director, Wayne Behavioral Health Network.

RESOLVED, request authorization from the Chairman of the Board of Supervisors to reappoint for a period of three years:

William Benedict	Wayne County Sheriff Dept.
Don DiCraсто	Faith Community Representative
Pam Philips	Wayne County Probation
Valerie VanDongen	Village of Newark

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

**RESOLUTION NO. 244-09: CREATE TEMPORARY POSITION AT DEPARTMENT OF SOCIAL SERVICES**

Mr. Hammond presented the following:

WHEREAS, the Accounting unit is charged with the timely and accurate Application Registrations; and

WHEREAS, the individual in the Application Registration position is presently on medical leave with no expected date of return; and

WHEREAS, this position is required to provide statutorily mandated Benefit Program Registrations; now, therefore, be it

RESOLVED, that a temporary position of Account Clerk is hereby created through July 21, 2009, or until the individual on medical leave returns to work.

Mrs. Collier moved the adoption of the resolution. Seconded by Ms. Park. Upon roll call, all Supervisors voted Aye. Absent – Supervisor Crane. The Chairman declared the Resolution adopted.

**RESOLUTION NO. 245-09: AUTHORIZE OUT OF STATE TRAVEL REQUEST FOR DEPARTMENT OF SOCIAL SERVICES**

Mr. Hammond presented the following:

WHEREAS, the National District Attorneys Association National Center for Prosecution of

Child Abuse is presenting a five day course entitled "Equal Justice for Children – Investigation and Prosecution of Child Abuse" May 4-9, 2009 in Denver Colorado; and

WHEREAS, this course addresses critical subjects that our Assistant Social Services Attorney deals with in the course of her duties; and

WHEREAS, our Assistant Social Services Attorney desires to attend this course and has applied for a scholarship for the cost of the course registration; and

RESOLVED, that Kathleen Pohl is authorized to attend this out of state course at no direct cost to the County.

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

**RESOLUTION NO. 246-09: AUTHORIZATION TO APPLY FOR SUMMER YOUTH STIMULUS AND BUDGET AMENDMENT FOR 2009**

Mr. Hammond presented the following:

WHEREAS, President Obama signed the Stimulus Plan on February 17, 2009 and Wayne County Workforce Development/Finger Lakes Works anticipates the arrival of the WIA Youth Stimulus Summer Program Funds in April 2009. The Federal Government stated that this program is to be provided to youth between the dates of May 1, 2009 and September 30, 2009 and requires that monies be utilized timely, targeted and effectively; and

WHEREAS, to provide immediate response to the stringent stimulus requirements Wayne County Workforce Development needs to be prepared to act quickly to provide the required services under the Summer Stimulus Youth Employment Program. To do this we must have our budget and staff in place to begin the program as soon as we receive the authorization of funds; now, therefore, be it

RESOLVED, that Wayne County Workforce Development receives authorization to accept the WIA Youth Stimulus Funds and to administer the program and the Chairman of the Board is authorized to sign agreements, upon the review and approval of the County Attorney, with the Finger Lakes Workforce Investment Board; and be it further

RESOLVED, that the County Treasurer is hereby authorized to amend the 2009 County Budget to establish accounts and funding as follows:

**A6289-WIA YOUTH STIMULUS FUNDS**

\$150,000.00 to .44711 Federal Stimulus Funds  
\$ 4,549.00 to .51088 E & T Director II  
\$ 4,900.00 to .51123 Account Clerk-Typist  
\$ 9,000.00 to .51251 E & T Counselor PT  
\$ 5,133.00 to .51252 E & T Counselor  
\$ 87,000.00 to .51357 JTPA  
\$ 500.00 to .54150 Office Supplies  
\$ 400.00 to .54166 Postage  
\$ 500.00 to .54199 Miscellaneous expense  
\$ 375.00 to .54210 Gas  
\$ 2,192.00 to .54220 Light & Power  
\$ 400.00 to .54230 Telephone  
\$ 125.00 to .54240 Water  
\$ 501.00 to .54300 Insurance  
\$ 1,555.00 to .54407 Building Maintenance & Repair  
\$ 600.00 to .54414 Information Technology  
\$ 10,494.00 to .54437 Lease  
\$ 350.00 to .54456 Printing  
\$ 2,000.00 to .54485 Travel  
\$ 3,846.00 to .58100 Payments to NYS Retirement  
\$ 9,079.00 to .58200 Payments to Social Security  
\$ 6,360.00 to .58400 Hospitalization  
\$ 126.00 to .58600 Disability

\$ 15.00 to .58901 Employee Assistance Program

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

**RESOLUTION NO. 247-09: MINIMUM WAGE INCREASE FOR YOUTH PARTICIPANTS FOR WC WORKFORCE DEVELOPMENT**

Mr. Hammond presented the following:

WHEREAS, Wayne County Workforce Development (WFD) currently provides contracted services to DSS TANF and WIA youth participants; and

WHEREAS, these participants are paid minimum wage currently \$7.15 and the minimum wage will increase to \$7.25 on July 24, 2009; and

WHEREAS, WFD requests that the new rate be a part of the preparation of the payroll entries for these youth prior to July 1, 2009, (as we anticipate serving approximately 200 youth in July 2009); and

WHEREAS, The Workforce Investment Board stated that all summer youth under the WIA program be paid at the new Federal Minimum wage rate of \$7.25 as of July 1, 2009; now, therefore, be it

RESOLVED, that the Director of WFD hereby requests that the increase be implemented for all TANF and WIA youth participants effective July 1, 2009.

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

**RESOLUTION NO. 248-09: AUTHORIZATION TO PAY OUT OF TITLE COMPENSATION FOR EDWARD HUNT AS INTERIM DEPUTY DIRECTOR FOR MENTAL HEALTH DEPARTMENT**

Ms. Park presented the following:

WHEREAS, the former Deputy Director of the Mental Health Department resigned that position effective February 27, 2009; and

WHEREAS, since March 2, 2009 Edward Hunt has been assigned on an interim basis the duties and responsibilities associated with the Deputy Director position in addition to his current responsibilities; and

WHEREAS, the level of responsibility and associated salary for the Deputy Director position is greater than that of Mr. Hunts present title as Compliance Officer; now, therefore, be it

RESOLVED, that Edward Hunt will receive out of title compensation retro active effective March 2, 2009 while he has been acting in the capacity as the interim Deputy Director of the Mental Health Department at the rate of the current annual base salary for Deputy Director of \$55,029.

Mr. Kelsch moved the adoption of the resolution. Seconded by Mr. Hammond. Upon roll call, all Supervisors voted Aye. Absent – Supervisor Crane. The Chairman declared the Resolution adopted.

**RESOLUTION NO. 249-09: AUTHORIZATION TO SET SALARY FOR DEPUTY DIRECTOR POSITION FOR THE WAYNE COUNTY DEPARTMENT OF MENTAL HEALTH**

Ms. Park presented the following:

WHEREAS, a confidential-management position, Deputy Director, vacancy exists in the Wayne County Department of Mental Health; and

WHEREAS, the County Administrator anticipates authorizing the advertising and refilling of the position effective April 21, 2009; and

WHEREAS, no formal classification or salary schedule exists for management and confidential employees; and

WHEREAS, the County anticipates developing such a schedule in the future; and

WHEREAS, the County Administrator does not have the authority to set salaries without a Board of Supervisors approved salary schedule; and

WHEREAS, the County Administrator has recommended a starting salary for this position consistent with the 2009 approved budget; and

WHEREAS, the department needs to recruit for, and fill the position; now, therefore, be it RESOLVED, that the salary for the vacant Deputy Director position is hereby established up to \$55,029 per year.

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

**RESOLUTION NO. 250-09: TO AUTHORIZE AN EXTENSION TO THE CURRENT CONTRACT WITH BARBARA KEEFE FOR TRANSITION SERVICES AT THE WAYNE COUNTY NURSING HOME**

Ms. Park presented the following:

WHEREAS, the current agreement with Barbara Keefe expires May 1, 2009; and

WHEREAS, the facility requires assistance in completion of its 2008 cost reports; and

WHEREAS, the facility will require some assistance during the audit of the rebased cost report prepared by Miss Keefe; and

WHEREAS, it has been recommended by the Nursing Home Administrator and County Administrator to extend the contract with Miss Keefe to December 31, 2009; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisor's be authorized and directed to execute an amendment to the current agreement on behalf of the Wayne County Nursing Home, subject to the County Attorney's approval as to form and content for the period May 2, 2009 to December 31, 2009 for a maximum of \$3,000.

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

**RESOLUTION NO. 251-09: AUTHORIZATION TO EXECUTE CONTRACT FOR FURNISHING NURSING HOME CARE TO BENEFICIARIES OF THE VETERANS SERVICE ADMINISTRATION**

Ms. Park presented the following:

WHEREAS, the contract between the County of Wayne and the Veterans Service Administration for furnishing nursing home care services to beneficiaries of the Veterans Service Administration expires on May 31, 2008; and

WHEREAS, the Wayne County Nursing Home is renewing said contract for the period of June 1, 2009 - May 31, 2010 at no cost to the nursing home; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute a Contract/Award for Furnishing Nursing Home Services to Beneficiaries of the Veterans Administration at a per diem fee to be negotiated by the Administrator.

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

**RESOLUTION NO. 252-09: AUTHORIZATION TO EXECUTE AGREEMENT BETWEEN WAYNE COUNTY NURSING HOME AND GROUP WORKCAMPS FOUNDATION – 2009 WEEK OF HOPE PARTNER ORGANIZATION**

Ms. Park presented the following:

WHEREAS, Wayne County Nursing Home desires to enter in agreement with Group Workcamps Foundation for volunteering services; and

WHEREAS, the Group Workcamps Foundation 2009 Week of Hope Partner Organization provides volunteers for service projects; and

WHEREAS, the Wayne County Nursing Home residents enjoy the interaction with the young volunteers from around the country that participate in this program; and

WHEREAS, the Wayne County Nursing Home desires to utilize volunteers for activities, gardening and other projects for six weeks beginning June 2009 and ending July 2009; now,

therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute said Agreement, subject to the County Attorney's approval as to form and content.

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

**RESOLUTION NO. 253-09: AUTHORIZING STIPULATION AND ORDER FOR THE WAYNE COUNTY NURSING HOME**

Ms. Park presented the following:

WHEREAS, in 2008 the facility was cited by the New York State Department of Health during inspections; and

WHEREAS, due to this citation Wayne County Nursing Home paid a penalty of \$5200 to CMS; and

WHEREAS, the Department of Health has now proposed their settlement of this same incident in the form of a Stipulation and Order to pay another penalty in the sum of \$4,000; and

WHEREAS, it is hereby recommended that the Stipulation and Order be authorized as proposed by the Department of Health; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors of Wayne County sign said Stipulation and Order with the Department of Health; and be it further

RESOLVED, that the Wayne County Nursing Home is to remit \$4,000 in full settlement to the Department of Health.

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

**RESOLUTION NO. 254-09: AUTHORIZATION TO PURCHASE EQUIPMENT FOR THE WAYNE COUNTY NURSING HOME**

Ms. Park presented the following:

WHEREAS, the Wayne County Nursing Home is in need of ten (10) wheelchairs; and  
WHEREAS, this equipment was not previously included in the 2009 equipment addendum; and

WHEREAS, it has now been determined that four (4) of the (5) file cabinets in the 2009 equipment addendum will not be needed totaling \$2,400 and these funds could be used to purchase other needed equipment; now, therefore, be it

RESOLVED, that the Wayne County Nursing Home is authorized to purchase the following ten (10) wheelchairs at a cost not to exceed \$2,181.95 and will not purchase the 4 file cabinets as follows:

09000218				
2 - (24 x 18)	\$1,165	2	280.50	561.00
2 - (22 x 18)	\$1,165	2	280.50	561.00
6 - (20 x 18)	\$505	6	172.50	1,035.00
Shipping and Handling			24.95	24.95

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

**RESOLUTION NO. 255-09: AUTHORIZATION TO APPLY FOR A GRANT TO THE ROCHESTER AREA COMMUNITY FOUNDATION, INC FOR THE WAYNE COUNTY NURSING HOME**

Ms. Park presented the following:

WHEREAS, the Wayne County Nursing Home received grant funds and purchased of two (2) (m)Power units in December 2007; and

WHEREAS, the Wayne County Nursing Home residents have greatly benefited from the usage of the two units; and

WHEREAS, the Wayne County Nursing Home is desirous to file for another grant from

the Rochester Area Community Foundation, Inc. to purchase two (2) additional (m) Power units for a cost not to exceed \$12,080.00; and

WHEREAS, the approval of this grant by the Rochester Area Community Foundation would enable the Wayne County Nursing Home to expand the availability of the units to two (2) additional households within the facility; now, therefore, be it

RESOLVED, that the Wayne County Nursing Home is authorized to apply for a Grant from the Rochester Area Community Foundation, Inc. to purchase two (2) additional (m) Power units for a cost not to exceed \$12,080.00; and be it further

RESOLVED, the Chairman of the Board of Supervisors is authorized to approve a grant agreement and contract effective upon grant award and subject to the County Attorney's approval as to form and content with the Rochester Area Community Foundation, Inc. to purchase two (2) additional (m) Power units for a cost not to exceed \$12,080.00.

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

**RESOLUTION NO. 256-09: DECLARATION OF CHARITY CARE FOR WAYNE COUNTY PUBLIC HEALTH DEPARTMENT**

Ms. Park presented the following:

WHEREAS, the Wayne County Public Health Department is required to provide a percentage of Charity Care service to its eligible patients; and

WHEREAS, the Public Health Department has determined that visits undeclared for through 12/31/08 total \$15,653.00, now, therefore, be it

RESOLVED, that the Board of Supervisors acknowledges the amount of \$15,653.00 as the 2008 Charity Care declaration for the Wayne County Public Health Department.

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

**RESOLUTION NO. 257-09: AUTHORIZING CONTRACTS WITH PROVIDERS OF RELATED SERVICES FOR PRESCHOOL CHILDREN WITH HANDICAPPING CONDITIONS**

Ms. Park presented the following:

WHEREAS, the county must contract for the provision of related services for preschool-age children with handicapping conditions, now, therefore be it

RESOLVED, pursuant to Section 4410 of the Education Law, that the Chairman of the Board of Supervisors is hereby authorized to execute contracts, subject to the County Attorney's approval as to form and content, for the provision of related services for preschool children with handicapping conditions for the period 7/1/09 – 6/30/11 in accordance with the rates approved by the Public Health Committee of the Board of Supervisors as follows:

- Deanne Aceto Spear: physical therapy, assistive technology - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- Bright Start Pediatric SLP and OT Services, PLLC: speech therapy, occupational therapy, physical therapy, vision therapy, psychological service, assistive technology, counseling, parent counseling/training, social work - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11; group - \$40/hr/per child; 1:1 aide, paraprofessional aide, teaching assistant - \$20/hr
- Building Blocks Comprehensive Services, Inc.: speech therapy, occupational therapy, physical therapy, psychological service, counseling, parent counseling/training, play therapy, social work, service coordination - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11; 1:1 aide, paraprofessional aide, teaching assistant - \$20/hr
- Clinical Associates of the Finger Lakes: speech therapy, occupational therapy, physical therapy, psychological service/counseling, audiology services/evaluations, assistive technology, counseling, parent counseling/training, social work, service coordination - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11; group - \$35/.5 hr/child; 1:1 aide, paraprofessional aide - \$10/.5 hr; teaching assistant - \$12/.5 hr
- Jeanne Donahue Collins: speech therapy - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11

- Communication Center for Hearing & Speech: speech therapy, occupational therapy, physical therapy, vision therapy, psychological service, audiology services, assistive technology, counseling, parent counseling/training, service coordination - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11; 1:1 aide, paraprofessional aide - \$20/hr
- Christine R. DeFisher: speech therapy - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- E. John Gavras Center: speech therapy, occupational therapy, physical therapy, service coordination - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11; 1:1 aide, paraprofessional aide, teaching assistant - \$20/hr
- Jill W. Escriva: speech therapy - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- Linda J. Eygnor: speech therapy - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11; group - \$30/.5 hr/child
- Finger Lakes Cerebral Palsy, Inc.: speech therapy, occupational therapy, physical therapy, psychological service, service coordination - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- Amy Fisher: vision therapy - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- Joan G. Fisher: occupational therapy - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- Hearing & Speech Center of Rochester, Inc.: speech therapy - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- Richard M. Hilton: speech therapy - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- Donna L. Hontz: occupational therapy - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- Jill M. Kelley: speech therapy, assistive technology - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- Korpiel Physical Therapy, PC: speech therapy, physical therapy - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- Diane M. Kozar: physical therapy, assistive technology - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- Susan T. Lapp: occupational therapy - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- Mandel Therapy Group: speech therapy, occupational therapy, physical therapy, psychological service - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- Kimberly F. McCaffrey: speech therapy - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- Messineo Cowles Speech Therapy, PC: speech therapy - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- Karen A. Meuler: physical therapy - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- Marcy P. Osburn: physical therapy - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- Oswego County BOCES: vision therapy, audiology services, teacher of the deaf - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- Partners In Speech: speech therapy - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- Pediatric Physical Therapy Services, PLLC: physical therapy - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- Melissa A. Rice: occupational therapy - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- Kristi A. Sergeant: occupational therapy - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- Stepping Stones Learning Center: speech therapy, occupational therapy, physical therapy, psychological service, music therapy, counseling, parent counseling/training - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11; group - \$30/.5 hr/child; 1:1 aide - \$25/hr; teaching assistant - \$28/hr
- Strong Center for Developmental Disabilities: psychological service - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- Deborah E. Sudore: speech therapy - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- Christine A. Toner: speech therapy - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- Susan A. Trumble: speech therapy - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11
- Upstate Music Therapy Center, LLC: music therapy, parent counseling/training - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11

- Wayne ARC: speech therapy, occupational therapy, physical therapy, vision therapy, psychological service, music therapy, counseling, parent counseling/training, play therapy, service coordination - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11; assistive technology - \$65/.5 hr; 1:1 aide, paraprofessional aide, teaching assistant - \$20/hr; group - \$30/.5 hr/child
- Wayne County Action Program, Inc.: speech therapy - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11; 1:1 aide - \$16/hr
- Jamie R. Wing: occupational therapy - \$56/.5 hr 2009-10; \$57/.5 hr 2010-11

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

**RESOLUTION NO. 258-09: AUTHORIZING CONTRACTS WITH PROVIDERS OF APPROVED SPECIAL EDUCATION SERVICES OR PROGRAMS**

Ms. Park presented the following:

WHEREAS, the county is required to contract for approved special education services or programs pursuant to Section 4410 of the Education Law; now, therefore, it is

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute contracts, subject to the County Attorney's approval as to form and content, with the following providers of approved special education services or programs for preschool age children with handicapping conditions for the period 7/1/09 – 6/30/11, and that these are mandated services which will be reimbursed at the approved State Aid rate:

- Bright Start Pediatric SLP and OT Services, PLLC
- Building Blocks Comprehensive Services, Inc.
- Clinical Associates of the Finger Lakes
- Communication Center for Hearing & Speech
- Crestwood Children's Center
- E. John Gavras Center
- Finger Lakes Cerebral Palsy, Inc.
- Hearing & Speech Center of Rochester, Inc.
- Little Faces Early Intervention Services, LLC
- Mandel Therapy Group
- Mary Cariola Children's Center, Inc.
- Oswego County BOCES
- Red Creek ABCD
- Stepping Stones Learning Center
- United Cerebral Palsy Association of the Rochester Area, Inc.
- Wayne ARC

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

**RESOLUTION NO. 259-09: AUTHORIZATION TO EXECUTE CONTRACTS WITH PROVIDERS OF EARLY INTERVENTION SERVICES**

Ms. Park presented the following:

WHEREAS, the county is required to contract with approved providers of Early Intervention services or programs, now, therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute contracts, subject to the County Attorney's approval as to form and content, at the per session rate established by the New York State Department of Health for the period 7/1/09 – 6/30/11 with the following approved providers:

- Deanne Aceto Spear
- Christi L. Bowman
- Bright Start Pediatric SLP and OT Services, PLLC

- Building Blocks Comprehensive Services, Inc.
- Center for Autism & Related Disorders, Inc.
- Clinical Associates of the Finger Lakes
- Jeanne Donahue Collins
- Communications Center for Hearing & Speech
- Christine R. DeFisher
- E, John Gavras Center
- Eating for You (and Baby, Too), Inc.
- Jill W. Escriva
- Linda J. Eygnor
- Finger Lakes Cerebral Palsy, Inc.
- Finger Lakes Hearing Center, Inc.
- Amy Fisher
- Joan G. Fisher
- Hearing & Speech Center of Rochester, Inc.
- Richard M. Hilton
- Donna L. Hontz
- Jill M. Kelley
- Korpiel Physical Therapy, PC
- Donna M. Kozar
- Little Faces Early Intervention Services, LLC
- Mandel Therapy Group
- Mary Cariola Children's Center, Inc.
- Kimberly F. McCaffrey
- Karen A. Meuler
- Marcy P. Osburn
- Partners In Speech
- Pediatric Physical Therapy Services, PLLC
- Red Creek ABCD
- Melissa A. Rice
- Kristi A. Sergeant
- Stepping Stones Learning Center
- Strong Center for Developmental Disabilities
- Deborah E. Sudore
- Christine A. Toner
- Susan A. Trumble
- United Cerebral Palsy Association of the Rochester Area, Inc.
- Wayne ARC
- Jamie R. Wing

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

**RESOLUTION NO. 260-09: AUTHORIZATION TO APPLY FOR FUNDING FROM THE NEW YORK STATE GOVERNOR'S TRAFFIC SAFETY COMMITTEE FROM 10/01/2009 THROUGH 9/30/2010 TO SUPPORT A BICYCLE HELMET DISTRIBUTION PROGRAM**

Ms. Park presented the following:

WHEREAS, Wayne County Public has already established a successful bicycle helmet distribution program in Wayne County; and

WHEREAS, Wayne County Public Health would apply for funding to continue the bicycle helmet distribution program for low-income families; now, therefore, be it

RESOLVED, the Director of Public Health is hereby authorized and directed to apply for this grant in an amount of \$10,000.00 for the period October 1, 2009 through September 30,

2010 on behalf of the county of Wayne; and be it further

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign the agreement, upon review and approval of the County Administrator, this Bicycle Helmet Distribution Grant for an amount not to exceed \$10,000.00 for the period October 1, 2009 through September 30, 2010.

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

**RESOLUTION NO. 261-09: AUTHORIZATION TO APPLY FOR FUNDING FROM THE NEW YORK STATE GOVERNOR'S TRAFFIC SAFETY CHILD PASSENGER SAFETY PROGRAM FROM 10/01/2009 THROUGH 9/30/2010**

Ms. Park presented the following:

WHEREAS, Wayne County Public Health currently has grant funding to provide a child passenger safety seat program and would like to continue this program; and

WHEREAS, Wayne County Public Health would apply for funding for the permanent fitting station to inspect car seats; coordinate major child safety seat check events; and continue the low income safety seat distribution program; now, therefore, be it

RESOLVED, the Director of Public Health is hereby authorized and directed to apply for this grant for an amount of \$14,000.00 for the period October 1, 2009 through September 30, 2010 on behalf of the County of Wayne; and be it further

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign the agreement, upon review and approval of the County Administrator, this Traffic Safety Child Passenger Safety Grant for an amount not to exceed \$14,000.00 for the period October 1, 2009 through September 30, 2010.

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

**RESOLUTION NO. 262-09: AUTHORIZATION FOR WAYNE COUNTY PUBLIC HEALTH TO DECLARE SURPLUS EQUIPMENT**

Ms. Park presented the following:

WHEREAS, Wayne County Public Health (WCPH) has purchased a new refrigerator for immunizations; and

WHEREAS, the old immunization refrigerator will replace the White Westinghouse Refrigerator serial # LA93807719 in the kitchen at WCPH; and

WHEREAS, the Westinghouse Refrigerator needs to be removed from the WCPH by the Buildings and Grounds Department for proper disposal and disposition; now, therefore, be it

RESOLVED, that the Westinghouse Refrigerator serial # LA93807719 is hereby declared surplus.

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

**RESOLUTION NO. 263-09: AUTHORIZATION TO RENEW CONTRACT WITH THE REGIONAL COMMUNITY ASTHMA NETWORK (RCAN) OF THE FINGER LAKES FROM FEBRUARY 1, 2009 THROUGH NOVEMBER 30, 2009**

Ms. Park presented the following:

WHEREAS, Wayne County Public Health (WCPH) already provides in-home asthma education through an existing RCAN contract; and

WHEREAS, WCPH will renew the contract to coordinate and implement two separate work plan projects, such as: the RCAN care coordination and education model for improving asthma care for children in high-risk pediatric patients, and implementing the Asthma Friendly Schools Initiative with one local school district; now, therefore, be it

RESOLVED, the Chairman of the 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 Regional Community Asthma Network of the Finger

Lakes for the period February 1, 2009 through November 30, 2009 at a cost not to exceed \$8,000 for the RCAN care coordination and education model for improving asthma care for children in high-risk pediatric patients, and implementing the Asthma Friendly Schools Initiative with one local school district.

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

**RESOLUTION NO. 264-09: AUTHORIZATION TO AMEND PRE-K TRANSPORTATION CONTRACT WITH WAYNE-FINGER LAKES BOCES**

Ms. Park presented the following:

WHEREAS, the County is required to provide transportation for children in the Pre-K program and currently has a contract with the Wayne-Finger Lakes BOCES to provide transportation; and

WHEREAS, Sodus Central School has a new child attending the Roosevelt Pre-K Program at the Williamson Elementary School; and

WHEREAS, the student will be transported Monday through Friday for AM session only from Sodus to the Roosevelt Children's Center in Williamson; and

WHEREAS, transportation for this route was \$33 per day and will now increase to \$66 per day starting on March 4, 2009 through the end of the contract on June 30, 2009; now, therefore, be it

RESOLVED the Chairman of the Board of the Supervisors is hereby authorized and directed to execute an amendment to the contract with the Wayne-Finger Lakes BOCES for a total cost not to exceed \$2640.00 for the period 3/4/09 to 6/30/09, subject to the County Attorney's approval as to form and content.

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

**RESOLUTION NO. 265-09: AUTHORIZATION TO EXECUTE A RENEWED INTER-MUNICIPAL AGREEMENT WITH YATES COUNTY ON BEHALF OF THE S<sup>2</sup>AY NETWORK AND AMEND THE 2009 BUDGET**

Ms. Park presented the following:

WHEREAS, Wayne County Public Health (WCPH) currently has an Inter-Municipal agreement with Yates County Public Health on behalf of the S<sup>2</sup>AY Rural Health Network to share the cost of a Regional Public Health Emergency Planner to be employed by the S<sup>2</sup>AY Rural health Network; and

WHEREAS, this planner will serve the counties of Chemung, Yates, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben and Wayne, a coalition of county Public Health Departments also known as the Finger Lakes Public Health Alliance; and

WHEREAS, this Regional Public Health Emergency Planner will be responsible for implementing the attached work plan under the supervision of the S<sup>2</sup>AY Rural Health Network Coordinator and the Finger Lakes Public Health Alliance; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute a renewed agreement on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with the Yates County Public Health, on behalf of the S<sup>2</sup>AY Rural Health Network, for the period September 1, 2008 through August 9, 2009 at a cost not to exceed \$4,904.46; and be it further

RESOLVED, that the dept. 4011 budget 2009 be amended as follows:

Decrease expense Line .54793BIO by \$3,296

Decrease revenue Line .44638BIO by \$3,296

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

**RESOLUTION NO. 266-09: AUTHORIZING COUNTY ADMINISTRATOR TO ATTEND INTERNATIONAL CITY COUNTY MANAGEMENT ASSOCIATION TRAINING IN**

**GETTYSBURG, PA**

Mrs. Collier presented the following:

WHEREAS, the County Administrator desires to attend a Leadership Institute sponsored by the International City County Management Association; and

WHEREAS, the institute is scheduled for May 6 through 9, 2009; and

WHEREAS, the institute will contribute to the continued professional development of the County Administrator; now, therefore, be it

RESOLVED, that the County Administrator is authorized to attend the ICMA Leadership Institute in Gettysburg, PA from May 6 through May 9, 2009. Registration fee will be paid for by the County.

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

**RESOLUTION NO. 267-09: AUTHORIZING CLERK OF THE BOARD TO ATTEND NYS ASSOCIATION OF CLERKS OF COUNTY LEGISLATIVE BOARD TRAINING SCHOOL AND CONFERENCE AND TRANSFER FUNDS**

Mrs. Collier presented the following:

WHEREAS, the Clerk of the Board desires to attend NYS Association of Clerks of County Legislative Boards 57<sup>th</sup> Annual Training School and Conference to be held in Watkins Glen, New York, scheduled for May 20-22, 2009; and

WHEREAS, no funds were ever budgeted in the conference line item for training/travel expenses for the Clerk; and

WHEREAS, this conference is a premium educational opportunity to gain knowledge, skills, enhance administration and to contribute to the professionalism of the Board office; now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized to transfer funds for the Conference and add Health Insurance funding due to change in status as follows:

A1040 – Clerk Legislative Board

\$ 480.00 to .54410 Conferences

\$5,442.00 to .58400 Hospitalization

A1990-Contingent Fund Gen

\$5,922.00 from .54000 Contractual Expense

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

**RESOLUTION NO. 268-09: AUTHORIZATION TO PURCHASE HARDWARE MAINTENANCE CONTRACT FOR SCANNER FOR THE OFFICE OF THE COUNTY HISTORIAN**

Mrs. Collier presented the following:

WHEREAS, the Office of the Historian is replacing an existing back up microfilm reader with a reconditioned system; and

WHEREAS, Biel's Information Tech Systems has submitted a quote to include an equipment maintenance contract on this system; now, therefore, be it

RESOLVED, that a maintenance contract to support the Canon Microfilm Scanner 400 be authorized at a cost of not more than \$700 as provided by quote from Biel's and budgeted in Account No. A75104.54424; and be it further

RESOLVED, that the Chairman of the Board is hereby authorized to execute this maintenance contract after appropriate review by the Office of the County Attorney.

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

**RESOLUTION NO. 269-09: AUTHORIZE THE RENEWAL AND EXECUTION OF AN EQUIPMENT MAINTENANCE CONTRACT FOR MICROFILM READER, SCANNER AND PRINTING SYSTEMS WITH BIEL'S INFORMATION TECHNOLOGY SYSTEMS FOR THE OFFICE OF THE COUNTY HISTORIAN**

Mrs. Collier presented the following:

WHEREAS, the Office of the County Historian has (1) Canon MS400 and FP 400 and AC100R microfilm reader, scanner and printing systems; and

WHEREAS, this system has been maintained through contract for many years by Biel's Information Technology Systems; now, therefore, be it

RESOLVED, that a contract renewal is authorized at a cost not to exceed \$1,170 from Account No. A75104. 54424 per quote from Biel's; and be it further

RESOLVED, that the Chairman of the Board is hereby authorized to execute this contract upon appropriate review by the Office of the County Attorney.

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

**RESOLUTION NO. 270-09: AUTHORIZATION TO EXECUTE NECESSARY DOCUMENTATION FOR APPLICATION FOR PRESERVE NY GRANT FOR THE OFFICE OF THE COUNTY HISTORIAN**

Mrs. Collier presented the following:

WHEREAS, in 2007, the County received The Preserve NY Grant to fund a Cultural Resource Survey in Wayne County titled: Anti-Slavery, Abolitionism, Underground Railroad and African American Life in Wayne County for the period 1820 to 1880, and this has been completed except for the publication of the final cultural survey report; and

WHEREAS, this resolution will authorize the application for another Preserve NY Grant to complete the structural surveys and applications – nomination of these structures for State and National Register of Historic Places; and

WHEREAS, so many historic structures in Wayne County were identified and documented as the result of the 2007 Preserve NY Grant Cultural Survey; and

WHEREAS, the Research Team is willing to prepare the necessary applications and nominations of these structures to the NY State and National Register of Historic Places it is; now, therefore, be it

RESOLVED, that the Office of the County Historian is hereby authorized to prepare a grant application to the Preservation League of New York State for a Preserve NY Grant in the amount of \$6,000; and be it further

RESOLVED, that the Chairman of the Board is hereby authorized to accept the grant and execute the contract with the Preservation League of New York State after appropriate review by the Office of the County Attorney.

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

**RESOLUTION NO. 271-09: AUTHORIZATION TO INSTALL VOICEMAIL BOXES FOR BOARD OF SUPERVISORS OFFICE**

Mrs. Collier presented the following:

WHEREAS, the Superintendent of Buildings and Grounds has provided cost information for the installation and use of voicemail by the Board of Supervisors Office; and

WHEREAS, the cost of voicemail for the Board Office will be a cost of \$2.50 per month, in addition to their regular telephone charge; now, therefore, be it

RESOLVED, that the Board Office is hereby authorized to install and use three (3) voicemail boxes for a cost of \$2.50 per month in addition to their regular telephone charge.

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

**RESOLUTION NO. 272-09: AUTHORIZATION TO ADVERTISE AND SEEK A REQUEST FOR PROPOSAL (RFP) FOR LEASED STORAGE SPACE**

Mrs. Collier presented the following:

WHEREAS, Wayne County is about to undergo a renovation project on the Old Nursing Home facility; and

WHEREAS, Wayne County has certain records and equipment stored in the basement of the facility that may need to be relocated during the term of construction; and

WHEREAS, the Superintendent of Buildings and Grounds will continue to evaluate in-home options; now, therefore, be it

RESOLVED, that the Clerk of the Board of Supervisors is hereby authorized to advertise for Request for Proposals for Leased Storage Space in accordance with specifications prepared by the Superintendent of Buildings and Grounds and subject to approval of the County Attorney as to form and content; and be it further

RESOLVED, that the Clerk of the Board of Supervisors is hereby designated and directed to publicly open the bids at the time specified in the advertisement for RFPs, and to present a record of the results at the next meeting of the Board of Supervisors following the bid opening.

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

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

**PROCLAMATIONS:**

Supervisor Colacino proudly introduced the Newark Lady Reds Basketball Team and read a proclamation congratulating the team and coaches for their hard work and accomplishments in becoming New York State Class A Girls Basketball Champions.

**RESOLUTION NO. 273-09: APPOINT MEMBERS TO THE ONTARIO LAKE PLAINS RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL**

Mr. Spickerman presented the following:

RESOLVED, that the following persons are appointed to the Ontario Lake Plains Resource Conservation and Development Council for a term of office commencing immediately and expiring on December 31, 2009:

- William Hammond, Supervisor, Town of Macedon, representing Wayne County
- Henry Kelsey, Director of the Wayne County Soil and Water Conservation District (SWCD), representing the SWCD
- Ora Rothfuss, Wayne Agricultural Development Specialist as a member-at-large representing Wayne County
- Denise Buisch, as an alternate representing the Soil and Water Conservation District

Mr. Fabino moved the adoption of the resolution. Seconded by Mr. Kelsch. Upon roll call, all Supervisors voted Aye. Supervisor Hammond abstained from voting. Absent – Supervisor Crane. The Chairman declared the Resolution adopted.

**RESOLUTION NO. 274-09: AMEND AGREEMENT FOR LAND AND WATER CONSERVATION FUND GRANT FOR SODUS POINT PARK PROJECT**

Mr. Spickerman presented the following:

WHEREAS, Resolution 832-04 authorized the acceptance of a Land and Water Conservation Grant in the amount of \$190,000 and the execution of all documents related to the grant; and

WHEREAS, the Chairman executed a grant agreement with the NYS Office of Parks, Recreation, and Historic Preservation with a term that began September 2, 2004 and expired December 31, 2006; and

WHEREAS, Resolution 187-07 authorized an amendment to the Grant Agreement with the NYS Office of Parks, Recreation and Historic Preservation that extended the term of the Grant Agreement to December 31, 2007; and

WHEREAS, the NYS Office of Parks, Recreation and Historic Preservation has requested that Wayne County execute another amendment to the Grant Agreement to extend the term to September 7, 2009 and to amend Appendix B-Budget by removing the following items:

Project inspection fees and contingencies; and

WHEREAS, project inspection fees and contingencies are removed because they are not eligible for reimbursement under the Land and Water Conservation Fund; and

WHEREAS, costs associated with these activities were already reimbursed under other state grants awarded to this project; now, therefore, be it

RESOLVED, that the Chairman is authorized and directed to execute an amendment to the Grant Agreement that extends the term of the agreement to September 7, 2009 and amends Appendix B-Budget as described above, subject to approval as to form and content by the County Attorney; and be it further

RESOLVED, that all other provisions of the Grant Agreement shall remain in full force and effect.

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

**RESOLUTION NO. 275-09: DECLARATION OF INTENT TO ACT AS LEAD AGENCY FOR CREAGER ISLAND BRIDGE PROJECT**

Mr. Spickerman presented the following:

WHEREAS, pursuant to the provisions of SEQRA and the rules and regulations promulgated there under, the Wayne County Planning Department has prepared, on behalf of the County of Wayne, and filed with the Clerk of the Board of Supervisors a Full Environmental Assessment Form for the proposed Creager Island Bridge Project (the "Project"); and

WHEREAS, the Project is determined to be an Unlisted Action and the County will conduct a coordinated review in accordance with SEQRA; now, therefore, be it

RESOLVED, that the Board of Supervisors hereby accepts the Full Environmental Assessment Form filed with the Clerk and declares its intention to serve as lead agency for the purpose of conducting a SEQRA review of the Project; and be it further

RESOLVED, that the Board of Supervisors makes the determination that the Town of Galen, the County of Wayne, the New York State Department of Transportation, the New York State Department of Environmental Conservation, the New York State Canal Corporation, the U.S. Army Corps of Engineers, and the Federal Highway Administration are involved agencies; and be it further

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to send written notification to these involved agencies requesting that they agree to have the County of Wayne serve as lead agency for the review of the Project.

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

**RESOLUTION NO. 276-09: AMEND AGREEMENT FOR ERIE CANAL GREENWAY GRANT FOR HOTCHKISS BUILDING**

Mr. Spickerman presented the following:

WHEREAS, Resolution 85-07 authorized the acceptance of an Erie Canal Greenway Grant from the NYS Canal Corporation in the amount of \$224,787 and the execution of all documents related to the grant; and

WHEREAS, the Chairman executed a grant agreement with the NYS Canal Corporation with a term that began March 12, 2007 and expires June 30, 2009; now, therefore, be it

RESOLVED, that the Chairman is authorized and directed to execute an amendment to the Grant Agreement that extends the term of the agreement to June 30, 2010, subject to approval as to form and content by the County Attorney; and be it further

RESOLVED, that all other provisions of the Grant Agreement shall remain in full force and effect.

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

**RESOLUTION NO. 277-09: AUTHORIZATION TO AMEND 2009 TOURISM BUDGET FOR**

**REDUCTION IN STATE AID**

Mr. Spickerman presented the following:

WHEREAS, the 2009 New York State Tourism Matching grant has been reduced from \$80,000.00 to \$63,164.00; and

WHEREAS, the 2009 Tourism Matching Funds Budget was adopted with the grant estimated at \$80,000.00 with \$80,000.00 in matching funds of which \$65,500.00 was County funding; and

WHEREAS, drastic reductions to the 2009 County Budget are in order to reduce the State Aid and the County contribution to match the State Aid; now, therefore, be it

RESOLVED, that the County Treasurer amend the 2009 County Budget as follows:

**A6411-TOURISM MATCHING FUNDS PROGRAM:**

\$ 3,900 from .42089 (Departmental Income)

\$16,836 from .43716 (State Aid)

\$ 810 from .54230 (Telephone)

\$ 2,775 to .54399 (Video Production)

\$ 8,450 from .54402 (Advertising)

\$ 7,251 from .54434 (Information Centers)

\$ 500 from .54457 (Printing Literature & Brochure)

\$ 3,500 from .54460 (Promotion)

\$ 3,000 from .54539 (Brochure/AD Development)

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

**RESOLUTION NO. 278-09: AUTHORIZATION TO EXECUTE CONTRACT TO RESERVE BOOTH SPACE AT THE WAYNE COUNTY FAIR**

Mr. Spickerman presented the following:

RESOLVED, the Director of Tourism and Promotion is hereby authorized to reserve booth space at the Wayne County Fair, to share information regarding the travel and tourism industry with fair attendees; and be it further

RESOLVED, that the booth space and workers passes are not to exceed \$200.00, to be expended from Account No. A6410.4434 (Publicity-Info Centers).

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

**RESOLUTION NO. 279-09: AUTHORIZATION TO MODIFY CONTRACT WITH NYS DEPARTMENT OF AGRICULTURE AND MARKETS FOR THE PETROLEUM PRODUCT QUALITY PROGRAM**

Mr. LeRoy presented the following:

WHEREAS, the Wayne County Department of Consumer Affairs contracts with New York State Department of Agriculture and Markets for inspecting, testing and sampling petroleum products that expires on 3/31/09; and

WHEREAS, the New York State Department of Agriculture and Markets and Wayne County Consumer Affairs desire to renew the Agreement for an additional five-year term; now, therefore, be it

RESOLVED, that the contract term is extended for an additional five-year term starting 4/1/09 and ending 3/31/14; and be it further

RESOLVED, that the five-year contract amount is revised to \$65,795; reflecting a total of 10 years, that the Appendix A, dated May 2003 is deleted and revised Appendix A, dated June 2006 is added; and be it further

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to execute a contract, subject to the County Attorney's approval as to form and content, with the New York State Department of Agriculture and Markets.

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

**RESOLUTION NO. 280-09: AUTHORIZATION TO APPOINT AND RE-APPOINT MEMBERS TO WAYNE COUNTY SOIL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS**

Mr. LeRoy presented the following:

WHEREAS, the Wayne County Soil and Water Conservation District Board has a vacancy of At-Large Representative as of January 1, 2009; and

WHEREAS, pursuant to Section 6-a of the NYS Conservation District Law, the Soil and Water Conservation District Board requests that the Chairman of the Wayne County Board of Supervisors hereby make the following re-appointment and new appointment to the SWCD Board of Directors; now, therefore, be it

RESOLVED, that Steve Brownell, Farm Bureau Representative, is hereby re-appointed to the Wayne County Soil and Water Conservation District Board of Directors and Tom Caprilla is appointed as an At-Large Representative to sit on the Wayne County Soil and Water Conservation District Board of Directors.

Mrs. Collier moved the adoption of the resolution. Seconded by Mr. Kelsch. Upon roll call, all Supervisors voted Aye. Supervisors Hammond and Bender abstained from voting. Absent – Supervisor Crane. The Chairman declared the Resolution adopted.

**RESOLUTION NO. 281-09: AUTHORIZATION TO DECLARE VEHICLES AND EQUIPMENT SURPLUS AND DISPOSED OF AT MUNICIPAL EQUIPMENT AUCTION**

Mr. LeRoy presented the following:

WHEREAS, each year Wayne County has surplus vehicles and or equipment that is no longer needed; and

WHEREAS, there is a municipal equipment auction held in Palmyra, New York that brings a good price for such surplus items; now, therefore, be it

RESOLVED, that the followings list of equipment and or vehicles are hereby declared surplus and to be disposed of at the Municipal Auction to be held in Palmyra on May 9<sup>th</sup>, 2009; and be it further

RESOLVED, that any monies received for the items shall be deposited into the General Fund, line item # A9999.42665 - sale of surplus equipment:

- 1- 1999 Dodge Van Vin# 2B4HB15X7XK561987
- 1- 1960 (circa) Gas Generator 7500 Watt Single Phase 115/230V Serial # 705CW-3R7316L
  
- 1- 1958 Gas Generator KW 15 KVA, 3PH, 120/208/240 V Model # G151C18D Serial #-1000-368
- 1- 2003 Ferris Lawn Mower - 72" Mower Deck Serial # 1430

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

**RESOLUTION NO. 282-09: AUTHORIZATION TO PAY OUT-OF-TITLE PAY FOR MAINTENANCE WORKERS IN PARKS**

Mr. LeRoy presented the following:

WHEREAS, the Maintenance worker positions located in parks may be required to provide supervision of Seasonal Laborers; and

WHEREAS, the job description of the Maintenance Worker does not include any supervisory provisions; now, therefore, be it

RESOLVED, that any Maintenance worker requested to provide direct supervision by the Superintendent of Buildings and Grounds of any seasonal laborers shall be paid an adjustment of the difference of his current rate of pay and the hire rate of the Maintenance Mechanic position.

Mr. Lyon moved the adoption of the resolution. Seconded by Mr. Hammond. Upon roll call, all Supervisors voted Aye. Absent – Supervisor Crane. The Chairman declared the Resolution adopted.

**RESOLUTION NO. 283-09: AUTHORIZATION TO ACCEPT LOW BID FOR CONCRETE GUTTERS AND SIDEWALKS FOR THE WAYNE COUNTY HIGHWAY DEPARTMENT'S WEST WALWORTH ROAD HAMLET PROJECT AND AMEND BUDGET**

Mr. LeRoy presented the following:

WHEREAS, the Wayne County Highway Department is currently constructing roadway improvements in the Hamlet of West Walworth and will require a specialized subcontractor to install concrete gutters; and WHEREAS, the Town of Walworth wishes to have new concrete sidewalks installed by the same subcontractor and will reimburse the County (West Walworth Road Hamlet Project-D51122.52611) for the cost associated with the sidewalk installation (approximately \$45,000); and

WHEREAS, the Clerk of the Board of Supervisors has duly advertised for bids for concrete gutters and sidewalks for the West Walworth Road Hamlet Project (D51122.52611) for the County Highway Department, and the bids were open on Monday, March 9, 2009 at 10:00 a.m. and the following bids were received:

	<u>L.F. Price for Gutters</u>	<u>L.F. Price for Sidewalks</u>
E.J. Militello Concrete, Inc.	\$7.50	\$8.50
Alco Paving, Inc.	\$7.93	\$12.90
Lan-Co Companies	\$6.40	\$14.00
Hynes Concrete Contractor	\$9.05	\$9.60
SyrStone, Inc.	\$9.00	\$8.00

now, therefore, be it

RESOLVED, that the bid submitted by E.J. Militello Concrete, Inc. of East Amherst, NY in the bid price of \$ 7.50 per linear foot for gutters and the bid price of \$ 8.50 per linear foot for sidewalks in accordance with the specifications, is hereby accepted; and be it further

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 E.J. Militello Concrete, Inc. in accordance with the bid acceptance; and be it further

RESOLVED, that the Wayne County Treasurer is hereby to amend the 2009 County Budget as follows:

**D5112-ROAD CONSTRUCTION:**

\$45,000.00 to .52611 West Walworth Road Hamlet Project

**D9999-OTHER:**

\$45,000.00 to .42653 Miscellaneous Road Participation Payments

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

**RESOLUTION NO. 284-09: DECLARE VEHICLES AND EQUIPMENT SURPLUS AND AUTHORIZE SALE OF VEHICLES AT MUNICIPAL AUCTION**

Mr. LeRoy presented the following:

RESOLVED, that the following list of vehicles and equipment no longer of use by Wayne County Highway and hereby declared surplus and are to be sold at the annual auction of municipal equipment at the Palmyra Town Highway Department on Saturday, May 9, 2009:

- 1 – 1995 S-4700 International Crew Cab Dump Truck – Vin # 1HTSCAAN82SH633871
- 1 – 1995 S-4700 International Crew Cab Dump Truck – Vin # 1HTSCAANXSH633869
- 1 – 1988 S-1654 International Dump Truck – Vin # 1HTLAZRM5JH594286
- 1 – 1975 Yale Rough Terrain Crane
- 1 – Onan 2500 Watt Gas Generator
- 1 – McCulloch Chain Saw
- 2 - Champion Air Compressors
- 1 – Bull Dog Brush Master Saw

- 1 – Pickup Auxiliary Tank
- 1 – Skid Fuel Tank
- 1 – Weaver Vehicle Lift
- 1 – Skid with misc items

and be it further

RESOLVED, that the proceeds from the sale of the following highway equipment, declared surplus and to be sold at the auction, shall be deposited into the Machinery Revenue Fund Account DM99990.42655:

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

**RESOLUTION NO. 285-09: ACCEPTING BIDS FOR HIGHWAY CONSTRUCTION AND MAINTENANCE MATERIALS**

Mr. LeRoy presented the following:

WHEREAS, the Clerk of the Board of Supervisors has duly advertised for bids for various highway construction and maintenance materials for the fiscal year 2009; now, therefore, be it

RESOLVED, that upon the recommendation of the Superintendent of Highways, the bids listed in the 2009 Bids and Materials Summary Booklet dated February 2009, a copy of which has been filed with the Clerk of the Board of Supervisors, are hereby accepted; and be it further

RESOLVED, that any municipal highway department in Wayne County may purchase materials directly from the vendors pursuant to such bids, provided that the municipality shall accept sole responsibility for any payments due the vendor and for audit and inspection of the materials; and be it further

RESOLVED, that any bid not listed in the Bid Summary Booklet is hereby rejected.

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

**RESOLUTION NO. 286-09: AUTHORIZATION TO OBTAIN PERMANENT EASEMENT FROM THOMAS & DIANE BUCHIERE AND BRUCE ZARETSKY FOR THE WALWORTH ROAD RESURFACING PROJECT**

Mr. LeRoy presented the following:

WHEREAS, the Wayne County Highway Department will be performing roadway resurfacing and drainage improvements as a part of the Walworth Road Resurfacing Project (D51122.52612) during the 2009 season; and

WHEREAS, the new drainage system will require a permanent easement from Thomas & Diane Buchiere (Tax Map #63113-00-750104) and Bruce Zaretsky (Tax Map #63113-00-889109) to allow the stormwater to outlet into a nearby drainage channel; and

WHEREAS, the easement has been prepared by the Wayne County Highway Department and the easement will be granted to the County at a no cost; now, therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors, subject to the approval of the County Attorney is hereby authorized to execute all documents necessary to convey said easement.

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

**RESOLUTION NO. 287-09: AUTHORIZATION TO HIRE TEMPORARY HERBICIDE APPLICATOR FOR HIGHWAY DEPARTMENT**

Mr. LeRoy presented the following:

WHEREAS, herbicides are applied to county roads in guide rail areas, around sign posts, and near bridge abutments where mowing cannot reach; and

WHEREAS, Andrew Michaelson is a commercial herbicide applicator; and

WHEREAS, he is duly certified by the New York State Department of Environmental Conservation to spray county roads for Wayne County; now, therefore, be it

RESOLVED, that the Wayne County Highway Superintendent is hereby authorized to hire a temporary herbicide applicator for the Highway Department, pending civil service title, at a rate of \$32.00 per hour, not to exceed 200 hours; and be further

RESOLVED, this service is available to any Wayne County municipality on a time and material basis, at which time, the cost will be made available upon request.

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

**RESOLUTION NO. 288-09: AUTHORIZATION TO FILL SEASONAL POSITIONS FOR THE HIGHWAY DEPARTMENT**

Mr. LeRoy presented the following:

WHEREAS, the Highway Department has annually hired Seasonal Motor Equipment Operators #2's and Seasonal Laborers; and

WHEREAS, the 2009 budget contains funds for these positions; and

WHEREAS, it is necessary for the Board of Supervisors to establish the hourly wages for these positions; now, therefore, be it

RESOLVED, that the Wayne County Highway Superintendent is hereby authorized to compensate the following seasonal positions at the hourly rates stated for the Wayne County Highway Department:

- 7 Seasonal Motor Equipment Operator #2 - \$14.292 for first seasonal year  
\$15.292 for more than one (1) year experience
- 5 Seasonal Laborers - \$8.50 for first seasonal year  
\$9.50 for more than one (1) year experience and Laborer that drives for the herbicide applicator.

Mr. Plant moved the adoption of the resolution. Seconded by Mrs. Collier. Upon roll call, all Supervisors voted Aye. Supervisors Bender and Lauderdale abstained from voting. Absent – Supervisor Crane. The Chairman declared the Resolution adopted.

**RESOLUTION NO. 289-09: AUTHORIZATION TO ENTER AGREEMENT WITH THE TOWN OF PALMYRA FOR ROAD SIDE MOWING**

Mr. LeRoy presented the following:

WHEREAS, the Town of Palmyra has expressed interest in providing roadside mowing services on county roadways in the Town of Palmyra as they have done in the past several years; and

WHEREAS, the roadside mowing in Palmyra benefits the town and county; and

WHEREAS, the Town of Palmyra does 4 complete mowings on Wayne County roads within the Town of Palmyra with a total of 23.8 miles; 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 Town of Palmyra for mowing county road sides located in the town at a rate of \$215.00 per mile for the 2009 season.

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

**RESOLUTION NO. 290-09: AUTHORIZATION TO ENTER AGREEMENT WITH THE COUNTY OF WAYNE AND NEW YORK STATE FOR STIMULUS FUND PROJECTS FOR HIGHWAY DEPARTMENT**

Mr. LeRoy presented the following:

WHEREAS, the Economic Recovery Project - County Road 308 Rehabilitation – Victor Road to NYS Route 31 in Wayne County, may be eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors hereby approves the above

Project; and it is hereby further

RESOLVED, that the County of Wayne agrees to advance the Project through:

The County's resources and agrees that the Wayne County Board of Supervisors hereby authorizes the County of Wayne to pay in the first instance the full federal costs and full non-federal costs of any and all phase(s) or portions thereof and hereby appropriates the funds necessary to complete the Projects including all phases or portions thereof

RESOLVED, that the Wayne County Board of Supervisors makes a 100% commitment of the non-federal share (if any) of the costs of Construction/Construction Inspection phase(s) of work for the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation (hereinafter "NYSDOT") pursuant to the State/Local Agreement and it is hereby further

RESOLVED, that upon completion of construction of the Project, or a fully usable portion thereof, the County of Wayne agrees to maintain the Project, or fully usable portion thereof, at their sole cost and expense; and it is hereby further

RESOLVED, that in the event the full federal and non-federal share of the Projects exceeds the amount appropriated above, the Wayne County Board of Supervisors shall convene as soon as possible to appropriate said excess amount immediately; and it is hereby further

RESOLVED, that the Chairman of the Board of Supervisors of the County of Wayne is hereby authorized to execute all necessary Agreements or certifications on behalf of the County of Wayne, (subject to the Municipal/Sponsor Attorney's approval as to form and content), with NYSDOT in connection with the advancement or approval of the Projects identified in the State/Local Agreement; and providing for the administration of the Projects and the municipality's first instance funding of the non-federal share of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

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

RESOLVED, that this Resolution shall take effect immediately; and now therefore be it

RESOLVED, that the County Treasurer is hereby authorized and directed to create line item for the following account:

D51122.52625 CR 308 Rehabilitation – Victor Road to NYS Route 31

and further

RESOLVED, that the County Treasurer is hereby authorized to amend the 2009 County Budget as follows:

Appropriate \$660,000 to D51122.52625 CR 308 Rehabilitation - Victor Road to NYS Route 31 Increase D9999.44551 Federal Aid-Marchiselli Funds by \$660,000.

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

**RESOLUTION NO. 291-09: AUTHORIZATION TO AMEND THE HIGHWAY 2009 BUDGET FOR THE TRANSFER OF FUNDS FROM THE COUNTY RESERVE FOR THE PURCHASE OF ONE (1) NEW SIX WHEEL DUMP TRUCK**

Mr. LeRoy presented the following:

WHEREAS, the County Highway Department has the need to replace a 1996 Ford six wheel dump truck; and

WHEREAS, the County Highway Superintendent requested to purchase one (1) new six wheel dump; and

WHEREAS, during 2009 budget negotiations, the then requested six wheel dump was removed from the 2009 budget and to be purchased from the Machinery surplus Fund at an estimated cost of \$105,000; now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized and directed to transfer the following:

\$97,188.89 from DM5130.3599 (Appropriated Fund Balance)  
\$97,188.89 to DM51302.52400 (Highway & Street Equipment)  
and be it further

RESOLVED, that the County Highway Superintendent is hereby authorized to purchase one (1) 2010 International form the New York State OGS State Bid Contract # PC62176 at the bid price of \$97,188.89

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

**RESOLUTION NO. 292-09: AUTHORIZATION TO SUBMIT AN APPLICATION IN RESPONSE TO A REQUEST FOR PROPOSAL ISSUED BY VICTIMS OF CRIME ACT, CRIME VICTIM ASSISTANCE GRANT PROGRAM OF THE NEW YORK STATE CRIME VICTIMS BOARD**

Mr. Colacino presented the following:

WHEREAS, the State of New York, has issued a request for proposal for crime victim/witness assistance grants beginning October 1, 2009 through September 30, 2012 and whereas the New York State Crime Victims Board requires awarded programs to answer the request for proposal for the continuation of funding and whereas Wayne County currently receives VOCA funding for the Wayne County Crime Victim/Witness Services Program; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute an application for continued funding on behalf of the County of Wayne, District Attorney's Victim/Witness Services; and be it further

RESOLVED, that upon acceptance of the proposal by the New York State Crime Victims Board for the renewal of Wayne County's Crime Victim/Witness Services program, each annual contract will be subject to the County Attorney's approval as to form and content.

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

**RESOLUTION NO. 293-09: AUTHORIZATION FOR CHEM-FREE PARTY GRANT FOR WAYNE COUNTY SCHOOLS**

Mr. Colacino presented the following:

WHEREAS, STOP DWI has received an approved application for a chem-free party grant from the following schools: Lyons Central, Marion Central, Newark Central, North Rose Wolcott Central, Pal-Mac Central and Williamson Central.

RESOLVED, that STOP DWI is hereby authorized to issue the above named schools a check for \$400 each to be used toward their Chem-free Graduation parties.

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

**RESOLUTION NO. 294-09: AUTHORIZATION FOR CHAIRMAN TO SIGN AGREEMENT WITH G4S JUSTICE SERVICES**

Mr. Colacino presented the following:

WHEREAS, the Wayne County Department of Probation and Correctional Alternatives intends to modify a portion of the Electronic Home Monitoring Program (EHM) to include utilization of Global Positioning Satellites (GPS); and

WHEREAS, a vendor for the necessary equipment has been located that will provide said equipment and monitoring services on a per diem basis; and

WHEREAS, the County Attorney has reviewed the agreement and has approved as to form and content; now, therefore, be it

RESOLVED, that the Board of Supervisors authorizes the Chairman of the Board of Supervisors to sign agreement on behalf of the County of Wayne.

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

**RESOLUTION NO. 295-09: AUTHORIZATION TO MAINTAIN READINESS OF EMERGENCY OPERATIONS CENTER PHONE LINES**

Mr. Colacino presented the following:

WHEREAS, the 24 phone lines in the Emergency Operations Center have during recent years been put on "suspension" during periods of inactivity; and

WHEREAS, the Specialist/Supervisor of the phone service provider has advised that it would typically require 24 hours or longer to activate said lines; and

WHEREAS, the contact numbers and information to activate these lines change on a regular basis, with no notification to Emergency Management; and

WHEREAS, it is typical for Emergency Operations Centers to leave phone lines active at all times to avoid any possibility of unavailability of equipment and it is critical to have immediate access to these phone lines during an emergency or disaster; and

WHEREAS, there was \$2,400 in unexpended funds in A36400.54230 Telephone in 2008, with a similar amount anticipated to be available in 2009; now, therefore, be it

RESOLVED, that the Director of Emergency Management be authorized to leave the 24 said telephone lines at an estimated total annual cost increase of \$2,800.00 per year.

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

**RESOLUTION NO. 296-09: AUTHORIZATION TO RENEW AND PAY FOR THE ANNUAL PUBLIC DEFENSE CASE MANAGEMENT MAINTENANCE AND SUPPORT AGREEMENT BETWEEN THE WAYNE COUNTY PUBLIC DEFENDER'S OFFICE AND THE NEW YORK STATE DEFENDERS ASSOCIATION, INC.**

Mr. Colacino presented the following:

WHEREAS, the Wayne County Public Defender's Office uses the Public Defense Case Management System (PDCMS) in their office; and

WHEREAS, the New York State Defenders Association, Inc. and the Wayne County Public Defender's Office have entered into an annual agreement for the support and maintenance of said program; and

WHEREAS, the annual payment for the maintenance and support agreement is \$ 1,500; and

WHEREAS, the renewal term of the maintenance and support agreement is from March 7, 2009 through March 6, 2010; now, therefore, be it

RESOLVED, that the Wayne County Chairman of the Board is hereby authorized to review and approve the annual contract; and be it further

RESOLVED, that the Wayne County Public Defender's Office is hereby authorized to pay to the New York State Defenders Association, Inc., the sum of \$1,500 for the annual support and maintenance of the Public Defense Case Management System and that said sum shall be paid from line number 54424 as justified in the Wayne County Public Defender's 2009 budget.

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

**RESOLUTION NO. 297-09: AUTHORIZATION FOR TRANSFER OF VACATION LEAVE TIME FOR WAYNE COUNTY DEPARTMENT OF PROBATION AND CORRECTIONAL ALTERNATIVES EMPLOYEE**

Mr. Colacino presented the following:

WHEREAS, the following Wayne County Department of Probation and Correctional Alternatives employees are desirous to donate vacation leave time to a Probation Department co-worker, Todd R. Rowley, in order to help him extend and cover leave time necessary for personal circumstances;

The following employees listed below donate vacation hours as noted:

Richard Stevens	14 hours	Dale Mead	14 hours
Coriza Rivera	14 hours	Greg Caster	14 hours

Pamela Phillips	14 hours	James McNaney	14 hours
Stephen Collward	14 hours	Jay DeWispelaere	14 hours
Paul VanBortel	14 hours	Robert Trombino	14 hours
Todd DeWispelaere	14 hours	Mark Ameele	14 hours
Nancy Haight	14 hours	Scott Verbridge	14 hours
Scott D'Amato	14 hours	Susan O'Brien	7 hours

now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to transfer a total of 217 hours of leave time: and further

RESOLVED, that the hours will not be returned to said donors.

Mr. Hammond addressed the Board to comment that although he applauds the efforts of all the employees that have donated their leave time to their co-worker, he will not support this resolution for legal reasons; further, he encourages the board to complete a policy that will benefit all employees that are in need to extend their leave time for personal circumstances.

Mr. Spickerman moved the adoption of the resolution. Seconded by Mr. Kelsch. Upon roll call, all Supervisors voted Aye, except Supervisors Hammond, Lyon and Plant who voted Nay. Absent – Supervisor Crane. The Chairman declared the Resolution adopted.

**RESOLUTION NO. 298-09: AUTHORIZING THE RETIREMENT OF SHERIFF'S OFFICE K-9 REMO AND APPROVAL FOR REMO TO RETIRE TO THE HOME OF K-9 HANDLER JOSEPH ROELAND**

Mr. Colacino presented the following:

WHEREAS, K-9 Remo has been a member of the K-9 Unit of the Wayne County Office of Sheriff for the past six (6) years; and

WHEREAS, due to medical reasons, Remo must be retire; and

WHEREAS, Deputy Joseph Roeland has asked for ownership of Remo; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors hereby approves that Deputy Joseph Roeland be granted ownership of Remo.

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

**RESOLUTION NO. 299-09: AUTHORIZATION TO APPLY FOR FEDERAL FUNDS WITH REGARD TO THE 2009 OMNIBUS APPROPRIATIONS BILL TO ADD ADDITIONAL ROAD PATROL DEPUTIES**

Mr. Colacino presented the following:

WHEREAS, The President has signed the 2009 Omnibus Appropriations Bill which contains 3.2 Billion dollars to add new police officers to the nation's streets due to the increase in crime; and

WHEREAS, the Wayne County Office of Sheriff has been notified that they are eligible to receive those funds for three (3) years with no matching funds to hire four (4) additional Road Patrol Deputy Sheriffs to include salaries and benefits.

WHEREAS, the Wayne County Office of Sheriff has only increased its Road Patrol by five (5) deputies in the past 18 years and whereas, the crime rate and calls for service are constantly increasing, jeopardizing the health and safety of the citizens of Wayne County.

RESOLVED, that the Sheriff is hereby authorized to apply for said federal funding.

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

**RESOLUTION NO. 300-09: AUTHORIZATION TO PURCHASE LIGHT BARS FOR SHERIFF'S OFFICE**

Mr. Colacino presented the following:

WHEREAS, in the 2009 County Budget, the Wayne County Sheriff's Office budgeted for the purchase of light bars in the amount of \$10,116.00; and

WHEREAS, there has been an increase in the state bid amount for the purchase of these light bars in the amount of \$295.28; and

WHEREAS, the additional funds are available within the budget for this purchase (requisition No. 9000327 in the amount of \$10,411.28); now, therefore, be it

RESOLVED, that the Sheriff is hereby authorized and directed to purchase these light bars in the amount of \$10,411.28.

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

**RESOLUTION NO. 301-09: AUTHORIZATION TO FILL NEWLY CREATED POSITION OF COURT SECURITY OFFICER AT THE WAYNE COUNTY HALL OF JUSTICE AND ABOLISH PART TIME POSITIONS**

Mr. Colacino presented the following:

WHEREAS, the Seventh Judicial District of Court Administration will no longer reimburse for Part-Time Court Security Officers and Attendants at the Wayne County Hall of Justice and has given permission to create a New Court Security Officer Full Time; and

WHEREAS, the new Court Security Officer position shall be fully trained prior to the abolishment of the Part Time positions; now, therefore, be it

RESOLVED, that the Wayne County Office of Sheriff is hereby authorized and directed to increase the staff at the Wayne County Hall of Justice by one (1) Court Security Officer and eliminate three (3) part time positions, upon the completion of training of the new Court Security Officer, in the Court Security Budget; and be it further

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

**A3116 COURT SECURITY**

\$ 8,275.00 from .51369 (Court Attendant Part Time)

\$18,317.00 to .51503 (Court Security Officer)

\$21,589.00 from .1530 (Court Security Officers Part Time)

\$ 2,015.00 to .58100 (Payments to NYS Retirement)

\$ 1,402.00 to .58200 (Payments to Social Security)

\$ 8,052.00 to .58400 (Health Insurance)

\$ 78.00 to .58600 (Disability)

Mr. Hammond moved the adoption of the resolution. Seconded by Mr. Fabino. Upon roll call, all Supervisors voted Aye. Absent – Supervisor Crane. The Chairman declared the Resolution adopted.

**RESOLUTION NO. 302-09: AUTHORIZATION FOR LT. ROBERT MILBY TO ATTEND THE FBI NATIONAL ACADEMY IN QUANTICO, VIRGINIA**

Mr. Colacino presented the following:

WHEREAS, Lt. Robert Milby of the Wayne County Office of Sheriff has been selected to attend the FBI National Academy for a 10 week period beginning July 12 and concluding on September 18, 2009 which is located in Quantico, Virginia; and

WHEREAS, the cost involved in the attendance of this Academy would be for Lt. Milby's salary, and the cost of uniforms and assessment fees in the amount of \$578.99, all other expenses including meals, lodging, books, laundry and tuition are paid for by the FBI National Academy; now, therefore, be it

RESOLVED, that the Wayne County Office of Sheriff is hereby authorized and directed to enroll Lt. Robert Milby in the FBI National Academy and pay for the associated costs as mentioned.

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

**RESOLUTION NO. 303-09: AUTHORIZATION TO SURPLUS VEHICLES NO LONGER OF USE TO THE SHERIFF'S OFFICE**

Mr. Colacino presented the following:

WHEREAS, the following vehicles are no longer of use by the Wayne County Sheriff's Office:

1994 Mercury Grand Marquis LS VIN: 2MELM75WXR654752 MILEAGE 261,190

1994 Dodge Van VIN: 2B4HB15X0RK149834 MILEAGE 168,845

1992 Ford PU VIN: 1FTEF15N8NNA34969 MILEAGE 160,000+

now, therefore, be it

RESOLVED, that the vehicles listed above are hereby declared surplus and moved to Central Garage in accordance with the surplus Vehicle Disposition Procedure outlined in Resolution No. 357-91.

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

**RESOLUTION NO. 304-09: AUTHORIZATION TO PURCHASE LASER PRINTER FOR THE SHERIFF OFFICE**

Mr. Colacino presented the following:

WHEREAS, the Wayne County Office of the Sheriff budgeted for the purchase of a laser printer that was not listed in the budget addendum. It is requested that the Sheriff be given permission to purchase this printer (Requisition No. 9000220 at a cost of \$554.76) through Wayne County Information Technology Department according to current policies; now, therefore, be it

RESOLVED, that the Sheriff is hereby authorized and directed to purchase a laser printer in the amount of \$554.76.

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

**RESOLUTION NO. 305-09: RESOLUTION IN SUPPORT OF NEW YORK SENATE BILL 1401 AND NEW YORK ASSEMBLY BILL 3035 PROVIDING FOR ADDITIONAL PROTECTION OF VICTIMS OF DOMESTIC VIOLENCE**

Mr. Colacino presented the following:

WHEREAS, Jill and Jeff Cahill were a married couple with two children living near Syracuse, New York; and

WHEREAS, during an argument in April, 1996, Jeff Cahill bludgeoned Jill Cahill with a baseball bat, causing Jill to lapse into a coma; and

WHEREAS, while out on bail, a restraining order was issued which required Jeff to stay away from Jill; and

WHEREAS, in October, 1996, Jeff was caught posing as a hospital worker in the same hospital where Jill was recovering; and

WHEREAS, one week later, Jeff posed as an employee of the same hospital, entered Jill's room, and murdered her; and

WHEREAS, currently the only factor that courts can consider when setting bail in domestic violence cases is risk of flight; and

WHEREAS, if courts were allowed to consider the nature of the attack, the result in this instance may have been different; and

WHEREAS, New York State Senate Bill 1401 and New York Assembly Bill 3035 would permit courts to consider violations of court orders, history of threats or violence against an alleged victim, previous records of protection against an individual, the violent nature of the charged crime, the impact the crime had against the victim and other relevant information when determining bail in domestic violence cases; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors urges the immediate passage of New York Senate Bill 1401 and New York Assembly Bill 3035, also know as "Jilly's Law", which will provide protection to victim's violence; and be it further

RESOLVED, that the Clerk of the Board of Supervisors is hereby authorized and directed to send certified copies of this resolution to Governor David A. Paterson; Assemblyman Robert C. Oaks; NYS Senator Michael F. Nozzolio; and all others deemed necessary and proper.

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

**RESOLUTION NO. 306-09: TAX REFUND – ERROR ON TAX ROLL**

Mr. Lyon presented the following:

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

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

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

TOWN OF ARCADIA

2009 Tax Roll

Account No. 67111-18-273050

Assessed to: Robyn Henderson

Total Tax Difference: \$557.11 Total County Tax Difference: \$0.00

Refund: \$557.11

and be it further

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

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

**RESOLUTION NO. 307-09: AUTHORIZE AGREEMENT WITH UPSTATE GRAPHICS FOR MAINTENANCE ON PRINTING DEPARTMENT EQUIPMENT**

Mr. Lyon presented the following:

WHEREAS, the County of Wayne’s Printing Department owns a Riso printing machine which requires maintenance; and

WHEREAS, the County has contacted with Upstate Graphics to provide for the maintenance in the past; 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 Upstate Graphics for an annual amount of \$1,263.00 and a annual per copy charge of .002 per copy for all copies in excess of 350,000 for the contract period 5/1/09 to 5/1/10.

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

**RESOLUTION NO. 308-09: AUTHORIZING PAYMENT OF SETTLEMENT TO METLIFE AUTO AND HOME**

Mr. Lyon presented the following:

WHEREAS, MetLife Auto and Home filed a claim, dated March 19, 2009 against the County of Wayne regarding an automobile accident that occurred on February 27, 2009 between a vehicle owned by the County of Wayne and James and Barbara Witt; and

WHEREAS, the parties are desirous of settling said claim for a total amount not to exceed Four Thousand Three Hundred Twenty-Nine and 81/100 dollars, (\$4,329.81); now, therefore, be it

RESOLVED, that the claim between MetLife and the County of Wayne has been amicably settled between the parties and payment is hereby approved; and be it further

RESOLVED, that the Wayne the County Treasurer is hereby authorized and directed to issue a check made payable to MetLife Auto and Home in the amount of Four Thousand Three Hundred Twenty Nine and 81/100 Dollars (\$4,329.81), from Account No. A#1930 (Judgment and Claims), as directed by the Wayne County Attorney.

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

**RESOLUTION NO. 309-09: AUTHORIZING PAYMENT OF SETTLEMENT TO ADIRONDACK INSURANCE EXCHANGE**

Mr. Lyon presented the following:

WHEREAS, Adirondack Insurance Exchange filed a claim, dated January 21, 2009 against the County of Wayne regarding an automobile accident that occurred on December 31, 2008 between a vehicle owned by the County of Wayne and Benjamin Bullock; and

WHEREAS, the parties are desirous of settling said claim for a total amount not to exceed One Thousand One Hundred Sixty and 89/100 dollars, (\$1,160.89); now, therefore, be it

RESOLVED, that the claim between Adirondack and the County of Wayne has been amicably settled between the parties and payment is hereby approved; and be it further

RESOLVED, that the Wayne the County Treasurer is hereby authorized and directed to issue a check made payable to Adirondack Insurance Exchange in the amount of One Thousand One Hundred Sixty and 89/100 dollars, (\$1,160.89) from Account No. A#1930 (Judgment and Claims), as directed by the Wayne County Attorney.

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

**RESOLUTION NO. 310-09: AUTHORIZATION TO EXECUTE A SETTLEMENT AND LIABILITY RELEASE AGREEMENT TO ENTER INTO A FURTHER SETTLEMENT FOR TLI SOLUTIONS FRONTIER CHEMICAL SITE PRP INC**

Mr. Lyon presented the following:

WHEREAS, resolution 176-08 authorized the County of Wayne to enter into a settlement with TLI Solutions Frontier Chemical Site PRP Inc hereinafter referred to as ("Frontier Chemical Site PRP") in the amount of 2000 on behalf of the Wayne County Board of Elections regarding an enforcement action that has been threatened by the New York State Department of Environmental Conservation ("NYS DEC") with regard to the alleged release of hazardous substances at, and the alleged migration of such hazardous substances from, the former permitted Frontier Chemical Royal Avenue Treatment, Storage and Disposal Facility ("TSDF") in Niagara Falls, New York; and

WHEREAS, the County of Wayne has received further notice from Frontier Chemical Site PRP that the Wayne County Route 31 complex shipped 1630 gallons of hazardous substances in 1991 to the TSDF; and

WHEREAS, the County of Wayne has been offered a "De- Minimis" cash out opportunity in the amount of \$4000 payment which will limit the County's liability regarding this matter; and

WHEREAS, Frontier Chemical Site PRP has agreed to give the County a \$2000 credit regarding the County's prior above mentioned payment on behalf of the Wayne County Board of Elections; and

WHEREAS, the Frontier Chemical Site at Royal Avenue and 47th Street in Niagara Falls, New York (the Site) is listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites as Site No. 932110; and

WHEREAS, the New York State Department of Environmental Conservation ("NYSDEC") has issued a Record of Decision and has demanded that potentially responsible parties ("PRPs") undertake investigation and remediation of the Site at a cost estimated at about \$14 million; and

WHEREAS, the Frontier Chemical Site PRP Group has agreed to undertake investigation

and remediation of the Site under direction of NYSDEC; and

WHEREAS, Frontier Chemical Site PRP potentially has a contribution claim against the County under §113 of the Comprehensive Environmental Response Compensation and Liability Act; and

WHEREAS, the PRP Group has offered to enter into a further settlement (the "Settlement"), as set forth in a Settlement Agreement and Liability Release, by which it would release its contribution claims against the County in return for further payment of \$2,000, and request that NYSDEC offer similar protection to the County; and

WHEREAS, defense of such a contribution claim would cost far in excess a further payment of \$2,000, and could expose the County to much more substantial liability; now therefore be it

RESOLVED, that the County accepts the further resolved settlement in the amount of \$2000; and be it further

RESOLVED, that the Chairman of the Wayne County Board Of Supervisors is hereby authorized to execute a settlement and liability release agreement regarding this matter, subject to the County Attorney's approval; and be it further

RESOLVED, that the Wayne the County Treasurer is hereby authorized and directed to issue a check made payable to TLI Solutions, Inc c/o Frontier Chemical Site PRP Group Administration Fund (Tax Id 52-1680438), in the amount of Two Thousand and 00/100 Dollars (\$2,000), from Account No. A1930 (Judgment and Claims), as directed by the Wayne County Attorney.

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

**RESOLUTION NO. 311-09: AUTHORIZATION TO CREATE THE POSITION OF COUNTY AUDITOR**

Mr. Lyon presented the following:

WHEREAS, the Clerk of the Board currently coordinates the monthly audit process; and WHEREAS, the various standing committees of the Wayne County Board of Supervisors have been responsible for ultimately conducting the audit of departmental expenses; and

WHEREAS, the County's external auditor has recommended to the County for the past several years that the position of County Auditor be created; and

WHEREAS, the County auditor would be responsible for auditing claims and authorizing payment of those claims and would be responsible for insuring that the financial controls are reviewed and improved ,if necessary, and that financial policies and procedures are adhered to; and

WHEREAS, the Wayne County Board of Supervisors hereby determines that creation of the County Auditor position would expedite and improve the review of claims and would also be important to the overall financial integrity of the County; now, therefore, be it

RESOLVED, that the position of County Auditor of the County of Wayne is hereby created pursuant to Section 600 of the County Law. The position shall be filled by the appointment of the Wayne County Board of Supervisors and the person so selected shall serve for the term of which the membership of such Board appointing such person was elected. The heads of all administrative units are hereby directed to cooperate with the auditor and provide assistance and information as the auditor may request; and be it further resolved

RESOLVED, that the County Auditor shall have the powers conferred upon such office by Section 600 of the County Law except that the purchase of supplies and equipment shall not be made through such Auditor; shall report directly to the Wayne County Board of Supervisors and shall be subject to the administrative supervision of the County Administrator, and such other resolutions and rules as the Wayne County Board of Supervisors may enact. The County Auditor shall also perform all duties now or hereafter conferred upon the office by the Wayne County Board of Supervisors by law, including but not limited to the following:

1. Appoint such assistants with the office as may be authorized by the Board of Supervisors

2. Audit all claims, accounts and demands which are made county charges by law and which would otherwise be audited by the Board of Supervisors.
3. Subject to the approval of the Board of Supervisors, promulgate rules governing the presentation of such claims, accounts, and demands which are made county charges by law.
4. Under the direct supervision of the Wayne County Board of Supervisors, examine and audit at times to be determined by the Board of Supervisors, the books, records, vouchers and other papers pertaining to the money, funds and property of county officers or departments and rendered a report to the Board of Supervisors as to whether proper books and records have been kept and all money and property accounted for.
5. Attend all meetings of the Board of Supervisors and its committees when requested to do so and undertake such research and submit to the Board of Supervisors such reports and recommendations as it may, from time to time, request.
6. Have all the powers necessary and incidental to the performance and exercise of any of the duties and functions lawfully delegated to the office by the Board of Supervisors.

RESOLVED, that nothing contained herein shall be construed as modifying, transferring, or abolishing any power, duty or authority of the Board of Supervisors, any county department or its head or any other elected or appointed official as provided by law.

Mrs. Collier moved the adoption of the resolution. Seconded by Mr. Kelsch. Upon roll call, all Supervisors voted Aye, except Supervisors Spickerman, Groat and Fabino who voted Nay. Absent – Supervisor Crane. The Chairman declared the Resolution adopted.

**RESOLUTION NO. 312-09: AUTHORIZATION TO SET SALARY RANGE FOR MANAGERIAL/CONFIDENTIAL POSITION AND ESTABLISH INTERVIEW AND SELECTION COMMITTEE**

Mr. Lyon presented the following:

WHEREAS, the new position of County Auditor has been established by resolution and placed in the Managerial/Confidential employees group; and

WHEREAS, this new position will report to the Board of Supervisors; and

WHEREAS, the County Administrator and Human Resources Director have researched similar positions within and outside of Wayne County, and recommend that a starting salary be established not to exceed \$55,000, therefore be it

RESOLVED, that the annual salary for the County Auditor be set up to \$55,000, 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, the Fiscal Manager, and the County Treasurer, and a number of members of the Board of Supervisors as determined by the Board, and designated by the Board Chairman.

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

**RESOLUTION NO. 313-09: AUTHORIZATION TO CONTRACT WITH FISCAL ADVISORS AND MARKETING**

Mr. Lyon presented the following:

WHEREAS, the County is looking at different financial plans for the renovation of the former Nursing Home building and

WHEREAS, the County would like to consult with an advisor on this issue; now, therefore, be it

RESOLVED, that the County contract with Fiscal Advisors and Marketing for this purpose, including the possible issue of notes and/or bonds for this project; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby

authorized and directed to execute a contract not to exceed \$9000.00 on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with Fiscal Advisors and Marketing Inc. for these services.

Mr. Plant moved the adoption of the resolution. Seconded by Mr. Spickerman. Upon roll call, all Supervisors voted Aye, except Supervisors Spickerman and Fabino who voted Nay. Absent – Supervisor Crane. The Chairman declared the Resolution adopted.

**RESOLUTION NO. 314-09: AUTHORIZATION TO PAY INSURANCE PREMIUMS TO HAYLOR, FREYER AND COON, INC.**

Mr. Lyon presented the following:

WHEREAS, Wayne County has received Seven (7) Invoices from Haylor, Freyer and Coon, Inc. for the following renewal premiums due for the County of Wayne for the period of April 1, 2009 – April 1, 2010:

1. Invoice #426885 Renewal for Consulting Fee in the amount of \$16,573.33
2. Invoice #426449- Renewal for Commercial Umbrella Excess in the amount of \$27,408.70
3. Invoice #426446- Renewal for General Liability in the amount of \$4,743.31
4. Invoice #426447- Renewal for Professional Liability in the amount of \$76,951.19
5. Invoice #426440-Renewal for Commercial Inland Marine Package in the amount of \$2,891.90
6. Invoice #426441-Renewal for Commercial Package in the amount of \$91,454.60
7. Invoice #426443-Renewal for Commercial Property in the amount of \$49,460.65

now, therefore, be it

RESOLVED, that the Clerk of the Board is hereby authorized to make payments to Haylor, Freyer & Coon, Inc. in the amounts of Sixteen Thousand Five Hundred Seventy Three and 33/100 (\$16,573.33) for the Consulting Fee, Twenty Seven Thousand Four Hundred and Eight and 70/100 (\$27,408.70) for the Commercial Umbrella Excess, Four Thousand Seven Hundred Forty Three and 31/100 (\$4,743.31) for the General Liability, Seventy Six Thousand Nine Hundred Fifty One and 19/100 Dollars (\$76,951.19) for the Professional liability, Two Thousand Eight Hundred Ninety One and 90/100 (\$2,891.90) for the Commercial Inland Marine, Ninety One Thousand Four Hundred Fifty Four and 60/100 (\$91,454.60) for the Commercial Package, and Forty Nine Thousand Four Hundred Sixty and 65/100 (\$49,460.65) for the Commercial Property from Account A1910.4300 upon adoption of this resolution.

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

**RESOLUTION NO. 315-09: AUTHORIZATION TO PAY SETTLEMENT CLAIM FOR RONALD VALENTINE**

Mr. Lyon presented the following:

WHEREAS, Ronald Valentine filed a claim against the County of Wayne regarding deferred amounts under the County's deferred compensation program; and

WHEREAS, the parties are desirous of settling said claim for a total amount not to exceed Two Thousand Five Hundred Ninety Nine and 62/100 (\$2,599.62); now, therefore, be it

RESOLVED, that the claim between Ronald Valentine and the County of Wayne has been amicably settled between the parties and payment is hereby approved in the amount of Two Thousand Five Hundred Ninety Nine and 62/100 (\$2,599.62); and be it further

RESOLVED, that the Wayne the County Treasurer is hereby authorized and directed to issue a check made payable to Ronald Valentine in the amount of Two Thousand Five Hundred Ninety Nine and 62/100 (\$2,599.62), from Account No. A#1930 (Judgment and Claims), as directed by the Wayne County Attorney.

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

**RESOLUTION NO. 316-09: AUDIT OF CLAIMS – APRIL 21, 2009**

Mr. Lyon presented the following:

WHEREAS, the following claims submitted at this meeting of the Board of Supervisors have been examined and approved by the appropriate Committees; now, therefore, be it

RESOLVED, that the following Claims totaling **\$4,273,873.13** are hereby approved for payment and the Treasurer is hereby authorized and directed to make payment of the same:

1. A Fund	\$	3,324,176.50
2. D Fund	\$	376,062.59
3. DM Fund	\$	86,024.24
4. E Fund	\$	228,547.37
5. H Fund	\$	41,481.11
6. MS Fund	\$	25,158.86
7. S Fund	\$	189,923.56
8. TE Fund	\$	2,498.90
Warrant Total	\$	<b>4,273,873.13</b>

and be it further

RESOLVED, that the following utilities totaling **\$128,549.85**, processed pursuant to Resolution No. 176-78, are hereby ratified:

1. A Fund	\$	41,533.76
2. DM Fund	\$	26,169.04
3. E Fund	\$	60,847.05
Utility Total	\$	<b>128,549.85</b>

and be it further

RESOLVED, that miscellaneous disbursement checks were processed for the following County Departments, totaling **\$ 683,183.55** are hereby ratified:

1. Nursing Home	\$	151,981.86
2. Sheriff-Misc.	\$	2,251.69
3. Sheriff-Pistol Permits	\$	14,703.00
4. Social Services	\$	2,179.00
5. County Attorney	\$	2,920.00
6. WBHN	\$	260,745.21
7. Workers' Comp	\$	248,402.79
Misc. Disbursement Total	\$	<b>683,183.55</b>

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

**RESOLUTION NO. 317-09: AUTHORIZATION TO ADVERTISE FOR BID FOR THE CONSTRUCTION OF AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDED PROJECTS**

Mr. LeRoy presented the following:

WHEREAS; the design on the following three American Recovery and Reinvestment Act (ARRA) funded projects: Atlantic Avenue Rehabilitation (D51122.52621), CR 103 Ridge Road Rehabilitation (D51122.52622), and Christian Holler Bridge Deck Replacement (D51122.52620) has been completed by consulting firms and submitted to the NYSDOT for funding authorization; and

WHEREAS; in an effort to expedite the construction of these projects, it is beneficial to advertise as soon as the funding has been authorized by the NYSDOT; now, therefore, be it

RESOLVED, that the Clerk of the Wayne County Board of Supervisors is hereby authorized and directed to advertise for bids for the ARRA funded projects, in accordance with specifications prepared by the selected design consultants and approved by the NYSDOT and the Highway Superintendent and subject to the County Attorney's approval as to form and content; and be it further

RESOLVED, that the Clerk of the Board of Supervisors is hereby designated and directed

to publicly open the bid(s) at the time and place specified in the bid documents and to present a record of the bid(s) at the next meeting of the Board of Supervisors following the bid opening.

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

**RESOLUTION NO. 318-09: AUTHORIZATION FOR DONATION AND TRANSFER OF ANNUAL LEAVE FOR WAYNE COUNTY DEPARTMENT OF MOTOR VEHICLES EMPLOYEE**

WHEREAS, the following Wayne County Employees are desirous to donate their designated leave to Department of Motor Vehicles employee, Maria Bruno, in order to help her extend and cover leave time necessary for personal circumstances:

The following employees listed below donate leave hours as noted:

Anne Bastian	35 Leave Hours	Mary Ann VanHanehan	7 Leave Hours
Patricia Verbridge	17.5 Leave Hours	Nancy Scott	14 Leave Hours
Karen Stewart	28 Leave Hours	Ora Rothfuss	14 Leave Hours
Betty Rose Chardeen	21 Leave Hours	Jane Milem	7 Leave Hours
Lisa Healy	7 Leave Hours	Lisa Ahrans	4 Leave Hours
William DiSanto	28 Leave Hours	Christine Worth	4 Leave Hours
Eileen Bennett	14 Leave Hours	Scott D. D'Amato	14 Leave Hours
Colleen Trombino	14 Leave Hours	Greg M Caster	14 Leave Hours
Roxanne Harper	14 Leave Hours	Scott Verbridge	14 Leave Hours
Michele DeRenzo	17.5 Leave Hours	Paul Vanbortel	14 Leave Hours

now, therefore, be it

RESOLVED, that the transfer a total of 302 hours of leave time is hereby authorized to be transferred; and be it further

RESOLVED, that the hours will not be returned to said donors; and be it further

RESOLVED, that all said donated hours shall be credited to Maria Bruno.

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

Mr. Hammond addressed the Board again, to comment that although he applauds the efforts of all the employees that have donated their leave time to their co-worker, he will not support this resolution for legal reasons. As he mentioned in a similar resolution regarding the donation of leave time, he encourages the board to adopt a policy that will benefit all employees that are in need to extend their leave time for personal circumstances.

There were several discussions regarding creating sick leave bank policy and the importance of discussing this issue with the unions at negotiation time.

Several Supervisors agreed that they must look out for all county employees and do the right thing to support this resolution that is on the table today.

Upon roll call, all Supervisors voted Aye, except Supervisors Hammond, Lyon and Plant who voted Nay. Absent – Supervisor Crane. The Chairman declared the Resolution adopted.

**ADJOURNMENT:**

The next scheduled meeting of the Board is Tuesday, May 19, 2009 at 9:00 a.m.

Mr. Kelsch moved, seconded by Mr. Groat, that the meeting of the Board adjourn at 10:22 a.m. Carried.

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

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