

10th Day
Wednesday, June 2, 2010
1:00 p.m.

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

The Pledge of Allegiance was led by Supervisor Spickerman.

Upon roll call, all Supervisors were present, except Supervisor Hammond 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.

Mr. Marquette re-introduced Todd LaBarr of Watchdog Building Partners and David Sloane, Superintendent of Buildings and Grounds to members of the Board to answer questions regarding the renovation project of the former Nursing Home facility.

AD-HOC – Building Relocation Committee

RESOLUTION NO. 391-10: AUTHORIZATION TO APPROVE CHANGE ORDER #GC14 FOR THE RENOVATIONS OF THE FORMER NURSING HOME

Mr. Spickerman presented the following:

WHEREAS, the bid package for the project included unit pricing for penetrations through existing wall construction that has asbestos containing building materials, and

WHEREAS, the unit price is based on one square foot per location with the utilization of local isolation containment, and

WHEREAS, the variance approved by the Department of Labor does not allow the use of local isolation units for these penetrations, only full containment with a decontamination chamber is allowed, and

WHEREAS, RFP GC-53 was issued to quantify the cost associated with removal of two existing masonry walls containing asbestos fireproofing with in the cores, and

WHEREAS, approximately 25% of each of the walls needs to be removed for mechanical penetrations and in order to comply with the Department of Labor's approved variance, full containment on both sides of the walls being penetrated and a decontamination area will be established, and

WHEREAS, Based on the variance requirements it makes sense to remove the walls in their entirety, and

WHEREAS, Holdsworth Klimowski Construction has submitted a cost of \$22,998.00 to Watchdog Building Partners and the pricing submitted is consistent with the square foot unit pricing submitted at the onset of construction with the additional cost of the full containment added to it, now therefore be it

RESOLVED, that the contract with Holdsworth Klimowski shall be increased in the amount of \$22,998.00 by change order to cover the cost as described above, and be it further

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign Change Order # GC14 in the Amount of \$22,998.00 for the removal of asbestos as described, and be it further

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

H1925-CO.BLDG. RENOVATION-ONH:

\$22,998.00 to .52813 General Trades

\$22,998.00 from .52818 Contingency

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

RESOLUTION NO. 392-10: AUTHORIZATION TO APPROVE CHANGE ORDER # GC15 FOR THE RENOVATIONS OF THE FORMER NURSING HOME

Mr. Spickerman presented the following:

WHEREAS, the bid package for the project included unit pricing for penetrations through existing wall construction that has asbestos containing building materials; and

WHEREAS, the unit price is based on one square foot per location with the utilization of local isolation containment; and

WHEREAS, the variance approved by the Department of Labor does not allow the use of local isolation units for these penetrations, only full containment with a decontamination chamber is allowed; and

WHEREAS, RFP GC-54 was issued to quantify the cost associated with M/E/P penetrations through walls containing asbestos fireproofing with in the cores in Area "C" (1st and 2nd floor), Area B (1st floor), and multiple areas in the basement, the exact location of the penetrations has been recorded on a record set drawing by Watchdog Building Partners; and

WHEREAS, Holdsworth Klimowski Construction has submitted a cost of \$58,071.57 to Watchdog Building Partners and the pricing submitted is consistent with the square foot unit pricing submitted at the onset of construction with the additional cost of the full containment added to it; now, therefore, be it

RESOLVED, that the contract with Holdsworth Klimowski shall be increased in the amount of \$58,071.57 by change order to cover the cost as described above; and be it further

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign Change Order # GC15 in the Amount of \$58,071.57 for the removal of asbestos as described, and be it further

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

H1925-CO. BLDG. RENOVATION-ONH:

\$58,071.57 to .52813 General Trades

\$58,071.57 from .52818 Contingency

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

Mrs. Collier addressed the Board to request brief explanation of the change orders that are being presented today.

Todd LaBarr of Watchdog Building Partners explained that this resolution, along with the one just approved, pertain to the isolation and removal of existing wall construction that has asbestos containing building material. Mr. LaBarr noted that these additional removal cost are due to variances that are set by the Department of Labor and additional requirements set by New York State.

Upon roll call regarding the resolution on the floor, the Chairman declared the resolution adopted.

OTHER BUSINESS

Mr. LeRoy moved, seconded by Mr. Kelsch that four (4) resolutions be allowed on the floor under other business. Motion carried.

RESOLUTION NO. 393-10: RESOLUTION -- SET DATE OF PUBLIC HEARING FOR PROPOSED LOCAL LAW TO APPROVE THE ALLOCATION OF ZONE LANDS FOR A MANUFACTURING PROJECT FOR A REGIONALLY SIGNIFICANT PROJECT

Mr. Spickerman presented the following:

RESOLVED, pursuant to Section 20 of the municipal Home Rule Law, the Board of Supervisors shall hold a public hearing on Tuesday, June 15, 2010 at 7:20 p.m. in the Supervisors Chambers in the County Court House, 26 Church Street, Lyons, New York, on the following proposed local law:

A local law to approve the allocation of zone lands for Good Simple Foods Inc, a Manufacturing project for a regionally significant project pending determination by the Zone Administrative Board and the New York State Department of Economic Development Law.

COUNTY OF WAYNE – STATE OF NEW YORK

WHEREAS, Good Simple Foods, Inc is locating their business activities at an expanded and upgraded facility located at 301-03 Route 89 in the Town of Savannah, NY; and

WHEREAS, this project will create 50 jobs during the first three years of activity; and

WHEREAS, the project is not within the Wayne County Empire Zone boundaries; and

WHEREAS, pending the New York State Department of Economic Development determination that the proposed project is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law; and

WHEREAS, pending the Zone Administrative Board of the Wayne County Empire Zone determination that the proposed project is eligible for Empire Zones benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law; now, therefore, be it

RESOLVED, that the Board of Supervisors of the County of Wayne approves the allocation of zone lands for the proposed Good Simple Foods, Inc. manufacturing project for a regionally significant project as determined by the Zone Administrative Board and the New York State Department of Economic Development Law, said zone lands to constitute the property described in Appendix A hereto; and be it further

RESOLVED, that the Wayne County Board of Supervisors hereby requests that the New York State Commissioner of Economic Development approve this addition to the Wayne County Empire Zone as described in Section 1.

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

RESOLVED, that the Clerk of the Board of Supervisors is hereby directed to give at least five days notice of such hearing by posting such notice upon the bulletin board at the County Court House, Lyons, New York, and by publishing such notice at least once (1) in the official newspapers of the County of Wayne.

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

RESOLUTION NO. 394-10: AUTHORIZATION TO TRANSFER FUNDS FROM THE CONTINGENT ACCOUNT TO THE JUDGMENTS & CLAIMS ACCOUNT IN THE 2010 COUNTY BUDGET

Mrs. Bender presented the following:

WHEREAS the County had budgeted \$125,000.00 for 2010 for its Judgments and Claims account (A1930) from which legal fees and claims are paid; and

WHEREAS, the County has expended \$60,761.87 from this account through May 2010; and

WHEREAS, the County Attorney believes that an additional \$90,000 will be required for the remainder of 2010; now, therefore be it

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

A1930-JUDGEMENTS & CLAIMS:

\$90,000.00 to .54000 Contractual Expense

A1990-CONTINGENT FUND GEN:

\$90,000.00 from .54000 Contractual Expense

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

RESOLUTION NO. 395-10: ACCEPTANCE OF PHARMACEUTICAL AVERAGE WHOLESALE PRICE LITIGATION PROCEEDS

Mrs. Crane presented the following:

WHEREAS, Allegations of overcharging by various pharmaceutical companies resulted in a lawsuit joined by a number of New York State Counties of which Wayne is one, and

WHEREAS, Settlements from the pharmaceutical companies are received and apportioned as a % of each counties' claims; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors hereby accepts Wayne County's share of the Average Wholesale Price Litigation Settlement Proceeds as follows:

- \$38,090.31 from Teva/lvax/Barr
- \$1,923.34 from AstraZeneca
- \$57.70 from Eli Lilly
- \$769.33 from Forest
- \$256.96 from Hoffman LaRoche
- \$577.00 from Johnson & Johnson
- \$384.67 from King/Monarch
- \$292.69 from Medimmune
- \$2,885.00 from Pfizer/Pharmacia
- \$1,346.34 from Wyeth

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

RESOLUTION NO. 396-10: AUTHORIZATION TO APPROVE CHANGE ORDER NO. E-07 FOR THE FORMER NURSING HOME RENOVATION PROJECT

Mr. LeRoy presented the following:

WHEREAS, The original contract drawings for the provision of network and phone cables for services from the closest electrical closet to the areas to be occupied by the Veterans, and Board of Elections would have exceeded the TIA/EIA standard of 300 feet cable lengths; and

WHEREAS RFP # 12 was issued to the electrical contractor on the project for pricing; and

WHEREAS, Watchdog Building Partners, SWBR, and M&E Engineering, have all reviewed the pricing of \$11,979.00 received from Connors-Haas for the provision of 2- 4" conduits and some additional cable tray to provide an accessible route for network and phone cables to the areas occupied by veterans and Board of Elections; now, therefore, be it

RESOLVED, that the contract with Connors-Haas shall be increased in the amount of \$11,979.00 by change order to cover the cost as described above; and be it further

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign Change Order No. E-07, in the amount of \$11,979.00 for the provision of 2- 4" conduits and some additional cable tray to provide an accessible route for network and phone cables to the areas occupied by Veterans and Board of Elections; and be it further

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

H1925-CO. BLDG. RENOVATION-ONH:

\$11,979.00 to .52815 Electrical

\$11,979.00 from .52818 Contingency

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

Todd LaBarr was asked to explain the purpose for this change order. Mr. LaBarr explained that additional cable trays and conduit was needed to provide compliant requirements for network and phone cable services for areas to be occupied by the Veterans

and Board of Elections. It was determined that this was an oversight from the original building specifications.

Upon roll call for the resolution on the floor, the Chairman declared the resolution adopted.

ADJOURNMENT:

The next scheduled meeting of the Board is an evening session for Tuesday, June 15, 2010 at 7:00 p.m.

Mr. Plant moved, seconded by Mr. Miller, that the board adjourn at 1:10 p.m. Carried.

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