

11th Day
Tuesday, June 15, 2010
7:00 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, followed by Chairman Hoffman giving the invocation.

Upon roll call, all Supervisors were present.

County Administrator James Marquette and County Attorney Daniel Wyner were also in attendance for the evening session.

APPROVAL OF MINUTES:

Mr. Plant moved, seconded by Ms. Park, to waive the reading of the minutes of the previous meeting and approve them as distributed. Upon roll call, carried.

COMMUNICATIONS:

The Clerk read the following:

A copy of the Sheriff's Cash Receipts Report for the month of May 2010 in the amount of \$13,807.01 was received and filed.

A copy of the May 5, 2010 minutes for the VA Medical Center Community Council Meeting was received.

Wayne County Nursing Home – Bonadio & Company Independent Auditors' Report and Financial Statements for 2008 and 2009 were received.

A copy of a certified resolution was received from the Saratoga County Board of Supervisors entitled "Supporting the Schoolbooks for Haiti Project and Encouraging Support by other Counties"

A certified resolution was received from the Monroe County Legislatures entitled, "Memorializing New York Legislature and Member Counties of the GVRMA to Oppose Governor Paterson's Proposal to Dissolve the Genesee Valley Regional Market Authority.

Copy of an application was received regarding the extension of Marion Water District No. 1, Extension No. 2, within the Town of Marion.

A certified resolution from the Ontario County Board of Supervisors was received regarding the Approval of the Administration Agreement with the Finger Lakes Workforce for One Stop Operators.

A copy of the County Auditor's accounts payable report for June 2010 totaling \$4,178,426.71 was received and filed.

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

BIDS:

Highway Department

- Aluminum Box Culvert Pipe for the Smith Road Culvert Project

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

PRIVILEGE OF THE FLOOR:

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

PROCLAMATIONS:

Wayne County Sheriff Barry Virts along with Public Safety Committee Chairman, Robert Plant, presented a Proclamation of Appreciation to William Carr for the outstanding work he has performed during his tenure with the Wayne County Sheriff's Office.

A Proclamation was read by Supervisor Manktelow and presented to the many talented artists involved in the nationally recognized "Mural Mania" project that initiated within the Village of Lyons. The Board congratulated their efforts in receiving the 2010 Honorable Mention Heritage Award for these historical murals of Lyons, depicting historical scenes of life on the Erie Canal.

The Clerk read the following Notice of Public Hearing that was scheduled for 7:15 p.m.

**COUNTY OF WAYNE
NOTICE OF PUBLIC HEARING ON PROPOSED LOCAL LAW**

NOTICE IS HEREBY GIVEN that the Wayne County Board of Supervisors will hold a public hearing on Tuesday, June 15, 2010 at 7:15 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 Berry Plastics Corporation, a Manufacturing project for a regionally significant project as determined by the Zone Administrative Board and the New York State Department of Economic Development Law.

COUNTY OF WAYNE - STATE OF NEW YORK

WHEREAS, Berry Plastics Corporation is expanding their business activities at an expanded and upgraded facility located on Route 31 in the Town of Macedon, NY; and

WHEREAS, this expansion project will add 50 jobs that support their on-site manufacturing retain 610 jobs; and

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

WHEREAS, pending the New York State Department of Economic Development has determined 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 has determined 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 expansion of Berry Plastic Corporation 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.

Dated: June 1, 2010
Lyons, New York

Sandra J. Sloane, Clerk
Wayne County Board of Supervisors

Prior to opening the floor for the public to comment, Chairman Hoffman read the procedures that are followed for conducting public hearings for the Board.

Chairman Hoffman opened the floor for public comment at 7:18 p.m. and requested

persons interested in addressing the Board with their comments and concerns on the proposed Local Law to come forth.

No members of the public wished to come forth and comment at this time. The Chairman requested for a motion to close the hearing.

Mr. Plant moved, seconded by Mr. Kelsch, that the hearing be closed at 7:20 pm. Upon roll call, carried.

The Clerk read the second Notice of Public Hearing that was scheduled for 7:20 p.m.

**COUNTY OF WAYNE
NOTICE OF PUBLIC HEARING ON PROPOSED LOCAL LAW**

NOTICE IS HEREBY GIVEN that the Wayne County Board of Supervisors will 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.

Dated: June 2, 2010
Lyons, New York

Sandra J. Sloane, Clerk
Wayne County Board of Supervisors

The Chairman opened the floor for public comment and requested persons interested in addressing the Board with their comments and concerns on the proposed Local Law to come forth to the podium.

No comments were made, hence, Chairman Hoffman requested for a motion to close the

hearing.

Mr. Lauderdale moved, seconded by Mr. Hammond, that the Public Hearing be closed at 7:25 p.m. Upon roll call, carried.

Dr. Robert R. Ike, Superintendent of the Palmyra-Macedon Central School District, on behalf of the Wayne County Superintendents group, addressed the Board with a presentation to reflect on ideas that transpired from the Wayne County Shared Services Joint Leadership Council on Educational Initiatives. - "Wayne County Education Workgroup on Shared Service.

After Dr. Ike's presentation, the Chairman called for a brief recess at 7:38 p.m.

The Board resumed regular session at 7:59 p.m.

RESOLUTION NO. 397-10: AUTHORIZATION TO APPOINT MEMBER TO THE AGING SERVICES ADVISORY COUNCIL

Mrs. Crane 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, one vacancy currently exists on the Wayne County Aging Services Advisory Council; and

WHEREAS, Pat Albrecht, Pastoral Associate at St. Michael's Catholic Church in Newark and a resident of the Village of Clyde, has indicated an interest in joining the Council; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors hereby appoints Pat Albrecht to the Wayne County Aging Services Advisory Council for a term commencing on July 1, 2010 and ending on June 30, 2013; and be it further

RESOLVED, that the appointment is hereby confirmed.

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

RESOLUTION NO. 398-10: AUTHORIZATION TO DECLARE ITEMS SURPLUS FOR THE DEPARTMENT OF AGING AND YOUTH

Mrs. Crane presented the following:

WHEREAS, the Wayne County Department of Aging and Youth provides personal emergency response units to 170 frail and disabled seniors; and

WHEREAS, 79 units have been replaced in the past few years due to changes in technology and the inability to repair or obtain replacement parts for non-working units; and

WHEREAS, these units are no longer of use to the Wayne County Department of Aging and Youth, now, therefore, be it

RESOLVED, that the following equipment is hereby declared surplus, and the Director of Information Technology and/or the Superintendent of Buildings and Grounds is hereby authorized to dispose of the following items in accordance with County policy:

79 personal emergency response units and related accessories

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

RESOLUTION NO. 399-10: AUTHORIZATION TO ENTER INTO A 2010 LICENSE AGREEMENT WITH YELLOW JACKET RACING TO HOST A TRIATHLON IN SODUS POINT PARK.

Mrs. Crane presented the following:

WHEREAS, Yellow Jacket Racing has requested the use of Sodus Point Park for the staging of a triathlon on Sunday, August 15, 2010; and

WHEREAS, Yellow Jacket Racing will set up the course and transition area in a designated section of the Sodus Point Beach Parking lot commencing August 14, 2010 at

noon; and

WHEREAS, Yellow Jacket Racing will cover the cost of additional lifeguard coverage during the event and provide the liability insurance required by Wayne County; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to execute a license Agreement on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content with Yellow Jacket Racing for the purposes of staging a Triathlon Event on August 15, 2010 based out of the Sodus Point Park; and be it further

RESOLVED, that Yellow Jacket Racing will pay the County \$300.00 for lifeguard services for the swim portion of the event.

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

RESOLUTION NO. 400-10: RESOLUTION SUPPORTING A TEMPORARY EXTENSION OF ENHANCED FEDERAL MEDICAID MATCHING FUNDS PROVIDED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)

Mrs. Crane presented the following:

WHEREAS, Medicaid is a federal, state, and local health care program whose costs and administration represents the largest component of the state and local fiscal relationship in New York, currently totaling over \$51 billion annually; and

WHEREAS, since the program's inception, counties across the state have struggled to fund the growth of the Medicaid local share and even with local budget austerity measures the programs cost has resulted in higher property taxes, higher sales taxes, and a decline in county services; and

WHEREAS, while a local government Medicaid "cap" has been implemented in New York in an effort to provide some budget stability and help shield local taxpayers from the impact of excessive Medicaid growth, counties remain concerned with the future sustainability of the Medicaid program, the effect on other state and local budget priorities, and the overall outlook for New York's economic competitiveness; and

WHEREAS, Congress has provided an increase in Federal Medicaid matching funds, set to expire on December 31, 2010, to all states under the American Recovery and Reinvestment Act in recognition of the recent fiscal crisis; and

WHEREAS, in addition to providing fiscal relief to the State of New York, this increase also provides direct fiscal relief to local governments in New York State which helps ease the local property and sales tax burden for all New Yorkers; and

WHEREAS, the U.S. Senate, House and the President all support a six month extension of this critical temporary enhanced Medicaid assistance through June 30, 2011 because of the continued fiscal pressures experienced by state and local governments due to further declines in tax revenues and increased demand for public services stemming from the recession; and

WHEREAS, New York and twenty-three other states, have included a six month extension of this enhanced funding in their budgets for the coming year, it is imperative that Congress enact a six month extension of enhanced Medicaid assistance payments as soon as possible, to allow states to finalize their budgets without having to fill even larger budget holes with tax increases or service cuts that would be necessary in the absence of this federal funding; and now, therefore, be it

RESOLVED, that Wayne County supports a six month extension of the enhanced Federal Medical Assistance Percentage (FMAP) as established under the American Recovery and Reinvestment Act; and be it further

RESOLVED, that the Wayne County Board of Supervisors requests the Governor and the State Legislature to encourage the New York Congressional Delegation to support this six month extension; and be it further

RESOLVED, that the Clerk of the Wayne County Board of Supervisors will forward copies of this Resolution to Governor David A. Paterson, the New York State Legislature, the New

York Congressional Delegation, NYSAC and all others deemed necessary and proper.

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

RESOLUTION NO. 401-10: AUTHORIZE MEMORANDUM OF UNDERSTANDING WITH WAYNE COUNTY DEPARTMENT OF PROBATION AND CORRECTIONAL ALTERNATIVES FOR COOPERATIVE DIVERSION PROCEDURES

Mrs. Crane presented the following:

WHEREAS, New York State requires the designation of a lead agency for the PINS process; and

WHEREAS, the Wayne County Probation Department has acted in this capacity for the past few years; and

WHEREAS, there needs to be in place specified procedures for the PINS population; therefore be it

RESOLVED, that the Commissioner of the Wayne County Department of Social Services is hereby authorized to sign a Memorandum of Understanding for Cooperative Diversion Procedures between the Wayne County Department of Probation and Correctional Alternatives and the Wayne County Department of Social Services for the time period 7/1/10 – 6/30/11.

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

RESOLUTION NO. 402-10: AUTHORIZATION TO CREATE ONE EMPLOYMENT AND TRAINING COUNSELOR POSITION AND ONE SENIOR EMPLOYMENT AND TRAINING COUNSELOR POSITION

Mrs. Crane presented the following:

WHEREAS, additional services are needed in the employment area for Wayne County Department of Social Services Temporary Assistance to Needy Families and Safety Net Clients; and

WHEREAS, Wayne Workforce Development is willing and capable of providing the needed services and the expanded contract for these services and will require additional staff and the support of accurate reporting responsibilities to warrant this support staff; and

WHEREAS, Wayne County Workforce Development (WCWD) is requesting authorization to create one new Employment and Training Counselor and one Senior Employment and training Counselor position; now, therefore, be it

RESOLVED, that the Board of Supervisors does hereby authorize the creation of one new Employment and Training Counselor and one Senior Employment and Training Counselor position effective July 1, 2010.

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

RESOLUTION NO. 403-10: AUTHORIZATION TO SIGN AGREEMENTS WITH CHILD CARING INSTITUTIONS

Mrs. Crane presented the following:

WHEREAS, the Wayne County Department of Social Services (DSS) needs to place children in child caring institutions, at times, to promote their health and safety; and

WHEREAS, payment for these services is not determined by the county but is dictated by New York State; and

WHEREAS, it has been the practice of DSS to have in place contracts with various child caring institutions to facilitate a child's placement on a timely basis; now, therefore, be it

RESOLVED, that the Commissioner of the Wayne County Department of Social Services is hereby authorized to execute agreements with authorized agencies for the time frame 7/1/10-6/30/11 for the purchase of foster care for children, subject to the County Attorney's approval as to form and content.

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

call, adopted.

RESOLUTION NO. 404-10: AUTHORIZATION TO SIGN AGREEMENT WITH THE TERRACE AT NEWARK ASSISTED LIVING COMMUNITY

Mrs. Crane presented the following:

WHEREAS, a new assisted living facility, The Terrace at Newark Assisted Living Community, opened in July 2009; and

WHEREAS, the facility accepts Medicaid-eligible, low-income residents, which is a significantly under-served population for these services; and

WHEREAS, New York State Department of Health requires that a contract be in place between the assisted living facility and Wayne County DSS as a condition of reimbursement; and

WHEREAS, the terms of the agreement, including rates to be reimbursed by New York State Department of Health are dictated by the State and are not subject to local option(s); now, therefore, be it

RESOLVED, that the Commissioner of Social Services is hereby authorized to sign an agreement with The Terrace of Newark Assisted Living Community, subject to the review of the County Attorney, to allow reimbursement for services provided to Medicaid-eligible, low income residents of the facility for the period 7/1/10 – 6/30/11.

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

RESOLUTION NO. 405-10: RESOLUTION OPPOSING MEDICAID DISALLOWANCE BEING PASSED ON TO LOCAL COUNTIES

Mrs. Crane presented the following:

WHEREAS, New York State is proposing to pass on costs association with Medicaid disallowances to local Counties; and

WHEREAS, the State is moving to become progressively more involved with establishing eligibility; and

WHEREAS, it is the Counties belief that any costs of disallowances that are the result of eligibility processes not under the sole control of the local county, should be borne by New York State; now, therefore, be it

RESOLVED, that Wayne County hereby opposes passing on Medicaid disallowances which are not the sole responsibility of the County.

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

RESOLUTION NO. 406-10: RESOLUTION IN SUPPORT OF LEAVING THE TANF/FLEXIBLE FUND IN TACT

Mrs. Crane presented the following:

WHEREAS, the TANF/Flexible Fund was established to allow counties to decide how to deliver mandated and non-mandated services; and

WHEREAS, 97% of this fund is used for state mandated social services programs with only 3% "flexible" or subject to county discretion; and

WHEREAS, any cut of state funding would have to be picked up by the county and county property taxpayers therefore, be it

RESOLVED, that the Wayne County Board of Supervisors hereby supports no cut to the TANF/Flexible Fund.

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

RESOLUTION NO. 407-10: WAYNE COUNTY WORKFORCE DEVELOPMENT REQUEST AUTHORIZING THE CHAIRMAN TO EXECUTE THE ADMINISTRATIVE AGREEMENT FOR

THE FOUR COUNTIES FOR THE WORKFORCE INVESTMENT ACT LOCAL PLAN

Mrs. Crane presented the following:

WHEREAS, in compliance with the provisions of the Workforce Investment act of 1998, the Interim Final rule; Planning guidelines and instructions developed by the Governor regarding this Plan Modification is being submitted jointly by the Local Board and the respective Chief Elected officials; and

WHEREAS, Local Plan Modification that was generated through this process, will amend and extend both the approved Local Plan, which originally covered the period from July 1, 2009 – June 30, 2010 and will become the basis for local area policy and monitoring; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute any modification for the Workforce Investment Act Local Plan for the program year July 1, 2010 – June 30, 2011, on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content.

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

RESOLUTION NO. 408-10: AUTHORIZATION FOR THE CHAIRMAN OF THE BOARD TO SIGN WORKFORCE INVESTMENT ACT (WIA) CONTRACTS FOR THE PERIOD JULY 1, 2010 – JUNE 30, 2011

Mrs. Crane presented the following:

WHEREAS, New Contracts are required for the calendar year July 1, 2010–June 30, 2011 for WIA contracts; and

WHEREAS. The budget and contract were approved by the Finger Lakes Workforce Investment Board meeting held at their May 2010 Meeting with Executive signatures required in June 2010; now, therefore, be it

RESOLVED, to prevent delay and assist with timeliness of executed contracts, the Chairman of the Board of Supervisors is hereby authorized, upon review and approval of the County Attorney, to enter into the following contracts with the Finger Lakes Workforce Investment Board for the period July 1, 2010 to June 30, 2011:

WIA Administration	\$ 3,500
WIA Adult	\$ 54,113
WIA Dislocated Worker	\$ 87,174
WIA Youth Program	\$ 80,006

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

RESOLUTION NO. 409-10: AUTHORIZATION OF CONTRACT BETWEEN WORKFORCE DEVELOPMENT AND WAYNE COUNTY DEPARTMENT OF SOCIAL SERVICES FOR EMPLOYMENT SERVICES

Mrs. Crane presented the following:

WHEREAS, Wayne County Workforce Development (WCWD) already provides employment related contractual services to Wayne County Department of Social Services (WCDSS); and

WHEREAS, additional services are needed in the employment area for WCDSS Temporary Assistance to Needy Families (TANF) and Safety Net Clients; and

WHEREAS, WCWD is willing and capable of providing the needed services and WCDSS desires to contract for these services to include, but not limited to: Two Day Workshop; Intensive Employment Unit, Wage Subsidy, Orientation/Assessment; now therefore, be it

RESOLVED, that WCWD enter into a contract, subject to the review of the Wayne County Attorney, with WCDSS for the provision of employment services during the timeframe 7/1/10 – 6/30/11 for an amount not to exceed \$500,000.00 to include four general program areas: A Two Day Workshop; an Intensive Employment Unit; A Wage Subsidy Program; an Orientation/Assessment Service/Program.

Intensive Unit \$148,004; Workshop \$65,271; Wage Subsidy \$68,430; Welfare to work \$218,295 .

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

RESOLUTION NO. 410-10: AUTHORIZATION TO RESCIND RESOLUTION NO. 250-10 AND AUTHORIZE A CONTRACT FOR FURNISHING NURSING HOME CARE TO BENEFICIARIES OF THE VETERANS SERVICE ADMINISTRATION

Ms. Park presented the following:

WHEREAS, the Board of Supervisors approved a resolution #250-10 authorizing a renewal contract with Veterans Service Administration for the period June 1, 2010 through May 31, 2011; and

WHEREAS, the Veterans Service Administration contract will not be ready prior to expiration date of current contract; and

WHEREAS, the Veterans Service Administration has recommended a three month extension of the current contract at the same terms and conditions to facilitate the completion of their new contract; and

WHEREAS, the Wayne County Nursing Home is recommending renewing said contract for the period of June 1, 2010 – August 1, 2010 at no cost to the nursing home; and

WHEREAS, the Wayne County Nursing Home is recommending a new contract to commence on August 1, 2010- July 31, 2011 be authorized; now, therefore, be it

RESOLVED, that Resolution No. 250-10 is hereby rescinded; and

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is authorized and directed to execute an extension to the current contract extending the expiration date from May 31, 2010 to July 31, 2010 at the same terms and conditions; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is authorized and directed 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 for the period August 1, 2010 to July 31, 2011, subject to the County Attorney's approval to form and content.

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

RESOLUTION NO. 411-10: AUTHORIZING AGREEMENT WITH ESSENCE HEALTHCARE, INC. FOR THE WAYNE COUNTY NURSING HOME TO BECOME A PARTICIPATING PROVIDER OF SKILLED NURSING SERVICES AND OUTPATIENT THERAPY SERVICES

Ms. Park presented the following:

WHEREAS Essence Healthcare, Inc has obtained contracts with the Centers for Medicare and Medicaid Services, pursuant to which Plan or its affiliate would provide, or arrange to provide, certain individuals with the benefits described in their selected plans issued or offered in connection with such contract(s) (individually and collectively, the "CMS Contract"); and

WHEREAS Wayne County Nursing Home desires to contract with Essence Healthcare, Inc. to provide, or arrange for associated providers to provide health care services, supplies and accommodations to individuals, all as hereafter provided in the Agreement; and

WHEREAS the residents at Wayne County Nursing Home would have coverage or a benefit plan that includes health care coverage for individuals that is sponsored, issued or administered by a Payer in connection with a CMS Contract; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisors is hereby authorized and directed to execute a contract with Essence Healthcare, Inc. effective July 1, 2010, subject to the County Attorney's approval as to form and content, at no cost to the county at the prevailing Medicare rates.

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

RESOLUTION NO. 412-10: AMEND WAGES FOR GRADUATE PRACTICAL NURSE FOR THE WAYNE COUNTY NURSING HOME

Ms. Park presented the following:

WHEREAS, the Board of Supervisors authorized the hiring of four (4) Graduate Practical Nurses by the Wayne County Nursing Home in Resolution #933-02 and #539-09 in an effort to address the shortage of licensed nurses, and

WHEREAS, the Board of Supervisors amended the salary for the Graduate Practical Nurses by Resolution No. 503-08; and

WHEREAS, the wage has not been adjusted since 2008; now, therefore, be it RESOLVED, that effective July 1, 2010, the salary for the temporary positions of Graduate Practical Nurse at the Wayne County Nursing Home is to be increased to \$16.326 per hour from the current \$15.85 rate.

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

RESOLUTION NO. 413-10: AUTHORIZATION TO RENT BILLBOARD SPACE FROM LAMAR ADVERTISING FOR THE LEAD POISON PREVENTION PROGRAM

Ms. Park presented the following:

WHEREAS, there is money budgeted for the rental of space for the advertising for the Lead Poison Prevention program; and

WHEREAS, the estimated costs include rental of 4 billboard spaces for a minimum of 30 days at \$650 each and poster production charges of \$125 each; now, therefore, be it

RESOLVED, that the Director of Public Health is hereby authorized to purchase billboard space and posters from Lamar Advertising for the lead poison prevention program to include the rental of 4 billboard spaces for a minimum of 30 days at \$650 each and poster production charges of \$125 each.

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

RESOLUTION NO. 414-10: AUTHORIZATION TO RENT BILLBOARD SPACE FROM LAMAR ADVERTISING FOR THE IMMUNIZATION PROGRAM

Ms. Park presented the following:

WHEREAS, there is money budgeted for the rental of space for the advertising for the immunization program; and

WHEREAS, this advertising is funded 100% by ARRA Immunization Stimulus monies; and WHEREAS, the estimated costs include rental of 4 billboard spaces for a minimum of 60 days at \$1097.50 each and poster production charges of \$152.50 each; now, therefore, be it

RESOLVED, that the Director of Public Health is hereby authorized to purchase billboard space and posters from Lamar Advertising for the immunization program to include the rental of 4 billboard spaces for a minimum of 60 days for a total of \$4390 and total poster production charges of \$610 from October 1, 2010 till November 30, 2010.

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

RESOLUTION NO. 415-10: AUTHORIZATION TO APPOINT A MEMBER TO THE S²AY RURAL HEALTH NETWORK BOARD OF DIRECTORS

Ms. Park presented the following:

WHEREAS, Wayne County Public Health (WCPH) belongs to the S²AY Rural Health Network; and

WHEREAS, the governing body of the S²AY Rural Health Network requires that each county be represented by a Public Health Director, a Physician, a consumer, and county legislative body member; and

WHEREAS, WCPH has representation of all groups except a legislative body member; and

WHEREAS, Laurie Crane, Town of Huron Supervisor, has agreed to represent the Wayne County Board of Supervisors on the Board of Directors for the S²AY Rural Health Network; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisors is hereby authorized to appoint Laurie Crane, Town of Huron Supervisor, as the Wayne County Board of Supervisors representative for the S²AY Rural Health Network Board of Directors starting July 1, 2010.

Mr. Hammond moved the adoption of the resolution. Seconded by Mrs. Bender. Upon roll call, all Supervisors voted Aye, except Supervisor Crane Abstained from voting. The Chairman declared the Resolution adopted.

RESOLUTION NO. 416-10: AUTHORIZATION TO OBTAIN SEVEN WORK CELL PHONES FOR CERTIFIED HOME HEALTH AGENCY REGISTERED NURSES

Ms. Park presented the following:

WHEREAS, Wayne County Public Health's (WCPH) certified home health agency (CHHA) has registered nurses who exclusively work in the field and have need to be accessible to WCPH supervisors, patient's primary care physicians, and to the patients; and

WHEREAS, currently the CHHA's registered nurses are using their own private cell phones to perform work duties; and

WHEREAS, the Director of Public Health would like to obtain seven Verizon cell phones through Building & Grounds

- Two cell phones at a rate of \$23.49/mo/ea
- Five cell phones at a rate of \$14.99/mo/ea

WHEREAS, these cell phones will be used for work purposes only; now, therefore, be it RESOLVED, that the Director of Public Health is hereby authorized to obtain Verizon cell phones through Building & Grounds for seven registered nurses at a rate of \$23.49 per phone per month for two phones ($\$23.49 \times 2 = \$46.98/\text{mo.} \times 12 = \$563.76/\text{yr}$) and a rate of \$14.99 per phone per month for five phones ($\$14.99 \times 5 = \$74.95/\text{mo} \times 12 = \$899.40/\text{yr}$), for a total of \$1463.16 per year. (The phones are free.)

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

RESOLUTION NO. 417-10: AUTHORIZATION TO SUBSCRIBE WITH FAZZI ASSOCIATES TO PROVIDE HOME HEALTH CONSUMER ASSESSMENT OF HEALTHCARE PROVIDERS AND SYSTEMS SERVICES FOR THE CERTIFIED HOME HEALTH AGENCY

Ms. Park presented the following:

WHEREAS, Wayne Community Nursing Care (WCNC) is required to subscribe with a CMS approved vendor to perform home health consumer assessment of healthcare providers and systems (HH CAHPS) services, patient satisfaction surveys, beginning October 1, 2010; and

WHEREAS, it is encouraged that a "dry run" of the services be performed prior to the start-up date of October 1, 2010; and

WHEREAS, this survey will be conducted monthly by mail to all Medicare and Medicaid clients of WCNC by Fazzi Associates; and

WHEREAS, WCNC will receive a 2% reduction in Medicare and Medicaid reimbursement if the HH CAHPS survey is not performed by a CMS approved vendor; and

WHEREAS, WCNC wishes to subscribe with Fazzi Associates to perform the patient satisfaction surveys starting in August 2010 at an Annual Basic Subscription Cost of \$875.00 per year, and a cost of \$3.00 per mailing of the surveys, at an annual cost not to exceed \$3,000.00; now, therefore, be it

RESOLVED that the Director of Wayne County Public Health is hereby authorized to subscribe with Fazzi Associates to perform HH CAHPS services for Wayne Community Nursing Care at an Annual Basic Subscription cost of \$875.00 per year, and a cost of \$3.00 per

mailing of the surveys to all Medicare and Medicaid patients, at an annual cost not to exceed \$3,000.00; and further

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

A4019-WAYNE COMMUNITY NURSING CARE:

\$3,000.00 from .54452 Physical Therapy

\$3,000.00 to .54500 Fees for Services Non-Employees

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

RESOLUTION NO. 418-10: AUTHORIZATION TO AMEND RESOLUTION NO. 118-10 TO EXECUTE CONTRACT WITH A NEW SERVICE PROVIDER FOR THE CANCER SERVICES PROGRAM OF WAYNE COUNTY

Ms. Park presented the following:

WHEREAS, the county must contract for the provision of services (clinical breast exam, Pap smear, colorectal screening and follow up procedures) for eligible men and women to the program; and

WHEREAS, the providers are willing to provide such services at the most recent Medicare Regions rates approved by the NYS Department of health; and

WHEREAS, the new provider is now wishing to contract with the Cancer Services Program of Wayne County: now, therefore, be it

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 following provider on behalf of Wayne County Public Health Service, subject to the provider being in compliance with the County's insurance, for contract period 4/1/2010 to 3/31/2011, provider is willing to provide such service at the most recent Medicare Regions rates approved by the NYS Department of Health.

Finger Lakes Migrant Health Care Project, Inc.
603 Washington Street
Geneva, NY 14456

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

RESOLUTION NO. 419-10: AUTHORIZATION TO PURCHASE ADVERTISING SPACE FROM NORMAL ADVERTISING COMMUNICATIONS FOR THE CERTIFIED HOME HEALTH AGENCY

Ms. Park presented the following:

WHEREAS, the certified home health agency (CHHA) of Wayne County Public Health has need to advertise its home care services; and

WHEREAS, the CHHA wishes to purchase advertising space from Normal Advertising Communications to be displayed on the WATS buses; and

WHEREAS, the CHHA would like to purchase 7 king-sized advertising displays @ \$100.00 each for 4 months with a production cost of \$40.00 for each display:

7 x \$100 = \$700 x 4 months = \$2800

Production: 7 displays @ \$40 ea = \$280

Total cost= \$3080.00

now, therefore, be it

RESOLVED, that the Director of Public Health is hereby authorized to purchase 7 king-sized advertising displays for the CHHA at a cost of \$100 each; with production costs of \$40.00 each; to be displayed for 4 months; at a cost not to exceed \$3,080.00 from Normal Advertising Communications.

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

RESOLUTION NO. 420-10: AUTHORIZATION TO SUBMIT A BUDGET AND WORKPLAN FOR EARLY INTERVENTION ADMINISTRATION AND EXECUTE CONTRACT

Ms. Park presented the following:

WHEREAS, Wayne County Public Health (WCPH) wishes to renew its contract with New York State Department of Health Early Intervention Administration contract for the period of October 1, 2010 to September 30, 2011 in the amount of \$66,666.00; and

WHEREAS, WCPH must submit a budget and workplan describing the work and projects as described in the plan; and

WHEREAS the workplan includes such activities as Child Find, Public Awareness, Family Centered Services, Service Delivery in Natural Environments, Transition from EI to Pre-K, Administration and Oversight of the program; now, therefore, be it

RESOLVED that the Director of Public Health is hereby authorized to submit a budget and workplan to the NYSDOH Early Intervention program; and be it further

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to contract with the NYSDOH Early Intervention program from October 1, 2010 to September 30, 2011 for the amount of \$66,666.00, subject to the approval of the County Attorney as to form and content.

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

RESOLUTION NO. 421-10: AUTHORIZATION TO SUBMIT A BUDGET AND WORKPLAN FOR THE CHILDREN WITH SPECIAL HEALTH CARE NEEDS PROGRAM AND CONTRACT WITH THE NEW YORK STATE DEPARTMENT OF HEALTH

Ms. Park presented the following:

WHEREAS, Wayne County Public Health wishes to renew the Children with Special Health Care Needs (CWSHCN) program contract number C-024652 for the period of October 1, 2010 to September 30, 2011 in the amount of \$20,746.00; and

WHEREAS, the CWSHCN program is an educational, informational and referral program for children with special health care needs from the age of 0 to 21; now, therefore, be it

RESOLVED, that the Director of Public Health is hereby authorized to submit a workplan and budget to the New York State Department of Health (NYSDOH) for the CWSHCN program; and be it further

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute a contract with the Children with Special Health Care Needs for the amount of \$20,746.00 for the period of October 1, 2010 to September 30, 2011, with the approval of the County Attorney as to form and content.

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

RESOLUTION NO. 422-10: AUTHORIZATION TO SUPPORT PROPOSED LEGISLATION IN NEW YORK STATE

Mrs. Collier presented the following:

RESOLVED, that the Wayne County Board of Supervisors hereby urges the New York State Senate and the Governor to support the following bill which would be beneficial to gun owners, gun clubs and conservation clubs in the State of New York:

A-5427, A-6388 (S1152): Abolishes the wasteful CoBIS ballistic fingerprinting law which wastes millions of taxpayer dollars every year. This ballistic fingerprinting program has not once been used to solve a single crime. Every time a person buys a firearm lawfully, the firearm is fired and its ballistic fingerprint is recorded and stored. The maintenance of this information is very expensive and has proven to be a huge waste of money.

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

Mr. Miller addressed the Board to thank members for supporting these resolutions that will ultimately send a message to New York State officials on behalf of the residents of Wayne County.

Upon roll call, adopted.

RESOLUTION NO. 423-10: AUTHORIZATION OPPOSING VARIOUS PROPOSED ANTI-GUN OWNER LEGISLATION IN NEW YORK STATE

Mrs. Collier presented the following:

WHEREAS, the "right to bear arms" is guaranteed by the 2nd amendment to the U.S. Constitution; and

WHEREAS, certain bills passed in the New York State Assembly will have a detrimental effect on hunters, sportsmen and legal gun owners as well as the health of wildlife, revenue to local municipalities and the Department of Environmental Conservation; and

WHEREAS, passage of said legislation would curtail the rights of law-abiding citizens as guaranteed by the Constitution; now therefore be it

RESOLVED, that the Wayne County Board of Supervisors hereby urges the New York State Senate and the Governor to oppose the following anti-gun bills which infringe on the rights of law-abiding and taxpaying gun owners of the State of New York:

- A-801A (S1698A): Requires the renewal of firearms' licenses after five years and the taking of a safety course outside the city of New York; sets a date for expiration and provides for a schedule for recertification to be developed by the commissioner.
- A-1093 (1715): Requires the creation and imposition of restrictive commercial practices and stringent recordkeeping and reporting to prevent gun sales to criminals; provides that such measures shall be promulgated by the superintendent of state police; restricts premises of sales; requires employee training; prohibits straw purchases; imposes additional license conditions.
- A-1275 (S1712): Provides clarification on the definition of gun show events to include the building, structures and grounds where shows occur; and to include public auctions, flea markets and garage sales; and modifies the definition of "gun show" to conform with *Scope v Pataki*.
- A-1326 (S5228): Proscribes persons, firms or corporations engaged in the retail business of selling firearms from selling, delivering or transferring child operated firearms; defines "child operated firearm" to mean a pistol or revolver manufactured 1 year after the effective date of these provisions which does not contain a childproofing device or mechanism incorporated into the design of such pistol or revolver to effectively preclude an average 5 year old from firing same; makes violations a Class A misdemeanor.
- A-2881 (S2379): Includes possession of armor piercing, frangible or devastator ammunition as criminal possession of a weapon in the 4th degree and where possession is knowingly with intent to use against another; it shall constitute criminal possession of a weapon in the 3rd degree.
- A-2884: Prohibits the sale of guns at a gun show located on public property by creating the crime of illegal sale of a gun at a gun show located on public property; defines public property as any property owned by the state or any political subdivision thereof; makes such crime a class A misdemeanor.
- A-2885: Directs the superintendent of state police to issue rules to prevent the transfer of unsafe firearms to the state; establishes minimum safety and quality standards governing the manufacture of firearms as well as standards for the storage and shipment of firearms into New York; provides for civil penalty of not more than \$50,000 for each violation.
- A-2910: Directs the superintendent of state police to study pistols and revolvers manufactured in the United States to determine whether such weapons satisfy public safety standards; provides for the compilation of a list of such pistols and revolvers that do not meet such standards; provides for publication and updating thereof.

- A-3200 (S2953): Establishes a statewide database to maintain and track coded ammunition and establishing penalties for individuals who violate such provisions; and establishes the ammunition coding system fund.
- A-3346: Makes provisions in relation to banning dangerous, poorly made, easily concealable, generally unsafe firearms known as "Saturday night specials" or "junk guns;" defines such term; increases penalties for certain offenses relating to possession, use and sale of such weapons; directs the superintendent of state police to study such weapons and publicize the provisions of this act.
- A-3477 (S1188): This bill would expand the useless CoBIS ballistic tracking law which has cost NY Tax Payers more than \$4M per year, since being implemented in 1999. Since the law was imposed, it has never been used to solve a single crime in NY State. The CoBIS law should be repealed, not expanded further with this bill. This bill would further expand the list of lawfully owned sporting arms to the required ballistic testing.
- A-4441 (S4338): Enacts personalized gun safety provisions creating a temporary state commission to adopt standards for firearms sold or manufactured in this state (and test prototypes) including, but not limited to, personalizing all firearms manufactured, assembled, altered, offered for sale, sold, traded, transferred, shipped, leased, distributed, acquired or possessed within the state so that only authorized users can operate them; requires manufacturers and others to comply with the standard four years from the date on which the commission's original standard is adopted; exempts antique firearms and those manufactured prior to the compliance date, except that dealers are prohibited from selling or otherwise transferring those guns; imposes penalties against those who manufacture, transport or ship firearms that do not meet the safety standard and against those who deface or alter the personalized characteristic; authorizes persons who are injured, or the representative of those killed, by the discharge of firearms not meeting the standard to bring an action against the person who fires the weapon and the owner thereof.
- A-4752: Bans sale, use or possession of 50-caliber or larger weapons. This ban would outlaw many commonly used shotguns and muzzleloaders which are greater than 50-caliber by definition. Shotguns and muzzleloaders that have been safely used for hunting, trap skeet shooting and target shooting would fall under this legislation. Bans the sale, use or possession of 50-caliber or larger weapons and directs the division of state police to embark on a program whereby persons currently in lawful possession of such weapons may be reimbursed for the fair market value thereof upon turning such weapons in to a designated officer.
- A-5078: Amends definition of "disguised gun" to include weapon or device capable of being concealed on a person from whom a shot can be discharged through energy of an explosive, which is designated and intended to appear to be a toy gun.
- A-5884 (S3098): Enacts the "children's weapon accident prevention act"; creates crimes of failure to store a weapon safely in the first and second degrees, aggravated failure to store a weapon, and criminally negligent storage of a weapon in the first and second degrees; provides affirmative defenses; directs the commissioner of education to develop a weapons safety program.
- A-6157 (S4084): Amends the definition of so-called "assault weapon" to include additional weapons; defines the terms "detachable magazine", "muzzle break" and "muzzle compensator"; authorizes the division of state police to promulgate rules and regulations for the addition of information identifying so-called "assault weapons" lawfully possessed prior to January 1, 2011 to the pistol and revolver ballistic identification databank.
- A-6294 (S4084): Adds additional weapon models to the definition of a so-called "assault weapon" and adds related definitions; bans the possession, sale or manufacture of so-called "assault weapons", subject to an exception; expands the

duties of the superintendent of state police with respect to identifying so-called "assault weapons".

- A-6468B (S6005): Requires semiautomatic pistols manufactured or delivered to any licensed dealer in this state to be capable of micro-stamping ammunition; establishes fines for violations of this requirement. Micro-stamping technology does not exist that could track ammunition as proposed by this bill. There are many ways this flawed bill would fail, as there is an assumption that criminals would purchase ammunition that contains micro-stamp. This bill would make the cost of ammunition prohibitive, thus price out target shooting legally owned handguns, by law-abiding handgun owners.
- S1598A and S0066: Pistol Permit Renewal bill: This bill would simply serve as another fee gathering mechanism directed at lawful ownership in New York.

now, therefore, be it

RESOLVED, that the Clerk of the Wayne County Board of Supervisors be and hereby is directed to send certified copies of this resolution to Governor David Paterson, Assembly Speaker Sheldon Silver, Senator Mike Nozzolio, Assemblyman Bob Oaks, NYSAC and all counties Clerks of the Board.

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

RESOLUTION NO. 424-10: AUTHORIZATION OPPOSING PROPOSED ANTI-GUN OWNER LEGISLATION IN WAYNE COUNTY

Mrs. Collier presented the following:

WHEREAS, the Right of the People to Keep and Bear Arms is guaranteed as an individual Right and affirmed as such under the Second Amendment to the United States Constitution and under New York States Civil Liberty Law; and

WHEREAS, the Right of the People to Keep and Bear Arms for defense of Life, Liberty, and Property is regarded as an Inalienable Right by the People of Wayne County, New York; and

WHEREAS, the People of Wayne County, New York, derive economic benefit from all safe forms of firearms recreation, hunting, and shooting conducted within Wayne County using all types of firearms allowable under the United States Constitution and New York States Civil Liberty Law; and

WHEREAS, the Wayne County Board of Supervisors, being elected to represent the People of Wayne County and being duly sworn by their Oath of Office to uphold the United States Constitution and New York States Civil Liberty Law; and

WHEREAS, the New York Assembly and the New York Senate, being elected by the People of the State of New York and being duly sworn by their Oath of Office to uphold the United States Constitution and New York States Civil Liberty Law; and

WHEREAS, proposed legislation under consideration by the New York State Legislature would infringe the Right to Keep and Bear Arms and would ban the possession and use of firearms now employed by individual citizens of Wayne County, New York, for defense of Life, Liberty and Property and would ban the possession and use of firearms now employed for safe forms of firearms recreation, hunting and shooting conducted within Wayne County, New York; now, therefore, be it

RESOLVED, that the People of Wayne County, New York, do hereby oppose the enactment of any legislation that would infringe upon the Right of the People to keep and bear arms and consider such laws to be unconstitutional and beyond lawful Legislative Authority.

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

RESOLUTION NO. 425-10: AUTHORIZATION TO AMEND 2010 COUNTY BUDGET FOR THE PAYMENT OF SECRETARIAL ALLOWANCE FOR THE DISTRICT ATTORNEY AND PUBLIC DEFENDERS DEPARTMENTS (TABLED)

Mrs. Collier presented the following:

WHEREAS, a recent Internal Revenue Service audit of Wayne County disclosed a few deficiencies in current procedures and policies; and

WHEREAS, one area noted was the process for paying secretarial allowance to staff of the District Attorney's and Public Defenders departments; and

WHEREAS, the audit recommend that such payments shall be reported as taxable; now, therefore, be it

RESOLVED, that the County Treasurer hereby create the following line items and amend the 2010 County Budget for the proper recording of secretarial allowance paid to employees of Wayne County:

A1165-DISTRICT ATTORNEY:

\$13,500.00 to .51903 Non-Positions
\$ 1,033.00 to .58200 Payments to Social Security
\$13,500.00 from .54471 Secretarial Allowance

A1170-PUBLIC DEFENDER:

\$13,500.00 to .51903 Non-Positions
\$ 1,033.00 to .58200 Payments to Social Security
\$13,500.00 from .54471 Secretarial Allowance

A1990-CONTINGENT FUND GEN:

\$ 2,066.00 from .54000 Contractual Expense

Mr. Lauderdale moved, seconded by Mr. Kelsch, that the resolution be tabled. Upon roll call, carried.

RESOLUTION NO. 426-10: AUTHORIZATION TO DECLARE EQUIPMENT AS SURPLUS FOR WAYNE COUNTY ATTORNEY'S OFFICE

Mrs. Collier presented the following:

WHEREAS, Wayne County Attorney's Office (CA) has had a 1996 printer which is no longer repairable; and

WHEREAS, CA wishes to declare the HP Laserjet 5 C3916A printer, SN#USLCO12703, as surplus equipment; now therefore be it;

RESOLVED, that the County Attorney is hereby authorized to declare the HP Laserjet 5 C3916A printer, SN#USLCO12703, as equipment surplus; and be it further

RESOLVED, the Director of Buildings & Grounds is hereby authorized to dispose of this equipment as per policy and procedure.

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

RESOLUTION NO. 427-10: AUTHORIZE THE BOARD OF ELECTIONS TO RENT TRUCKS TO DELIVER VOTING MACHINES

Mrs. Collier presented the following:

WHEREAS the County has the responsibility for the voting machines and are storing them at a central location in the County, and it is necessary to deliver them and related equipment to the polling places and then return them to the storage site, for both the Primary and General Election; and

WHEREAS air-ride trucks with hydraulic lift gates are required for transporting the voting machines, and because the County does not possess such trucks; now, therefore, be it

RESOLVED, that the Board of Elections be authorized to rent trucks with the required features.

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

RESOLUTION NO. 428-10: AUTHORIZATION TO ADOPT THE WAYNE COUNTY IDENTITY THEFT PREVENTION POLICY

Mrs. Collier presented the following:

WHEREAS, the Fair and Accurate Credit Transactions Act of 2003, an amendment to the Fair Credit Reporting Act, required rules regarding identity theft protection to be promulgated; and

WHEREAS, those rules require certain businesses to implement an identity theft program and policy; and

WHEREAS, the Wayne County Board of Supervisors has determined that the following policy is in the best interest of the County and its citizens; now, therefore, be it

RESOLVED that the attached policy document dated June 15, 2010 is hereby adopted by the Wayne County Board of Supervisors and copy of said policy is hereby on file with the Clerk of the Board.

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

RESOLUTION NO. 429-10: AUTHORIZATION TO PREPARE AND SUBMIT A SNOWMOBILE TRAILS GRANT-IN-AID "PHASE 1- PRIOR APPROVAL APPLICATION" ON BEHALF OF WAYNE COUNTY SNOWMOBILE CLUBS

Mr. Spickerman presented the following:

WHEREAS, Resolution 560-98 established Wayne County as the Local Sponsor for the Snowmobile Trails Grant-In-Aid Program offered through the NYS Office of Parks, Recreation and Historic Preservation (OPRHP); and

WHEREAS, the County Planning Department has prepared applications to said grant program on behalf of snowmobile clubs in the County since 1998; and

WHEREAS, the County continues to recognize and support the recreational and economic benefits of snowmobiling throughout the County; now, therefore, be it

RESOLVED, that the Board of Supervisors authorizes the Planning Department to prepare and submit a Phase 1- TRAIL SYSTEM PRIOR APPROVAL application and MAP to OPRHP's Snowmobile Trails Grant-In-Aid Program for the 2010/2011 funding cycle pending approval by the County Attorney as to form and content.

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

Mr. Plant and Mr. Kelsch commented on how the Towns of Walworth and Ontario will both truly benefit from this Grant-In-Aid Program and will support this resolution.

Upon roll call, adopted.

RESOLUTION NO. 430-10: AUTHORIZE AGREEMENT WITH WESTERN FINGER LAKES AUTHORITY FOR ADMINISTRATION OF NYSERDA GRANT FOR HYBRID ELECTRIC RECYCLING COLLECTION VEHICLES

Mr. Spickerman presented the following:

WHEREAS, on behalf of Wayne County (the "County"), the Western Finger Lakes Authority (the "Authority") prepared and submitted a grant to the New York State Energy Research and Development Authority requesting \$300,000 to subsidize the costs associated with the purchase of five diesel hybrid electric recycling collection vehicles; and

WHEREAS, the County was notified on March 24, 2010 that NYSERDA was interested in furthering pursuing this proposal; and

WHEREAS, because funds will be awarded to the County, an agreement between the County and the Authority is necessary so the Authority may administer the program on behalf of the County; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized to execute an agreement for the administration of the above referenced NYSERDA grant with the Authority, subject to approval as to form and content by the County Attorney, for an amount not to exceed \$300,000.00 for the purchase of five diesel hybrid electric collection vehicles.

Mr. Colacino moved the adoption of the resolution. Seconded by Mr. Hammond. Upon roll call, all Supervisors voted Aye, except Supervisor Park who voted Nay. The Chairman declared the Resolution adopted.

RESOLUTION NO. 431-10: AUTHORIZE APPLICATION TO THE NYS ENVIRONMENTAL PROTECTION FUND FOR THE FORMAN PARK EROSION CONTROL PROJECT

Mr. Spickerman presented the following:

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

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

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

RESOLVED, that James Hoffman as Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$600,000 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to Wayne County for the Forman Park Erosion Control Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property, subject to approval as to form and content by the County Attorney.

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

RESOLUTION NO. 432-10: MAKING A DETERMINATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

Mr. Spickerman presented the following:

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQRA Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State, being 6 NYCRR Part 617, as amended (the "Regulations"), the Wayne County Board of Supervisors (the "Board") desires to determine whether the following action may have a "significant effect on the environment" (as said quoted term is defined in the SEQRA Act and the Regulations) and therefore require the preparation of an environmental impact statement: An action to make application to the New York State Commissioner of Economic Development for the designation of Empire Zone acreage for the Wayne County Empire Zone under a regionally significant project encompassing a total of approximately 32.48 acres in the Village and Town of Macedon (the "Project"); and

WHEREAS, to aid the Board in determining whether the Project may have a significant effect on the environment the County Economic Development Director has caused to be prepared a Short Environmental Assessment Form (the "SEAF"), a copy of which will be on file with the Clerk of the Board of Supervisors; and

WHEREAS, the County has examined the SEAF in order to make a determination as to the potential environmental significance of the Project; now, therefore, be it

RESOLVED, AS FOLLOWS:

1. Based upon examination of the SEAF, and based further upon the Board's knowledge of the area surrounding the Project and such further investigation of the

Project and its environmental effects as the County has deemed appropriate, the Board makes the following findings with respect to the Project:

- a. The Project consists of those components described in the first "Whereas" clause of this resolution; and
 - b. There are no known potentially significant impacts on the environment other than those noted in and addressed and/or mitigated by the County as set forth in the SEAF.
2. Based upon the foregoing investigation of the potential environmental impacts of the Project and considering both the magnitude and importance of each environmental impact therein indicated, the Board makes the following findings and determinations with respect to the Project:
- a. The Project constitutes an Unlisted Action (as defined in the Regulations); and
 - b. The Project will not result in any large and important impacts and, therefore, is one which will not have a significant effect on the environment, and the Board will not require an environmental impact statement with respect to the Project; and
 - c. This determination constitutes a negative declaration for the purposes of the SEQRA Act.

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

RESOLUTION NO. 433-10: ADOPTING LOCAL LAW TO APPROVE THE ALLOCATION OF ZONE LANDS FOR BERRY PLASTICS FOR A REGIONALLY SIGNIFICANT PROJECT AS DETERMINED BY THE ZONE ADMINISTRATIVE BOARD AND THE NEW YORK STATE DEPARTMENT OF ECONOMIC DEVELOPMENT LAW

Mr. Spickerman presented the following:

WHEREAS, a local law to approve the allocation of zone lands for Berry Plastics Corporation for a regionally significant project as determined by the Zone Administrative Board and the New York State Department of Economic Development Law, was presented to the Board of Supervisors on Tuesday, May 18, 2010; and

WHEREAS, a public hearing on the proposed local law was held by the Board of Supervisors on Tuesday, June 15, 2010 at 7:15 pm, in accordance with the notice of hearing duly posted and published in the manner prescribed by law; now, therefore, be it

RESOLVED, that said local law is hereby adopted to read as follows:

COUNTY OF WAYNE - STATE OF NEW YORK

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

A local law to approve the allocation of zone lands for Berry Plastics Corporation for a regionally significant project as determined by the Zone Administrative Board and the New York State Department of Economic Development Law.

WHEREAS, Berry Plastics Corporation is expanding their business activities at 112, 150 and 200 East Main Street, Route 31, in the Village and Town of Macedon NY; and

WHEREAS, this expansion project will add 50 jobs that support their on-site manufacturing and existing 610 jobs; and

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

WHEREAS, the New York State Department of Economic Development has determined 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, the Zone Administrative Board of the Wayne County Empire Zone has determined 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 expansion of Berry Plastics Corporation 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.

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

RESOLUTION NO. 434-10: AFFIRMATION OF PUBLIC AND COMMUNITY SUPPORT FOR B. FORMAN PARK EROSION CONTROL PROJECT

Mr. Spickerman presented the following:

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

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

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

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

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

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

RESOLUTION NO. 435-10: MAKING A DETERMINATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

Mr. Spickerman presented the following:

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQRA Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State, being 6 NYCRR Part 617, as amended (the "Regulations"), the Wayne County Board of Supervisors (the "Board") desires to determine whether the following action may have a "significant effect on the environment" (as said quoted term is defined in the SEQRA Act and the Regulations) and therefore require the preparation of an environmental impact statement: An action to make application to the New York State Commissioner of Economic Development for the designation of Empire Zone acreage for the Wayne County Empire Zone under a regionally significant project encompassing a total of approximately 78.97 acres in the Town of Savannah (the "Project"); and

WHEREAS, to aid the Board in determining whether the Project may have a significant effect on the environment the County Economic Development Director has caused to be prepared a Short Environmental Assessment Form (the "SEAF"), a copy of which will be on file with the Clerk of the Board of Supervisors; and

WHEREAS, the County has examined the SEAF in order to make a determination as to the potential environmental significance of the Project; now, therefore, be it

RESOLVED, AS FOLLOWS:

3. Based upon examination of the SEAF, and based further upon the Board's knowledge of the area surrounding the Project and such further investigation of the Project and its environmental effects as the County has deemed appropriate, the Board makes the following findings with respect to the Project:
 - a. The Project consists of those components described in the first "Whereas" clause of this resolution; and
 - b. There are no known potentially significant impacts on the environment other than those noted in and addressed and/or mitigated by the County as set forth in the SEAF.
4. Based upon the foregoing investigation of the potential environmental impacts of the Project and considering both the magnitude and importance of each environmental impact therein indicated, the Board makes the following findings and determinations with respect to the Project:
 - a. The Project constitutes an Unlisted Action (as defined in the Regulations; and
 - b. The Project will not result in any large and important impacts and, therefore, is one which will not have a significant effect on the environment, and the Board will not require an environmental impact statement with respect to the Project; and
 - c. This determination constitutes a negative declaration for the purposes of the SEQRA Act.

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

RESOLUTION NO. 436-10: ADOPTING LOCAL LAW TO APPROVE THE ALLOCATION OF ZONE LANDS FOR GOOD SIMPLE FOODS, INC. FOR A REGIONALLY SIGNIFICANT PROJECT AS DETERMINED BY THE ZONE ADMINISTRATIVE BOARD AND THE NEW YORK STATE DEPARTMENT OF ECONOMIC DEVELOPMENT LAW

Mr. Spickerman presented the following:

WHEREAS, a local law to approve the allocation of zone lands for Good Simple Foods, Inc. for a regionally significant project as determined by the Zone Administrative Board and the New York State Department of Economic Development Law, was presented to the Board of Supervisors on Tuesday, June 2, 2010; and

WHEREAS, a public hearing on the proposed local law was held by the Board of Supervisors on Tuesday, June 15, 2010 at 7:20 pm, in accordance with the notice of hearing duly posted and published in the manner prescribed by law; now, therefore, be it

RESOLVED, that said local law is hereby adopted to read as follows:

COUNTY OF WAYNE - STATE OF NEW YORK

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

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

WHEREAS, Good Simple Foods, Inc. is locating their business activities at 301-03 Route 89 in the Town of Savannah; 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, the New York State Department of Economic Development has determined 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, the Zone Administrative Board of the Wayne County Empire Zone has determined 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.

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

Mr. Lauderdale addressed the Board and took this opportunity to commend Peg Churchill and her staff at Wayne Economic Development Corporation, for their efforts into this project that will bring employment opportunities to the Town of Savannah.

Upon roll call, adopted.

RESOLUTION NO. 437-10: AUTHORIZATION TO ADVERTISE FOR BIDS FOR JANITORIAL AND CUSTODIAL SERVICES FOR THE HEALTH SERVICES FACILITY

Mr. LeRoy presented the following:

WHEREAS, the contract for Janitorial and Custodial services for the Wayne County Health Services Facility, will expire on August 31, 2010; now, therefore, be it

RESOLVED, that the Clerk of the Board of Supervisors is hereby authorized and directed to advertise, for bids for the services above, in accordance with specifications prepared by the Superintendent of Buildings and Grounds and approved by the County Attorney as to content and form; 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.

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

RESOLUTION NO. 438-10: AUTHORIZATION TO AMEND A1615 BUILDINGS AND GROUNDS EQUIPMENT ADDENDUM

Mr. LeRoy presented the following:

WHEREAS, the 2010 equipment addendum for Account No. A1615.2300 approved \$21,000 for a 4X4 truck with plow and Account No. A1615.2500 approved \$9,000.00 for a skid steer backhoe attachment; and

WHEREAS, the quote we received from VanBortel Ford, based on the New York State Contract for the 4X4 truck with plow was in the amount of \$24,350.50; and

WHEREAS, Buildings and Grounds has reviewed the needs of the Parks Dept. and determined that more frequent trail inspections are needed to maintain them in a safe, usable condition for the public trail users; and

WHEREAS, It was determined that these inspections and maintenance could best be done with a turf type utility vehicle; and be it further

RESOLVED, that Buildings and Grounds Dept. will not purchase the skid steer attachment, and that the funds of \$9,000.00 shall be used to purchase the 4X4 pick up truck with plow from VanBortel Ford, as per NYS Contract #21910/PC65030 in the amount of \$ 24,350.50; and be it further

RESOLVED, that the remaining funds of \$ 6,131.76 in the Buildings and Grounds .2 equipment addenda shall be used toward the purchase a turf type utility vehicle; and be it further

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

A1615-BUILDINGS & GROUNDS:
\$3,350.50 to .52300 Motor Vehicles
\$3,350.50 from .52500 Other Equipment

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

Mr. LeRoy moved, seconded by Mr. Plant, that the Resolution on the floor be amended and to read as follows:

"WHEREAS, the 2010 equipment addendum for A1615.2300 approved \$21,000 for a 4X4 truck with plow and A1615.2500 approved \$9,000.00 for a skid steer backhoe attachment; and

WHEREAS, the county received a quote from VanBortel Ford, based on the New York State Contract for the 4X4 truck with plow was in the amount of \$24,350.50; and

WHEREAS, Buildings and Grounds has reviewed the needs of the Parks Dept. and determined that more frequent trail inspections are needed to maintain them in a safe, usable condition for the public trail users; and

WHEREAS, It was determined that these inspections and maintenance could best be done with a turf type utility vehicle; and

WHEREAS, the county has received a quote from the John Deere Company, as per their NYSOGS Contract Award No. PC63063 for a 6 X 4 Gas Gator in the amount of \$6,978.44; now, therefore, be it

RESOLVED, that Buildings and Grounds Department will not purchase the skid steer attachment, and that the funds of \$9,000.00 shall be used to purchase the 4X4 pick up truck with plow from VanBortel Ford, as per NYS Contract #21910/PC65030 in the amount of \$ 24,350.50; and be it further,

RESOLVED, that the remaining funds of in the Buildings and Grounds .52500 equipment addenda shall be used toward the purchase a turf type utility vehicle totaling \$6,978.44; and be it further

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

A1615-BUILDINGS AND GROUNDS:

\$3,350.50 to .52300 Motor Vehicles
\$2,503.82 from .52500 Other Equipment
\$ 846.68 from .54407 Building Maintenance Repair"

Upon roll call to adopt the amended resolution, all Supervisors voted Aye. The Chairman declared the Resolution adopted.

RESOLUTION NO. 439-10: AUTHORIZATION TO CONTRACT WITH FRONTRUNNER FOR PHONE SYSTEM UPGRADE AND TRANSFER FUNDS FROM CONTINGENT ACCOUNT

Mr. LeRoy presented the following:

WHEREAS, Wayne County has owned and maintained two separate phone systems for more than twenty years; and

WHEREAS, the current version of our software and equipment has outlived the end of its useful life on both systems, and is no longer supported by the manufacturer; and

WHEREAS, Frontrunner Network Systems has been our preferred provider of services for more than twenty years; and

WHEREAS, they have provided us pricing from the NYS OGS Contract #PT58291, Award # T960252, for combining the Courthouse and Route 31 Phone Systems into a single CS 1000E system with up to date hardware and software that provides us with all unlimited technical support and will help reduce future costs for upgrades and or improvements; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute an agreement, subject to approval of the County Attorney as to form and content, with Frontrunner Network Systems for the purchase and installation of a CS1000E Nortel Phone

System, in the amount of \$ 198,608.00; and be it further

RESOLVED, that the County Treasurer create the following line items and amend the 2010 County Budget as follows:

A1615-BUILDINGS AND GROUNDS:

\$ 10,000.00 to .52201 ITEQP - Computer Equipment

\$173,304.00 to .52500 FREQP – Other Equipment

\$ 25,304.00 to .54000 FRLAB – Contractual Expense

A1990-CONTINGENT FUND GEN:

\$208,608.00 from .54000 Contractual Expense

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

RESOLUTION NO. 440-10: AUTHORIZATION TO EXECUTE CONTRACT WITH TIME WARNER FOR PHONE AND FIBER SERVICES

Mr. LeRoy presented the following:

WHEREAS, Wayne County is currently under contract with Time Warner for the provision of Fiber is several locations; and

WHEREAS, Wayne County also has agreements with Verizon, and AT&T for varied phone services; and

WHEREAS, Time Warner has reviewed all of our needs and provided us with a quote as per NYSOGS # PS63596

Dedicated Internet, Metro Ethernet, and Private Line Service Order Information
Customer Requested Site Name Address Location/Type/Bandwidth/Due Date
Remote 2 - 7376 State Route 31, Lyons, NY 14489
Remote 10 Mbps EPL Second Separate

Host 2 - 16 Williams St, Lyons, NY 14489

Host 10 Mbps

Monthly Recurring Charge at 7376 State Route 31, Lyons NY 14489					
Monthly Description/Quantity		Sales	Recurring		
Contract		Price	Total	Term	
1 Unlimited Local and Long Distance Line	10	\$29.95	\$299.50	36 Months	
BCP Additional Listing	54	\$3.15	\$170.10	36 Months	
Business Class PRI - 3 Year	2	\$460.00	\$920.00	36 Months	
DID Block 100 Numbers	9	\$15.00	\$135.00	36 Months	
Free Voicemail	1	\$0.00	\$0.00	36 Months	
NON CHARGING FIBER POINT	1	\$0.00	\$0.00	36 Months	
PRIE911TAX	2	\$0.35	\$0.70	36 Months	
Total			\$1,525.30		
*Prices do not include taxes and fees.					

Monthly Recurring Charge at 16 William St., Lyons, NY 14489					
Monthly Description/Quantity		Sales	Recurring	Contract	
		Price	Total	Term	
1 Unlimited Local and Long Distance Line	10	\$29.95	\$299.50	36 Months	
BCP Additional Listing	54	\$3.15	\$170.10	36 Months	

Business Class PRI - 3 Year	2	\$460.00	\$920.00	36 Months
DID Block 100 Numbers	9	\$15.00	\$135.00	36 Months
Free Voicemail	1	\$0.00	\$0.00	36 Months
POINT TO POINT INTERSTATE	1	\$1,200.00	\$1,200.00	36 Months
POINT TO POINT INTRASTATE	1	\$750.00	\$750.00	36 Months
PRIE911TAX	2	\$0.35	\$0.70	36 Months
*Total			\$3,475.30	
*Prices do not include taxes and fees.				

One Time Charge at 7376 State Route 31 Lyons NY 14489		Sales	
Description/Quantity			Price
WAIVED PRI ACCOUNT SET UP FEE	1	\$0.00	\$0.00
WAIVED BCP ACCOUNT SETUP FEE	1	\$0.00	\$0.00
ACCOUNT SETUP FEE (1-6 LINES)	1	\$75.00	\$75.00
Total			\$75.00
*Prices do not include taxes and fees.			

now, therefore, be it,

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute an agreement with Time Warner, subject to approval of the County Attorney as to form and content, with Time Warner for the services described above for an amount not to exceed \$5,000.60.

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

RESOLUTION NO. 441-10: AUTHORIZATION TO ACCEPT PROPOSAL FROM IMPERIAL DOOR CONTROLS, INC.

Mr. LeRoy presented the following:

WHEREAS, Wayne County has standardized on the use of automatic door openers to be manufactured by Horton as per Resolution No. 341-10; and

WHEREAS, we were only able to find one vendor that both sells, and installs the Horton Automatic Door Openers; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to accept the proposal and enter into an agreement, subject to the approval of the County Attorney as to form and content, as received from Imperial Door Controls, Inc. to furnish and install 2- S4100 Automated Low Energy Heavy Duty Single Door Openers at County Office Building No. 0003, located at 9 Pearl St. Lyons in the amount of \$ 3,750.00.

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

RESOLUTION NO. 442-10: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE TOWN OF WILLIAMSON

Mr. LeRoy presented the following:

WHEREAS, Wayne County Buildings and Grounds/ Park Dept. has the need for both Gasoline and Diesel fuel for the equipment located at B. Forman Park in the Town of Williamson; and

WHEREAS, the Town of Williamson has a Fuel Dispensing Facility within a short

distance of B. Forman Park; and

WHEREAS, the Town of Williamson has offered the use of said facility for the purposes of filling gas and diesel cans for use at B. Forman Park at cost, plus five cents per gallon; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to enter into an agreement with the Town of Williamson, subject to the approval of the County Attorney as to form and content for the use of their Fuel Dispensing Facility and pay the town the actual cost of the fuel plus five cents per gallon surcharge for overhead and administration.

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

RESOLUTION NO. 443-10: AUTHORIZATION TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH FISHER ASSOCIATES FOR THE CREAGER ISLAND BRIDGE PROJECT

Mr. LeRoy presented the following:

WHEREAS, the Creager Island Bridge project is funded with 100% Federal money; and WHEREAS, the original scope of work did not assume an Endangered Species investigation or ROW acquisitions would be necessary; and

WHEREAS, the preliminary design process identified a need for an Endangered Species investigation and ROW easement acquisitions; and

WHEREAS, the NYSDOT has approved both work items as eligible expenses to be included in the project; and

WHEREAS, the project budgets currently have enough funds to include the additional costs as follows:

Endangered Species Investigation - \$6,000.00

ROW Acquisition Costs - \$5,642.00

now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute a supplemental agreement on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with Fisher Associates Engineers for the costs associated with the Endangered Species investigation and the ROW acquisition process for the Creager Island bridge project.

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

RESOLUTION NO. 444-10: AUTHORIZATION TO ACCEPT LOW BID FOR ALUMINUM BOX CULVERT PIPE FOR THE SMITH ROAD CULVERT PROJECT FOR WAYNE COUNTY HIGHWAY DEPARTMENT

Mr. LeRoy presented the following:

WHEREAS, the County Highway Superintendent requested to advertise for aluminum box culvert pipe for the Smith Road Culvert Project D51122.52636 and was granted approval in Resolution 202-10; and

WHEREAS, the Clerk of the Board of Supervisors has duly advertised for bids for aluminum box culvert pipe for the County Highway Department, and the bids were open on Tuesday, May 11, 2010 at 10:00 a.m. and the following bids were received:

<u>Bidder</u>	<u>Bid Amount</u>
Chemung Supply Corp.	\$18,550.00
Vellano Bros., Inc.	\$23,123.50

and

WHEREAS, the bids received were a significant savings over the NYS OGS purchase price for aluminum box culver pipe of \$25,912.50; now, therefore, be it

RESOLVED, that the bid submitted by Chemung Supply Corp. of Elmira, NY in the bid price of \$18,550.00 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 Chemung Supply Corp. in accordance with the bid acceptance.

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

**RESOLUTION NO. 445-10: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH
POPLI DESIGN GROUP FOR THE CONSULTANT SERVICES FOR THE ARCADIA-
ZURICH-NORRIS ROAD BRIDGE PROJECT**

Mr. LeRoy presented the following:

WHEREAS, the Highway Superintendent was granted authorization to request proposals for engineering services for the Arcadia-Zurich-Norris Road over Salmon Creek Project (Resolution 914-09); and

WHEREAS, this project is federally funded and included on the current Transportation Improvement Plan; and

WHEREAS, the project shares will be 80% federal and 20% local and if the State allocates Marchiselli funds, the local match will be reduced to 5%; and

WHEREAS, the scope of work for the Bridge Replacement Project has been reviewed and approved by the New York State Department of Transportation (NYSDOT); and

WHEREAS, the fee of \$220,000 has been negotiated with Popli Design Group and approved by the NYSDOT; and; 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 Popli Design Group for the replacement of the Arcadia-Zurich-Norris Road Bridge over Salmon Creek in the Town of Sodus (PIN 4754.97); and be it further

RESOLVED, that the County Treasurer is hereby authorized to create and establish line items and amend the 2010 County Budget as follows:

D5112 – ROAD CONSTRUCTION:

\$220,000.00 to .52925 Arcadia Zurich Road Bridge Project

D9999 – OTHER:

\$176,000.00 to .44511 Federal Aid-Marchiselli Funds

\$ 44,000.00 to .45031 Interfund Transfers

A1990-CONTINGENT FUND GENERAL:

\$44,000.00 from .54000 Contractual Expenses

A99001-INTERFUND TRANSFER:

\$44,000.00 to .59300 Transfer – County Road

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

**RESOLUTION NO. 446-10: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH
ONTARIO COUNTY TO ALLOW SHARED SERVICES BETWEEN HIGHWAY
DEPARTMENTS**

Mr. LeRoy presented the following:

WHEREAS, Ontario County has prepared and executed an agreement with the Towns within Ontario County to allow shared services and equipment; and

WHEREAS, Ontario County has extended the offer to Wayne County to enter into the same agreement allowing sharing of resources; and

WHEREAS, the Wayne County Highway Department has occasions when equipment may be needed in emergency or short term situations, and can also offer the same to Ontario County; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute an agreement on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with Ontario County for the purpose of

sharing equipment and resources between the Counties.

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

RESOLUTION NO. 447-10: AUTHORIZATION TO CONTRACT WITH VICTOR B. CHAMBERS, ESQ. TO ACT AS ASSIGNED COUNSEL ADMINISTRATOR (Appellate Counsel)

Mr. Plant presented the following:

WHEREAS, Resolution No. 736-08 authorized Wayne County to enter into an agreement with Victor B. Chambers, Esq. to act as Assigned Counsel Administrator regarding Appellate Counsel to review, audit and recommend approval or disapproval of claims filed by attorneys appointed pursuant to Article 18B of the County Law at a rate of seventy-five (\$75.00) per hour for a term that commenced on November 7, 2008 and terminated December 31, 2009; and

WHEREAS, Mr. Chambers is willing to continue to provide said services to the County at the same rate of seventy-five (\$75.00) per hour for a term commencing January 1, 2010 through December 31, 2010; now therefore be it

RESOLVED, that Chairman of Wayne County Board of Supervisors is authorized to enter into an agreement subject to the County Attorney's review and approval with Victor B. Chambers, Esq. to provide the County with services consisting of Appellate Counsel Administrator to assign appellate counsel and to review, audit, recommend approval or disapproval of claims pursuant to Article 18B of the County law. Compensation shall be at a rate of seventy-five (\$75.00) an hour. The term of said agreement shall commence January 1, 2010 and terminate December 31, 2010.

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

RESOLUTION NO. 448-10: AUTHORIZATION TO CONTRACT WITH VICTOR B. CHAMBERS, ESQ. TO ACT AS ASSIGNED COUNSEL ADMINISTRATOR

Mr. Plant presented the following:

WHEREAS, Resolution No. 736-08 authorized Wayne County to contract with Victor B. Chambers, Esq. to act as Assigned Counsel Administrator at a rate of seventy-five (\$75.00) per hour total contract not to exceed Nine Thousand Eight Hundred and Five and 00/100 (\$9,805.00) for a term that commenced November 7, 2008 and terminated December 31, 2009; and

WHEREAS, Victor B. Chambers, Esq. is willing to continue to provide said services to the County at a rate of compensation of seventy-five (\$75.00) an hour for a contract amount not to exceed Ten Thousand and 00/10 (\$10,000.00) for a period commencing January 1, 2010 and terminating December 31, 2010; now, therefore, be it

RESOLVED, that Chairman of Wayne County Board of Supervisors is authorized to enter into an agreement subject to the County Attorney's review and approval with Victor B. Chambers, Esq. to act as Assigned Counsel Administrator. Compensation shall be at a rate of seventy-five (\$75.00) an hour for a contract amount not to exceed Ten thousand three hundred and 00/100 (\$10,000.00) for the period commencing January 1, 2010 and terminating December 31, 2010.

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

RESOLUTION NO. 449-10: AUTHORIZATION TO EXECUTE AGREEMENT AND AMEND 2010 COUNTY BUDGET FOR E911 COMMUNICATIONS

Mr. Plant presented the following:

WHEREAS, Wayne County 911 operates a mobile computing system that is used by the Sheriff's Office, State Police, and municipal police agencies located in Wayne County; and

WHEREAS, said mobile computing system utilizes two radio frequencies in the 800 MHz spectrum for system data transmission; and

WHEREAS, Nextel (Sprint), the wireless communications corporation, entered into an agreement with the Federal Communications Corporation whereby Nextel will be allocated radio spectrum currently occupied by others, with Nextel to fund the costs for current users within the targeted portion of spectrum to convert their systems to other frequencies, with the initiative commonly referred to as the Nextel re-banding initiative; and

WHEREAS, the radio frequencies licensed to the County, and utilized for the aforementioned mobile computing system, are within the portion of radio spectrum affected by the Nextel re-banding initiative; and

WHEREAS, the law firm of Shulman, Rogers, Gandal, Pordy & Ecker, pursuant to Board of Supervisors resolution 569-09, has been utilized by the County to negotiate on the County's behalf, the terms and conditions of an agreement with Nextel, with said agreement entitled Frequency Reconfiguration Agreement; and

WHEREAS, in association with the Agreement, the County, the State (for the State Police), and each municipality in the County owning and operating a municipal police department, will be eligible to recover actual labor costs associated with the reprogramming of the 800 MHz radios, through the County, as the County is the licensee and equipment owner, with such recovery not to exceed \$16,978.74 in total for the County and all system user agencies; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors shall be authorized to execute a Frequency Reconfiguration Agreement with Nextel Operations Inc., subject to the approval of the County Attorney as to form and content; and be it further

RESOLVED, that the County Treasurer is hereby directed to create the following project line items and amend the 2010 county budget as follows:

A3642-E911 COMMUNICATIONS:

\$16,979.00 to .42770 NXTFR - Miscellaneous Revenues

\$16,979.00 to .54000 NXTFR – Contractual Expense

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

RESOLUTION NO. 450-10: AUTHORIZATION TO PURCHASE MOBILE RADIOS AND SIREN & LIGHT CONTROLS RELATIVE TO THE PUBLIC SAFETY RADIO INTEROPERABILITY PROJECT

Mr. Plant presented the following:

WHEREAS, Board of Supervisors Resolution 333-10 specified that the standard mobile radio to be purchased in association with the Radio Project shall be the Motorola XTL-1500; and

WHEREAS, the fire departments, EMS agencies, and police departments of Wayne County have made their determinations as to the quantities of mobile radios and accessories required by each entity through the application of their PSIC grant project allocations; and

WHEREAS, replacing the mobile radios of the Sheriff's Office patrol, investigative, and administrative vehicles will necessitate that siren & light controllers also be purchased for each vehicle, as these controls are currently embedded in the non-compliant vehicle radios, which require replacement; now, therefore, be it

RESOLVED, that, on behalf of the public safety related agencies in the county slated to receive replacement mobile radios through the Radio Interoperability Project, the 911 Coordinator shall be authorized to purchase a total of 381 Motorola XTL-1500 mobile radios, and 6 XTL-2500 mobile radios, utilizing New York State purchasing contract number PT62495, as well as agency selected mobile radio accessories, at a cost of \$995.70 for each XTL-1500 radio, and \$2263.20 for each XTL-2500 radio, for a total mobile radio and accessory purchase cost not to exceed \$394,074.90; and be it further

RESOLVED, that, on behalf of the Sheriff's Office, the 911 Coordinator shall be authorized to purchase 70 Whelan siren & light controllers, model 295SLSA6, through Finger Lakes Communications, utilizing New York State purchasing contract number PC62852, at a cost of \$340.48 each, for a total cost not to exceed \$23,833.60; and be it further

RESOLVED, that the siren & light controllers shall be purchased with County funds, through the Radio Interoperability project account.

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

RESOLUTION NO. 451-10: AUTHORIZATION TO PURCHASE PORTABLE RADIOS AND PAGERS RELATIVE TO THE PUBLIC SAFETY RADIO INTEROPERABILITY PROJECT

Mr. Plant presented the following:

WHEREAS, Board of Supervisors Resolution No. 334-10 specified that the standard portable radio to be purchased in association with the Radio Project shall be the Motorola XTS-1500; and

WHEREAS, Board of Supervisors Resolution No. 335-10 specified that the standard pager to be purchased in association with the Radio Project shall be the Motorola Minitor V; and

WHEREAS, the fire departments, EMS agencies, and police departments of Wayne County have made their determinations as to the quantities of portable radios and accessories, and pagers required by each entity through the application of their PSIC grant project allocations; now, therefore, be it

RESOLVED, that, on behalf of the public safety related agencies in the county slated to receive replacement mobile radios through the Radio Interoperability Project, the 911 Coordinator shall be authorized to purchase a total of 639 Motorola XTS-1500 portable radios, utilizing New York State purchasing contract number PT62495, as well as agency selected portable radio accessories, at a cost of \$829.10 for each portable radio, for a total portable radio and accessory purchase cost not to exceed \$565,186.65; and be it further

RESOLVED, that, on behalf of the public safety related agencies in the county slated to receive replacement pagers through the Radio Interoperability Project, the 911 Coordinator shall be authorized to purchase a total of 1080 Motorola Minitor V pagers, utilizing municipal purchasing contract number 09-FSB-1 between Motorola and the County of Saratoga, with the cost of said pagers to range between \$312.12 and \$380.80 depending on which, of four, models were chosen by each department or agency, for a total pager purchase cost not to exceed \$383,728.76.

Mr. Plant moved, seconded by Mr. LeRoy, to amend the last two "RESOLVED" clauses as follows:

"RESOLVED, that, on behalf of the public safety related agencies in the county slated to receive replacement mobile radios through the Radio Interoperability Project, the 911 Coordinator shall be authorized to purchase a total of 639 Motorola XTS-1500 portable radios, utilizing New York State purchasing contract number PT62495, as well as agency selected portable radio accessories, at a cost of \$829.10 for each portable radio, for a total portable radio and accessory purchase cost not to exceed \$568,313.40; and be it further

RESOLVED, that, on behalf of the public safety related agencies in the county slated to receive replacement pagers through the Radio Interoperability Project, the 911 Coordinator shall be authorized to purchase a total of 1080 Motorola Minitor V pagers, utilizing municipal purchasing contract number 09-FSB-1 between Motorola and the County of Saratoga, with the cost of said pagers to range between \$344.08 and \$380.80 depending on which pager features were chosen by each department or agency, for a total pager purchase cost not to exceed \$398,943.76."

Upon roll call to amend the resolution, all Supervisors voted Aye. The Chairman declared the motion carried.

Mr. Groat moved, seconded by Mr. Kelsch, to adopt the amended resolution. Upon roll call, adopted.

RESOLUTION NO. 452-10: AUTHORIZATION TO EXECUTE INTERMUNICIPAL AGREEMENTS IN ASSOCIATION WITH THE RADIO INTEROPERABILITY PROJECT

Mr. Plant presented the following:

WHEREAS, many of the police departments, fire departments, and EMS agencies in the county will be receiving mobile radios, portable radios, or pagers, and accessories, in association with the Radio Interoperability Project; and

WHEREAS, the majority of the costs for the aforementioned equipment will be derived from the Public Safety Interoperable Communications (PSIC) federal grant program; and

WHEREAS, the County will be making all grant funded equipment purchases associated with the project, in accordance with the determinations made by each department or agency; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors shall be authorized to execute agreements negotiated with each municipality or other applicable owner for each department or agency scheduled to receive equipment through this project, with the form and content of said agreements subject to the approval of the County Attorney.

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

RESOLUTION NO. 453-10: AUTHORIZATION TO EXECUTE CONTRACTS OF AFFILIATION FOR WAYNE COUNTY PROBATION

Mr. Plant presented the following:

WHEREAS, Wayne County Probation periodically agrees to have both undergraduate and graduate students participate in internships through the College at Brockport and Nazareth College; and be it further

WHEREAS, the Probation Department has agreed to have a graduate candidate participate through The Greater Rochester Collaborative Master of Social Work Program; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to submit said Contracts of Affiliation with the College at Brockport and Nazareth College, subject to County Attorney approval.

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

RESOLUTION NO. 454-10: AUTHORIZATION TO AMEND THE SHERIFF'S BUDGET FOR THE PURCHASE AND INSTALLATION OF ADDITIONAL SURVEILLANCE CAMERAS IN THE CORRECTIONAL FACILITY

Mr. Plant presented the following:

WHEREAS, the Wayne County Sheriff's Office recently purchased and installed a closed circuit camera system for the correctional facility at a total cost of \$185,908.00 (Resolution # 448-09); and

WHEREAS, *Securitronics* was the camera system vendor; and

WHEREAS, two additional locations have been identified in the correctional facility as requiring camera surveillance for officer safety reasons; and

WHEREAS, the Wayne County Sheriff is requesting to purchase and have installed two additional cameras to the existing system by *Securitronics* for an amount not to exceed \$1,890.00; and

WHEREAS, the Wayne County Sheriff will pay for one of the installed cameras (\$945.00) from the Jail revenue account, and is requesting to amend the budget to pay for the second installed camera by transferring (\$945.00) from Jail Miscellaneous account; now, therefore, be it

RESOLVED, that the Wayne County Sheriff is authorized to purchase and have installed by *Securitronics* two additional cameras in the correctional facility; and be it further

RESOLVED, that the Wayne County Treasurer is hereby authorized and directed to

amend the 2010 County Budget as follows:

A3150-SHERIFF JAIL:

\$ 945.00 to .42770 Miscellaneous Revenue
\$1,890.00 to .52500 Other Equipment
\$ 945.00 from .54600 Miscellaneous

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

RESOLUTION NO. 455-10: AUTHORIZATION TO MODIFY THE 2010 COUNTY BUDGET FOR US DEPARTMENT OF JUSTICE FY09 RECOVERY ACT EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM LOCAL SOLICITATION IN THE AMOUNT OF \$25,334

Mr. Plant presented the following:

WHEREAS, the Wayne County Sheriff's Office received a grant in the amount of \$25,334 from the Office of Justice Assistance for the purchase of crime scene illumination and related investigation equipment, award No. 2009-SB-B9-2889; and

WHEREAS, the Wayne County Board of Supervisors previously approved the acceptance of the grant (Resolution No. 595-09); and

WHEREAS, the Wayne County Sheriff is currently obtaining quotes for said authorized equipment; and be it further

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

Account No A3115 Detective

\$25,334 to .52500 Other equipment
\$25,334 to .44328 DOJ LLEBEG

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

RESOLUTION NO. 456-10: AUTHORIZATION TO AMEND SHERIFF'S CORRECTIONS BUDGET TO COVER COSTS ASSOCIATED WITH SERVICES PROVIDED BY THE OFFICE OF MENTAL HEALTH

Mr. Plant presented the following:

WHEREAS, the Wayne County Jail provides services to inmates in facilities operated by the New York State Office of Mental Health under Criminal Court and/or Family Court Order, and Correction Law Admission, as mandated by Criminal Procedure Law (CPL); and

WHEREAS, the Wayne County Sheriff's Corrections Division budget for (CPL) expenditures was decreased from \$92,000 in 2009 to \$50,000 in 2010; and

WHEREAS, the Wayne County Treasurer in March 2010 amended to Sheriff's budget (resolution # 196-10) to cover costs associated with CPL expenditures; and

WHEREAS, the Wayne County Sheriff's Office received on May 6, 2010 a bill for incarcerated services provided by the Office of Mental Health for the month of February, 2010 totaling \$11,262.86, leaving a negative balance of \$33.74 in the CPL account; and

WHEREAS, the Wayne County Sheriff is requesting the transfer of funds not to exceed \$20,000 to the CPL account to cover current and future CPL related expenses; now, therefore, be it

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

A1990-Contingent Fund General:

\$20,000 from .54000 Contractual Expense

A31504 Sheriff-Jail

\$20,000 to 54571 CPL costs

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

RESOLUTION NO. 457-10: AUTHORIZATION TO ENTER INTO AN INTERMUNICIPAL AGREEMENT WITH SCHUYLER COUNTY TO PROVIDE LAW ENFORCEMENT SERVICES FOR SCHUYLER COUNTY SHERIFF'S OFFICE AT WATKINS GLEN DURING RACING SEASON

Mr. Plant presented the following:

WHEREAS, the County of Schuyler has requested the assistance of the Wayne County Office of the Sheriff to provide additional law enforcement services during the auto racing season at Watkins Glen International; and

WHEREAS, the County of Wayne had previously authorized former Sheriff Piscioti to enter into an Intermunicipal Agreement with Schuyler County to provide law enforcement services and related equipment to Schuyler County during the auto racing season at Watkins Glen International (resolution 357-08); and

WHEREAS, said agreement was entered into with Schuyler County by former Sheriff Piscioti, and law enforcement services and related equipment were provided to Schuyler County at Watkins Glen International; and

WHEREAS, Sheriff Virts is requesting to enter into an Intermunicipal Agreement with Schuyler County for said law enforcement services and related equipment for the racing season at Watkins Glen International; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors and Wayne County Sheriff are hereby authorized and directed to execute an Intermunicipal Agreement on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with Schuyler County establishing the terms and conditions for the provision of said law enforcement services and related equipment to Schuyler County, during the auto racing season at Watkins Glen International; and be it further

RESOLVED, that members of the Sheriff's Office who participate in providing services to Schuyler County shall do so on a voluntary basis during off duty hours, including approved leave time, and shall be considered employees of Schuyler County while providing law enforcement services to Schuyler County.

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

RESOLUTION NO. 458-10: AUTHORIZATION TO SELL CERTAIN REAL PROPERTY PARCELS ACQUIRED BY THE COUNTY FOR DELINQUENT TAXES TO ADJOINING LAND OWNERS

Mr. Hammond presented the following:

WHEREAS, pursuant to the provisions of Article Eleven (11) of the Real Property Tax Law of the State of New York pertaining to the enforcement of the collection of delinquent taxes, the County of Wayne has or will acquire title to the real property as shown on Appendix A (attached hereto and incorporated herein by reference) and is entitled to acquire title by Court Order to the properties from 2008 listed on Appendix A; and

WHEREAS, pursuant to the provisions of Article Eleven (11) of the Real Property Tax Law, real property acquired by tax deed or Court Order may be disposed of by the County at such times and upon such terms as shall be determined by the Board of Supervisors; and

WHEREAS, pursuant to Resolution #321-10, the County Treasurer was authorized and directed to convey title to the County of Wayne for the properties listed on Appendix A which are not redeemed for the year 2008 as of the close of business on June 15, 2010; and

WHEREAS, Resolution #321-10 authorized the properties shown on Appendix A to be offered and sold at the public auction sale; and

WHEREAS, upon further review, the Real Property Tax Director has recommended that certain properties included in Schedule A because of their size and/or location, be offered for sale to adjoining landowners rather than sold at the Public Auction; and

WHEREAS, the County of Wayne currently owns a .22 acre parcel of land located in the Village of Red Creek, Town of Wolcott, adjacent to and south of the RG&E right-of-way, identified as tax map # 78118-14-328474 on the Town of Wolcott assessment roll which it

previously acquired pursuant to the provisions of Article Eleven (11) of the Real Property Tax Law of the State of New York pertaining to the enforcement of the collection of delinquent taxes; and

WHEREAS, it has been determined that said parcel is surplus and of no use for County purposes; and

WHEREAS, it has further been determined that said parcel, because of size and/or location should be offered for sale to adjoining landowners rather than the public auction; now, therefore, be it

RESOLVED, that the .22 Acre parcel of land located in the Village of Red Creek, Town of Wolcott, identified as tax map # 78118-14-328474 is declared as surplus; and be it further

RESOLVED, that the Director of the Real Property Tax Services is hereby authorized to offer for sale the following properties to adjoining land owners:

SEQ #	VILLAGE/TOWN	TAX ID #	LOCATION
226	V/WOLCOTT/TOWN OF BUTLER	75116-07-617976	Limekiln Rd
603	V/LYONS/TOWN OF LYONS	71111-05-097862	Rice St
1357	TOWN OF SODUS	69118-00-895084	Rear State St
1891	V/RED CREEK/TOWN OF WOLCOTT	78118-14-303371	6852 Church St
	V/Red Creek/Town of Wolcott	78118-14-328474	6939 Main St

and be it further

RESOLVED, that the Director of the Real Property Tax Services is hereby authorized and directed to mail bid requests to all appropriate land owners and charge the mailing and related expenses to Account No. A1364.54000 (Expenses for Property Acquired for In Rem Purposes); and be it further

RESOLVED, that the above listed properties shall be offered and sold subject to the following terms and conditions of Sale:

1. The property offered for sale has been acquired by the County of Wayne (hereinafter referred to as the "County") by Court Order pursuant to the provisions of Title 3 of Article 11 of the Real Property Tax Law of the State of New York.
2. Former owners will not be allowed to bid on their properties.
3. By acknowledging and executing these Terms & Conditions, the purchaser certifies that he/she is not representing the former owner(s) of the property against whom Wayne County Foreclosed and has no intent to defraud Wayne County of the unpaid taxes, assessment, penalties, and charges which have been levied against the property. The purchaser agrees that neither he/she nor his/her assigns shall convey, the property to the former owner(s) against whom Wayne County foreclosed within 24 months subsequent to the auction date. If such conveyance occurs, the purchaser understands that he/she may be found to have committed fraud, and/or intent to defraud, and will be liable for any deficiency between the purchase price at auction and such sums as may be owed to Wayne County as related to the foreclosure on the property and consents to immediate judgment by Wayne County for said amounts.
4. All bids are subject to approval and acceptance by the Wayne County Board of Supervisors. The County reserves the right to sell to the second highest bidder if the purchaser defaults, or has outstanding real property taxes.
5. The Board of Supervisors reserves the right to accept or reject any or all bids or to withdraw any parcel from the sale at any time prior to delivery of the deed to the purchaser.
6. The property will be conveyed by the County to the purchaser by quit-claim deed, containing a description of the property as it appeared on the tax roll for the year upon which the County acquired title or as corrected up to date of deed. The deed will be recorded by the County upon payment in full of the purchase price and closing fees/cost. POSSESSION OF PROPERTY IS FORBIDDEN UNTIL THE DEED IS RECORDED WITH THE WAYNE COUNTY CLERK CONVEYING TITLE TO THE PURCHASER. TITLE VESTS AT THE RECORDING OF THE DEED. It is agreed between the County and the purchaser that delivery and acceptance of the deed occurs upon recording of the

deed.

7. The County will not furnish an abstract of title or an instrument survey map.
8. The County does not make any representations or warranties, expressed or implied, (a) concerning the quality or the condition of the title to the property, or the validity or marketability of such title; the ownership of any improvements on the property; the condition of the property and any improvements thereon or its fitness for any use; or the accuracy of the property description on the tax roll or in the notice of sale or any other advertisement of sale furnished by the County; or (b) that the property or any improvements thereon presently comply with building or zoning codes, or with any state or local laws or regulations. Any information concerning the property furnished by the County or any of its officers, employees, or agents shall not be deemed to include any such representations or warranties. Any promotional tools such as photographic slides, tax maps, written or verbal descriptions, etc. are for informational purposes only.
9. The purchaser shall accept the property and any improvements thereon in "as is" condition with the understanding that the County makes no representation as to ownership or responsibility for any personal property located on the real property. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the successful purchaser following the closing of sale.
10. Evictions, if necessary, are solely the responsibility of the successful bidder after closing and recording of the deed.
11. The sale of the property is made subject to (a) village, town, state and federal claims for taxes, liens or other encumbrances, and (b) all easements or rights-of-way which were in existence at the time of the levy of the tax the non-payment of which resulted in the tax deed to the County.
12. The County will convey the property free and clear of tax liens accrued on or before January 1, 2010.
13. The purchaser will pay all of the following taxes and charges, including all interest and penalties if applicable if they have not been paid:
 - 2010- Village Tax
 - 2010- School Tax
 - 2011 Town Tax & County Tax which may include relieved village or school taxes- INCLUDING ANY APPLICABLE INTEREST AND PENALTIES
 - Federal and/or State taxes, liens and encumbrances of recordIn order to avoid future delinquent charges, the new owner should immediately advise all tax collectors of the new ownership, and the address where future tax bills are to be mailed.
14. The Bidder shall submit full payment by certified check or money order, immediately at time of bid submission for any bids in the amount of \$1,000 or less.
15. Regarding any bids for more than \$1,000, the bidder shall submit the amount of \$1,000 plus 10% of the bid amount over \$1,000 upon the bid submission by certified check or money order.
16. In the event that a sale is cancelled by Court Order or judgment or by the Wayne County Board of Supervisors, the successful bidder shall be entitled only to a refund of the purchase money. Purchaser shall not be entitled to special or consequential damages, nor attorney fees, nor reimbursement for any expenses incurred as a result of ownership or improvements of the property, nor for taxes paid during the period of ownership.
17. All sales shall be final, absolute and without recourse, and in no event shall Wayne County be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, its heirs, successors or assigns, against Wayne County arising from this sale.
18. Notice is hereby given that the premises being sold may lie within an Agricultural District as designated upon the tax map. It is the sole responsibility of any bidder to ascertain which specific parcel(s) is so designated and thereby sold subject to the provisions of law applicable thereto.

19. The purchaser's bid will be submitted to the Board of Supervisors on July 20, 2010. It shall be the purchaser's responsibility to contact the County Real Property Tax Service Agency (946-5916) on or after July 21, 2010 to determine whether the bid was accepted or rejected by the Board of Supervisors.
 20. The purchaser must pay the balance of the purchase price (paid in cash or by certified check, bank check or money order payable to the Wayne County Treasurer) together with the necessary recording taxes and fees (paid in cash or check payable to the Wayne County Clerk) to the County Attorney's Office not later than July 30, 2010 by 3:00 p.m. Upon receipt of such payments, the deed will be recorded in the County Clerk's Office and mailed to the purchaser upon completion of the recording process. ALL DEEDS SHALL BE EXECUTED SOLELY IN THE NAME OF THE BIDDER (AND SPOUSE, IF REQUESTED) AS SUBMITTED IN THE BID DOCUMENTS. If the purchaser fails to make such payments on or before July 30, 2010, the sale shall be deemed cancelled, the County shall not be obligated to convey the property to the purchaser, and the purchaser's deposit shall be retained by the County as liquidated damages.
- Mr. Plant moved the adoption of the resolution. Seconded by Mr. Kelsch. Upon roll call, adopted.

RESOLUTION NO. 459-10: AMEND NURSING HOME REHAB PROJECT (H1925) PER CHANGE ORDER NUMBERS APPROVED ON MAY 4, 2010

Mr. Hammond presented the following:

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

WHEREAS, The BRC met on May 4, 2010 to review the status of the project and reviewed and approved various change orders within the components of the project; and

WHEREAS, the following change orders were reviewed and approved for the General Contractor component: GC-13 decrease \$1,256.00 for Telephone Room Abatement Deletion; GC-29 increase \$6,457.00 for Existing Door/Frame Replacement; GC-31 increase \$174.00 for Room 1024 Hose Bib; GC-33 decrease \$613.00 for Shower & Drying Area Tile Transition; GC-34 increase \$7,200.00 for B Wing Chase at Column 10a/n; GC-36 decrease \$985.00 for Room 1038 Delete SS Lab Casework; GC-37 increase \$2,678.00 for Operable Partition Changes for a net increase to the General Contractor component of \$13,655.00; and

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

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

H1925-CO.BLDG. RENOVATION-ONH:

\$13,655.00 to .52813 General Trades

\$13,655.00 from .52818 Contingency

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

RESOLUTION NO. 460-10: AUTHORIZATION TO AMEND CONTRACT WITH TOSHIBA COPIERS FOR THE REMOVAL OF HARD DRIVES AND THE END OF LIFE OF COPIERS OR CONTRACT

Mr. Hammond presented the following:

WHEREAS, the County of Wayne leases the majority of our copiers with Toshiba with the lease ending December 31, 2013; and

WHEREAS, it has been brought to our attention that the digital copiers actually store an image on a hard drive located in the copier which can be retrieved; and

WHEREAS, much of the County information copied is covered by HIPPA regulations and other sections of law which shall remain with the County; and

WHEREAS, in cooperation with Toshiba, an agreement to have all hard drives removed

from the copiers when they leave County service and a new hard drive installed along with a certificate that this is the hard drive that was removed from the computer being presented to the County for a fee of \$150.00 per machine; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign the amendment, upon review of the County Attorney, with Toshiba Business Solutions to have all hard drives removed from the copiers when they leave County service and a new hard drive installed along with a certificate that this is the hard drive that was removed from the computer being presented to the County for a fee of \$150.00 per machine payable when the certificate is received by Wayne County.

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

RESOLUTION NO. 461-10: PROCEDURE FOR SURPLUS COMPUTER EQUIPMENT DISPOSITION

Mr. Hammond presented the following:

WHEREAS, there is not currently a procedure for re-use of replaced computer equipment; and

WHEREAS, the County Administrator has recommended that the county include town, village, and other governmental entities in the procedure; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors hereby adopts this

Surplus Computer Equipment Disposition Procedure:

1. As soon as a replacement computer or printer is put into service, the department head shall release the replaced equipment to Information Technology for them to determine if it could be reused in another capacity. If the equipment is no longer serviceable or is from a department where sensitive information may have been stored on it, the Department Head shall submit a resolution transmittal declaring the equipment as surplus and ready for recycling.
2. Information Technology shall evaluate the equipment and shall compile a list with all the pertinent information about the equipment and also the condition and suggested sale price. Sale price will be an amount equal to the hours to cleanse the machine times the then going rate for IT services. A copy of this form shall be sent to the Purchasing Agent.
3. All Town Supervisors and Village Clerks will be notified by the Purchasing Agent of the availability of this equipment and a deadline date for their response. Towns and Villages are responsible for notifying any other entities within their jurisdiction.
4. The County Administrator and the Board of Supervisors will review the requests and make a determination as to the disposal of the equipment. The following priority guidelines are established:
If more than one request is received, priority will be given to entities that have not previously purchased equipment from the county.
After the first priority has been taken into consideration, consideration will be given to requests in the order said requests are received in writing by the Purchasing Agent.
After all the above are considered, the County Administrator and Finance Committee will recommend to the Board the disposition of the equipment.
5. The Board will adopt a resolution for the disposition of the equipment. The Purchasing Agent will forward a copy of said resolution to the governmental entity whose request has been accepted. Said governmental entity shall within forty-five days of said notification forward the purchase price to the Purchasing Agent.
6. Any equipment sold will be sold "as is" and "where is" and it will become the sole property of the entity making the purchase.
7. If equipment is not sold it will be declared surplus and be disposed in accordance with county policy.

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

RESOLUTION NO. 462-10: AMEND NURSING HOME REHAB PROJECT (H1925) PER CHANGE ORDER NUMBERS APPROVED ON JUNE 1, 2010

Mr. Hammond presented the following:

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

WHEREAS, the BRC met on June 1, 2010 to review the status of the project and reviewed and approved various change orders within the components of the project; and

WHEREAS, the following change orders were reviewed and approved for the General Contractor component: GC-30 increase \$531.00 for Gap infill at men's locker room 1011 and \$452.00 increase for infill with blank metal filler panel from locker supplier; GC-39 increase \$5,934.00 for Area "B" Administrative area floor plan revisions; GC-40 decrease \$402.00 for deletion of labor and material of countertop along north wall of Room 2009; GC-41 increase \$4,978.00 for abatement of windows in Room 26 & 26, abatement of 4 windows at south wall of link between areas "C" and "D"; GC-42 increase \$293.00 for 10 pipe rail stanchions require revised mounting detail to mount metal deck/structural steel in lieu of concrete deck; GC-43 increase \$7,480.00 for Area "B" basement abatement in CMU for Mechanical, Electrical and Plumbing contractors penetrations; GC-44 increase \$3,992.00 for pricing to saw cut concrete, remove angle iron and infill trench in Boiler room; GC-45 increase \$2,150.00 for removing existing "B" basement metal chimney cap, dryer vent stacks and infill opening with CMU and install sloped pre-cast cap on existing chimney; GC-46 increase \$465.00 for concrete curb installed under Electrical Room door 0041, curb to be painted safety yellow; GC-47 increase \$1,769.00 for masonry repair of east wall in Maintenance Room 1018 and Electrical Room 1016; GC-48 increase \$4,099.00 for additional storm sewer connection in existing electrical vault, epoxy grout all exterior openings of vault, new electrical cover for vault; GC-49 increase \$4,996.00 for fur out various walls to allow for installation of surface mounted electrical devices on asbestos containing walls without abatement; GC-51 increase \$6,720.00 for removal 3 windows in Room 1017 and reinstall at 48" above finished floor to avoid conflict with scheduled countertop; GC-52 increase \$1,830.00 for removal of 2 windows in area "D" under abatement; GC-57 increase \$2,494.00 for masonry walls and piers in corridor C-003 to conceal fragmented blocks as a result of abatement; for a net increase to the General Contractor component of \$47,781.00; and

WHEREAS, the following change orders were reviewed and approved for the HVAC component: HVAC-05 no cost for floor plan revision to Area "B" Administrative Area's; for a no cost change to the HVAC component; and

WHEREAS, the following change orders were reviewed and approved for the Electrical component: EC-06 increase \$2,911.00 for re-feed Maintenance Garage power supply; EC-09 increase \$422.00 to provide a flush mounted box in ceiling of Room 2026 for power to overhead projector; EC-10 increase \$495.00 for relocation of power and light fixtures to allow for closets in Rooms 1007, 1008, 1009 and 1010; EC-13 increase \$4,779.00 for electrical costs for revision of floor plan layout of "B" wing administrative area; EC-14 increase \$2,505.00 for lighting fixture and dimmer control changes in Rooms 1016, 1017, 1018 and 1019 for a net increase to the Electrical component of \$11,112.00; and

WHEREAS, the following change orders were reviewed and approved for the Plumbing and Fire Protection component: PC-02 increase \$3,621.00 for re-routing south end of "C" wing storm line to avoid footer, once past footer, offset back to connect to existing storm drain. Existing storm drain below footer to be removed and backfilled for a net increase to the Plumbing and Fire Protection component of \$3,621.00; and

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

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

H1925-CO.BLDG. RENOVATION-ONH:

\$47,781.00 to .52813 General Trades

\$11,112.00 to .52815 Electrical

\$ 3,621.00 to .52816 Plumbing & Fire Protection
\$ 62,514.00 from .52818 Contingency

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

RESOLUTION NO. 463-10: AUTHORIZATION TO ACCEPT AUDIT QUOTATION FOR ACCOUNTING SERVICES

Mr. Hammond presented the following:

WHEREAS, the County is required to have audit services provided for various oversight and regulatory agencies of the State and Federal Government; and

WHEREAS, the County has engaged the services of Raymond F. Wager CPA and wishes to continue to have them provide these services; and

WHEREAS, New York State Department of Transportation is requiring a Compliance Audit for 2009; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized to sign an engagement letter with Raymond F. Wager, CPA to provide these services for the fiscal year 2009 during the calendar year 2010, not to exceed \$4,500.

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

RESOLUTION NO. 464-10: ESTABLISH LINE ITEMS FOR NURSING HOME PROJECT SUBSIDY RECEIPTS AND FEES ASSOCIATED WITH BONDING

Mr. Hammond presented the following:

WHEREAS, the County bonded a portion of the project utilizing the Build America and Recovery Zone Bonds which subsidize the County for utilizing these taxable Bonds; and

WHEREAS, the County will also have to pay fees to MBBA for participating in said Bonds; now, therefore, be it

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

A9710-SERIAL BONDS:

\$35,242.00 to .42769 Subsidy Receipts

\$35,242.00 to .54517 MBBA Fees

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

RESOLUTION NO. 465-10: RESOLUTION REQUESTING NEW YORK STATE COMPTROLLER TO REVIEW AND ADJUST 2011 RETIREMENT SYSTEM CONTRIBUTION RATES BASED UPON CURRENT STATUS OF PENSION FUND RATE OF RETURN

Mr. Hammond presented the following:

WHEREAS, New York State Comptroller DiNapoli has recently announced that the New York State Pension Fund posted a 25.9 percent rate of return for the fiscal year ended March 31, 2010; and

WHEREAS, the previously projected rates for payment on February 1, 2011 anticipated a substantial increase in the contribution rates for 2011 based upon a negative rate of return for the fiscal year ending March 31, 2009; and

WHEREAS, in light of the much improved rate of return for the Pension Fund, it appears that an adjustment of the 2011 rates are warranted; and

WHEREAS, the aforesaid adjustment in rates would reduce the taxpayers burden on funding the costs for the New York State Retirement System in 2011; now therefore be it

RESOLVED, that the Wayne County Board of Supervisors hereby requests New York State Comptroller DiNapoli to review and adjust the 2011 New York Retirement System Contribution Rates based upon the more recent and improved rate of return reflected in the report for the fiscal year ended March 31, 2010.

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

AD HOC COMMITTEE – Building Relocation Committee

RESOLUTION NO. 466-10: AUTHORIZATION TO AMEND THE 2010 COUNTY BUDGET FOR PROJECT H1925 COUNTY BUILDING RENOVATION-OLD NURSING HOME

Mr. Spickerman presented the following:

WHEREAS, after review of the budget and expenditures based upon April 30, 2010 reports, some adjustment to this project are necessary; and

WHEREAS, a reconciliation of the project account requires a journal entry to reduce a Interfund transfer revenue and expense account in the amount of \$1,934,978.00; and

WHEREAS, the amount of funds in line item .52800 A/E Design Fee needs to be reduced by \$65,477.00 to \$993,073.00 to reflect awarded contract amounts; and

WHEREAS, the amount in line item .52827 Storage, Rent/Utility/Fit-up needs to be increased by \$13,000.00 to \$48,000.00 for the increased cost of storage for County records for 18 months and additional utility costs anticipated for the project; now, therefore, be it

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

H1925-CO. BLDG. RENOVATION-ONH:

\$1,934,978.00 from .45031 Interfund Transfers

\$65,477.00 from .52800 A/E Design Fee

\$52,477.00 to .52818 Contingency

\$13,000.00 to .52827 Storage, Rent/Utility/Fit-up

H9901-INTERFUND TRANSFERS:

\$1,934,978.00 from .59100 Transfer-General Fund

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

RESOLUTION NO. 467-10: AUTHORIZE THE NAMING OF FORMER NURSING HOME STRUCTURE

Mr. Spickerman presented the following:

WHEREAS, Wayne County has undertaken the reconstruction of the former Wayne County Nursing Home structure in order to provide space for the Sheriff's Office, Probation Department, Fire Coordinator, Emergency Management Department, Emergency Medical Services Coordinator, Veterans Services Department, Board of Elections, and a Disaster Recovery Room for the Information Technology Department; and

WHEREAS, the Building Relocation Committee has considered various possible names for the building; and

WHEREAS, after deliberation, the Building Relocation Committee has recommended that the building should be called "Wayne County Safety and Public Services Building;" now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors hereby names the building "Wayne County Safety and Public Services Building".

Mr. Plant moved, seconded by Mr. Colacino, to amend the resolution by changing the proposed name of the building to the **Wayne County Public Safety Building**.

Mrs. Collier addressed the Board and questioned the proposed name with concerns for the other County Departments that will be relocating their offices there and do not pertain to Public Safety.

Mr. LeRoy stated that this is the name that was originally proposed for the building.

Upon roll call to change the proposed name of the building to **Wayne County Public**

Safety Building. The Chairman declared the motion carried.

Mr. Lauderdale moved, seconded by Mrs. Collier to adopt the amended resolution. The Chairman declared the Resolution adopted.

AD HOC – Hotchkiss Building Committee

RESOLUTION NO. 468-10: AUTHORIZATION TO ISSUE REQUESTS FOR QUALIFICATIONS FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE HOTCHKISS BUILDING RENOVATION/RESTORATION PROJECT

Mr. Manktelow presented the following:

WHEREAS, Wayne County will undertake the renovation/restoration of the HG Hotchkiss Essential Oil Building in Lyons, NY; and

WHEREAS, the Hotchkiss Building Ad Hoc Committee believes it would be in the best interest of the County to have a Construction Management Service oversee this time sensitive project; and

WHEREAS, the best process for the selecting and hiring a construction manager/Clerk of the Works, is to engage in a qualifications based selection through a negotiated procurement process that allows initial selection to be based upon qualifications and competence in relation to the specific work to be performed; and once a consultant is selected, the scope of work is developed by the consultant and the County and fees are negotiated dependent upon the tasks included in the scope of work; now, therefore, be it

RESOLVED, that the Planning Department, on behalf of the County of Wayne, is hereby authorized to issue a Request for Qualifications which will request each respondent to define in specific terms their experience with projects of a similar nature and scope and to provide their direct hourly costs and information related to the overhead charged for each project; and be it further

RESOLVED, that the Hotchkiss Renovation/Restoration Committee shall review all responses to the Request for Qualifications and make a recommendation to the Wayne County Board of Supervisors as to the proposed selection of a construction manager.

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

RULE 15 RESOLUTIONS

RESOLUTION NO. 469-10: RESOLUTION AMENDING RESOLUTION 351-10 AUTHORIZING JOINT MUNICIPAL IMPROVEMENT PROJECT FOR THE TOWN OF ARCADIA, IN PARTNERSHIP WITH THE TOWN OF LYONS AND THE VILLAGE OF NEWARK (REFERRED BACK TO STANDING COMMITTEE)

Mr. Hammond presented the following:

WHEREAS, Resolution No. 351-10 authorized funding for the extension of the Erie Canal Trail from Route 88 in the Village of Newark to the western boundary of the Village of Lyons from the Joint Municipal Improvement Project for the Town of Arcadia, in partnership with the Town of Lyons and the Village of Newark, in the amount of one-third the total project cost or \$60,000, whichever is less; and

WHEREAS, upon further review and discussion of Resolution No. 351-10; the Finance Committee has recommended that the resolution include language defining that the payment from the Joint Municipal Improvement Fund will be made upon the successful completion of the project; now, therefore, be it

RESOLVED, that Resolution No. 351-10 is hereby amended as follows:

“RESOLVED that the Wayne County Board of Supervisors hereby authorizes funding from the Joint Municipal Improvement Project for the Town of Arcadia, in partnership with the Town of Lyons and the Village of Newark, in the amount of one-third the total project cost or \$60,000, whichever is less; and be it further

RESOLVED, that the payment from the Joint Municipal Improvement Fund will be made only upon receipt of documentation that the aforesaid Canal Trail extension is completed in accordance with the requirements of the NYS DOT Transportation Enhancements Program Grant for the trail extension."

Mr. Spickerman moved the adoption of the resolution. Seconded by Mrs. Collier.

Mr. Colacino requested to address the Board regarding the Rule 15 Resolution proposing an amendment that defined when payment was to be made from the Joint Municipal Improvement Fund.

There were several discussions regarding when payments from this Fund had been made in the past. Further, it was not clear in the original resolution when the funds would be expended, whether before or after the project was completed.

Mr. Lauderdale moved for an amendment, seconded by Mrs. Crane that the second "WHEREAS" clause and the final "RESOLVED" clauses be amended as follows:

Second "WHEREAS" clause:

"WHEREAS, upon further review and discussion of Resolution No. 351-10; the Finance Committee has recommended that the resolution include language defining that the payment from the Joint Municipal Improvement Fund will be made upon the request of the Lead Agency – The Town of Arcadia; now, therefore, be it"

Third "RESOLVED" clause:

"RESOLVED, that the payment from the Joint Municipal Improvement Fund will be made immediately upon request of the lead agency."

Prior to voting on the proposed amendment, there were inquiries as to the history of the County expending funds *prior* to a project's completion.

Sharon Lilla, Director of the Wayne County Planning Department stated that the County has made "progress payments" in the past from the Joint Municipal Improvement Fund.

The Chairman called for a vote on the proposed amendment by Mr. Lauderdale.

Upon roll call, all Supervisors voted Nay, except Supervisors Colacino, Groat, Crane, Manktelow and Lauderdale who voted Aye. The Chairman declared the amendment defeated.

After the vote, Mr. Kelsch asked if the Board would support progress payments for this project. A suggestion was made to refer the resolution back to the standing committee for consideration of possible additional amendments.

Mr. LeRoy moved, seconded by Mr. Spickerman, that the proposed resolution (Res. No. 469-10) be referred back to the Standing Committee for further discussion and possible amendment. Upon roll call, carried.

RESOLUTION NO. 470-10: AUTHORIZATION TO SUBMIT APPLICATION FOR PRE-K AMERICAN RECOVERY AND REINVESTMENT ACT GRANT FUNDS

Ms. Park presented the following:

WHEREAS, funding is available for the non-Medicaid eligible Pre-K children's cost of services provided to preschoolers with a disability for the 2009-10 school year; and

WHEREAS, this funding will replace the states 59.5% reimbursement to counties; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors execute certification required with application; and be it further

RESOLVED, that the Public Health Director is hereby authorized and directed to submit the above mentioned application and certification.

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

OTHER BUSINESS

Mrs. Collier moved, seconded by Mrs. Bender that three (3) resolutions be allowed on the floor under Other Business. Upon roll call, all Supervisors voted Aye. Carried.

RESOLUTION NO. 471-10: AUTHORIZATION TO AMEND WAYNE COUNTY PUBLIC HEALTH CERTIFIED HOME HEALTH AGENCY 2010 CONTRACTS TO INCLUDE NYSDOH DISCLOSURE STATEMENT

Ms. Park presented the following:

WHEREAS, it is necessary to amend our Certified Home Health Agency (CHHA) signed contracts with providers to include the "Notwithstanding" clause as stated in Title 10 NYCRR 763.12 (8) (i, ii, iii) as hereinafter set forth:

"Notwithstanding any other provisions in this contract, the agency remains responsible for:

- (i) ensuring that any service provided pursuant to this contract complies with all pertinent provisions of Federal, State and local statutes, rules and regulations;
- (ii) planning, coordinating and ensuring the quality of all services provided; and
- (iii) ensuring adherence to the plan of care established for patients

now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to sign the following amended Certified Home Health Agency 2010 contracts to include the above mentioned "Notwithstanding" verbiage as stated in Title 10 NYCRR 763.12 (8) (i, ii, iii), subject to the approval of the County Attorney as to form and content:

- Patricia Battle, OT
- Cynthia Beagley, ST
- Patricia Chapin, PT
- Deborah Herold, PT
- Lifetime Care – HHA contract

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

RESOLUTION NO. 472-10: AUTHORIZATION FOR WAYNE COUNTY TO SUBMIT IGNITION INTERLOCK PLAN IN COMPLIANCE WITH "LEANDRA'S LAW"

Mr. Plant presented the following:

WHEREAS, Wayne County is required, as an unfunded mandate, to submit a County Plan to comply with the provisions of the Child Passenger Protection Act, specifically Chapter 496 of the Laws of 2009; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to submit said plan.

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

RESOLUTION NO. 473-10: AUTHORIZATION TO CONTRACT WITH A CONSULTANT FOR THE CERTIFIED HOME HEALTH AGENCY AND TRANSFER FUNDS

Ms. Park presented the following:

WHEREAS, the Wayne County Public Health (WCPH) has need for a consultant to perform chart audits for the certified home health agency (CHHA) for all active patients; and

WHEREAS, WCPH has identified Ms. Deb Snyder, PO Box 217, Dresden, NY 14441 as an individual with extensive home care experience to perform such chart audits; and

WHEREAS, Ms. Snyder will receive \$30.00 per hour worked for a total not to exceed \$5,000 for the period June 21, 2010 to July 16, 2010; and

WHEREAS, the insurance indemnification is hereby waived for this contract; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisors is hereby authorized to contract with Ms. Deb Snyder, PO Box 217, 59 Main St., Dresden, NY 14441 to perform chart audits for the certified home health agency, for the period of June 21, 2010 to July 16, 2010, at \$30.00 per hour worked, not to exceed \$5,000, subject to the approval of the County Attorney as to form and content; and be it further

RESOLVED, that the County Treasurer is hereby authorized to transfer \$5,000 from A40191.51282 to 40194.54500.

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

EXECUTIVE SESSION:

At 9:07 p.m., Mrs. Collier moved, seconded by Mr. Plant, that the Board go into Executive Session to discuss the employment history of a particular County employee. Upon roll call, carried.

REGULAR SESSION: Ms. Park moved, seconded by Mr. Colacino that the Board resume regular session at 9:46 p.m. Carried.

ADJOURNMENT:

The next scheduled meeting of the Board is Tuesday, July 20, 2010 at 9:00 a.m.

Ms. Park moved, seconded by Mr. Kelsch, that the board adjourn at 9:48 p.m. Carried.

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