

REQUEST TO CALL SPECIAL MEETING

To the Clerk of the Board of Supervisors:

You are hereby directed to call a Special Meeting of the Board of Supervisors of Wayne County, New York, to be held in the Supervisors' Chambers in the Court House in the Village of Lyons, New York, **Tuesday, August 30, 2011 at 9:00 a.m.**, for the following purposes:

- FIRST: Wayne County Compliance Training for Board Members.
- SECOND: To hear, consider and act upon any other matter which may be brought to the Board in the same manner and to the same effect as if the Board were convened in regular session.

Dated at Lyons, New York
July 29, 2011

James D. Hoffman, Chairman
Wayne County Board of Supervisors

NOTICE OF SPECIAL MEETING

Wayne County
Office of the Clerk of the Board of Supervisors

Upon direction of the Chairman of the Board of Supervisors of the County of Wayne, I do hereby call a Special Meeting of the Board of Supervisors of Wayne County, New York, to be held in the Supervisors' Chambers in the Court House in the Village of Lyons, New York, **Tuesday, August 30, 2011 at 9:00 a.m.**, for the following purposes:

- FIRST: Wayne County Compliance Training for Board Members.
- SECOND: To hear, consider and act upon any other matter which may be brought to the Board in the same manner and to the same effect as if the Board were convened in regular session.

Dated at Lyons, New York
July 29, 2011

Sandra J. Sloane, Clerk
Wayne County Board of Supervisors

18th Day
Tuesday, August 30, 2011
9:00 a.m.

Upon roll call, all Supervisors were present except Supervisor Crane who was absent. County Administrator James Marquette and County Attorney Daniel Connors were also present.

APPROVAL OF MINUTES:

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

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.

Prior to the reading of the scheduled public hearing, Chairman Hoffman introduced

Richard Bond, Wayne County Fire Coordinator, to update Board Members on Wayne County's response efforts to requests received for emergency assistance for Hurricane Irene that affected Eastern New York.

Further, Supervisor Collier addressed the Board and to say that she was very impressed with Mr. Bond and complemented him for his professional role in dispatching emergency services in regards to the recent tornado that touched down in parts of eastern Wayne County on Sunday, August 21st.

SCHEDULED BUSINESS

PUBLIC HEARING –

The Clerk distributed copies of the proposed local law prior to the beginning of the meeting and read the beginning of the notice on schedule.

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, August 30, 2011 at 9:05 a.m.** in the Supervisors Chambers in the County Court House, 26 Church Street, Lyons, New York, on the following proposed local law:

COUNTY OF WAYNE – STATE OF NEW YORK

A Local Law amending the Local Law that established a plan of self-insurance as provided for in Article 5 of the Worker's Compensation Law.

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

SECTION 1. LEGISLATIVE INTENT

"A Local Law amending Local Law No. 1 of 1956, and repealing Local Law No. 1 of 1964, Local Law No. 2 of 1970, Local Law No. 2 of 1979, Local Law No. 5 of 1991, Local Law No. 5 of 1992, Local Law No. 3 of 1995, Local Law No. 5 of 2001, Local Law No. 5 of 2002, and Local Law No.5 of 2007, establishing a plan of self-insurance as provided for in Article 5 of the Worker's Compensation Law, and providing for the administration thereof.

1. The plan of self-insurance provided by said Article 5 of the Worker's Compensation Law is hereby established and shall be known by the name of Wayne County Self-Insurance Plan.
2. The plan of self-insurance heretofore adopted pursuant to Article 5 of the Worker's Compensation Law and known as the Wayne County Self-Insurance Plan as set forth in Local Law No. 1 of 1956, is hereby amended as set forth herein, and Local Law No. 1 of 1964, Local Law No. 2 of 1970, Local Law No. 2 of 1979, Local Law No. 5 of 1991, Local Law No. 5 of 1992, Local Law No. 3 of 1995, Local Law No. 5 of 2001, Local Law No. 5 of 2002, and Local Law No.5 of 2007 are hereby repealed.
3. The plan of self-insurance hereby established shall be administered by Standing Committee No. 5 Government Operations Committee of the Wayne County Board of Supervisors.
4. The Committee is herewith granted the powers set forth in Section 64, Subdivision 1, of the Worker's Compensation Law with particular reference to the appointment or employment of such persons as may be deemed necessary for the operation of the

plan and is herewith empowered to contract for the necessary actuarial or other professional services required in the administration of this plan.

The Committee is also herewith empowered to appoint a Director of such plan and the Director shall perform such duties as may be necessary to operate the plan in accordance with the Worker's Compensation Law; utilizing the services of a Third Party Administrator, the Director shall have the power to authorize payment of Worker's Compensation benefits to claimants as provided by Section 25 of the Worker's Compensation Law; utilizing the services of a Third Party Administrator, the Director shall have the power to authorize necessary medical care which appears from medical reports and/or information to be justifiable; the Director shall have authority to purchase supplies, stationery, forms books, equipment, etc., as may be necessary for the operation of said plan within the limits of the appropriation and subject to the approval of the Committee; and the Director shall have the responsibility to ensure that a report of the plan be prepared annually not later than 60 days following the close of the calendar year, such report to be filed with the Clerk of the Board of Supervisors and provided to each participant of the plan. The Director shall file with the Clerk of the Board on or before August 15 an estimate of need for the Plan for the ensuing year; each participant in the plan shall be notified in writing not later than September 1 of their assessment for the ensuing year.

5. The County of Wayne shall be a participant in the Plan.
6. Any of the Towns, Villages, or Union Free and Central School Districts may elect to become a participant in the plan hereby established by filing with the Committee on or before the first day of July of any year a certified copy of the resolution of its governing body electing to become a participant in the plan, with membership to become effective on the first day of January following such filing.
7. There shall be no entrance fee required for entry into this plan for new members. Previous members who have withdrawn from the plan and wish to reenter the plan shall pay an amount equal to twenty-five percent of the most recent plan assessment for that jurisdiction prior to withdrawing from the plan plus an assessment based upon the formulae contained herein for participating members for the year of re-entry.
8. Any participant shall be entitled to withdraw from participation in the plan by filing with the Committee on or before the fifteenth day of October of any year a certified copy of the resolution of its governing body electing to withdraw from the plan effective at the end of such year. The withdrawing participant shall be assessed an amount of money equivalent to its proportionate share of the value of all outstanding and unreserved liabilities of the plan as of the date of withdrawal. Outstanding and unreserved liabilities of the plan shall be calculated utilizing the actuarially determined "expected" midpoint of the discounted "Estimated Loss and ALAE Reserves including IBNR" at the year end for the current year. The date of withdrawing from the plan shall be the last day of the calendar year in which the notice to withdraw is received.
On or before September 1, an estimate of said amount may be requested by the withdrawing entity based upon the most recent completed year but is not a binding amount on the plan. The percent of equitable share shall be calculated by dividing the plan assessment for the jurisdiction for the current year by the assessment of all the participants in the plan for the current year, then multiplying that percentage times the difference between outstanding actuarially determined liabilities of the plan as of the date of withdrawing from the plan less the amount of the plan reserve as of that date. The actual amount shall be determined not later than June 1 of the ensuing year and the withdrawing jurisdiction shall remit the amount to the County not later than July 31.

Failure to remit the full amount owed by July 31 shall cause the county to levy the unpaid amount in the next scheduled tax levy against property taxable by the participant responsible for the assessment.

9. The Committee is herewith empowered to require medical physical examinations of any or all employees of any participant as it shall deem necessary. This power shall include the right of examination of all active members of volunteer fire companies participating in the plan. The costs of such examinations shall be paid from the funds of the plan.
10. The Committee is herewith empowered to require the institution of safety programs with respect to any of the participants in this plan as it shall deem necessary.
11. The managing Committee is herewith empowered to require the participating members to promptly file reports of all accidents; to notify the Committee of the work status of any injured employee; to promptly file payroll information upon request, and to co-operate in every manner with the Committee and Director of the Plan.
12. For each infraction of Sections 10, 11 and 12 hereof, the offending participant may be assessed a fine in a sum to be determined by the Committee but which shall not in any event exceed \$25.00 for each infraction. The Committee is herewith empowered to suspend or excuse the assessment and/or the collection of such fines upon the proper showing by the offending participant. Any such penalty so assessed shall be collected at the same time and in the same manner as other charges against such participant as set forth in Section 15 of this law.
13. (a) Definitions
 - (i) "Annual Estimate" is the annual estimate prepared pursuant to Section 67 of the Workers' Compensation Law.
 - (ii) "Incurred loss experience" includes paid losses plus reserves.
 - (iii) "Plan Group A" includes all school districts in the Wayne County Self-Insurance Plan.
 - (iv) "Plan Group B" includes the County of Wayne and all Towns and Village participants in the Wayne County Self-Insurance Plan.
 - (v) "Plan Group A and B loss distribution factor" shall be 100% of the total Plan assessment.
 - (vi) "Plan Group A, and B three-year experience assessment" is the amount determined by multiplying fifty percent of the total annual estimate by the Plan Group A, and B three-year loss distribution factor.
 - (vii) "Participant's experience rating factor" for each Plan
 - (viii) Group A, and B participant is the participant's pro rata share, expressed as a percentage, of the incurred loss experience for all Plan Group A, and B participants in the three consecutive calendar years immediately preceding the year in which the annual estimate is prepared. The amount in excess of \$20,000 incurred for an individual claim in any calendar year shall not be used in determining a participant's loss experience for such calendar year.
 - (ix) "Participant's payroll rating factor" for each Plan Group A, and B participant is the participant's pro rata share, expressed as a percentage, of the total payroll for Plan Group A, and B participants for the year immediately preceding the year in which the annual estimate is prepared.
 - (x) "Plan Group A, and B payroll assessment" is the amount determined by multiplying twenty-five percent of the total assessment by the Plan Group A and, B loss distribution factor.

- (xi) "Participant's taxable property value rating factor" for each Plan Group A and B participant is the participant's pro rata share, expressed as a percentage, of the total taxable property value for Plan Group A and B participants for the year immediately preceding the year in which the annual estimate is prepared. For those Plan Group B town participants that have one or more village governments within their jurisdictions the equalized assessments of the participants shall not include the village equalized assessments in the town government assessments for the purpose of calculating equalized assessed value for the plan.
 - (xii) "Plan Group A and B property value assessment" is the amount determined by multiplying twenty-five percent of the total assessment by the Plan Group A, and B loss distribution factor.
 - (xiii) "Plan Group A property value assessment" is the amount determined by multiplying twenty-five percent of the total assessment by the Plan Group A loss distribution factor.
 - (xiv) "Plan Group B property value assessment" is the amount determined by multiplying twenty-five percent of the total assessment by the Plan Group B loss distribution factor
- (b) Apportionment of Costs
- (i) Twenty-five percent of the annual estimate of costs shall be apportioned to each Plan participant on a payroll rating basis. The share for each participant shall be determined by multiplying the participant's payroll rating factor by the participant's Plan Group payroll assessment.
 - (ii) Fifty percent of the annual estimate of costs shall be apportioned to Plan participants on an experience rating basis. The share of each participant shall be determined by multiplying the participant's experience rating factor by the participant's Plan Group experience rating factor.
 - (iii) The amount in excess of \$20,000 incurred for an individual claim in any calendar year shall not be used in determining a participant's loss experience for such calendar year.
 - (iv) If the total amount apportioned to a participant in any year exceeds twice the amount apportioned to such participant in the immediately preceding year, the excess amount shall not be charged to the participant but shall be apportioned to all other participants utilizing the percent of each participants current assessment as a percent of the total assessments of all other participants, less the assessment for any participant that exceeds twice the amount apportioned, to apportion the excess amount to all other participants.
 - (v) Twenty-five percent of the annual estimate of costs shall be apportioned to each Plan participant on a property value rating basis. The share for each participant shall be determined by multiplying each participant's equalized taxable property value rating factor by the participant's Plan Group property value assessment. For those Plan Group B town participants that have one or more village governments within their jurisdictions the equalized assessments of the participants shall not include the village equalized assessments in the town government assessments for the purpose of calculating equalized assessed value for the plan.

14. The amounts so proportioned to participating towns as provided in Section 13 hereof may be collected by inclusion in the scheduled tax levy against property taxable by the participant responsible therefore. Payment shall be made to the Wayne County Treasurer not later than thirty (30) days after the commencement of such participant's next fiscal year, as provided in Section 67 of the Workmen's Compensation Law.

Any amount proportioned to participating towns, villages, or school districts that is not remitted by the specified due date may be levied in the next scheduled tax levy for the year after it was due against property taxable by the participant responsible therefore. When collected, such amount shall be paid over to the Wayne County Treasurer and by him credited to the Wayne County Self Insurance Fund. For the failure of a participant to pay its share of an annual estimate within thirty (30) days after the commencement of its fiscal year, there shall be assessed a penalty equal to but not exceeding one per cent per month on the amount billed to the date of payment.

15. If at any time there are insufficient moneys in the Wayne County Self Insurance Fund, exclusive of the reserve, to operate the plan, the County Treasurer shall advance to such fund such amount from the General Fund of the County as shall be requested by the Committee and approved by resolution of the Board of Supervisors. Any such advance shall be repaid as soon as moneys are available therefore, but in no event later than the close of the calendar year succeeding the calendar year in which the advance was made. However, any such advance may be repaid not later than the close of the second calendar year succeeding the calendar year in which such advance was made, when made during such calendar year at a time subsequent to the preparation of the estimate by the Committee for the succeeding calendar year.
16. A self-insurance reserve in addition to the plan reserve for estimated loss and ALAE Reserves including IBNR in an amount not to exceed \$50,000 is hereby authorized to be established for the Wayne County Self-Insurance Plan. The funds for such reserve may be provided by (1) contributions to the reserve included in the annual estimate prepared by the Committee; (b) the transfer of moneys from the unexpended current fund balance upon authorization by the Committee, or (c) the accumulation of interest earned from the investment of reserve funds.
17. The Committee is herewith empowered to invest the reserve funds in accordance with Section 6-F of the General Municipal Law.
18. In the event of abandonment of the plan, all moneys remaining in such reserve in excess of an amount sufficient to satisfy all accrued and contingent liability shall be refunded to the participants in the same manner as collected by the most recent apportionment.
19. The committee, subject to the approval of the Board of Supervisors, may on behalf of the plan purchase excess or catastrophe insurance and the cost of such insurance shall be an administrative expense of the plan.
20. The Board of Supervisors may, by local law, provide for the abandonment of this plan. Such abandonment shall be effective as of the close of the calendar year in progress. Such plan, however, shall continue to operate thereafter until all liabilities of the plan incurred prior to such effective date shall have been satisfied and all advances to the Wayne County Self Insurance Fund repaid. Any assets of the plan remaining after the satisfaction of such liabilities shall be distributed among the participants, such participants to share in a pro rata basis on the equalized assessed valuation then effective.”

SECTION 2. EFFECTIVE DATE

This local law shall take effect immediately.

Prior to the opening of the hearing, Chairman Hoffman read the Rules and Procedures that this board follows for conducting public hearings.

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

No one approached the podium, therefore, the Chairman requested for a motion to close the hearing at 9:17 a.m. Mr. Colacino moved, seconded by Mr. Lauderdale, that the hearing be closed. Motion carried.

RESOLUTIONS:

RESOLUTION NO. 527-11: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE TOWN OF ARCADIA AND TO RESCIND RESOLUTION NO. 430-11

Mr. Hammond presented the following:

WHEREAS, the County has commenced a real property tax foreclosure proceeding pursuant to Real Property Tax Law Article 11 regarding Property Tax ID # 68111-10-365641, owned by Frederick Parkison and Douglas Parkison and located at 1303 North Main Street (the property), said property being located in the Village of Newark and the town of Arcadia; and

WHEREAS, the Town of Arcadia contracted with Lu Engineers to perform a Phase I environmental audit on the property, which is complete; and

WHEREAS, said Phase I environmental audit indicated a need for a Phase II environmental audit regarding the property; and

WHEREAS, the town, subject to the results and recommendations of said proposed Phase II environmental audit, would be willing to accept transfer of title to the property from the County at no cost for the purpose of remediation; and

WHEREAS, the County would be willing to complete the Real Property Tax Foreclosure regarding the property and transfer said property to the Town for the purpose of remediation; and

WHEREAS, the County is willing to commence a proceeding pursuant to ECL Section 56-0508 to obtain a Court Order granting the County temporary incidents of ownership regarding the property for the purpose of entering the property and conducting an environmental restoration investigation project prior to taking title to said property through the real property tax foreclosure proceeding; and

WHEREAS, the Town is willing to pay and/or guarantee payment of all engineering and other costs regarding said environmental restoration investigation project; and

WHEREAS, the County and the Town each mutually desire to define their respective financial and other obligations with respect to the Phase II environmental audit and environmental restoration investigation project which is to be completed by the United States Environmental Protection Agency regarding the above referenced property; and

WHEREAS, the County deems it advisable to have the complete understanding between the County and the Town of Arcadia with respect to the above referenced property reduced to writing in the form of an agreement between the County and the Town; now, therefore, be it

RESOLVED; that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute a contract with the Town of Arcadia, subject to the County Attorney's review and approval, with regard to the Parkison Property Tax ID #68111-10-365641 and the completion of a Phase II environmental audit to be done by the United States Environmental Protection Agency; and be it further

RESOLVED, that Resolution No. 430-11 is hereby rescinded in its entirety.

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

RESOLUTION NO. 528-11: AUTHORIZATION TO AMEND THE RULES OF ORDER FOR THE YEAR 2011

Mrs. Collier presented the following:

WHEREAS, it is required to amend the Rules of Order for the Year 2011 to reflect proposed changes presented to the Wayne County Board of Supervisors; now, therefore, be it

RESOLVED, that pursuant to notice on file with the Clerk of the Board and given to Board

Members specifying the particulars of such proposed amendments to Rules 3, 14, 23 and 25, the following Rules/Sections of the Rules of Order for the Year 2011 are hereby amended as follows:

**WAYNE COUNTY BOARD OF SUPERVISORS
RULES OF ORDER – 2011**

RULE 3. Special Meetings:

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

RULE 14. Rules of Debate:

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

- I. Refer:
(requires second, debatable, may be amended & requires a majority).

RULE 23. Voting Requirement:

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

RULE 25. The Order of Rules:

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

and be it further

RESOLVED, that the date of the amendment of said Rules of Order shall be effective the date said amendment is enacted by the Board.

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

RESOLUTION NO. 529-11: ADOPT A LOCAL LAW AMENDING WAYNE COUNTY'S SELF INSURANCE PLAN FOR WORKER'S COMPENSATION

Mrs. Collier presented the following:

WHEREAS, a proposed local law relating to amending Wayne County's Self Insurance Plan for Worker's Compensation was presented to the Board of Supervisors on August 8, 2011; and

WHEREAS, a public hearing on the proposed local law was held by the Board of Supervisors on August 30, 2011 at 9:05 a.m., 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

A Local Law Authorizing Amendment of the Wayne County Self Insurance Plan for Worker's Compensation.

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

SECTION 1. LEGISLATIVE INTENT

"A Local Law amending Local Law No. 1 of 1956, and repealing Local Law No. 1 of 1964, Local Law No. 2 of 1970, Local Law No. 2 of 1979, Local Law No. 5 of 1991, Local Law No. 5 of 1992, Local Law No. 3 of 1995, Local Law No. 5 of 2001, Local Law No. 5 of 2002, and Local Law No.5 of 2007, establishing a plan of self-insurance as provided for in Article 5 of the Worker's Compensation Law, and providing for the administration thereof.

1. The plan of self-insurance provided by said Article 5 of the Worker's Compensation Law is hereby established and shall be known by the name of Wayne County Self-Insurance Plan.
2. The plan of self-insurance heretofore adopted pursuant to Article 5 of the Worker's Compensation Law and known as the Wayne County Self-Insurance Plan as set forth in Local Law No. 1 of 1956, is hereby amended as set forth herein, and Local Law No. 1 of 1964, Local Law No. 2 of 1970, Local Law No. 2 of 1979, Local Law No. 5 of 1991, Local Law No. 5 of 1992, Local Law No. 3 of 1995, Local Law No. 5 of 2001, Local Law No. 5 of 2002, and Local Law No.5 of 2007 are hereby repealed.
3. The plan of self-insurance hereby established shall be administered by Standing Committee No. 5 Government Operations Committee of the Wayne County Board of Supervisors.
4. The Committee is herewith granted the powers set forth in Section 64, Subdivision 1, of the Worker's Compensation Law with particular reference to the appointment or employment of such persons as may be deemed necessary for the operation of the plan and is herewith empowered to contract for the necessary actuarial or other professional services required in the administration of this plan.

The Committee is also herewith empowered to appoint a Director of such plan and the Director shall perform such duties as may be necessary to operate the plan in accordance with the Worker's Compensation Law; utilizing the services of a Third Party Administrator, the Director shall have the power to authorize payment of Worker's Compensation benefits to claimants as provided by Section 25 of the Worker's Compensation Law; utilizing the services of a Third Party Administrator, the Director shall have the power to authorize necessary medical care which appears from medical reports and/or information to be justifiable; the Director shall have authority to purchase supplies, stationery, forms books, equipment, etc., as may be necessary for the operation of said plan within the limits of the appropriation and subject to the approval of the Committee; and the Director shall have the responsibility to ensure that a report of the plan be prepared annually not later than 60 days following the close of the calendar year, such report to be filed with the Clerk of the Board of Supervisors and provided to each participant of the plan. The Director shall file with the Clerk of the Board on or before August 15 an estimate of need for the Plan for the ensuing year; each participant in the plan shall be notified in writing not later than September 1 of their assessment for the ensuing year.

5. The County of Wayne shall be a participant in the Plan.
6. Any of the Towns, Villages, or Union Free and Central School Districts may elect to become a participant in the plan hereby established by filing with the Committee on or before the first day of July of any year a certified copy of the resolution of its governing body electing to become a participant in the plan, with membership to become effective on the first day of January following such filing.
7. There shall be no entrance fee required for entry into this plan for new members. Previous members who have withdrawn from the plan and wish to reenter the plan shall pay an amount equal to twenty-five percent of the most recent plan assessment for that jurisdiction prior to withdrawing from the plan plus an assessment based upon the formulae contained herein for participating members for the year of re-entry.
8. Any participant shall be entitled to withdraw from participation in the plan by filing with the Committee on or before the fifteenth day of October of any year a certified copy of the resolution of its governing body electing to withdraw from the plan effective at the end of such year. The withdrawing participant shall be assessed an amount of money equivalent to its proportionate share of the value of all outstanding and unreserved liabilities of the plan as of the date of withdrawal. Outstanding and unreserved liabilities of the plan shall be calculated utilizing the actuarially determined "expected" midpoint of the discounted "Estimated Loss and ALAE Reserves including IBNR" at the year end for the current year. The date of withdrawing from the plan shall be the last day of the calendar year in which the notice to withdraw is received.
On or before September 1, an estimate of said amount may be requested by the withdrawing entity based upon the most recent completed year but is not a binding amount on the plan. The percent of equitable share shall be calculated by dividing the plan assessment for the jurisdiction for the current year by the assessment of all the participants in the plan for the current year, then multiplying that percentage times the difference between outstanding actuarially determined liabilities of the plan as of the date of withdrawing from the plan less the amount of the plan reserve as of that date. The actual amount shall be determined not later than June 1 of the ensuing year and the withdrawing jurisdiction shall remit the amount to the County not later than July 31. Failure to remit the full amount owed by July 31 shall cause the county to levy the unpaid amount in the next scheduled tax levy against property taxable by the participant responsible for the assessment.
9. The Committee is herewith empowered to require medical physical examinations of any or all employees of any participant as it shall deem necessary. This power shall include the right of examination of all active members of volunteer fire companies participating in the plan. The costs of such examinations shall be paid from the funds of the plan.
10. The Committee is herewith empowered to require the institution of safety programs with respect to any of the participants in this plan as it shall deem necessary.
11. The managing Committee is herewith empowered to require the participating members to promptly file reports of all accidents; to notify the Committee of the work status of any injured employee; to promptly file payroll information upon request, and to co-operate in every manner with the Committee and Director of the Plan.
12. For each infraction of Sections 10, 11 and 12 hereof, the offending participant may be assessed a fine in a sum to be determined by the Committee but which shall not in any event exceed \$25.00 for each infraction. The Committee is herewith empowered to

suspend or excuse the assessment and/or the collection of such fines upon the proper showing by the offending participant. Any such penalty so assessed shall be collected at the same time and in the same manner as other charges against such participant as set forth in Section 15 of this law.

13. (a) Definitions
- (i) "Annual Estimate" is the annual estimate prepared pursuant to Section 67 of the Workers' Compensation Law.
 - (ii) "Incurred loss experience" includes paid losses plus reserves.
 - (iii) "Plan Group A" includes all school districts in the Wayne County Self-Insurance Plan.
 - (iv) "Plan Group B" includes the County of Wayne and all Towns and Village participants in the Wayne County Self-Insurance Plan.
 - (v) "Plan Group A and B loss distribution factor" shall be 100% of the total Plan assessment.
 - (vi) "Plan Group A, and B three-year experience assessment" is the amount determined by multiplying fifty percent of the total annual estimate by the Plan Group A, and B three-year loss distribution factor.
 - (vii) "Participant's experience rating factor" for each Plan
 - (ix) Group A, and B participant is the participant's pro rata share, expressed as a percentage, of the incurred loss experience for all Plan Group A, and B participants in the three consecutive calendar years immediately preceding the year in which the annual estimate is prepared. The amount in excess of \$20,000 incurred for an individual claim in any calendar year shall not be used in determining a participant's loss experience for such calendar year.
 - (ix) "Participant's payroll rating factor" for each Plan Group A, and B participant is the participant's pro rata share, expressed as a percentage, of the total payroll for Plan Group A, and B participants for the year immediately preceding the year in which the annual estimate is prepared.
 - (x) "Plan Group A, and B payroll assessment" is the amount determined by multiplying twenty-five percent of the total assessment by the Plan Group A and, B loss distribution factor.
 - (xi) "Participant's taxable property value rating factor" for each Plan Group A and B participant is the participant's pro rata share, expressed as a percentage, of the total taxable property value for Plan Group A and B participants for the year immediately preceding the year in which the annual estimate is prepared. For those Plan Group B town participants that have one or more village governments within their jurisdictions the equalized assessments of the participants shall not include the village equalized assessments in the town government assessments for the purpose of calculating equalized assessed value for the plan.
 - (xii) "Plan Group A and B property value assessment" is the amount determined by multiplying twenty-five percent of the total assessment by the Plan Group A, and B loss distribution factor.
 - (xiii) "Plan Group A property value assessment" is the amount determined by multiplying twenty-five percent of the total assessment by the Plan Group A loss distribution factor.
 - (xiv) "Plan Group B property value assessment" is the amount determined by multiplying twenty-five percent of the total assessment by the Plan Group B loss distribution factor
- (b) Apportionment of Costs
- (i) Twenty-five percent of the annual estimate of costs shall be apportioned to each Plan participant on a payroll rating basis. The share for each participant

shall be determined by multiplying the participant's payroll rating factor by the participant's Plan Group payroll assessment.

- (ii) Fifty percent of the annual estimate of costs shall be apportioned to Plan participants on an experience rating basis. The share of each participant shall be determined by multiplying the participant's experience rating factor by the participant's Plan Group experience rating factor.
 - (iii) The amount in excess of \$20,000 incurred for an individual claim in any calendar year shall not be used in determining a participant's loss experience for such calendar year.
 - (iv) If the total amount apportioned to a participant in any year exceeds twice the amount apportioned to such participant in the immediately preceding year, the excess amount shall not be charged to the participant but shall be apportioned to all other participants utilizing the percent of each participants current assessment as a percent of the total assessments of all other participants, less the assessment for any participant that exceeds twice the amount apportioned, to apportion the excess amount to all other participants.
 - (v) Twenty-five percent of the annual estimate of costs shall be apportioned to each Plan participant on a property value rating basis. The share for each participant shall be determined by multiplying each participant's equalized taxable property value rating factor by the participant's Plan Group property value assessment. For those Plan Group B town participants that have one or more village governments within their jurisdictions the equalized assessments of the participants shall not include the village equalized assessments in the town government assessments for the purpose of calculating equalized assessed value for the plan.
14. The amounts so proportioned to participating towns as provided in Section 13 hereof may be collected by inclusion in the scheduled tax levy against property taxable by the participant responsible therefore. Payment shall be made to the Wayne County Treasurer not later than thirty (30) days after the commencement of such participant's next fiscal year, as provided in Section 67 of the Workmen's Compensation Law. Any amount proportioned to participating towns, villages, or school districts that is not remitted by the specified due date may be levied in the next scheduled tax levy for the year after it was due against property taxable by the participant responsible therefore. When collected, such amount shall be paid over to the Wayne County Treasurer and by him credited to the Wayne County Self Insurance Fund. For the failure of a participant to pay its share of an annual estimate within thirty (30) days after the commencement of its fiscal year, there shall be assessed a penalty equal to but not exceeding one per cent per month on the amount billed to the date of payment.
15. If at any time there are insufficient moneys in the Wayne County Self Insurance Fund, exclusive of the reserve, to operate the plan, the County Treasurer shall advance to such fund such amount from the General Fund of the County as shall be requested by the Committee and approved by resolution of the Board of Supervisors. Any such advance shall be repaid as soon as moneys are available therefore, but in no event later than the close of the calendar year succeeding the calendar year in which the advance was made. However, any such advance may be repaid not later than the close of the second calendar year succeeding the calendar year in which such advance was made, when made during such calendar year at a time subsequent to the preparation of the estimate by the Committee for the succeeding calendar year.
16. A self-insurance reserve in addition to the plan reserve for estimated loss and ALAE Reserves including IBNR in an amount not to exceed \$50,000 is hereby authorized to be established for the Wayne County Self-Insurance Plan. The funds for such reserve may

be provided by (1) contributions to the reserve included in the annual estimate prepared by the Committee; (b) the transfer of moneys from the unexpended current fund balance upon authorization by the Committee, or (c) the accumulation of interest earned from the investment of reserve funds.

17. The Committee is herewith empowered to invest the reserve funds in accordance with Section 6-F of the General Municipal Law.
18. In the event of abandonment of the plan, all moneys remaining in such reserve in excess of an amount sufficient to satisfy all accrued and contingent liability shall be refunded to the participants in the same manner as collected by the most recent apportionment.
19. The committee, subject to the approval of the Board of Supervisors, may on behalf of the plan purchase excess or catastrophe insurance and the cost of such insurance shall be an administrative expense of the plan.
20. The Board of Supervisors may, by local law, provide for the abandonment of this plan. Such abandonment shall be effective as of the close of the calendar year in progress. Such plan, however, shall continue to operate thereafter until all liabilities of the plan incurred prior to such effective date shall have been satisfied and all advances to the Wayne County Self Insurance Fund repaid. Any assets of the plan remaining after the satisfaction of such liabilities shall be distributed among the participants, such participants to share in a pro rata basis on the equalized assessed valuation then effective.”

SECTION 2. EFFECTIVE DATE

This local law shall take effect immediately.

and be it further

RESOLVED, that the Clerk of the Board of Supervisors is hereby directed to number the local law in conformance with the filing requirements of the Secretary of State and to file the local law with the Secretary of State in accordance with the provisions of the Municipal Home Rule Law of the State of New York.

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

RESOLUTION NO. 530-11: AUTHORIZATION TO EXECUTE AGREEMENT PERMITTING FINGER LAKES COMMUNITY COLLEGE TO OFFER COLLEGE COURSES IN WAYNE COUNTY

Mrs. Collier presented the following:

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute a contract on behalf of Wayne County, subject to the County Attorney's approval as to form and content, with the Ontario County Board of Supervisors and the Board of Trustees of Finger Lakes Community College authorizing FLCC to offer college courses in Wayne County during the period 9/1/11 - 8/31/12, provided, however, that no cost shall be incurred to Wayne County for the operation of such courses except for the allocable portion of the operating expenses for students residing in Wayne County attending FLCC in accordance with Section 6305 of the Education Law.

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

RESOLUTION NO. 531-11: RESOLUTION SETTING WAGE RATE FOR THE POSITION OF PERSONNEL CLERK PART-TIME

Mrs. Collier presented the following:

WHEREAS, the position of Personnel Clerk Part-time has become vacant and the Human Resources Director desires to refill the position as soon as possible; and

WHEREAS, the position is in the Managerial/Confidential group; and

WHEREAS, the Board of Supervisors needs to establish an hourly wage for the position; now, therefore, be it

RESOLVED, that the Board of Supervisors hereby establishes an hourly rate of \$13.846 for the Personnel Clerk Part-time.

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

OTHER BUSINESS:

Mr. Kelsch moved, seconded by Mr. Miller that two (2) resolutions be allowed on the floor under other business. Motion carried.

RESOLUTION 532-11: AUTHORIZATION TO AMEND BUDGET FOR SUPPLEMENTAL MEDICAID UPPER PAYMENT LIMIT (UPL) PAYMENTS

Ms. Park presented the following:

WHEREAS, Wayne County has been informed that monies have been made available for supplemental Medicaid Upper Payment Limit (UPL) payments to public nursing facilities, one of which is the Wayne County Nursing Home; and

WHEREAS, the supplemental payments are for each of the State fiscal years, 2009-10 and 2010-11 and are \$2,548,940 and \$2,979,666, respectively, for a total of \$5,528,606; and WHEREAS, the payments are based on each facility's reported Medicaid days divided by the total Medicaid days for each of the calendar years 2007 and 2008; and

WHEREAS, each county is responsible for transferring the local share of 38.41% reflecting the enhanced FMAP for the period to the State prior to the corresponding 100% payment being released to the County Nursing Home; and

WHEREAS, the Federal Medicaid Assistance Percentage (FMAP) of 61.59% is subject to further review and adjustment at a later date which could change the calculated local share amount upward, but in no case would it be more than 50% in total; and

WHEREAS, the County is desirous of accessing payments as soon as possible and will elect to receive payments for both years on September 28, 2011; and

WHEREAS, the County must submit a form entitled "Requested Payment Dates and Amounts for Wayne County"; and

WHEREAS, payments need to be made from the Department of Social Services Medicaid account of the 38.41% non federal share; now, therefore, be it

RESOLVED, that the Treasurer is authorized to transfer \$2,123,538 from the Unappropriated Fund Balance of the General Fund to account A6102.4000 for the September, 2011 payment of the 38.41% non federal share to be paid at a date specified by the New York State Medicaid Financial Management Office; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors and the County Treasurer are hereby authorized to complete and submit the schedule of payments form.

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

Mr. Marquette addressed the Board to point out some information that supports the purpose of this resolution and to help explain the Supplemental Medicaid Upper Payment Limit (UPL). The long-awaited IGT distribution, which is overdue, provides in excess \$5.5 million to the county for Nursing Home Operations.

He continued that we need to make the budget adjustment now so that funds are in place before the Federal Medicaid Assistance Percentage (FMAP) will release funds to the County Nursing Home.

Upon roll call, adopted.

RESOLUTION NO. 533-11: AUTHORIZATION TO ESTABLISH 2012 WORKER COMPENSATION PLAN ASSESSMENT RATES

Mrs. Collier presented the following:

WHEREAS, the County of Wayne is required to establish rates for 2012 for the Self-Insured Workers Compensation Plan; and

WHEREAS, said rates shall be adopted by the Wayne County Board of Supervisors for each member of the Self-Insured Workers Compensation Plan; now, therefore, be it

RESOLVED, that the County of Wayne hereby adopts the following rates for 2012 for the Self-Insured Workers Compensation Plan:

Wayne County	\$1,187,561.00		
Town of Arcadia	\$ 18,412.00	Village of Clyde	\$ 15,293.00
Town of Butler	\$ 6,559.00	Village of Lyons	\$ 41,582.00
Town of Galen	\$ 8,230.00	Village of Newark	\$ 149,055.00
Town of Huron	\$ 18,471.00	Village of Palmyra	\$ 15,151.00
Town of Lyons	\$ 54,646.00	Village of Red Creek	\$ 1,781.00
Town of Macedon	\$ 62,746.00	Village of Sodus	\$ 6,095.00
Town of Marion	\$ 18,059.00	Village of Sodus Point	\$ 30,227.00
Town of Ontario	\$ 96,615.00	Village of Wolcott	\$ 9,032.00
Town of Palmyra	\$ 18,105.00		
Town of Rose	\$ 8,727.00		
Town of Savannah	\$ 30,426.00		
Town of Sodus	\$ 24,256.00		
Town of Walworth	\$ 85,609.00		
Town of Williamson	\$ 36,783.00		
Town of Wolcott	\$ 11,577.00		

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

Mr. Plant addressed the Board that he would not be supporting this resolution as this may be something we cannot afford. He explained that he is waiting to hear clarification from the state on the property tax cap where they any add-ons from the county must be considered in the Town levy. He noted that this addition is a real reduction of services to his resident because of the two percent cap.

Mr. Marquette addressed questions and concerns with these rates and explained that claims, payroll and assessments are what create the formula used to set rates.

Mr. Marquette explained the formula of the rate structure for the Towns and Villages and noted that the assessed values do figure into the results.

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

Prior to recess, the Chairman asked if there was any other matter to come before the Board today.

Mr. Marquette addressed the board and noted that 2013 NYS Retirement Rates have been copied off from the State Comptrollers website and are now available.

Mr. Plant had questions regarding these retirement rates and is interested in reviewing to compare the estimated and actual rates that are listed; and questioned the way these figures were broken down.

Mr. Marquette agreed that the cost of overtime and vacancies could possibly play a roll in driving the formula of these rates.

RECESS:

At 9:40 a.m., Chairman Hoffman announced that the board will take a short recess and simply continue the meeting downstairs in the Supervisors' first floor conference room for compliance training that was scheduled at the end of this meeting.

The Board reconvened at 9:45 a.m.

Chairman Hoffman introduced and welcomed Cathie Chabrier, Wayne County Compliance Officer and Ed Hunt, Deputy Director of the Mental Health Department, to the meeting. They conducted today's annual compliance training session which is mandated for all Wayne County Employees, including members of the Board of Supervisors. The training lasted approximately one hour and fifteen minutes.

Mr. Lauderdale was excused from the meeting at 11:00 a.m.

ADJOURNMENT:

The next regular meeting of the Board is scheduled for **Tuesday, September 20, 2011 at 7:00 p.m.** in the Supervisors' Chambers. Please note that this is an evening session.

Ms. Park moved, seconded by Mr. LeRoy that the meeting be adjourned at 11:03 a.m.
Carried.

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