

3rd Day  
Thursday, February 1, 2007  
9:00 a.m.

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

Upon roll call, all Supervisors were present, except Supervisor Colvin, who was absent. County Attorney Daniel Wyner and Interim-County Administrator Keith Kubasik were also present.

**APPROVAL OF MINUTES:**

Mr. Fabino moved, seconded by Ms. Park, that the minutes of the previous meeting be approved as printed. Upon roll call, carried.

**SUMMARY OF CLAIMS BY COMMITTEE:**

<b>Committee 12</b>	<b>Planning</b>	
A81604	Solid Waste Management	\$ <u>242,342.75</u>
	<b>Warrant Total</b>	<b>\$ <u>242,342.75</u></b>

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

The Chairman recessed for five minutes for the Highway and Finance Committees to meet.

**RESOLUTION NO. 71-07: AUDIT OF CLAIMS**

Mr. Lyon presented the following:

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

RESOLVED, that the following Claims are hereby approved for payment and the Treasurer is hereby authorized and directed to make payment of the same:

1. A Fund \$ 242,342.75

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

Mr. Lyon moved, seconded by Mr. DeSanto that three (3) resolutions be allowed on the floor under Other Business. Upon roll call, all Supervisors voted Aye. Absent – Supervisor Colvin. The Chairman declared the motion carried.

**RESOLUTION NO. 72-07: AUTHORIZATION TO EXECUTE TREE REMOVAL CONTRACT WITH EMPIRE TREE SURGEONS**

Mr. Lyon presented the following:

WHEREAS, the Superintendent of Highways has received the following proposals for the removal of 28 trees:

- Quality Tree Service \$10,892  
PO Box 393  
Seneca Falls, NY 13148
- Empire Tree Surgeons \$ 5,600  
2288 Route 88 North  
Newark, NY 14513
- Crane's Tree Service \$ 5,750  
7392 Dutch Street Road  
Wolcott, NY 14590

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 Empire Tree Surgeons with the Excess Umbrella Insurance Policy at a cost not to exceed \$5,600.00.

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

**RESOLUTION NO. 73-07: AUTHORIZATION TO EXECUTE STUMP REMOVAL CONTRACT QUALITY TREE SERVICE**

Mr. Lyon presented the following:

WHEREAS, the Superintendent of Highways has received the following proposals for grinding approximately 28 stumps:

- Quality Tree Service \$43.00 per stump  
PO Box 393  
Seneca Falls, NY 13148
- Empire Tree Surgeons \$46.00 per stump  
2288 Route 88 North  
Newark, NY 14513
- Crane's Tree Service \$65.00 per stump  
7392 Dutch Street Road  
Wolcott, NY 14590

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 Quality Tree Service at a cost not to exceed \$1,204.00.

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

**RESOLUTION NO. 74-07: AUTHORIZATION TO ADVERTISE FOR BIDS FOR ONE HEAVY DUTY LIFT FOR CENTRAL GARAGE**

Mr. Lyon presented the following:

RESOLVED, that the Clerk of the Board of Supervisors is hereby authorized and directed to advertise for bids for one (1) heavy duty lift for Central Garage in accordance with specifications prepared by the Wayne County Highway Superintendent 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 bids(s) at the next meeting of the Board of Supervisors following the bid opening.

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

**EXECUTIVE SESSION:** Mr. Plant moved, seconded by Mr. Fabino that the Board go into Executive Session at 9:18 a.m. to discuss Proposed Acquisition of Real Property and Collective Negotiations. Upon roll call, carried.

**REGULAR SESSION:** Ms. Park moved, seconded by Mr. DeSanto that the Board resume regular session at 10:19 a.m. Carried.

Mr. Plant moved, seconded by Mr. LeRoy that one (1) resolution be allowed on the floor under Other Business. Upon roll call, all Supervisors voted Aye, except Supervisor Fabino who voted Nay. Absent – Supervisor Colvin. The Chairman declared the motion carried.

**RESOLUTION NO. 75-07: AUTHORIZATION TO PURCHASE THE SOCIAL SERVICES BUILDING**

Mr. Plant presented the following:

WHEREAS, Wayne County presently leases the Social Services Building (the "Premises") located at 77 Water Street, Lyons, New York from Harmon Associates, Inc.; and

WHEREAS, said Lease will expire on or about September 25, 2007; and

WHEREAS, Section 30 of said Lease entitled "Right of First Refusal" provides in part as follows: "Lessee shall have the right of first refusal to purchase the Premises as hereinafter set forth. If at any time during the term of this Lease, or during any Renewal Term, the Lessor shall receive a bona fide offer (the "Offer") from a third person for the purchase of the Premises, which Offer Lessor shall desire to accept, Lessor shall promptly deliver to Lessee a copy of such Offer, and Lessee may, within fifteen (15) business days thereafter, send a written notice to Lessor stating its election to purchase the Premises on the same terms and conditions as those set forth in the Offer, or in the alternative, Lessee may exercise the option to purchase the Premises as provided in paragraph 29 above. If Lessee fails to either exercise this right of first refusal or exercise its option to purchase the Premises as provided in paragraph 29 above, then such right of first refusal and such option to purchase shall no longer be of any force or effect; provided, however, that if the Offer is not bona fide or if the Premises are not purchased pursuant to the Offer, then such right of first refusal and such option to purchase shall remain in force;" and

WHEREAS, Harmon Associates, Inc., on or about January 19, 2007, provided the County with a Purchase Offer from Medvec, LLC, dated January 11, 2007, which they desire to accept; and

WHEREAS, said Purchase Offer is in the amount of One Million Twenty-five Thousand and 00/100 Dollars (\$1,025,000.00); and

WHEREAS, after due deliberation the Wayne County Board of Supervisors is desirous exercising said right of first refusal; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute a Purchase Offer, subject to the Wayne County Attorney's approval, and convey said Purchase Offer to Harmon Associates, Inc. Said Purchase Offer shall be for a Purchase Price of One Million Twenty-five Thousand and 00/100 Dollars (\$1,025,000.00) and shall be subject to the same terms and conditions of the Purchase Offer from Medvec, LLC to Harmon Associates, Inc., dated January 11, 2007; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized, subject to the Wayne County Attorney's approval, execute all necessary documents regarding the purchase of the Premises from Harmon Associates, Inc.; and be it further

RESOLVED, that in accordance with the said Purchase Offer from the County of Wayne to Harmon Associates, Inc., the Wayne County Treasurer is hereby authorized to make all payments in accordance with said Purchase Offer, as directed by the Wayne County Attorney. These payments shall include: an earnest money deposit in the amount of Ten Thousand and 00/100 Dollars (\$10,000.00) in current funds, which must be delivered to Frontier Abstract and Research, Inc., (the "Title Company") as agent for Ticor Title Insurance Company, Inc., and a further earnest money payment in the amount of Twenty-five Thousand and 00/100 Dollars (\$25,000.00) in current funds which must be delivered to the Title Company, the purchase price in the amount of One Million Twenty-five Thousand and 00/100 Dollars (\$1,025,000.00) (as adjusted), which shall be payable by the County of Wayne to Harmon Associates, Inc. on the closing day by wire transfer in immediately available federal funds to the Seller of the Title Company as directed by the Seller, and all closing costs that the County of Wayne is responsible for paying for, together with the premiums and charges for the title insurance policy; and be it further

RESOLVED, the County Treasurer is hereby directed to amend the 2007 County budget as follows: create and transfer \$1,050,000.00 from the appropriated fund balance to

Account No. A6010- Social Services Administration  
\$1,050,000.00 to .52000 (Equipment and Capital Outlay)

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

**ADJOURNMENT:**

The next scheduled meeting of the Board will be Thursday, February 22, 2007 at 9:00 a.m.

Mr. DeSanto moved, seconded by Mrs. Bender, that the board adjourn at 10:29 a.m. Carried.

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