

8th Day  
Friday, June 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. County Attorney Daniel Wyner and Interim-County Administrator Keith Kubasik were also present.

**APPROVAL OF MINUTES:**

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

**SUMMARY OF CLAIMS BY COMMITTEE:**

|                    |   |                 |
|--------------------|---|-----------------|
| <b>Committee 6</b> | <b>County Clerk, Elections and Veterans</b> |                 |
| A14504             | Board of Elections                          | \$168.00        |
| <hr/>              |   |                 |
|                    | <b>Warrant Total</b>                        | <b>\$168.00</b> |

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

Chairman Hoffman requested that the Board recess for certain Standing Committees to meet.

Mr. DeSanto distributed a proposal from SWBR Architects for architectural and engineering services for the concept master plan of the former Nursing Home Facility.

After several minutes of discussion, Mr. Hammond made a motion for the Board to accept SWBR Architects proposal for professional services dated May 31, 2007 at a cost not to exceed \$55,000. Mr. Lyon seconded the motion.

Mr. DeSanto moved, seconded by Mr. Hammond that one (1) resolution be allowed on the floor under Other Business. Upon roll call, carried.

**RESOLUTION NO. 366-07: AUTHORIZATION TO EXECUTE CONTRACT WITH SWBR ARCHITECTS FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR THE FORMER NUMRSING HOME FACILITY**

Mr. DeSanto presented the following:

WHEREAS, SWBR Architect was requested to submit a proposal for architectural and engineering services for a concept master plan of the former nursing home facility to be used for a multipurpose county office building; and

WHEREAS, SWBR Architect submitted a proposal to provide said services for \$55,000; 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 SWBR Architects for the provision of architectural and engineering services for a concept master plan of the former nursing home facility to be used for a multipurpose county office building at a cost not to exceed \$55,000.

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

**RESOLUTION NO. 367-07: AUTHORIZATION TO AMEND INSURANCE REQUIREMENTS IN THE PROPOSED ENGINEERING SERVICES AGREEMENT WITH DANIEL R. LONG, ARCHITECTS & ASSOCIATES**

Mr. Hammond presented the following:

WHEREAS, Wayne County has a proposed Engineering Agreement with Daniel R. Long Architect and Associates for professional engineering services for the Department of Labor Offices to be located in the Health Services Facility, Nye Road, Lyons, New York; and

WHEREAS, said proposed Engineering Agreement requires Daniel R. Long Architect and Associates to maintain Commercial General Liability insurance coverage in the amount of \$1,000,000 each occurrence and \$2,000,000 aggregate, Professional Liability insurance coverage in the amount of \$1,000,000 per claim and \$2,000,000 aggregate and Worker's Compensation; and

WHEREAS, Daniel R. Long Architect and Associates are desirous of amending the required insurance coverages; now, therefore, be it RESOLVED, that the Wayne County Board of Supervisors hereby approves that the insurance coverage requirements under Article XIII entitled "Insurance" of the proposed Engineering Agreement between the County of Wayne and Daniel R. Long Architect and Associates are hereby amended as follows: Professional Liability insurance coverage in the amount of \$500,000 per claim and \$1,000,000 aggregate.

Mr. DeSanto moved the adoption of the resolution. Seconded by Mr. Colvin. Upon roll call, adopted.

**RESOLUTION NO. 368-07: AUDIT OF CLAIMS**

Mr. Colvin 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     | \$ 168.00 |
| Warrant Total | \$168.00. |

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

**RESOLUTION NO. 369-07: RESCIND RESOLUTION 309-07 AND AUTHORIZE ASSUMPTION OF LIEN**

Mr. Spickerman presented the following:

WHEREAS, Resolution 309-07 authorized the County to forgive a partial lien on the Adamski home in Red Creek to facilitate the sale of the home and required payment to the County upon closing in the amount of \$4,800.00; and

WHEREAS, the buyers of the Adamski home meet the income eligibility requirements of the County's state funded housing rehabilitation program as administered on behalf of the County by the Bishop Sheen Housing Foundation; and

WHEREAS, the requirements of the County's housing rehabilitation program allow a lien to be assumed by another owner provided that the new owner meets certain income requirements; and

WHEREAS, Laura and Charles Reynolds, the buyers, have provided suitable evidence of their income eligibility; now, therefore, be it

RESOLVED, that Resolution 309-07 is hereby rescinded; and be it further

RESOLVED, that the lien in the amount of \$6,681.60 shall be transferred to the Reynolds at closing under the same terms and conditions required by the County's housing rehabilitation program; and be it further

RESOLVED, that no payment will be due to the County.

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

**RESOLUTION NO. 370-07: AUTHORIZATION TO AMEND AGREEMENT BETWEEN COUNTY OF WAYNE AND A&K RAILROAD MATERIALS, INC. FOR THE SALE AND REMOVAL OF RAILROAD TRACK MATERIAL**

Mr. Spickerman presented the following:

WHEREAS, A&K Railroad Materials, Inc. and the County of Wayne entered into an Agreement dated October 30, 2006 for the Sale and Removal of Railroad Track Material "the Project"; and

WHEREAS, said Agreement stated that work on the project and vacation of the premises must be completed on or before May 31, 2007; and

WHEREAS, due to the late start date and more than anticipated growth of vegetation on the track, A&K Railroad Materials, Inc. will be unable to finish the project by the May 31, 2007 contract date; and

WHEREAS, the project should be complete by June 30, 2007; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to enter into an Agreement with A&K Railroad Materials, Inc. to extend the above mentioned agreement by one month to June 30, 2007 subject to the County Attorney's approval as to form and content.

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

**RESOLUTION NO. 371-07: AUTHORIZATION TO AMEND AGREEMENT BETWEEN COUNTY OF WAYNE AND TOM C. MCTIGHE TO PROVIDE CONSULTANT SERVICES TO DEVELOP AND ISSUE BIDS TO DISMANTLE, SALVAGE AND REGRADE THE TRACKWORKS FOR THE WALLINGTON TO SODUS POINT AND MARION BRANCH RAIL SALVAGE PROJECT**

Mr. Spickerman presented the following:

WHEREAS, Pursuant to Resolution No's. 847-05 and 373-06, the County of Wayne entered into an agreement with Tom C. McTighe for provision of consultant services to develop and issue bids to dismantle, salvage and regrade the trackworks; and

WHEREAS, the agreement as approved, stated that the work would commence on December 1, 2005, and terminate on December 31, 2006; and

WHEREAS, due to the late start date of the Contractor A&K Railroad Materials, Inc. he was unable to finish the project by the December 31, 2006 Agreement date; and

WHEREAS, the project should be complete by June 30, 2007; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to enter into an Agreement with Tom C. McTighe to extend the above mentioned Agreement by one year to June 30, 2007, subject to the County Attorney's approval as to form and content.

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

Mr. DeSanto moved, seconded by Mr. Fabino that five (5) resolutions be allowed on the floor under Other Business. Upon roll call, carried.

**RESOLUTION NO. 372-07: AUTHORIZATION TO AMEND RESOLUTION NO. 310-07 TO ADVERTISE FOR PROMOTIONAL ACTIVITIES IN CONNECTION WITH SAVANNAH WILD-NATURE PRESERVED PUBLIC BUS ROUTE AND TRANSFER FUNDS**

Mr. Colvin presented the following:

WHEREAS, Resolution No. 310-07 authorized to advertise for promotional activities in connection with Savannah wild-nature preserve public bus route and transfer funds; and

WHEREAS, Resolution No. 310-07 authorized that the County Treasurer to transfer \$7,500 from Account No. A878 - Capital Reserve Fund to Account No. A6410.54402 (Publicity (Tourism-Advertising)); now therefore be it

RESOLVED, that Resolution No. 310-07 is hereby amended to read the County that the

County Treasurer is authorized and directed to transfer \$7,500.00 as follows:

A1990-CONTINGENT ACCOUNT

\$7,500.00 from .54000 Contractual Expense

A6410-PUBLICITY

\$7,500.00 to .54402 Tourism-Advertising

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

**RESOLUTION NO. 373-07: SUPPORT GREAT LAKES PROTECTION LEGISLATION PROHIBITING SITING OF NEW TOXIC WASTE LANDFILLS**

Mr. LeRoy presented the following:

WHEREAS, Wayne County is home to nearly 40 miles of beautiful shoreline on Lake Ontario; and

WHEREAS, the discharge of toxic materials from disposal facilities into the Great Lakes System has caused damage to habitat, required restrictions on the consumption of fish and resulted in public health and economic concerns for all the Great Lakes Counties in New York State; and

WHEREAS, virtually all state and federal treaties regarding the protection of the Great Lakes seek to eliminate the discharge of toxic chemicals into the Great Lakes ecosystem; and

WHEREAS, Wayne County relies heavily upon its Lake Ontario shoreline for recreational and tourism related activities and its water as a public water supply; now, therefore, be it

RESOLVED, that Wayne County strongly supports Assembly Bill A.248 and Senate Bill S.5862, both which will amend the environmental conservation law in relation to the state siting requirements for solid waste treatment facilities by prohibiting the siting of new commercial hazardous waste landfills with the potential to discharge into the Great Lakes System; and be it further

RESOLVED, that copies of this resolution shall be provided to Governor Eliot Spitzer, Senator Michael Nozzolio, Assemblyman Robert Oaks, the New York State Association of Counties, Niagara County, Orleans County, Monroe County, Cayuga County, Oswego County, Jefferson County and St. Lawrence County.

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

**RESOLUTION NO. 374-07: AUTHORIZATION TO AMEND RES. NO. 278-07: FOR THE IMPLEMENTATION AND FUNDING OF FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS**

Mr. Lyon presented the following:

RESOLVED, that Resolution No. 278-07 entitled, "Authorizing the Implementation and Funding of the Federal-Aid and State "Marchiselli" Program-Aid Eligible Costs of a Transportation Federal-Aid Project and Appropriating Funds" is hereby amended as follows:

"WHEREAS, the Erie Street Bridge Project has been identified for replacement of the bridge at an estimated cost of \$2,862,000 in which Marchiselli funds will be utilized; and

WHEREAS, the initial phase of construction of the project; now, therefore, be it

RESOLVED, Federal Marchiselli funds will be utilized with the local share of the funds for the construction phase be funded from CHIPS; and be it further

RESOLVED, that the County Treasurer is hereby authorized to amend the 2007 County Budget as follows:

**D5112 - ROAD CONSTRUCTION:**

Increase .52979 Erie Street Bridge Project by \$3,715,766

**D9999 – OTHER:**

Increase .43511 Marchiselli State Aid by \$282,450

Increase .44511 Marchiselli Federal Aid by \$3,031,642

Increase .43501 Consolidated Highway Aid by \$401,674."

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

**RESOLUTION NO. 375-07: CERTIFICATION OF A HOME RULE REQUEST TO AMEND THE TAX LAW IN RELATION TO EXTENDING THE AUTHORIZATION OF THE COUNTY OF WAYNE TO IMPOSE AN ADDITIONAL SALES AND COMPENSATING USE TAX**

Mr. Colvin presented the following:

RESOLVED, pursuant to Article IX of the constitution, the County of Wayne hereby requests that the New York State Legislature enact Senate Bill (No. S.5939) (Said bill is identified in the Assembly as Assembly Bill No. A.8725) entitled "AN ACT to amend the tax law, in relation to extending the authorization of the county of Wayne to impose an additional sales and compensating use tax"; and, be it further

RESOLVED, it is hereby declared that a necessity exists for the enactment of such legislation and that the fact establishing such necessity is as follows: The County does not have power to enact such legislation by local law; and be it further

RESOLVED, that the Clerk of the Wayne County Board of Supervisors is hereby authorized to certify a Home Rule request to the Legislature for the enactment of said Legislation.

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

**RESOLUTION NO. 376-07: AUTHORIZATION TO ENTER INTO AN AGREEMENT BETWEEN THE COUNTY OF WAYNE AND THE VILLAGE OF NEWARK TO PROVIDE LAW ENFORCEMENT SERVICES FOR NEWARK FEST**

Mrs. Bender presented the following:

WHEREAS, the Village of Newark has requested the assistance of the Wayne County office of the Sheriff to provide additional law enforcement services for NewarkFest; and

WHEREAS, the Wayne County Sheriff is able and willing to provide said services; and

WHEREAS, the Village of Newark is willing to reimburse the County for said services in the amount of one and one half (1½) times the normal hourly rate for each deputy sheriff assigned to provide services to the Village together with the hourly cost of FICA and retirement benefits; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to enter into an Agreement with the Village of Newark subject to the County Attorney's approval as to form and content for the provision of law enforcement services to the Village of Newark for the NewarkFest festival on June 8, 9, and 10, 2007 with compensation from the Village to the County as set forth above.

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

Chairman Hoffman stated the need for discussion regarding Governor Spitzer's request to review the consolidation of municipal services in Wayne County.

Mr. Kubasik addressed the Board on this topic noting that Wayne County is at the forefront on many consolidation issues. Mr. Kubasik discussed many areas for the Board to consider, as well as requesting input from Supervisors to comply with the Governor's request.

Mr. Kubasik, on behalf of the Board, will be submitting a report to the Governor's Office on Wayne County's consolidation projects.

**ADJOURNMENT:**

The next scheduled meeting of the Board is Tuesday, June 19, 2007 at 9:00 a.m.

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

\*\*\*\*\*