

12th Day
Wednesday, May 18, 2011
9:00 a.m.

The Board of Supervisors met, pursuant to adjournment, in their room in the Court House, Chairman Hoffman presiding. The Pledge of Allegiance was led by Supervisor Spickerman.

Upon roll call, all Supervisors were present, except Supervisors Bender and Park who were absent. County Administrator James Marquette and County Attorney Daniel Wyner were also present for today's meeting.

COMMUNICATIONS:

The Board received a letter from Thomas Ross, Executive Director of the New York State Deputies Association, Inc., regarding the scheduled Legislative Hearing for the Wayne County Court Officers' Association to be held today.

The Clerk read the letter received from Thomas H. Ross, Executive Director of the NYS Deputies Association.

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

The Clerk read the advertised *Notice of Legislative Hearing*:

COUNTY OF WAYNE

**NOTICE OF LEGISLATIVE HEARING
BEFORE THE WAYNE COUNTY BOARD OF SUPERVISORS**

NOTICE IS HEREBY GIVEN that pursuant to Section 209(3)(e) of the Public Employees Fair Employment Act (Taylor Law), the Board of Supervisors is required to conduct a legislative hearing at which the parties shall be required to explain their positions with respect to the fact-finder's report in relation to Collective Bargaining Impasse with Wayne County Sheriff's Court Officers' Association.

The collective bargaining agreement between the County of Wayne and the Wayne County Sheriff's Court Officers' Association expired on December 31, 2009, and the parties have been unable to negotiate a successor agreement.

The Legislative Hearing will be held as follows:

Date and Time:

Wednesday, May 18, 2011; 9:00 A.M.

Location:

Wayne County Court House
Supervisors' Chamber - Second Floor
26 Church Street - Lyons, New York

This hearing has been scheduled to have the two parties present their positions. The hearing is not for the purpose of receiving comments from the public.

Dated: April 28, 2011
Lyons, New York

Sandra J. Sloane, Clerk
Wayne County Board of Supervisors

Supervisors Bender arrived to the meeting at 9:06 a.m.

The Clerk read the procedures for today's Legislative Hearing:

LEGISLATIVE HEARING
Wednesday, May 18, 2011
9:00 a.m.

By way of background, I would like to inform the members of the public of the nature of this meeting.

The Taylor Law, which is part of the State Civil Service Law, requires the legislative body of a local government to hold a public hearing when the public employer and the employee organization, in this case the County and the Wayne County Sheriff's Court Officers' Association (WCSCOA) have been unable to negotiate a collective bargaining agreement and the dispute has not been resolved through the mediation and fact-finding procedures required by the Taylor Law.

In this particular situation, the parties held a number of negotiation sessions in an attempt to negotiate a successor agreement to the one which expired on December 31, 2009. Thereafter, the parties engaged in both mediation and fact-finding as required by the Taylor Law, and the State-appointed fact-finder issued a written report making recommendations concerning the resolution of disputed items. The dispute has not been resolved, and the Board of Supervisors now is required to conduct a public hearing at which the parties will explain their positions with respect to the fact-finder's report and the items in dispute.

The procedure for this hearing will be as follows: Each party will designate one person as its spokesperson. Each spokesperson will be allowed a reasonable time to make his/her direct presentation to the Board of Supervisors. After the direct presentation, each spokesperson will be given an opportunity for a rebuttal if desired. After the rebuttals, time will be allowed for questions from the members of the Board of Supervisors. At the conclusion of the question period, the hearing will be closed.

Comments or questions from the members of the public and other attending the hearing will not be entertained.

Chairman Hoffman declared the Legislative Hearing open at 9:07 a.m.

Charles Dye, Wayne County Human Resource Director and designated spokesperson for Wayne County, handed out documentation and gave a presentation to explain the Board's position with respect to the fact-finder's report and the items in dispute associated with the Wayne County Court Officers' Association contract.

Supervisors Park arrived to the Meeting at 9:15 a.m.

Board Members asked questions regarding longevity amounts, wages paid to employees and inflation.

Supervisor Crane thanked Mr. Dye for his informative presentation today; and for making his report so easy to understand for everyone.

Prior to closing the hearing, Chairman Hoffman, gave an opportunity for a response from the Wayne County Sheriff's Court Officers' Association. There was no rebuttal presented.

Chairman Hoffman called for a motion to close the hearing. Upon roll call, Mr. Kelsch moved, seconded by Mr. Miller to close the hearing at 9:35 a.m. Motion carried.

Chairman Hoffman asked if there was any other business to come before the Board.

OTHER BUSINESS:

Mrs. Crane moved, seconded by Mrs. Bender that one (1) resolution be allowed on the floor under other business. Motion carried.

RESOLUTION NO. 372-11: AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE PROVISION AND INSTALLATION OF ENTRY AND WAY FINDING SIGNAGE FOR THE ROUTE 31 COUNTY COMPLEX

Mr. Spickerman presented the following:

WHEREAS, as part of the Public Safety Building project it was envisioned that the Public Safety Building and the remainder of the Route 31 County Complex would have appropriate signage; and

WHEREAS, the County is being assisted by Towner Graphics, a consultant with the county's architect (SWBR), to review various sign and design options with the Building Relocation Committee; and

WHEREAS, SWBR and Towner Graphics scope of services for this project includes preparation of bid documents and related work and material; and

WHEREAS, the Building Relocation Committee met on May 17, 2011 and has recommended that the county proceed with bidding Entry and Way Finding signage and installation for the entire complex; now, therefore, be it

RESOLVED, that the Superintendent of Buildings and Grounds assisted by Towner Graphics is authorized to prepare the necessary specifications and bid documents; and be it further

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

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

EXECUTIVE SESSION: Mrs. Collier moved, seconded by Mr. Plant, that the Board go into Executive Session to discuss collective negotiations and potential litigation at 9:38 p.m. Upon roll call, carried.

REGULAR SESSION: Mr. Hammond moved, seconded by Mr. LeRoy that the Board resume regular session at 10:22 a.m. Carried.

Mrs. Bender was excused from the meeting at 10:15 a.m. during the executive session.

OTHER BUSINESS:

Mr. Plant moved, seconded by Mrs. Crane that two (2) additional resolutions be allowed on the floor under other business. Motion carried.

RESOLUTION NO. 373-11: AUTHORIZING PAYMENT OF SETTLEMENT TO JASON LEUZE

Mr. Hammond presented the following:

WHEREAS, Jason Leuze commenced a lawsuit dated November 8, 2010 against the County of Wayne et al regarding certain actions of the Wayne County Sheriff's Office and certain employees thereof; and

WHEREAS, the parties are desirous of settling said lawsuit for a total amount of Seventy

Five Thousand and 00/100 dollars, (\$75,000.00); now, therefore, be it

RESOLVED, that the claim between Jason Leuze and the County of Wayne has been settled between the parties and payment is hereby approved; and be it further

RESOLVED, that the Wayne the County Treasurer is hereby authorized and directed to issue a check in the amount of Seventy Five Thousand and 00/100 dollars, (\$75,000.00) from Account No. A#1930 (Judgment and Claims), as directed by the Wayne County Attorney.

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

RESOLUTION NO. 374-11: LEGISLATIVE DETERMINATION ESTABLISHING TERMS AND CONDITIONS OF EMPLOYMENT FOR EMPLOYEES REPRESENTED BY WAYNE COUNTY SHERIFF'S COURT OFFICERS ASSOCIATION

Mrs. Collier presented the following:

WHEREAS, the collective bargaining agreement between the County of Wayne and Wayne County Sheriff's Court Officers Association expired on December 31, 2009, and the parties have been unable to negotiate a successor agreement; and

WHEREAS, the mediation and fact-finding procedure prescribed by the Public Employees' Fair Employment Act (Taylor Law) have been completed, and the Board of Supervisors has conducted the public hearing required by the Act; and

WHEREAS, the Act directs and empowers the Board of Supervisors, after conducting the public hearing, to take such action as it deems to be in the public interest, including the interest of the public employees involved; and

WHEREAS, the Board of Supervisors has reviewed and considered the fact-finder's report and recommendations, the recommendations submitted by the parties, and the statements and information presented by the parties at the public hearing; now therefore, be it

RESOLVED, pursuant to Section 209(3) (e) of the Public Employees' Fair Employment Act (Law), as follows:

*****Section 1.***** The Board of Supervisors hereby deems it to be in the public interest, including the interest of the public employees involved, to resolve the collective bargaining dispute between the parties by making a legislative determination establishing the terms and conditions of employment for the employees represented by Wayne County Sheriff's Court Officers Association.

*****Section 2.***** Legislative Determination: The terms and conditions of employment for the employees represented by Wayne County Sheriff's Court Officers Association shall consist of the terms and conditions contained in the collective bargaining agreement which expired on December 31, 2009, carried forward without change for January 1, 2010 through December 31, 2010.

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

EXECUTIVE SESSION: Mr. Plant moved, seconded by Mr. LeRoy, that the Board go into Executive Session to discuss Proposed Litigation at 10:27 a.m. Upon roll call, carried.

REGULAR SESSION: Mrs. Crane moved, seconded by Mr. Kelsch that the Board resume regular session at 11:52 a.m. Carried.

Chairman Hoffman noted that Supervisors Park, Collier and Spickerman were excused from the meeting during the executive session.

ADJOURNMENT:

The next scheduled meeting of the Board is **Tuesday, June 21, 2011 at 7:00 p.m.**, Please note that this will be an evening session of the Board.

Mrs. Crane moved, seconded by Mr. LeRoy that the board adjourn at 11:52 a.m.
Carried.

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