

14th Day
Tuesday, June 21, 2011
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, except Supervisor LeRoy who was absent from this evening session. County Administrator James Marquette and County Attorney Daniel Wyner were also present.

APPROVAL OF MINUTES:

Mrs. Collier 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 May-June 16, 2011 totaling \$27,757.21 was received and filed.

A letter was received from Darrel Aubertine, Commissioner of the NYS Agriculture and Markets, for certification of the plan received from Wayne County that will modify WC Agricultural District No. 1.

A letter was received from Congresswoman Ann Marie Buerkle, thanking the board for the opportunity to meet and hear the issues of concern to farmers in New York's 25th District.

The Board received a memo from Sheriff Virts regarding the water level of the lake and Sodus Bay; contributing to land erosion and property damage. He is requesting for the Board to share their concerns and send a possible press release, requesting a voluntary compliance for a temporary "no wake zone" until water level subsides.

A letter was received from Wayne Action for Racial Equality with their disappointment in the Board's recent support of the Secure Communities Initiative; addressing their concerns with the request for the Board to reconsider their position.

A letter was received from the NYS Department of Transportation updating the Board of the change in the project schedule for the 2012 culvert project for Trout Run Creek in the Town of Lyons.

A letter was received from Eileen Teeter, retired Wayne County Employee, regarding her protest as to the expense of her health care coverage that Wayne County provides compared to her pension that she receives.

A letter was received from Sharon Lilla, Administrator of the Western Finger Lakes Solid Waste Management Authority, regarding the agreement for Management Services with Wayne County, for the termination of said agreement, effective July 8, 2011. The Authority plans to appoint an interim director to assume management responsibilities.

A copy of certified resolution was received from the Ontario County Board of Supervisors regarding the approval of an Administrative Agreement with FL Workforce Investment Board regarding the allocation of Workforce Investment Act Funds.

Copies of certified Resolutions were received from the Yates County Legislature and the Seneca County Board of Supervisors regarding appointments to the Finger Lakes Workforce Investment Board.

A copy of the County Auditor's accounts payable report for June 2011 totaling \$ 4,431,415.31 was received and filed.

Notices of upcoming Public Hearings were received from the Wayne County Industrial Dev. Agency for the opportunity to review project applications and present view with respect to

the following projects:

- K.M. Davies Co. Inc., - July 11, 2011 at 9:30 a.m. at the Williamson Town Hall
- Refractron Technologies Corp. - July 15, 2011 at 9:30 a.m. at the Newark Municipal Bldg

Mr. Lauderdale moved, seconded by Mr. Manktelow, that the Communications be received and filed.

Mrs. Crane requested more information regarding the Sheriff's memo pertaining to the water level of the lake and Sodus Bay, and the request of a voluntary "no wake zone" until water level subsides. Upon roll call, carried.

The Clerk read the following Notice of Public Hearing for a proposed Local Law relating to the reapportionment of the Wayne County Board of Supervisors at 7:10 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 21, 2011 at 7:10 p.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 relating to the reapportionment of the Board of Supervisors of the County of Wayne.

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

SECTION 1. LEGISLATIVE INTENT

The Wayne County Board of Supervisors having heretofore enacted local laws implementing adjusted weighted voting plans for simple majority votes and two-thirds majority votes, and since those enactments the 2010 Federal Census having been completed, the Wayne County Board of Supervisors did pursuant to Section 10 of the Municipal Home Rule Law prepare revised plans, utilizing the said 2010 population statistics.

SECTION 2. ADJUSTED WEIGHTED VOTING PLAN (SIMPLE MAJORITY)

The apportionment of the voting strength of each of the numbers of the Wayne County Board of Supervisors as determined by utilization of the 2010 Federal Census shall be as follows upon any vote requiring a simple majority vote:

Arcadia	213
Butler	34
Galen	70
Huron	35
Lyons	91
Macedon	145
Marion	77
Ontario	159
Palmyra	127
Rose	39
Savannah	29
Sodus	133
Walworth	149
Williamson	112
<u>Wolcott</u>	<u>72</u>

1485

A total of 743 affirmative votes shall be required for the adoption of any resolution, local law, motion or proposal requiring a simple majority vote.

SECTION 3. ADJUSTED WEIGHTED VOTING PLAN (TWO-THIRDS MAJORITY)

The apportionment of the voting strength of each of the members of the Wayne County Board of Supervisors as determined by utilization of the 2010 Federal Census shall be as follows upon any vote requiring a two-thirds majority vote:

Arcadia	236
Butler	34
Galen	69
Huron	34
Lyons	90
Macedon	145
Marion	76
Ontario	160
Palmyra	126
Rose	37
Savannah	29
Sodus	131
Walworth	152
Williamson	111
Wolcott	71
	1501

A total of 1001 affirmative votes shall be required for the adoption of any resolution, local law, motion or proposal requiring a two-thirds majority vote.

SECTION 4. EFFECT OF OTHER LAWS OR ACTS

Local Law No. 2-2002 and any other law, ordinance, resolution or other act of the Wayne County Board of Supervisors relating to reapportionment is herein and hereby superseded.

SECTION 5. SEPARABILITY

If any clause, sentence, paragraph or section of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or section thereof directly involved in the proceeding in which such adjudication shall have been rendered.

SECTION 6. EFFECTIVE DATE

This local law shall become effective upon the date it is filed in the Office of the Secretary of State.

Dated: May 26, 2011
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 this Board.

The Chairman opened the floor for public comment on the matter of reapportionment of the Wayne County Board of Supervisors; and requested persons interested in addressing the Board with their concerns to approach the podium.

After time was given for all interested people to be heard, Mr. Plant moved, seconded by Mr. Colacino, that the public hearing be closed at 7:18 p.m. Upon roll call, carried.

The Clerk read the following Notice of Public Hearing relating to the update to the Wayne

County Agricultural and Farmland Protection Plan:

**WAYNE COUNTY BOARD OF SUPERVISORS
NOTICE OF PUBLIC HEARING**

**REGARDING UPDATING THE
WAYNE COUNTY
AGRICULTURAL AND FARMLAND PROTECTION PLAN**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Board of Supervisors of Wayne County, State of New York, on Tuesday, June 21, 2011 at 7:15 p.m. in the Supervisors Chambers, Wayne County Courthouse, 26 Church Street, Lyons, New York, regarding the Wayne County Agricultural and Farmland Protection Plan (the "Plan") documents the status of agriculture and farmland in Wayne County and provides recommendations for the preservation of both farming and farmland in the County.

The Wayne County Agriculture Development Board has prepared an update to the 1997 Wayne County Agricultural and Farmland Protection Plan with input from a survey, discussion and two public hearings. This updated plan reflects changes in agricultural policies, practices, and programs since the original plan was adopted.

The Ag Development Board recommends that the Board of Supervisors hold a public hearing to receive comments from the public before finalizing and adopting the updated plan.

All interested parties and citizens will be heard by representatives of the Wayne County Board of Supervisors at the public hearing.

A copy of the update can be found at the following websites: Wayne County Planning– (<http://www.co.wayne.ny.us/Departments/planningdept/planningdept.htm>) and Cornell Cooperative Extension – <http://ccewayne.org> . For further information please call the Wayne County Planning Department at (315) 946-5919.

Dated: May 26, 2011
Lyons, New York

Sandra J. Sloane, Clerk
Wayne County Board of Supervisors

Chairman Hoffman opened the floor for public comment and requested persons interested in addressing the Board with their concerns regarding the Wayne County Agricultural and Farmland Protection Plan to come forth.

Elizabeth Henderson, Chairperson of the Wayne County Agricultural Development Board, addressed the board to comment that agriculture is very important to Wayne County and encouraged board members to support and approve this plan.

After time was given for additional comments to be heard, Mr. Kelsch moved, seconded by Mr. Plant, that the public hearing be closed at 7:26 p.m. 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.

Laurie Verbridge, a Wayne County resident, requested to speak to the Board to encourage their support for the allocation of additional funds to the Wayne County Soil and Water for the enhancement of the weed harvesting program for the improvement of the quality of lake and bay water in our county.

SCHEDULED BUSINESS:

Jim Verbridge, representing Ontario Midland Railroad came into the meeting. Mr.

Verbridge noted the five-year lease of County railroad property to Ontario Midland expires in September. A list of improvements that have been completed by Ontario Midland since 2005, or are in progress and scheduled to be completed by 2013, was presented. These projects amount to over \$6 million; a large number being funded through Federal Bond Act and State Department of Transportation monies. Public Works Committee members agreed to renew the five-year lease with Ontario Midland Corporation, which would include their continued maintenance of the lines and indemnifying their activities on the line. Mr. Verbridge said there has been no increase in rail usage, as some businesses that utilized it have closed. At this time there are six to seven active customers of the line; usage varies and new customers are always being sought. The year-end financial report for the railroad has showed it as a viable business. Ontario Midland Railroad has six full-time employees. It was noted the rail, tracks, ballast and land that runs north/south along the rail are owned by Wayne County, maintenance of the line is the responsibility of Ontario Midland, and land running along the east/west lines is owned by RG&E.

ANNUAL REPORTS:

Wayne County Soil and Water Conservation District

Mr. Hammond moved, seconded by Mr. Plant, that this report be received and filed. Upon roll call, carried.

PROCLAMATIONS OF APPRECIATION

Supervisor Laurie Crane, Chairperson of the Human Services Committee joined with Josh McCrossen, Commissioner for the Department of Social Services, to present a Proclamation of Appreciation to Philip A. Gerhart, for nearly 30 years as an outstanding Wayne County employee for the Department of Social Services.

Supervisor David Spickerman, Chairman of the Economic and Development and Planning Committee, read a Proclamation of Appreciation for Sharon T. Lilla, for over 31 years of service to the citizens of Wayne County as a dedicated employee of the Wayne County Planning Department.

Supervisor Lucinda Collier, along with Chairman Hoffman, presented a Proclamation of Appreciation to Daniel Wyner for his 35 years of dedicated and professional service as County Attorney to the County of Wayne.

The Board extends its deepest appreciation and best wishes for good health and happiness during their retirement years.

RECESS:

Supervisor Plant requested a ten minute recess to discuss a legal matter with the County Attorney. The Board took a recess until 8:00 p.m.

RESOLUTIONS

RESOLUTION NO. 377-11: 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; now, 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 7/1/11 – 6/30/12.
Mrs. Bender moved the adoption of the resolution. Seconded by Mr. Plant. Upon roll call, adopted.

RESOLUTION NO. 378-11: 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 7/1/11 – 6/30/12.

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

RESOLUTION NO. 379-11: 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 7/1/11-6/30/12 for the purchase of foster care for children, subject to the County Attorney's approval as to form and content.

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

RESOLUTION NO. 380-11: RESOLUTION SETTING SALARY FOR THE POSITION OF DIRECTOR OF SOCIAL SERVICES

Mrs. Crane presented the following:

WHEREAS, the current Director of Social Services has notified the County of his intention to retire in June 2011, with his last working day to be Wednesday June 29th; and

WHEREAS, this position oversees the Child Protective, Adult Protective, Foster Care & Adoption, and Preventive Teams; and

WHEREAS, the services provided by these teams are mandated by New York State; and

WHEREAS, this position is needed to assure efficient and effective service provision; and

WHEREAS, the incumbent was paid an annual salary of \$70,071; and

WHEREAS, the County Administrator anticipates authorizing filling the vacated position effective July 1, 2011; and

WHEREAS, the Department needs some lead time in order to interview applicants and make a selection; and

WHEREAS, no salary schedule currently exists for Management Confidential employees and the Board of Supervisors needs to establish a salary for the position; now, therefore, be it RESOLVED, that the Board of Supervisors hereby establishes a salary of \$70,000 for the Director of Social Services position referenced herein.

Mr. Plant moved the adoption of the resolution. Seconded by Mrs. Bender. Upon roll call, all Supervisors voted Aye, except Supervisor Groat who voted Nay. Absent – Supervisor LeRoy. The Chairman declared the resolution adopted.

RESOLUTION NO. 381-11: AMEND RESOLUTION NO. 246-11 - EXTEND TEMPORARY ACCOUNT CLERK POSITION AT SOCIAL SERVICES

Mrs. Crane presented the following:

WHEREAS, Resolution No. 818-10 created a Temporary Account Clerk position for a period of three months with a possible extension of three months, or until the individual on medical leave returns to work; and

WHEREAS, Resolution No. 246-11 extended this Temporary Account Clerk position for a period of three months from 5/7/11 to 8/7/11 or until the individual on medical leave returns to work; and

WHEREAS, the employee who was on medical leave was terminated as of 4/22/11 and the process has begun to fill this position; and

WHEREAS the Accounting unit is charged with the timely and accurate Application Registrations as well as estate recovery efforts which necessitates close involvement with the Legal and Medicaid Units in order to supply timely information for use in recoveries; and

WHEREAS, the increased urgent demand for arrangement of medical transportation has necessitated that the individual presently in the Temporary Account Clerk position help perform those duties leading to a considerable backlog in other duties; now, therefore, be it

RESOLVED, that Resolution 246-11 is hereby amended as follows: that the temporary position of Account Clerk is hereby extended for an additional three month period of 5/7/11 to 8/7/11 and will be abolished at the end of that time frame.

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

RESOLUTION NO. 382-11: AUTHORIZATION TO AMEND 7310 YOUTH BUDGET AND PURCHASE EQUIPMENT

Mrs. Crane presented the following:

WHEREAS, the 2011 NYS Office of Family and Children Services issued the 2011 Youth Bureau allocations that resulted in a 25% revenue reduction in the amount of \$47,048, and

WHEREAS, the Dept of Aging and Youth is requesting the following budget adjustments be made in the contracted services and fringe lines in the amount of \$47,048 to bring the budget into alignment, and

WHEREAS, per resolution 79-11 the Department of Aging and Youth has contracted with the Lyons, Clyde-Savannah and NR Wolcott Central School Districts to provide a Families and Communities Together Caseworker through the Extended School Day/School Violence Prevention (ESD/SVP) grant. The grant is providing 100% of the salary, fringe, equipment and travel cost associated with this position, and

WHEREAS, the caseworkers require two laptops (the work is being split between two positions), therefore be it

RESOLVED, that the Wayne County Treasurer is hereby authorized and directed to make the following modifications to the following Youth revenue and appropriation lines to reflect the changes in the 2011 Youth budget (7310), and further, be it

RESOLVED, that the Dept of Aging and Youth be authorized to purchase the following items:

A7310-Youth Bureau

(Revenues)			
\$10,178	to	.42760	FACT Program
\$5,700	from	.42770	Misc. Revenues
\$20,738	from	.43836	Youth Bureau YDDP
\$14,094	from	.43837	Youth Bureau SDDP
\$16,694	from	.43839	Runaway Homeless
(Appropriations)			
\$1,770	to	.52201	Computer Equipment (2 Lap Top Computers)
\$2,449	to	.54150	Office Supplies
\$47,852	from	.54400	Contracted Services
\$250	from	.54608	ARC MR
\$2,385	from	.58100	NYS Retirement
\$780	from	.58200	Social Security

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

RESOLUTION NO. 383-11: AUTHORIZATION TO AMEND 7311 YOUTH BUDGET (RECREATION)

Mrs. Crane presented the following:

WHEREAS, the 2011 NYS Office of Family and Children Services issued the 2011 Youth Bureau allocations and there is a 25% reduction in the Youth Development Delinquency Prevention funds; and

WHEREAS, this results in a \$4,990 revenue reduction the 2011 County 7311 Youth Bureau budget; and

WHEREAS, per resolution no. 81-11, due to additional funding from Wayne County Department of Social Services, the Department of Aging and Youth was able to restore \$4,000 of County funds to A1990 Contingent Fund General; and

WHEREAS, the \$4,990 reduction leaves insufficient funds to pay necessary salaries, fringe benefits and supplies for the 2011 season; and

WHEREAS, the Dept of Aging and Youth is requesting that the same \$4,000 of County funds be restored to A7311 from the A1990 Contingent Fund General budget in order to administer the Sodus Point Beach Program, and WHEREAS, the remaining \$990 be taken from .54100 Supplies and Material to bring the budget into alignment,; now, therefore, be it

RESOLVED, that the Wayne County Treasurer is hereby authorized and directed to make the following modifications to the Youth revenue and appropriation lines to reflect the changes in the 2011 Youth budget (7311).

A7311-Youth Bureau

(Revenues)			
\$4,990	From	.43716	State Aid
(Appropriations)			
\$990	From	.54100	Supplies and Materials

A1990 Contingent Fund General

(Appropriations)			
\$4,000	From	.54000	Contracted Services

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

RESOLUTION NO. 384-11: AUTHORIZATION TO ABOLISH A PART-TIME SENIOR CASEWORKER POSITION AND CREATE A FULL-TIME SENIOR CASEWORKER POSITION AND AMEND BUDGET

Mrs. Crane presented the following:

WHEREAS, the Senior Caseworker position supervises the Department's caseworker positions as mandated by New York State Office for the Aging regulations; and

WHEREAS, the Department has not filled the part-time Senior Caseworker position as a cost containment measure; and

WHEREAS, the State has allowed Deputy Director of Aging to supervise and perform the annual case reviews on all the casework records on a temporary basis; and

WHEREAS, the Department has now adequate state funding to support a full time Sr. Casework position; and the Deputy Director of Aging can no longer fulfill this role per state mandates; now, therefore, be it

RESOLVED, that authorization is given to abolish one part-time Sr. caseworker position (job rate \$20.37, pay grade 30) and create a full-time Sr. caseworker position (job rate \$20.37, pay grade 30); and be it further

RESOLVED, that the Wayne County Treasurer is hereby authorized and directed to make the following modifications to the 2011 budget:

A6772-Area Agency on Aging:

(appropriations)

\$18,541 FROM .51579 Part Time Sr. Caseworker

\$ 2,225 FROM .51253 Caseworker

\$20,766 TO .51362 Full Time Sr. Caseworker

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

RESOLUTION NO. 385-11: AUTHORIZATION TO CONTRACT FAMILY AND COMMUNITIES TOGETHER SERVICES WITH WAYNE COUNTY SCHOOL SYSTEMS

Mrs. Crane presented the following:

WHEREAS, Families and Communities Together (FACT) is an interagency initiative designed to assist families of children who are having difficulty in their home, school, or community due to emotional and/or behavioral challenges. FACT serves children in grades K through 12 in seven school districts throughout Wayne County. The primary goal of FACT is to prevent out of home placements; and

WHEREAS, Seven Wayne County Superintendents have requested to enter a contractual agreement with the Department of Aging and Youth for the provision of FACT services in their schools districts, and

WHEREAS, the Department of Aging and Youth agrees to provide FACT services to a minimum number children requested per school district at a sum of \$500.00 per child; now, therefore, be it

RESOLVED, the Department of Aging and Youth requests authorization to contract, upon the review and approval of the County Attorney, with the schools listed below in the specified amount. The contract year will run from July 1, 2011 through June 30, 2012.

<u>School</u>	<u>Youth Served</u>	<u>Total Cost</u>
Sodus	30	\$15,000
NR/Wolcott	15	\$ 7,500
Lyons	10	\$ 5,000
Clyde	6	\$ 3,000
Palmyra	8	\$ 4,000
Marion	2	\$ 1,000
Newark	12	\$ 6,000
Williamson	1	\$ 500

Total 84 \$42,000

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

RESOLUTION NO. 386-11: AUTHORIZATION TO ENTER INTO A 2011 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 14, 2011; 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 13, 2011 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 14, 2011 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.

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

RESOLUTION NO. 387-11: APPROVAL OF REQUESTS FOR APPOINTMENTS TO THE FINGER LAKES WORKFORCE INVESTMENT BOARD

Mrs. Crane presented the following:

WHEREAS, this Board, has authorized the creation of the Finger Lakes Workforce Development Board for the Counties of Wayne, Yates, Seneca and Ontario in compliance with the Workforce Development Investment Act (WIA) of 1998; and

WHEREAS, the Workforce Investment Board members must be appointed by the respective Legislative Boards; and

WHEREAS, the Executive Director has solicited nominations in accordance with the Law; and

WHEREAS, the Finger Lakes Workforce Investment Board By-Laws state voting members shall be appointed for terms of three (3) years, and that terms shall be staggered; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors does hereby appoint the following representatives to the Finger Lakes Workforce Investment Board to fill a three (3) year term from 7/1/11 – 6/30/14:

Reappointments:

Robert Doeblin-Geneva Housing Authority/Section 8 Housing

Charlie Schillaci – Seneca County Department of Social Services

Wilson Augustave – Migrant Seasonal Farm Workers – PathStone Corporation, Regional Administrator

Angie Scanlon – Human Resources Manager, Ultra Life Batteries

James Marquette – Wayne County Administrator

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

RESOLUTION NO. 388-11: AUTHORIZATION FOR THE CHAIRMAN OF THE BOARD TO SIGN WORKFORCE INVESTMENT ACT (WIA) CONTRACTS FOR THE PERIOD JULY 1, 2011 – JUNE 30, 2012

Mrs. Crane presented the following:

WHEREAS, new contracts are required for the calendar year July 1, 2011–June 30, 2012 for WIA contracts; and

WHEREAS, the budget and contract were approved by the Finger Lakes Workforce Investment Board meeting held at their May 2011 Meeting with Executive signatures required in June 2011; 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, 2011 to June 30, 2012:

WIA Administration	\$ 3,150
WIA Adult	\$ 48,702
WIA Dislocated Worker	\$ 78,457
WIA Youth Program	\$ 109,000

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

RESOLUTION NO. 389-11: AUTHORIZATION TO EXECUTE THE ADMINISTRATIVE AGREEMENT FOR THE FOUR (4) 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 Administrative Agreement being submitted jointly by the Local Board and the respective Chief Elected officials; and

WHEREAS, the purpose of this agreement shall be to establish a partnership which shall consist of the Finger Lakes Workforce Investment Board, Inc. and the Chief Elected Officials of the four Counties, to designate the Grant Recipient and One Stop Center(s), and to further define the respective responsibilities and roles of each party as identified herein for the operation of the programs under Title I of the Workforce Investment Act (WIA) for the duration of this Agreement; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to sign and execute this Administrative Agreement under the Workforce Investment Act Local Plan for the program year July 1, 2011 – June 30, 2012, on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content.

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

RESOLUTION NO. 390-11: REQUESTING NEW YORK STATE GOVERNOR AND LEGISLATURE TO TAKE OVER THE LOCAL SHARE OF MEDICAID TO FACILITATE PROPERTY TAX REDUCTION IN THE COUNTY

Mrs. Crane presented the following:

WHEREAS, the Governor and Legislature are vigorously pursuing a property tax cap for local governments in New York State; and

WHEREAS, tax caps are a potential way to limit the growth of property taxes; and

WHEREAS, over 90 percent of the property tax levy by counties in the state is required to fund New York State Mandated Programs; and

WHEREAS, County governments have no control over the requirements of these State mandates, or any control over the rate of growth or the cost of these mandates; and

WHEREAS, it is more appropriate for the level of government that requires the service or

program to be performed to be fiscally responsible to fund those services or programs; and
WHEREAS, one of those mandates, the local share of Medicaid, will cost Wayne County property tax payers in excess of \$13,000,000 in 2012; and

WHEREAS, New York State requires a higher local share of the cost of Medicaid than any other state, and

WHEREAS, the percent of the population eligible for Medicaid and the level of benefits paid within New York State are set by the state at significantly higher levels than in other states in the region; and

WHEREAS, a state take over of this mandated program would allow Wayne County government to reduce its property tax levy by \$13 million, or 37 percent, and thereby unburden the local property taxpayer of this obligation; and

WHEREAS, such a takeover of these costs would allow a property tax reduction and make a more meaningful impact on Wayne County taxpayers than merely adopting a property tax cap; now therefore be it

RESOLVED, that the Wayne County Board of Supervisors hereby urges the Governor and State Legislature to take over the local share of costs of the Medicaid program and assist the Board of Supervisors in reducing the property tax levy within Wayne County; and be it further

RESOLVED, that the Clerk of the Board of Supervisors shall forward copies of this resolution to Governor Cuomo, State Senator Michael Nozzolio, Assemblyman Robert Oaks, and the New York State Association of Counties.

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

RESOLUTION NO. 391-11: AUTHORIZING CONTRACT FOR FURNISHING NURSING HOME CARE TO BENEFICIARIES OF THE VETERANS SERVICE ADMINISTRATION

Ms. Park presented the following:

WHEREAS, the contract between the County of Wayne and the Veterans Service Administration for furnishing nursing home care services to beneficiaries of the Veterans Service Administration expires on July 23, 2011; and

WHEREAS, the Wayne County Nursing Home is renewing said contract for the period of August 1, 2011 – July 31, 2012 at no cost to the nursing home; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is authorized 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, 2011 to July 31, 2012.

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

RESOLUTION NO. 392-11: AUTHORIZING MEMORANDUM OF AGREEMENT BETWEEN ISLAND PEER REVIEW ORGANIZATION AND THE WAYNE COUNTY NURSING HOME

Ms. Park presented the following:

WHEREAS, Island Peer Review Organization is authorized by the Medicare program to review medical services provided to Medicare beneficiaries in the state of New York.

WHEREAS, the current contract between the Wayne County Nursing Home and the Island Peer Review Organization expires on July 31, 2011; and

WHEREAS, effective August 1, 2011 IPRO enters into a new contract with the Centers of Medicare & Medicaid Services to conduct activities required under the Medicare Tenth Scope of Work; and

WHEREAS, the Wayne County Nursing Home is required to renew the contract with IPRO for the period of August 1, 2011 to July 31, 2014; and

WHEREAS, there is no county cost for this contract; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisors is authorized to execute an agreement with IPRO on behalf of the Wayne County Nursing Home for the period of August 1,

2011 to July 31, 2014 subject to the County Attorney's approval as to form and content.

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

RESOLUTION NO. 393-11: AUTHORIZE AGREEMENT BETWEEN WAYNE COUNTY NURSING HOME AND GROUP WORKCAMP FOUNDATION – 2011 WEEK OF HOPE PARTNER ORGANIZATION

Ms. Park presented the following:

WHEREAS, the Group Workcamps Foundation Week of Hope Partner Organization has been providing volunteers for service projects; and

WHEREAS, Wayne County Nursing Home desires to renew the agreement with Group Workcamps Foundation for volunteering services; and

WHEREAS, the Wayne County Nursing Home residents enjoy the interaction with the young volunteers from around the country that participate in this program; and

WHEREAS, the Wayne County Nursing Home desires to utilize volunteers for gardening and landscape projects for the Summer of 2011; now, therefore, be it

RESOLVED, to authorize the Chairman of the Board of Supervisors to sign said Agreement with Group Workcamps Foundation Week of Hope Partner Organization for the purpose of providing volunteers for service project during the Summer of 2011, subject to the County Attorney's approval as to form and content.

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

RESOLUTION NO. 394-11: AUTHORIZE AN APPLICATION FOR SURETY BOND FOR THE WAYNE COUNTY NURSING HOME

Ms. Park presented the following:

WHEREAS, Regulation 483.10(c)(7) now requires the purchase of a Surety Bond or otherwise provide assurance satisfactory to the Secretary for nursing home resident personal funds accounts; and

WHEREAS, the Wayne County Nursing Home maintains said resident funds accounts; and

WHEREAS, it has been determined by the County Attorney that a Bond must be obtained for this purpose at a cost to the nursing home of \$1300.00; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisors is authorized to execute an application and agreement to obtain a surety bond for the Wayne County Nursing Home in accordance with State regulations at a cost of \$1300, subject to the County Attorney's approval as to form and content.

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

RESOLUTION NO. 395-11: AUTHORIZATION TO CONTRACT WITH WAYNE FINGER LAKES BOCES FOR TRANSPORTATION

Ms. Park presented the following:

WHEREAS, the County is required to provide transportation for children in the Early Intervention and Pre-K programs to the Wayne County Chapter of NYS ARC facility located in the village of Newark, and programs at the Red Creek Central School and the Williamson Central School for the 2011-2012 school years; and

WHEREAS, the transportation rate will be \$35.00 per child per day; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to execute a contract with Wayne-Finger Lakes BOCES, subject to the approval of the County Attorney as to form and content, for the period of 7/1/2011 to 6/30/2012, not to exceed

\$35.00/per child per day.

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

RESOLUTION NO. 396-11: AUTHORIZATION TO SUBMIT CERTIFICATION AND CLAIM FOR IMMUNIZATION COLA APPROPRIATION

Ms. Park presented the following:

WHEREAS, pursuant to Part F of Chapter 111 of the Laws of 2010, the 2010-2011 cost of living appropriation is available to support the Immunization grant contract number C-023279; and

WHEREAS, the Health department has \$3,564.33 in allowable expenditures associated with recruitment and retention of staff or other critical non-personal service costs; now, therefore, be it

RESOLVED, that the Director of Public Health is hereby authorized and directed to execute the COLA certification and voucher for COLA funding for the Immunization grant contract number C-023279 for the amount of \$3,564.33.

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

RESOLUTION NO. 397-11: AUTHORIZATION TO SUBMIT CERTIFICATION AND CLAIM FOR MIGRANT COLA APPROPRIATION

Ms. Park presented the following:

WHEREAS, pursuant to Part F of Chapter 111 of the Laws of 2010, the 2010-2011 cost of living appropriation is available to support the Migrant grant contract number C-023006; and

WHEREAS, the Health department has \$970.00 in allowable expenditures associated with recruitment and retention of staff or other critical non-personal service costs; now, therefore, be it

RESOLVED, that the Director of Public Health is hereby authorized and directed to execute the COLA certification and voucher for COLA funding for the Migrant grant contract number C-023006 for the amount of \$970.00.

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

RESOLUTION NO. 398-11: AUTHORIZATION TO SUBMIT CERTIFICATION AND CLAIM FOR RABIES COLA APPROPRIATION

Ms. Park presented the following:

WHEREAS, pursuant to Part F of Chapter 111 of the Laws of 2010, the 2010-2011 cost of living appropriation is available to support the Rabies contract number C-023223; and

WHEREAS, the Health department has \$874.00 in allowable expenditures associated with recruitment and retention of staff or other critical non-personal service costs, now, therefore, be it

RESOLVED, that the Director of Public Health is hereby authorized and directed to execute the COLA certification and voucher for COLA funding for the Rabies contract number C-023223 for the amount of \$874.00.

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

RESOLUTION NO. 399-11: AUTHORIZATION TO RENT BILLBOARD SPACE FROM LAMAR ADVERTISING FOR CHILD PASSENGER SAFETY WEEK AND THE ANNUAL SEAT CHECK EVENT.

Ms. Park presented the following:

WHEREAS, there is money budgeted for the rental of space for the advertising of educational messages regarding child passenger safety; and

WHEREAS the costs include rental of 3 billboard spaces for a minimum of 30 days at

\$600 each and poster production charges of \$160 each: now, therefore, be it
RESOLVED, that the Director of Public Health is hereby authorized to purchase 3 billboard spaces for a minimum of 30 days at \$600 each and a poster production cost of \$160 each, with a total cost not to exceed \$2280 from Lamar Advertising.

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

RESOLUTION NO. 400-11: AUTHORIZATION TO APPOINT A NEW MEMBER TO THE HEALTH SERVICES ADVISORY BOARD

Ms. Park presented the following:

WHEREAS, the Section 357 of New York State Laws of 1974 states that the Health Services Advisory Board (HSAB) is to comprise of 2 physicians; and

WHEREAS, the HSAB already has one physician; and

WHEREAS, the Director of Public health has been able to identify a second physician, Dr Robert Shelly, MD, FAAP who is willing to serve on the HSAB; and

WHEREAS, Dr. Shelly currently works at the Finger Lakes Community Health as the Medical Director and is certified in both Pediatrics and Internal Medicine and works in the migrant-in-camp program; now, therefore, be it

RESOLVED that the Chairman of the Board of Supervisors is hereby authorized to appoint Dr. Robert Shelly MD, FAAP as a new member to the Health Services Advisory Board for a term of (4) four years beginning July 1, 2011 and ending December 31, 2014.

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

RESOLUTION NO. 401-11: AUTHORIZATION FOR WAYNE COUNTY PUBLIC HEALTH TO SUBMIT AN APPLICATION TO THE NYSDOH TO BECOME A LICENSED AGENCY

Ms. Park presented the following:

WHEREAS, Wayne County Public Health (WCPH) is required by the New York State Department of Health (NYSDOH) to become an approved licensed agency prior to completion of the closure and sale of the Certified Home Health Agency; and

WHEREAS, the application fee will be \$2,000 to the Bureau of Project Management Office of Health Systems management; now, therefore, be it

RESOLVED, that the Director of WCPH is hereby authorized to submit an application to NYSDOH to become a licensed agency with an application fee of \$2,000 to the Bureau of Project Management Office of Health Systems Management.

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

RESOLUTION NO. 402-11: AUTHORIZATION TO ENTER INTO A LEASE AGREEMENT WITH TOSHIBA FOR A COPIER FOR THE PRINTING SHOP

Mrs. Collier presented the following:

WHEREAS, the lease with GE Capital with the monthly charge of \$392.98 for the copier in the Printing Shop expires at the end of June, 2011; and

WHEREAS, the Information Technology Department has reviewed the needs of the Print Shop: and

WHEREAS, Wayne County currently has lease agreements with Toshiba for black and white copiers; and

WHEREAS, the Director of Human Resources is requesting that the Print Shop be authorized to enter into a 60 month lease agreement with Toshiba starting July 1, 2011, for a *Toshiba e-studio 655SE* for a monthly charge of \$240, plus .00575 per copy; and

WHEREAS, said lease agreement covers all service calls, preventative maintenance, all labor, travel, parts, and supplies including toner, developer and drums, excluding staples and paper; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to enter

into a 60 month lease agreement with Toshiba for a copier for the Print Shop, not to exceed \$240.00 per month, plus the cost of the copies at .00575 per copy, subject to review and approval of the County Attorney.

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

RESOLUTION NO. 403-11: AUTHORIZING COUNTY ADMINISTRATION TO ENTER INTO DISCUSSIONS WITH CSEA FOR OPENING THE CIVIL SERVICE EMPLOYEES ASSOCIATION SICK LEAVE BANK TO OTHER EMPLOYEE GROUPS AND AUTHORIZE AGREEMENTS WITH OTHER WAYNE COUNTY COLLECTIVE BARGAINING UNITS THAT FORMALLY INDICATE THEIR DESIRE TO JOIN THE SICK LEAVE BANK

Mrs. Collier presented the following:

WHEREAS, the Wayne County Board of Supervisors in Resolution No. 419-09 and amended by Resolution 063-10 authorized the County Administrator, the Director of Human Resources, and the County Attorney to discuss with CSEA and develop a revised Employee Sick Leave Bank, and

WHEREAS, the County and CSEA have reached a satisfactory conclusion to these discussions, held an open-enrollment period, and re-opened the Sick Leave Bank for CSEA members as authorized by Resolution No. 69-10, and

WHEREAS, the County desires to have one sick leave bank for all employees, and

WHEREAS, the County desires to establish a method by which such other employee units may enter into the established CSEA Sick Leave Bank, and

WHEREAS, once an acceptable method has been established between the CSEA and the County to enroll other Bargaining Units, the County wishes to implement the agreement, now therefore be it

RESOLVED, that the County Administrator, County Attorney, and Director of Human Resources are hereby authorized to enter into discussions with CSEA to develop and establish an agreement that defines the method by which other employee units may enter the established CSEA Sick Leave Bank, and be it further

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute said Agreement with the CSEA; and be it further

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute agreements with the respective Wayne County Collective Bargaining units who formally express interest in joining the Sick Leave Bank utilizing the aforementioned agreement.

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

RESOLUTION NO. 404-11: AUTHORIZING MANAGERIAL/CONFIDENTIAL EMPLOYEES TO ENTER THE CIVIL SERVICE EMPLOYEES ASSOCIATION SICK LEAVE BANK

Mrs. Collier presented the following:

WHEREAS, the Wayne County Board of Supervisors (Resolution No. 419-09, amended by Resolution No. 063-10) authorized the County Administrator, the Director of Human Resources, and the County Attorney to discuss with CSEA and develop a revised Employee Sick Leave Bank; and

WHEREAS, the County and CSEA have reached a satisfactory conclusion to these discussions, held an open-enrollment period, and re-opened the Sick Leave Bank for CSEA members; and

WHEREAS, Managerial/Confidential employee benefits have been established by Resolution No. 90-4/20/76, addendum Resolution No. 724-11/21/89 as amended by Resolution No. 518-9/2/93, which did not include the option of membership in the CSEA Sick Leave Bank; and

WHEREAS, the County desires to have one sick leave bank for all employees, and will

enter into discussions with the CSEA to reach agreement on how other employee units may join the established Sick Leave Bank; now, therefore, be it

RESOLVED, that the County Administrator, County Attorney, and Director of Human Resources are hereby authorized to bring the Managerial/Confidential employees into the established CSEA Sick Leave Bank once agreement is reached with CSEA on procedures for doing so.

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

RESOLUTION NO. 405-11: AUTHORIZE COUNTY TREASURER TO DISBURSE SNOWMOBILE TRAILS FUNDING TO SNOWMOBILE CLUBS

Mr. Spickerman presented the following:

WHEREAS, Wayne County is the Local Sponsor for the Snowmobile Trails Grant-In-Aid program; and

WHEREAS, Wayne County applied for 2010-2011 aid through the NYS Office of Parks, Recreation and Historic Preservation, and has been designated to receive up to a total of \$59,090 in allowable grant funds for the purpose of maintaining and developing approved snowmobile trails within the County; and

WHEREAS, the Snowmobile Clubs have provided sufficient documentation for trail development and maintenance activities; and

WHEREAS, New York State has audited and approved the documentation of expenditures by the Clubs; now, therefore, be it

RESOLVED, that once funds are received from the NYS OPRHP, the Wayne County Treasurer is hereby authorized to distribute a maximum of \$17,265 (30%) in accordance with the following schedule of disbursement:

Canalton Snowmobilers, Inc	\$3,246.00
Lakeshore Snow Devils	\$7,434.00
Webster Ridge Runners	\$2,241.00
Williamson Drift Riders	\$4,344.00

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

Mr. Plant addressed the board to comment that he was happy to report that the participating snowmobile clubs have been very cooperative in repairing the damage that occurred to property along the trail. He will be supporting this resolution to disburse trail funds to the clubs.

Mr. Kelsch agreed with Mr. Plant in supporting this resolution and added that there is a remarkable difference with this year compared to past years.

Upon roll call, adopted.

RESOLUTION NO. 406-11: 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"), as lead agency, 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 approve the update of the Wayne County Agricultural and Farmland Protection Plan (the "Project"); and

WHEREAS, to aid the Board in determining whether the Project may have a significant effect on the environment, the County Planning Director has caused to be prepared a Full Environmental Assessment Form (the "FEAF"), a copy of which is on file with the Clerk of the

Board of Supervisors; and

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

RESOLVED, that the Board of Supervisors does hereby declare itself lead agency for the purposes of conducting the environmental review of the Project; and be it further

RESOLVED, as follows:

1. Based upon examination of the FEAF, and based further upon the Board's knowledge of the area encompassing 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 the component 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 FEAF.
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
3. 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
4. This determination constitutes a negative declaration for the purposes of the SEQR Act.

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

RESOLUTION NO. 407-11: APPROVE MODIFICATION OF AGRICULTURE AND FARMLAND PROTECTION PLAN

Mr. Spickerman presented the following:

WHEREAS, the Wayne County Agricultural and Farmland Protection Plan (the "Plan") was prepared to document the status of agriculture and farmland in Wayne County and to provide recommendations for the preservation of both farming and farmland in the County and was adopted following extensive volunteer effort and public input by Resolution 302-97 on June 17, 1997; and

WHEREAS, Resolution 47-09 authorized the Wayne County Agriculture Development Board to update the Plan; and

WHEREAS, the Plan update process included distributing a direct mail survey and making available an online survey to farm owners along with conducting two public informational meetings; and

WHEREAS, the Wayne County Agriculture Development Board has reviewed and modified the Plan in accordance with information obtained from the survey and the public meetings; and

WHEREAS, the Board of Supervisors has conducted a public hearing to obtain input for the Plan; and

WHEREAS, the Ag Development Board recommends that the Wayne County Board of Supervisors approve the updated plan; now, therefore, be it

RESOLVED, that in accordance with Article 25AAA, Section 324 (2), the Board of Supervisors approves the modification of the Wayne County Agriculture and Farmland

Protection Plan, and be it further

RESOLVED, that in accordance with Article 25AAA, Section 324 (3) the approved plan shall be submitted to the NYS Commissioner of Agriculture and Markets for approval.

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

RESOLUTION NO. 408-11: AUTHORIZE JOINT MUNICIPAL IMPROVEMENT PROJECT FOR THE TOWN OF ONTARIO

Mr. Spickerman presented the following:

Brief Explanation:

WHEREAS, pursuant to Resolution No. 232(73), as amended by Resolution No. 263(73) and Resolution No. 291(73), the Board of Supervisors has established a Joint Municipal Improvement Project Fund which provides County funding for a portion of the cost of approved Town or Village improvement projects for development of public facilities related to retail business activity; and

WHEREAS, the Town of Ontario has requested the County to provide funding from the Joint Municipal Improvement Project for the development of a pedestrian walkway along the east side of Furnace Road crossing Bear Creek and the further development of a sidewalk from this bridge to Community Lane; and

WHEREAS, this project will provide much needed pedestrian access for senior citizen residents of the Brown Square apartments to the Tops Plaza, alleviating the hazardous mingling of pedestrian and automobile traffic on Furnace Road; and

WHEREAS, the total project cost is estimated to be \$60,200 with the Town of Ontario providing \$50,600 from other funding sources; and

WHEREAS, the Town of Ontario requests an amount not to exceed \$9,600 to subsidize the cost of this project; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors hereby authorizes funding from the Joint Municipal Improvement Project for the Town of Ontario in the amount not to exceed \$9,600.

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

RESOLUTION NO. 409-11: AUTHORIZATION TO AMEND 2011 TOURISM BUDGET FOR DECREASE IN STATE AID

Mr. Spickerman presented the following:

WHEREAS, the 2011 Tourism Matching Funds Budget was adopted with the grant estimated at \$60,000.00; and

WHEREAS, the 2011 Tourism Matching grant was received for \$57,575.00, now, therefore, be it

RESOLVED, that the County Treasurer amend the 2011 County Budget as follows:

A6411-TOURISM MATCHING FUNDS PROGRAM:

\$2,425.00 from .43716 State Aid

\$2,425.00 from .54402 Advertising

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

RESOLUTION NO. 410-11: AUTHORIZATION TO ADVERTISE FOR BIDS FOR ROOF REPLACEMENT AT 77 WATER ST.

Mr. Miller presented the following:

WHEREAS, the Department of Social Services Building, located at 77Water St. is in need of replacement; and

WHEREAS, the replacement cost was anticipated and included in the Capitol Improvement Plan for 2011; now, therefore, be it

RESOLVED, that the Clerk of the Board of Supervisors is hereby authorized and directed

to advertise for bids for the Replacement of the Roof on the D.S.S. Building located at 77 Water St, in accordance with specifications prepared by the Superintendent of Buildings and Grounds and approved by the County Attorney as to form and content; and be it further

RESOLVED, that the Clerk of the Board of Supervisors is hereby designated and directed to publicly open the bids at the time and place specified in the bid documents and to present a record of the bids at the next meeting of the Board of Supervisors following the bid opening.

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

RESOLUTION NO. 411-11: AUTHORIZATION TO ADVERTISE FOR BIDS FOR REFUSE AND RECYCLING SERVICES

Mr. Miller presented the following:

WHEREAS, the contract for refuse disposal expires on August 31, 2011; and

WHEREAS, Wayne County is in need of both refuse and recycling services for both downtown and the Route 31 Campus; now, therefore, be it

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

RESOLVED, that the Clerk of the Board of Supervisors is hereby designated and directed to publicly open the bids at the time and place specified in the bid documents and to present a record of the bids at the next meeting of the Board of Supervisors following the bid opening.

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

RESOLUTION NO. 412-11: AUTHORIZATION TO ENTER INTO AGREEMENTS WITH THE TOWNS OF HURON, SODUS AND WOLCOTT TO SUPPORT THE WEED HARVESTING PROGRAM

Mr. Miller presented the following:

WHEREAS, the Towns of Wolcott, Sodus and Huron each contribute to the Weed Harvesting Program based upon the miles of shoreline for each town as follows: Town of Wolcott (\$2,000), Town of Sodus (\$4,000) and the Town of Huron (\$9,000); and

WHEREAS, said Towns are desirous of paying their respective contributions to Wayne County which will in turn pay the Soil and Water District for the 2011 Aquatic Weed Harvesting Program; and

WHEREAS, Resolution 880-10 authorized Wayne County to contract for the Wayne County portion (\$44,100) of the Aquatic Weed Harvesting Program for 2011 contingent upon the Towns contributions and pay the district \$59,100 (\$15,000 Town's share and \$44,100 County's share) to administer the 2011 program; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign agreements upon review and approval of the County Attorney with the Towns of Huron, Sodus and Wolcott to facilitate payment of the towns' contribution to the Weed Harvesting program through the County.

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

RESOLUTION NO. 413-11: AUTHORIZATION FOR WAYNE COUNTY TO TRANSFER FUNDS TO SOIL AND WATER CONSERVATION DISTRICT TO ASSIST WITH PURCHASE OR LEASE OF EQUIPMENT AND RELATED EXPENSES FOR WEED CONTROL AND AMEND BUDGET

Mr. Miller presented the following:

WHEREAS, the Soil and Water Conservation District coordinates the Aquatic Weed Harvesting Program on Lake Ontario Bays within Wayne County; and

WHEREAS, the weed harvesting program has been instrumental in maintaining the bays as navigable waterways for Wayne County residents and for individuals visiting the county; and

WHEREAS, maintaining navigable waterways enhances the County's tourism promotion efforts and provides economic benefit to the County through increased business activity; and

WHEREAS, the aquatic weed harvesting efforts would be more effective with the acquisition of a Skimmer Boat which would be used to remove floating weeds and debris from the water; and

WHEREAS, multiple local organizations and individuals have expressed interest in providing resources to assist in acquiring a Skimmer Boat; now therefore be it

RESOLVED, that the County Treasurer is authorized to make the following adjustments to the Wayne County Budget:

A1990 Contingent Fund Gen

(appropriations)

\$50,000 from .54000 Contractual Expenses

A8730 Soil Conservation

(appropriations)

\$50,000 to .54496 Weed Harvesting Program

and be it further

RESOLVED, that the Chairman of the Board of Supervisors is authorized to execute a contract with the Soil and Water Conservation District in order to facilitate Wayne County's participation in the lease or purchase of a Boat Skimmer and related expenses for the Soil and Water Conservation District, subject to the review and approval of the County Attorney.

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

Supervisor Spickerman was excused from the meeting at 9:00 p.m.

Mr. Miller announced that there would be an amendment to this resolution, but first introduced Lindsey Gerstenslager, District Manager for the Wayne County Soil and Water Conservation District, to give a presentation highlighting additional proposed options for Aquatic Vegetative Control for 2011.

Ms. Gerstenslager reviewed the request for an additional \$50,000 in funding from the County to provide additional weed harvesting services in the four bays with shores in Wayne County. The proposed skimming of the water can not be done this season, as the unit that would perform this work is no longer available for lease to the County. Ms. Gerstenslager presented estimated budget figures for four options she requested consideration of. She stated the need to try various proposals to remove weeds from Lake Ontario until a definite solution can be found. Additional funding would be used for additional staff hours, consumer education services, rental of a larger weed harvester, fuel and/or contracting services from another municipality. Information regarding financial figures for her recommendations were distributed. Ms. Gerstenslager stated the need to develop better approaches onto the bay and address algae blooms and weed growth. She stated Wayne County Soil and Waters Conservation District is not in the weed harvesting business, but they are in the water quality business. Once weeds are harvested they are composted and offered to business and property owners. Mr. Plant made a statement that the County Attorney made a recommendation for supervisors to recues their votes because they are a member of a Board/Agency that is involved in a Board of Supervisors' vote. He does not interpret General Municipal Law on this matter the same way. County Attorney Dan Wyner read Rule #23 of the County Rules of Order, stating a Supervisor, if he chooses, can recues from voting. He also reviewed rulings from the State Comptroller on the issue, who stated county Board members 'should not' participate in decisions relating to Boards/Agencies they sit on. Mr. Wyner said he

interprets 'should not' to mean Board members should recue themselves from such votes. Mr. Plant quoted Roberts Rules of Order on the issue that said Supervisors can vote during this type of conflict. Mr. Wyner noted by statute members of the Board of Supervisors serve on the Soil and Water Board and should be allowed to vote. Mrs. Collier spoke to the request for additional funding to Soil and Water, stating many tributaries throughout the County contribute to the nutrient problem in Lake Ontario. She said the County has an obligation to assist in this clean-up project. Mrs. Crane spoke on the issue, stating the devastation the blue-green algae created last year on properties that border Lake Ontario. She voiced concern with the health problems the algae caused. Ms. Park read a statement from Supervisor LeRoy, who was not present at the meeting, regarding his support for the additional funding for weed harvesting. The statement noted the additional County funds that have been spent on drainage projects and his desire to have funds spent on this project. Ms. Park noted she has two Lake Ontario bays in her town and supports this additional expenditure to remove weed growth from all bay frontages in Wayne County. She believes this is an investment in the county's future. Mr. Hammond expressed his desire not to see County government given to an agency without a financial plan, questioning if additional funding will be needed in coming years. Mr. Lauderdale questioned if a strategy to solve this problem would be developed. Mr. Plant questioned if towns along the Lake could stop their residents from using fertilizer on their lawns, and if funding would be coming from private sources.

Mr. Miller moved to amend the resolution, seconded by Mr. Kelsch, and requested the Clerk of the Board to read the following amended Resolution. Motion carried.

RESOLUTION NO. 413-11: AUTHORIZATION FOR WAYNE COUNTY TO CONTRACT WITH SOIL AND WATER CONSERVATION DISTRICT TO ENHANCE THE WEED HARVESTING PROGRAM AND AMEND BUDGET

Mr. Miller presented the following:

WHEREAS, the Soil and Water Conservation District coordinates the Aquatic Weed Harvesting Program on Lake Ontario Bays within Wayne County; and

WHEREAS, the weed harvesting program has been instrumental in maintaining the bays as navigable waterways for Wayne County residents and for individuals visiting the county; and

WHEREAS, maintaining navigable waterways enhances the County's tourism promotion efforts and provides economic benefit to the County through increased business activity; and

WHEREAS, the overall efficiency and effectiveness of the aquatic weed harvesting program can be enhanced; and

WHEREAS, multiple local organizations and individuals have expressed interest in providing resources to assist with these efforts; now, therefore, be it

RESOLVED, that the County Treasurer is authorized to make the following adjustments to the Wayne County Budget:

A1990 Contingent Fund Gen

(appropriations)

\$50,000 from .54000 Contractual Expenses

A8730 Soil Conservation

(appropriations)

\$50,000 to .54496 Weed Harvesting Program

and be it further

RESOLVED, that the Chairman of the Board of Supervisors is authorized to execute a contract with the Soil and Water Conservation District in order to facilitate Wayne County's participation in enhanced aquatic weed harvesting efforts for the Soil and Water Conversation District, subject to the review and approval of the County Attorney.

Upon roll call on the amended resolution, all Supervisors voted Aye, except Supervisors Hammond and Miller who voted Nay. Absent – Supervisors Spickerman and LeRoy. The Chairman declared the Resolution adopted.

RECESS:

Chairman Hoffman declared a five minute recess at 9:25 p.m.

RESOLUTION NO. 414-11: AUTHORIZATION TO LEASE PROPERTIES IN THE TOWN OF SODUS, TOWN OF HURON AND THE VILLAGE OF LYONS TO WAYNE COUNTY ACTION PROGRAM (TABLED - 6/21/11)

Mr. Miller presented the following:

WHEREAS, Wayne County Action Program hereinafter "Wayne CAP" is currently a tenant in following County owned properties: 159 Montezuma Street, Lyons, New York; 11395 Ridge Road, Huron, New York; 7190 Ridge Road East, Sodus, New York and 7192 Ridge Road East, Sodus, New York; and

WHEREAS, the prior leases between Wayne CAP and the County regarding these premises have expired; and

WHEREAS, Wayne CAP and the County are desirous of entering into new leases for said premises; and

WHEREAS, Section 99-h of the General Municipal Law authorizes a municipality to enter into agreements with private non-profit agencies which are authorized to apply for and accept funds made available by the federal government, in order to administer, conduct, or participate with the federal government in programs relating to the general welfare of the inhabitants of the municipality; and

WHEREAS, such agreements may provide that funds, services, or facilities will be made available by the municipality in order to defray that portion of the cost of any program administered by the agency which is not paid for by funds made available by the federal government; and

WHEREAS, Wayne County Action Program, Inc. is a non-profit agency established and operating under the provisions of the Economic Opportunity Act of 1964, as amended, which conducts various community action programs relating to the general welfare of the inhabitants of Wayne County; and

WHEREAS, Wayne CAP can use the fair market value of rental payments on the above mentioned properties as an in kind contribution to leverage various grants that they apply for to conduct their operation; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors subject to the approval of the County Attorney is hereby authorized to enter into lease agreements with Wayne CAP for the above mentioned properties; and be it further

RESOLVED, that said lease agreements shall be subject to the following terms and conditions:

- The leases for each of the above mentioned properties shall be for a three year term.
- Wayne CAP shall not be required to pay rent for any of the above mentioned properties.
- Wayne CAP will be responsible for providing and paying for all maintenance required for each of the above mentioned facilities.
- Wayne CAP will be responsible for providing and paying for all utilities required for each of the above mentioned properties.
- Wayne CAP subject to providing prior notice to and receiving approval from the County will be responsible for all capital improvements to the above mentioned properties.
- The County during the lease period for the property located at 159 Montezuma Street will not be responsible for maintaining the fiber optic cable to said property.

Mrs. Collier moved to table the resolution. Seconded by Mr. Plant. Upon roll call, all Supervisors voted Aye, except Supervisors Groat and Lauderdale who voted Nay. Supervisors Crane, Manktelow, Bender and Hoffman abstained from voting. Absent – Supervisors Spickerman and LeRoy. The Chairman declared the motion carried.

RESOLUTION NO. 415-11: AUTHORIZATION TO RENEW LEASE WITH ONTARIO

MIDLAND RAILROAD CORPORATION

Mr. Miller presented the following:

WHEREAS, the Ontario Midland Railroad Corporation (“OMID”) has operated and maintained Wayne County owned railroad property under a lease arrangement (“the Lease”) with Wayne County since 1981; and

WHEREAS, the lease expires on October 1, 2011; and

WHEREAS, OMID is the only railroad company currently designated by the federal Surface Transportation Board and the New York State Department of Transportation to operate on the railroad lines owned by the County; and

WHEREAS, the termination of the lease with OMID would cause protracted interruption of shipping to local businesses due in large part to the fact that OMID is the only railroad authorized by the State and Federal Governments to operate on the County owned railroad line and a new operator would have to obtain similar governmental approvals before assuming responsibility for the operation and maintenance of the County owned railroad line; now, therefore, be it

RESOLVED, that the Board of Supervisors authorizes the Chairman to execute a lease agreement with OMID for the continued operation of the County owned railroad line for a term of five (5) years, for the contract period October 1, 2011 – September 30, 2016, subject to approval as to form and content by the County Attorney.

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

RESOLUTION NO. 416-11: ESTABLISHING RATES FOR SERVICES PROVIDED TO THE WAYNE COUNTY CORONER

Mr. Plant presented the following:

WHEREAS, certain services provided by medical and other professionals are required by the County Coroner; and

WHEREAS, the rates for these services were last established by Resolution 24-02 in January, 2002; and

WHEREAS, the Pathologists performing these services had requested an adjustment to the established rates in 2011 to \$700; and

WHEREAS, the County Coroner and the County Administrator have met to review the rate structure and the Coroner has reviewed the potential structure with the Pathologists; now, therefore, be it

RESOLVED, that effective January 1, 2011 the following rate structure is hereby established and adopted by the Wayne County Board of Supervisors:

Service	Current	2011	2012	2013	2014
Pathologist	\$500	\$550	\$600	\$650	\$700
Assistant	\$ 75	\$ 82	\$ 90	\$ 97	\$105
Transcriptionist	\$ 50	\$ 55	\$ 60	\$ 65	\$ 70
Histologist	\$ 80	\$ 88	\$ 96	\$104	\$112

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

RESOLUTION NO. 417-11: AUTHORIZE EXECUTION OF CONTRACT FOR OFFICE OF VICTIM SERVICES

Mr. Plant presented the following:

WHEREAS, the State of New York has approved a three year VOCA grant application for Wayne County, and

WHEREAS, the State of New York requires an annual application for the continuation of funding for the Wayne County Crime Victim/Witness Services Program, and

WHEREAS the amount awarded for 2011-2012 is in the amount of \$48,932, and

WHEREAS the grant requires a minimum 20% local match, and

WHEREAS the amount of the local match necessary to meet the minimum expenses for the program is equal to \$14,832; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute a Continued Funding Application on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with the New York State Crime Victims Board for the continuation of Wayne County's Crime Victim/Witness Services program; and be it further

RESOLVED that the application is in the amount of \$63,764 of which \$48,932 is reimbursed for the period October 1, 2010 to September 30, 2011.

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

RESOLUTION NO. 418-11: AUTHORIZATION FOR THE DISTRICT ATTORNEY TO APPLY FOR AN AID TO PROSECUTION GRANT FOR THE PERIOD APRIL 1, 2011 TO MARCH 31, 2012

Mr. Plant presented the following:

WHEREAS, the District Attorney has been notified that the County of Wayne may be eligible for an Aid to Prosecution Grant in the amount of \$29,200.00 with no matching funds for the period of 4/1/11 to 3/31/12; and

WHEREAS, the District Attorney has applied for and received said Grants when made available; now, therefore, be it

RESOLVED, that the District Attorney is authorized to apply for a \$29,200.00 Aid to Prosecution Grant with no matching funds for the period of 4/1/11 to 3/31/12; and be it further

RESOLVED, that the Chairman of the Board of Supervisors is authorized to execute all necessary documents to implement the grant for the period of 4/1/11 to 3/31/12 on behalf of the County, subject to the County Attorney's approval as to form and content, with the New York State Division of Criminal Justice Services.

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

RESOLUTION NO. 419-11: AUTHORIZATION FOR RADIO LICENSE FREQUENCY COORDINATION

Mr. Plant presented the following:

WHEREAS, the Sheriff's Office has been awarded a federal homeland security related grant through the "Stone Garden" program, with a portion of said grant to be utilized for the purpose of developing a communications "bridge", which would allow US Border patrol personnel to communicate directly with the law enforcement agencies in Wayne County, and

WHEREAS, the previously mentioned Stone Garden program is intended to allow for the development of the communications bridge to be fully federally funded through the reimbursement grant program, and

WHEREAS, the first step in the development of this project is to apply for the radio station licenses necessary to accomplish the proposed communications bridge; now, therefore, be it

RESOLVED, that the 911 Coordinator shall be authorized to utilize the services of the Association of Public Safety Communications Officials (APCO) for the required frequency coordination, attempting to secure licensing to operate on two frequencies, at a cost of \$210.00 for each of two frequencies, or \$420 in total, and be it further

RESOLVED, that funding for said licensing coordination shall be drawn from the A3114 Road Patrol budget, object code .52500, Other equipment, which includes the Stone Garden funds for this project.

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

RESOLUTION NO. 420-11: AUTHORIZATION TO EXECUTE A CONTRACT WITH WEST PUBLISHING FOR ELECTRONIC RESEARCH ACCESS THROUGH WESTLAW NEXT AND

FOR SPECIFIED LEGAL PUBLICATIONS.

Mr. Plant presented the following:

WHEREAS, the Wayne County Public Defender's Office currently purchases from West Publishing two passwords allowing access to electronic research and purchases from West Publishing various legal books including a complete set of McKinneys Annotated Statutes of New York; and

WHEREAS, the Wayne County Public Defender's Office is in need of additional passwords for electronic research and to limit the cost of its annual subscriptions; and

WHEREAS, the Wayne County Public Defender's Office is reorganizing its subscriptions by canceling approximately \$11,000 worth of subscriptions and buying approximately \$7,000 worth for an annual net savings to the County; and

WHEREAS, West Publishing now offers a new electronic research service called Westlaw Next which allows access online at no extra cost to certain of the print publications that the Wayne County Public Defender's Office now purchases, as well as additional search features; and

WHEREAS, in order to obtain this service, and a 50% discount on all West print publications, a contract must be executed with West Publishing for a three year period; now, therefore, be it

RESOLVED, that the Wayne County Chairman of the Board is hereby authorized to review and approve the three year contract with West Publishing; and be it further

RESOLVED, that the Wayne County Public Defender's Office is hereby authorized to pay to West Publishing from line number 54472 the sums set forth in the contract for initial purchase and periodic maintenance of the services and publications provided therein by West Publishing.

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

RESOLUTION NO. 421-11: AUTHORIZATION TO TRANSFER VEHICLE FROM THE PROBATION DEPARTMENT TO THE SHERIFF'S DEPARTMENT

Mr. Plant presented the following:

WHEREAS, Wayne County Probation has received a 2011 Chevrolet Impala to replace the 2004 Chevrolet Impala (VIN # 2G1WF52E649424074); and be it further

WHEREAS, the Wayne County Sheriff's Dept. has a need for the 2004 Impala; now, therefore, be it

RESOLVED, that the 2004 Chevrolet is transferred from the Wayne County Department of Probation and Correctional Alternatives to the Wayne County Sheriff's Department.

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

RESOLUTION NO. 422-11: AUTHORIZATION TO CREATE A DEPUTY DIRECTOR OF PROBATION II POSITION, TO ABOLISH A PROBATION SUPERVISOR POSITION AND AMEND BUDGET

Mr. Plant presented the following:

WHEREAS, there is one managerial/confidential position within the Probation Department that being the Director of Probation II; and

WHEREAS, there exists a need for an additional managerial and administrative assistance within the department; and

WHEREAS, it is in the County's and the Department's best interests to create a Deputy Director of Probation II position and eliminate a Probation Supervisor position; now, therefore, be it

RESOLVED that a Deputy Director of Probation II position is hereby created; and be it further

RESOLVED, that the salary established for the position is \$65,000 per annum; and be it further

RESOLVED that the Treasurer is authorized to make the following adjustments to the 2011 County Budget:

A3140 Probation

(appropriations)

\$ 28,040 from 51340 Probation Supervisor

\$ 5,000 from 51308 Probation Officer

\$33,040 to .51591 Deputy Director of Probation II

and be it further

RESOLVED, that upon the filling of the Deputy Director of Probation, one Probation Supervisor position shall be abolished.

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

Mr. Plant moved, seconded by Mr. Manktelow that the resolution be amended to add the following RESOLVED clause:

"RESOLVED, that the salary established for the position is \$65,000 per annum; and be it further". Motion carried.

Upon roll call, all Supervisors voted Aye. Absent – Supervisors Spickerman and LeRoy. The Chairman declared the amended Resolution adopted.

RESOLUTION NO. 423-11: AUTHORIZATION TO ENTER INTO A LEASE AGREEMENT WITH TOSHIBA FOR A BLACK AND WHITE COPIER

Mr. Plant presented the following:

WHEREAS, the Wayne County Sheriff's Office currently has a lease agreement with Toshiba for (5) black and white, digital copier/printer/scanner/fax machines; and

WHEREAS, the Detective and Road Patrol Divisions due to their close proximity while previously housed in the former ICF building, shared a machine; and

WHEREAS, in the new Public Safety Building, the Detective and Road Patrol Divisions are in separate wings, making it difficult to retrieve confidential copies and faxes; and

WHEREAS, the Sheriff is requesting to enter into a 28 month lease with Toshiba starting July 1, 2011 and ending December 31, 2013, for one black and white digital copier/scanner/fax machine at a cost of \$117.50 month plus \$.00575 per image, to be housed in the Detective Division wing of the new Public Safety Building; and; and

WHEREAS, said lease agreement covers all service calls; preventative maintenance calls; all labor; travel; parts; and supplies, excluding staples and paper, now therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to enter into a 28 month lease agreement with Toshiba from July 1, 2011 through December 31, 2013 for one black and white copier/printer/scanner/fax machine, at a cost not to exceed \$117.50 per month, plus the \$.00575 per image, subject to review and approval of the County Attorney.

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

RESOLUTION NO. 424-11: AUTHORIZATION TO ENTER INTO AN INTERMUNICIPAL AGREEMENT WITH SCHUYLER COUNTY TO PROVIDE LAW ENFORCEMENT SERVICES TO THE SCHUYLER COUNTY SHERIFF'S OFFICE AT WATKINS GLEN INTERNATIONAL DURING A MUSIC FESTIVAL

Mr. Plant presented the following:

WHEREAS, the County of Schuyler has requested the assistance of the Wayne County Sheriff's Office to provide additional law enforcement services during the 'Phish' music festival at Watkins Glen International from June 30, 2011 through July 4, 2011; and

WHEREAS, The County of Wayne has previously authorized Sheriff Virts to enter into an Intermunicipal Agreement with the County of Schuyler to provide law enforcement services and related equipment to the County of Schuyler during the auto racing season at Watkins Glen International (resolution 457-10), and

WHEREAS, the County of Schuyler will be declaring a state of emergency for the dates of the aforementioned event; and

WHEREAS, an agreement with the County of Schuyler can be entered into under the authority of the New York State General Municipal Law, which authorizes the use of out-of-county deputies during a declared state of emergency; and

WHEREAS, all Wayne County Sheriff's Office personnel and equipment costs will be paid for by the County of Schuyler; and

WHEREAS, Sheriff Virts is requesting to enter into an Intermunicipal Agreement with the County of Schuyler for law enforcement services and related equipment for the 'Phish' music festival at Watkins Glen International from June 30, 2011 through July 4, 2011, with all costs being reimbursed to the County of Wayne by the County of Schuyler; now, therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors and the 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 the County of Schuyler establishing the terms and conditions for the provision of said law enforcement services and related equipment to the County of Schuyler, during the 'Phish' music festival from June 30, 2011 through July 4, 2001 at Watkins Glen International; and be it further

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

RESOLVED, that all costs incurred by the County of Wayne shall be reimbursed by the County of Schuyler.

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

RESOLUTION NO. 425-11: TAX REFUND – ERROR ON TAX ROLL

Mr. Hammond presented the following:

WHEREAS, applications for refund of real property tax claimed to be attributable to an error on the tax roll has duly been filed with the Director of Real Property Tax Services ("Director") for the properties listed below, pursuant to the provisions of Article Five, Title 3 of the Real Property Tax Law; and

WHEREAS, the Director investigated the circumstances of the claimed errors and has submitted a report recommending the applications be approved; now, therefore, be it

RESOLVED, pursuant to Article 5, Title 3 of the Real Property Tax Law that the following applications are hereby approved and the County Treasurer is hereby authorized and directed to pay the refunds:

TOWN OF SODUS

2008 Tax Roll

Account No.	70117-00-571304	
Assessed to:	Owen Beebe	
Total Tax Difference:	\$51.59	Total County Tax Difference: \$28.09
Refund:	\$51.59	

TOWN OF SODUS

2009 Tax Roll

Account No.	70117-00-571304	
Assessed to:	Owen Beebe	
Total Tax Difference:	\$87.23	Total County Tax Difference: \$45.86
Refund:	\$87.23	

TOWN OF SODUS

2010 Tax Roll

Account No.	70117-00-571304	
Assessed to:	Owen Beebe	
Total Tax Difference:	\$95.88	Total County Tax Difference: \$45.06
Refund:	\$95.88	

and be it further

RESOLVED, that the County Treasurer is hereby authorized and directed to charge back the refunds in the manner prescribed by Section 556 of the Real Property Tax Law.

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

RESOLUTION NO. 426-11: 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 Schedule A (attached hereto and incorporated herein by reference) and is entitled to acquire title by Court Order to the properties from 2009 listed on Schedule 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 #317-11, 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 2009 as of the close of business on June 21, 2011; and

WHEREAS, Resolution #317-11 authorized the properties shown on Schedule 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; now, therefore, be it

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
1029	V/PALMYRA/TOWN OF PALMYRA	64111-15-598413	W Foster 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, 2011.
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:
 - 2011- Village Tax
 - 2011- School Tax
 - 2012 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, or 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 19, 2011. It shall be the purchaser's responsibility to contact the County Real Property Tax Service Agency (946-5916) on or after July 20, 2011 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 29, 2011 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 29, 2011, 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. Manktelow. Upon roll call, adopted.

RESOLUTION NO. 427-11: AMEND PUBLIC SAFETY BUILDING PROJECT (H1925) PER CHANGE ORDERS APPROVED ON MAY 17, 2011 AND JUNE 7, 2011

Mr. Hammond presented the following:

WHEREAS, the Building Renovation Committee (BRC) has the authority to approve change orders up to \$10,000.00 for the Public Safety Building Renovation Project; and

WHEREAS, the BRC met on May 17, 2011 and June 7, 2011 to review the status of the project and reviewed and approved various change orders with in components of the project; and

WHEREAS, the following change orders were reviewed and approved for the General Contractor component: GC-88 Rerouting of Duct (\$382), GC-125 Additional Signs for Storerooms (\$428), GC-126 Foundation Detail South Side West (\$6,524) for a total of \$7,334; and

WHEREAS, the following change orders were reviewed and approved for the Electrical Contractor: EC-18 UPS Connection to Electrical Service (\$-300) for a total of a \$300 credit; 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:

(appropriations)
\$ 7,334 to .52813 General Trades
\$ 300 from .52815 Electrical
\$ 7,034 from .52818 Contingency

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

RESOLUTION NO. 428-11: AUTHORIZATION FOR SETTLEMENT OF CLAIM – VILLAGE OF LYONS

Mr. Hammond presented the following:

WHEREAS, a 2010 Chevy van owned by the County of Wayne was involved in an accident on January 24, 2011; and

WHEREAS, the County vehicle was the cause of the accident; and

WHEREAS, the Village of Lyons has demanded payment Four Hundred Fifty Six and 00/100 Dollars (\$456.00) for a minor hazmat spill response; now therefore be it

RESOLVED; in settlement of said claim that the Wayne County Treasurer is hereby authorized and directed to pay the Village of Lyons, the sum of Four Hundred Fifty Six and 00/100 Dollars (\$456.00) from Account #1930 (Judgment & Claims) as directed by the Wayne County Attorney.

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

RESOLUTION NO. 429-11: URGING ELECTED REPRESENTATIVES IN NEW YORK STATE LEGISLATURE TO PASS LEGISLATION EXEMPTING COUNTIES FROM OBLIGATION TO PAY CHARGEBACKS ASSOCIATED WITH THE FASHION INSTITUTE OF TECHNOLOGY (FIT) TUITION AND FEES OR REIMBURSE COUNTIES PURSUANT TO EDUCATION LAW 6305(10)

Mr. Hammond presented the following:

WHEREAS, New York State Education Law Section 6305 allows community colleges to charge to and collect from each County within the State which has issued a certificate of residence pursuant to subdivision 3 of this section on the basis of which such non-resident students are attending such community college, an allocable portion of the local sponsor's share of the operating costs of such community college attributable to such non-resident students; and

WHEREAS, FIT has been held to be part of the New York State educational system and a community college (Education Law 2587), albeit an unusual one, in that FIT offers baccalaureate and Master's degree programs in addition to two-year programs (New York State Education Law Section 6302(3); and

WHEREAS, the cost of the expenses for attending FIT are substantially higher than the costs of attending other community colleges; and

WHEREAS, New York State Education Law Section 6305(10) provides for State reimbursement to each County which has issued a certificate of residence for any non-resident student attendance at FIT for the period 1993 to date, 50% of the actual amount paid by such County on behalf of such students and commencing in 1995 and every year thereafter the State shall reimburse each County for the remaining 50% of the actual amount paid by each County on behalf of such students; and

WHEREAS, the New York State Legislature has failed to fund this statutory mandate under New York State Education Law Section 6305(10) and the Courts have held that Counties are not entitled to CPLR Article 78 relief in an action seeking reimbursement for these FIT costs. (County of Suffolk v. King, 2005, App Div, 3d Dept); and

WHEREAS, Wayne County currently has four students attending FIT and the chargebacks to the County have become unduly financially burdensome; and

WHEREAS, the costs to Wayne County for tuition chargebacks for FIT totaled \$43,653 in 2009, \$77,812 in 2010, and \$26,952 year-to-date through Spring, 2011 now therefore be it

RESOLVED, that the Wayne County Board of Supervisors requests that its elected representatives in the New York State Legislature sponsor legislation which would accomplish either (a) the elimination of FIT as a community college, thus ending chargebacks pursuant to New York State Education Law Section 6305, or (b) fund the reimbursement to Counties of 100% of the costs of county resident students attending FIT pursuant to New York State Education Law 6305(1).

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

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

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 (the property), Said property being located in the town of Arcadia; and

WHEREAS, the Town of Arcadia contracted with Lu Engineers to perform a phase one environmental audit on the property; and

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

WHEREAS, the town subject to the results and recommendations of said proposed Phase two 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; 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; and

WHEREAS, the Town is willing to pay all engineering costs regarding said environmental restoration investigation project; and

WHEREAS, the County and the Town each mutually desire to define their respected financial obligations with respect to the Phase two environmental audit 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.

Mr. Hammond moved, seconded by Mrs. Collier, to amend the resolution as follows:

"RESOLUTION NO. 430-11: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE TOWN OF ARCADIA REGARDING PROPERTY TAX ID#68111-10-365641

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 (the property), Said property being located in the town of Arcadia; and

WHEREAS, the Town of Arcadia contracted with Lu Engineers to perform a phase one environmental audit on the property; and

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

WHEREAS, the town subject to the results and recommendations of said proposed Phase two 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; 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; and

WHEREAS, the Town is willing to pay all engineering costs regarding said environmental restoration investigation project; and

WHEREAS, the County and the Town each mutually desire to define their respected financial obligations with respect to the Phase two environmental audit 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 an agreement with the Town of Arcadia, subject to the County Attorney's review and approval, as hereinbefore set forth."

Motion carried.

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

RESOLUTION NO. 431-11: AUTHORIZING TO PARTICIPATE IN RIT INTERNSHIP PROGRAM

Mr. Hammond presented the following:

WHEREAS, the Rochester Institute of Technology ("RIT"), conducts a Computing Science internship program for students enrolled in the Information Technology degree program; and WHEREAS, the Wayne County Information Technology department is well suited to provide the student with an opportunity to gain "real-world" experience for a student in said program; and

WHEREAS, the Wayne County Information Technology department is desirous of cooperating in order to produce an experiential learning course of study which will enable a student enrolled in the program at RIT to increase their knowledge in a selected component of the Information Technology industry; 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 County Attorney's approval as to form and content, with RIT for the program described above.

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

RULE 15 RESOLUTIONS

RESOLUTION NO. 432-11: AUTHORIZATION TO APPROVE CHANGE ORDER FOR BAAR ENVIRONMENTAL

Mr. Miller presented the following:

WHEREAS, Baar Environmental had been awarded the abatement of the six pavilions that contained asbestos materials; and

WHEREAS, the company encountered difficulty in the process of removal on three of the pavilions, located in Palmyra, Lyons, and Newark, and full deck removal was necessitated; and WHEREAS, these materials were disposed of properly as ACM materials; and

WHEREAS, this additional work and disposal was not anticipated in the original contract for the work; now, therefore, be it

RESOLVED, that the contract with Baar Environmental be increased by \$2,500.00 for

these additional services not in the original contract.

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

RESOLUTION NO. 433-11: AUTHORIZATION TO AWARD BID FOR CONSTRUCTION OF PAVILIONS LOCATED IN WAYNE COUNTY PARKS

Mr. Miller presented the following:

WHEREAS, the Clerk of the Board of Supervisors duly advertised for bids for the construction of eight pavilions located in various Wayne County Parks; and

WHEREAS, the following bids were received by the deadline and opened on Friday, June 10, 2011 at 1:30 p.m.:

#	Bidder and Address	Bid Amount	Alternate Ceiling Liner & Soffits	Total Including Alternate
1	Secor Lumber Solutions 13140 W Church St, Savannah, NY 13146	\$76,999.00	\$2,908.37 per unit ----- \$23,267.00 Total Alt.	\$100,266.00
2	Fingerlakes Construction 10269 Old Route 31 W Clyde, NY 14433	\$82,600.00	\$2,200.00 per unit ----- \$17,600.00 Total Alt.	\$100,200.00
3	Nicoletta Bldg. Contrs. 108 Davis Street Clyde, NY 14433	\$99,200.00	\$3,000.00 per unit ----- \$24,000.00 Total Alt.	\$123,200.00
4	Bennett Construction Inc PO Box 196 9483 Foster Wheeler Rd Dansville, NY 14437	\$142,880.00	\$3,125.00 Per unit ----- \$25,000.00 Total Alt.	\$167,880.00

RESOLVED, that the bid submitted by Fingerlakes Construction to include the alternate for the ceiling liner and soffit, 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 Fingerlakes Construction, at a cost not to exceed \$100,200.00.

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

adopted.

RESOLUTION NO. 434-11: ADOPT A LOCAL LAW RELATING TO THE REAPPORTIONMENT OF THE BOARD OF SUPERVISORS OF THE COUNTY OF WAYNE

Mrs. Collier presented the following:

WHEREAS, a proposed local law relating to the reapportionment of the Board of Supervisors of the County of Wayne was presented to the Board of Supervisors on May 17, 2011; and

WHEREAS, a public hearing on the proposed local law was held by the Board of Supervisors on June 21, 2011, 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:

SECTION 1. LEGISLATIVE INTENT

The Wayne County Board of Supervisors having heretofore enacted local laws implementing adjusted weighted voting plans for simple majority votes and two-thirds majority votes, and since those enactments the 2010 Federal Census having been completed, the Wayne County Board of Supervisors did pursuant to Section 10 of the Municipal Home Rule Law prepare revised plans, utilizing the said 2010 population statistics.

SECTION 2. ADJUSTED WEIGHTED VOTING PLAN (SIMPLE MAJORITY)

The apportionment of the voting strength of each of the numbers of the Wayne County Board of Supervisors as determined by utilization of the 2010 Federal Census shall be as follows upon any vote requiring a simple majority vote:

Arcadia	213
Butler	34
Galen	70
Huron	35
Lyons	91
Macedon	145
Marion	77
Ontario	159
Palmyra	127
Rose	39
Savannah	29
Sodus	133
Walworth	149
Williamson	112
<u>Wolcott</u>	<u>72</u>

1485

A total of 743 affirmative votes shall be required for the adoption of any resolution, local law, motion or proposal requiring a simple majority vote.

SECTION 3. ADJUSTED WEIGHTED VOTING PLAN (TWO-THIRDS MAJORITY)

The apportionment of the voting strength of each of the members of the Wayne County Board of Supervisors as determined by utilization of the 2010 Federal Census shall be as follows upon any vote requiring a two-thirds majority vote:

Arcadia	236
Butler	34

Galen	69
Huron	34
Lyons	90
Macedon	145
Marion	76
Ontario	160
Palmyra	126
Rose	37
Savannah	29
Sodus	131
Walworth	152
Williamson	111
Wolcott	71

1501

A total of 1001 affirmative votes shall be required for the adoption of any resolution, local law, motion or proposal requiring a two-thirds majority vote.

SECTION 4. EFFECT OF OTHER LAWS OR ACTS

Local Law No. 2-2002 and any other law, ordinance, resolution or other act of the Wayne County Board of Supervisors relating to reapportionment is herein and hereby superseded.

SECTION 5. SEPARABILITY

If any clause, sentence, paragraph or section of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or section thereof directly involved in the proceeding in which such adjudication shall have been rendered.

SECTION 6. EFFECTIVE DATE

This local law shall become effective upon the date it is filed in the Office of the Secretary of State; 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. Lauderdale moved the adoption of the resolution. Seconded by Mr. Kelsch. Upon roll call, all Supervisors voted Aye, except Supervisors Crane, Manktelow and Hammond who voted Nay. Absent – Supervisors Spickerman and LeRoy. The Chairman declared the Resolution adopted.

RESOLUTION NO. 435-11: AUTHORIZATION TO LEASE FOR POSTAGE METER SYSTEM WITH PITNEY BOWES LOCATED AT THE WAYNE COUNTY PUBLIC SAFETY BUILDING

Mr. Lauderdale presented the following:

WHEREAS, the Wayne County Board of Elections is interested in leasing a postage machine from Pitney Bowes, Inc., with the mailing system to be centrally located in their department; sharing the associated costs with other county departments that are located in the Wayne County Public Safety Building; and

WHEREAS, the county departments interested in sharing the mailing system include the Board of Elections, Department of Probation, Fire Coordinator, Emergency Management Office, Veterans Services and Stop DWI Coordinator; now, therefore, be it

RESOLVED, that the Wayne County Board of Elections is hereby authorized to lease a Connect+2000 Series System for the lease period of 60 months at \$665 per month, billed quarterly; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute any documentation relating to the lease, on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with Pitney Bowes, Inc., for the leasing of a Connect+2000 Series System at a cost not to exceed \$665 per

month, for the 60 month lease period of July 1, 2011 to June 30, 2016.

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

RESOLUTION NO. 436-11: AUTHORIZATION TO PURCHASE REMAINING FURNITURE AND EQUIPMENT FOR PUBLIC SAFETY BUILDING

Mr. Lauderdale presented the following:

WHEREAS, we have moved into the newly renovated Public Safety Building and

WHEREAS, there are several items that were anticipated in the project budget for furniture, fixtures and equipment that were not ordered in the initial furniture purchase; and

WHEREAS, all items listed below may be obtained through NYS Contract pricing; now, therefore, be it

RESOLVED, that the Superintendent of Buildings and Grounds is hereby authorized to order the following items:

3 - 36" X 60" Bulletin Boards	\$ 546.00
1 - ARC Rotary File	\$ 1,205.00
1 - 36" X 60" White Board	\$ 289.00
50- Chair Mats	\$ 5,000.00
Benches for locker rooms	\$ 2,500.00
Shower Curtains for locker rooms	\$ 180.00
Utility Cart for refuse/recycling	\$ 650.00
1 - portable AC unit	\$ 800.00
2 - Dehumidifiers for records areas	\$ 2,200.00

and be it further

RESOLVED, that items will be paid from the H1925.52807 FF&E, project account.

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

EXECUTIVE SESSION: Mrs. Collier moved, seconded by Mr. Plant, that the Board go into Executive Session to discuss a personnel issue at 9:47 p.m. Upon roll call, carried.

REGULAR SESSION: Ms. Park moved, seconded by Mr. Colacino that the Board resume regular session at 9:57 p.m... Carried.

OTHER BUSINESS:

Mr. Hammond moved, seconded by Mr. Manktelow that three (3) resolutions be allowed on the floor under other business. Motion carried.

RESOLUTION NO. 437-11: URGING ELECTED REPRESENTATIVES IN NEW YORK STATE LEGISLATURE TO PASS LEGISLATION AMENDING THE ALLOWED SERVICE FEES ON RETURNED CHECKS TO FLOAT WITH BANK FEES

Mr. Hammond presented the following:

WHEREAS, banks are able to charge municipalities for checks that are returned and dishonored; and

WHEREAS, General Municipal Law 85 allows a municipal corporation to impose a charge and add to the amount owing of such account this charge with a maximum amount authorized by section 5-328 of the general obligations law; and

WHEREAS, section 5-328 of the general obligations law sets a maximum amount of twenty dollars; and

WHEREAS, the charge to the municipal corporation from the bank could be more than twenty dollars; now, therefore, be it

RESOLVED, that the County of Wayne urges our Elected Representatives in the New York State Legislature to amend section 5-328 to allow for the current maximum twenty dollar

fee to be imposed in addition to the fee charged by the bank to the municipal corporation.
Mr. Miller moved the adoption of the resolution. Seconded by Mrs. Bender. Upon roll call, adopted.

RESOLUTION NO. 438-11: AMENDING BUDGET FOR THE PARKS PAVILION REPLACEMENT PROJECT

Mr. Hammond presented the following:

WHEREAS, all costs of the Park Pavilion Replacement Project are now known; and
WHEREAS, Resolution No. 142-11 established a budget for the project; and
WHEREAS, it is appropriate to return funds from the budget to the General Fund that are not needed to complete the project; now, therefore, be it
RESOLVED, that the County Treasurer is hereby authorized to amend the budget as follows:

H1915 Parks Projects

(revenue)

\$44,800 from .45031 Interfund Transfers

(appropriations)

\$ 2,000 to .52800 A/E Design Fee

\$51,750 from .52813 General Trades

\$ 5,250 to .54250 Refuse

\$ 300 from .52817 Misc.

A9950 Transfer to Capital Project Fund

(appropriation)

\$44,800 from .52719 Parks Pavilion Project

A1990 Contingent Fund Gen

(appropriation)

\$44,800 to .54000 Contractual Expenses

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

RESOLUTION NO. 439-11: APPOINTMENT OF INTERIM PLANNING DIRECTOR

Mrs. Collier presented the following:

WHEREAS, the Director of Planning has notified the County that she will retire effective July 8, 2011; and

WHEREAS, it is necessary to appoint an Interim Director of Planning; now, therefore, be it
RESOLVED, that Ora Rothfuss is hereby appointed Interim Director of Planning effective July 9, 2011 through October 19, 2011; and be it further

RESOLVED, that the annual salary established for the Interim Director of Planning position is \$57,000 per annum.

Mr. Hammond moved the adoption of the resolution. Seconded by Mr. Manktelow. Upon roll call, all Supervisors voted Aye. Absent – Supervisors Spickerman and LeRoy. The Chairman declared the Resolution adopted.

The Chairman announced a Notice of Amendment that was distributed regarding the proposed amendment to the Rules of Order for reapportionment of the Board of Supervisors.

ADJOURNMENT:

The next scheduled meeting of the Board is Tuesday, July 19, 2011 at 9:00 a.m.

Mrs. Crane moved, seconded by Ms. Park, that the board adjourn at 10:01 p.m. Carried.

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