

REQUEST TO CALL SPECIAL MEETING

To the Clerk of the Board of Supervisors:

You are hereby directed to call a Special Meeting of the Board of Supervisors of Wayne County, New York, to be held in the Supervisors' Chambers in the Court House in the Village of Lyons, New York, on **Thursday, August 19, 2010 at 9:00 a.m.**, for the following purposes:

- FIRST: Public Hearing for a Proposed Local Law to Adopt a Retirement Incentive Program as Authorized by Part A, Chapter 105, Laws of 2010 for Certain Eligible Employees of Wayne County.
- SECOND: To hear, consider and act upon any other matter which may be brought to the Board in the same manner and to the same effect as if the Board were convened in regular session.

Dated at Lyons, New York
August 10, 2010

James D. Hoffman, Chairman
Wayne County Board of Supervisors

NOTICE OF SPECIAL MEETING

State of New York
Wayne County

Office of the Clerk of the Board of Supervisors

Upon direction of the Chairman of the Board of Supervisors of the County of Wayne, I do hereby call a Special Meeting of the Board of Supervisors of Wayne County, New York, to be held in the First Floor Conference Room of the Court House in the Village of Lyons, New York, on **Thursday, August 19, 2010 at 9:00 a.m.**, for the following purposes:

- FIRST: PUBLIC HEARING – 9:00 A.M.

The Board is holding this hearing for a Proposed Local Law to Adopt a Retirement Incentive Program as Authorized by Part A, Chapter 105, Laws of 2010 for Certain Eligible Employees of Wayne County
- SECOND: To hear, consider and act upon any other matter which may be brought to the Board in the same manner and to the same effect as if the Board were convened in regular session.

Dated at Lyons, New York
August 10, 2010

Sandra J. Sloane, Clerk
Wayne County Board of Supervisors

**15th Day
Thursday, August 19, 2010
9:00 a.m.**

The Board met pursuant to call, Chairman Hoffman presiding.
The Pledge of Allegiance was led by Supervisor Spickerman.

Upon roll call, all Supervisors were present, except Supervisor Manktelow who was absent.

County Administrator James Marquette and County Attorney Daniel Wyner were also in attendance of this special session of the board.

UNFINISHED BUSINESS:

Mrs. Collier made a motion to remove Resolution No. 556-10 from the table. Seconded by Mr. Lauderdale. Motion carried.

RESOLUTION NO. 556-10: AUTHORIZE THE BOARD OF ELECTIONS TO RENT A TRUCK TO TRANSPORT LEVER VOTING MACHINES (DEFEATED – August 19, 2010)

Mrs. Collier presented the following:

WHEREAS, the County has the responsibility for the lever voting machines which are no longer approved for use in elections; and

WHEREAS, these lever voting machines are located in the towns where they were previously used; and

WHEREAS, it is necessary to pickup these voting machine equipment and transport them to a County storage facility and the County does not possess the necessary truck with a hydraulic lift gate; now, therefore, be it

RESOLVED, that the Board of Elections is hereby authorized to rent a suitable truck to transport used voting equipment to a County storage facility at a cost not to exceed \$400.00.

Supervisor Collier called for a long roll on this resolution, seconded by Mr. Lauderdale. Upon roll call, all Supervisors voted Nay except Supervisors Spickerman and Groat who voted Aye. Absent – Supervisor Manktelow. The Chairman declared the resolution defeated.

SCHEDULED BUSINESS:

PUBLIC HEARING – 9:00 A.M.

Prior to the Clerk reading the scheduled Public Hearing, Chairman Hoffman informed the attending members of the public the Board's procedures that are followed for all hearings.

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 Thursday, August 19, 2010, at 9:00 a.m. in the Supervisors Chambers in the County Court House, 26 Church Street, Lyons, New York, on the following proposed local law:

COUNTY OF WAYNE - STATE OF NEW YORK

A Local Law adopting a Retirement Incentive Program as authorized by Part A Chapter 105, Laws of 2010 for certain eligible employees of Wayne County.

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

SECTION 1. The County of Wayne hereby elects to provide eligible employees in the following job titles: one (1) Sign Maintenance Worker position, one (1) Maintenance Equipment Operator II position, two (2) Maintenance Equipment Operator I positions, two (2) Heavy Equipment Operator positions, one (1) Supervising Public Health Nurse position,

one (1) Housekeeper position, one (1) Senior Audit Clerk position, one (1) Computer Programmer position, one (1) Maintenance Foreman position and one (1) Senior Cleaner Position with a retirement incentive program as authorized by Part A Chapter 105, Laws of 2010.

SECTION 2. The commencement date of the retirement incentive program shall be November 1, 2010.

SECTION 3. The open period, during which eligible employees may retire and receive the additional retirement benefits, shall be 60 calendar days in length.

SECTION 4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the County of Wayne for each employee who receives the retirement benefits payable under this local law.

SECTION 5. This local law shall take effect on the date it is filed in the Office of the Secretary of State as provided in Section 27 of the Municipal Home Rule Law of the State of New York.

Dated: August 11, 2010
Lyons, New York

Sandra J. Sloane, Clerk
Wayne County Board of Supervisors

The Chairman opened the floor for public comment at 9:07 a.m., requesting that persons interested in addressing the Board with their comments to come forth to the podium. There being no comments, Chairman Hoffman requested a motion to close the hearing.

At 9:08 a.m., Mr. Miller moved, seconded by Mr. Lauderdale, that the hearing be closed. Upon roll call, carried.

Mr. Plant moved, seconded by Mr. LeRoy that four (4) resolutions be allowed on the floor under Other Business. Upon roll call, carried.

RESOLUTION NO. 581-10: ADOPTION OF LOCAL LAW TO ADOPT A RETIREMENT INCENTIVE PROGRAM AS AUTHORIZED BY PART A CHAPTER 105, LAWS OF 2010 FOR CERTAIN ELIGIBLE EMPLOYEES OF WAYNE COUNTY

Mrs. Collier presented the following:

WHEREAS, a proposed local law in relation to adopting a Retirement Incentive Program as authorized by Part A Chapter 105, Laws of 2010 for certain eligible employees of Wayne County, was presented to the Board of Supervisors on August 9, 2010; and

WHEREAS, a public hearing on the proposed local law was held by the Board of Supervisors on August 19, 2010, in accordance with the notice of hearing duly posted and published in the manner prescribed by law; now, therefore, be it

RESOLVED, that said local law is hereby adopted to read as follows:

COUNTY OF WAYNE - STATE OF NEW YORK

"A Local Law adopting a Retirement Incentive Program as authorized by Part A Chapter 105, Laws of 2010 for certain eligible employees of Wayne County.

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

SECTION 1. The County of Wayne hereby elects to provide eligible employees in the following job titles: one (1) Sign Maintenance Worker position, one (1) Maintenance Equipment Operator II position, two (2) Maintenance Equipment Operator I positions, two (2) Heavy Equipment Operator positions, one (1) Supervising Public Health Nurse position, one (1) Housekeeper position, one (1) Senior Audit Clerk position, one (1) Computer Programmer position, one (1) Maintenance Foreman position and one (1) Senior Cleaner Position with a retirement incentive program as authorized by Part A Chapter 105, Laws of 2010.

SECTION 2. The commencement date of the retirement incentive program shall be November 1, 2010.

SECTION 3. The open period, during which eligible employees may retire and receive the additional retirement benefits shall be 60 calendar days in length.

SECTION 4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the County of Wayne for each employee who receives the retirement benefits payable under this local law.

SECTION 5. This local law shall take effect on the date it is filed in the Office of the Secretary of State as provided in Section 27 of the Municipal Home Rule Law of the State of New York."

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

Mr. Kelsch asked if there was a decision as to what payment option the County would be taking to reimburse the state retirement system for the five year buyout necessary for this incentive program.

County Administrator Marquette responded by informing the Board that they are considering the five-year buyout option as the county has not appropriated 2010 funds for the county to process a the lump-sum payment to the state. Further it is too early to determine how much this will cost the County as we do not know how many eligible employees will be taking advantage of this retirement incentive.

Mr. Marquette answered other questions pertaining to this issue and stated that since it is the County's responsibility to make these payments, it should be the Board's decision to select the option best suited for the overall budget.

The Chairman called for a vote. Upon roll call, adopted.

RESOLUTION NO. 582-10: AUTHORIZATION TO ADVERTISE FOR FULL TIME PUBLIC DEFENDER POSITION

Mrs. Collier presented the following:

WHEREAS, Resolution No. 330-10 created the full time Public Defender position effective January 1, 2011; and

WHEREAS, a Search Committee has been appointed; and
WHEREAS, it is prudent to begin the recruitment process as soon as possible in order to fill the position on January 1, 2011; now, therefore, be it

RESOLVED, that the advertisement for and recruitment of applicants for the Public Defender position is hereby authorized.

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

RESOLUTION NO. 583-10: SETTING DATE FOR PUBLIC HEARING ON PROPOSED LOCAL LAW AMENDING LOCAL LAW NO.7-89, AS AMENDED BY LOCAL LAW NO. 3-91 ESTABLISHING A PLAN FOR THE MANAGEMENT OF SOLID WASTE GENERATED OR ORIGINATED IN THE COUNTY OF WAYNE

Mr. Spickerman presented the following:

WHEREAS, the Board of Supervisors seeks public input on a proposed change from its current recycling program to require the collection of recycling by private haulers in Wayne County as a condition of their license to collect municipal solid waste; now, therefore be it

RESOLVED, pursuant to Section 20 of the Municipal Home Rule Law of the State of New York, that a public hearing on the proposed local law set forth below shall be held by the Board of Supervisors on Thursday, September 9, 2010 at 7:00 p.m. in the Supervisors' Chambers in the County Court House, Lyons, New York; and be it further

RESOLVED, that the Clerk of the Board of Supervisors is hereby directed to give at least five days notice of such hearing by posting such notice upon the bulletin board at the Court House, Lyons, New York, and by publishing such notice at least once in the official newspapers of the County.

SOLID WASTE MANAGEMENT LAW

A local law amending Local Law No. 7-89 as amended by Local Law No. 3-91 establishing a plan for the Management of Solid Waste generated or originated in the County of Wayne.

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

SECTION 1: Section II of Local Law No. 7-89 as amended by Local Law No. 3-91 is amended to read as follows:

Section II. Purposes

This law is adopted pursuant to Chapter 627 of the Laws of 1986 of the State of New York to:

- A. Implement a plan for the management of solid waste generated or originated in the County of Wayne, to promote the safety, health and well-being of persons and property within the County of Wayne; and to
- B. Implement the express policy of the State of New York encouraging solid waste volume reduction through recycling.

SECTION 2: Section III of Local Law No. 7-89 as amended by Local Law No. 3-91 is amended to read as follows:

Section III. Definitions

Acceptable Solid Waste means all solid waste which is not hazardous waste, designated recyclable material or unprocessable waste.

Board of Supervisors means the Board of Supervisors of the County of Wayne.

County means the County of Wayne.

Designated Recyclable Materials means recyclable materials designated for source separation by rules and regulations promulgated pursuant to Section IV(A)(2) of this law.

Facility means any properly permitted solid waste management-resource recovery facility employed beyond the initial solid waste collection process which is to be used, occupied or employed for or is incidental to the receiving, transporting, storage, processing, or disposal of solid waste or the recovery by any means of any material or energy product or resource there from including recycling centers, transfer stations, processing systems, resource recovery facilities, sanitary landfills, plants and facilities for composting or land spreading of solid waste, secure land burial facilities, reprocessing and recycling facilities, surface impoundments and waste oil storage, incinerators, and other solid waste disposal, reduction or conversion facilities.

Hazardous Waste means:

1. Waste which appears on the list of hazardous waste promulgated by the Commissioner of the Department of Environmental Conservation pursuant to Section 27-0903 of the Environmental Conservation Law and the regulations there under or waste which exhibits any of the characteristics of hazardous waste identified in 6 N.Y.C.R.R. §371.3.
2. Special nuclear or by-product material within the meaning of the Atomic Energy Act of 1954, as amended.

Person means any natural person, partnership, association, joint venture, corporation, estate, trust, county, city, town, village, improvement district, governmental entity or other legal entity.

Recyclable Materials means solid waste which can be recycled.

Recycling or Recycled means any method, technique or process utilized to separate, process, modify, convert, treat or otherwise prepare solid waste so that its component materials or substances may be beneficially used or reused as raw materials.

Solid Waste means all putrescible and non-putrescible solid wastes generated or originated within the County, including, but not limited to, materials, or substances discarded or rejected, whether as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection or for any other reason, or are being accumulated, stored, or physically, chemically or biologically treated prior to being discarded, have served their intended use, or are a manufacturing by-product, including, but not limited to, garbage, refuse, and other discarded solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations and from community activities, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris or offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form, or hazardous waste as defined in this law.

Solid Waste Volume Reduction Program includes source separation, recycling programs, changes to the packaging portion of the waste stream to reduce solid waste

generated, the activities and enterprises of scrap dealers, processors and consumers and other programs designed to reduce the volume of solid waste or enhance reclamation and recovery of materials. For purposes of this paragraph, such volume reduction programs shall not include the processing of waste for incineration or disposal by other means.

Source Separation means the segregation of recyclable materials from solid waste at the point of generation for separate collection, sale or other disposition.

Unprocessable Waste means (a) dirt, concrete and other non-burnable construction material and demolition debris; (b) refrigerators, washing machines and similar "white goods"; (c) large items of machinery and equipment, such as motor vehicles and major components thereof (e.g., transmissions, rear ends, springs and fenders), agricultural equipment, trailers and marine vessels, or any other item of waste exceeding six feet in any one of its dimensions; and (d) liquid waste, large concentrations of plastics other than PET and HPDE containers, explosives, oil, sludges, highly inflammable substances, tires, ashes, contained gaseous materials, incinerator residue, and offal.

SECTION 3: Section IV of Local Law No. 7-89 as amended by Local Law No. 3-91 is amended to read as follows:

Section IV. Powers of the Board of Supervisors/Delegation of Powers

- A. The Board of Supervisors is authorized and empowered to:
1. Promulgate and publish rules and regulations from time to time which aid in identifying and defining categories of solid waste, including acceptable solid waste, recyclable materials and unprocessable solid waste.
 2. Promulgate and publish rules and regulations for a program to implement source separation of recyclable materials and encourage solid waste volume reduction and to maximize the opportunity for the reclamation and recovery of materials. These rules and regulations shall designate recyclable materials to be source separated and prescribe methods of source separation, and may reflect local differences in population density, accessibility and capacity of markets and facilities, collection practices and waste composition. In promulgating such rules and regulations, the Board of Supervisors or its designee shall also consider other on going, proposed or reasonably anticipated future solid waste volume reduction programs and shall not interfere with them.
 3. Approve, deny, suspend or revoke Solid Waste licenses or subject a license holder to reprimand, as provided in Section VI.
 4. Promulgate, revise, amend, and publish rules, regulations, and orders necessary to carry out the purposes of this law.

SECTION 4: Section V of Local Law No. 7-89 as amended by Local Law No. 3-91 is amended to read as follows:

Section V. Waste Delivery and Disposal: Source Separation

- A. Subject to promulgation of applicable rules and regulations pursuant to Section IV(A) of this local law, all acceptable solid waste generated or originated within the County must be delivered to a facility.
- B. Designated recyclable materials shall not be commingled with other solid waste, and shall be handled as follows:
1. Prior to initial collection or transport, designated recyclable materials shall be

- separated, prepared, and set out for collection as provided in the rules and regulations promulgated pursuant to Section IV of this law.
2. Designated recyclable materials shall not be commingled with other solid waste during collection, transportation or storage following collection. The Board of Supervisors or its designee may order such exceptions as they may reasonable determine to be in the public interest.
 - C. Any recyclable materials generated or originated in the County may be delivered to a solid waste volume reduction program. All designated recyclable materials must be delivered to either a solid waste volume reduction program or a facility.
 - D. Each commercial and residential waste generator in the County shall provide for the removal of recyclables from the property on which they are generated either through a service provided by a private hauler; or by direct haul by the individual waste generator to a disposal location permitted by law.
 - E. No person shall dispose of solid waste along the roadside or on public or private property within the County, unless the owner of the property has given his consent, in which case the property owner assumes responsibility for proper disposal of the material.

SECTION 5: Section VI of Local Law No. 7-89 as amended by Local Law No. 3-91 is amended to read as follows:

Section VI. License Requirement

- A. Except as otherwise provided in this Section VI or in the rules and regulations promulgated pursuant to Section IV of this law, no person may engage in the business of collecting, transporting or handling solid waste generated or originated within the County without a solid waste license issued by the Board of Supervisors or its designee pursuant to this law, provided that only persons who collect, transport or handle solid waste for compensation shall be required to obtain a solid waste license.
- B. Persons engaged solely in recycling or a solid waste volume reduction program shall be required to register at no cost with the Board of Supervisors or its designee.
- C. All applications for licenses or renewal of licenses shall be in writing, on a permit application form provided by the County and shall contain such information as required by the rules and regulations promulgated pursuant to this law and shall be verified by the applicant.
- D. This form shall contain or be accompanied by, at a minimum, the following information and items:
 1. Name of applicant, street address, and mailing address of principal place of business. Person or persons desiring a permit shall explain ownership interest. Partnerships, corporations or other business entities shall furnish names and mailing addresses of principal owners, officers, managers and supervisors who will be in charge of the operations within the County.
 2. A full description of all collection vehicles and equipment owned, leased, or controlled by the applicant which will be used in the collection, transportation and/or disposal of solid waste and/or recyclables generated, originated or brought within the County.
 3. Detailed listings of any previous or existing enforcement actions by any

- environmental regulatory agency for violations of rules relating to solid waste and/or recyclable handling, transport or disposal.
4. A signed letter of certification, that the applicant has read and is familiar with the terms and conditions of the permit and the provisions of this Local Law; including the Recycling Rules and Regulations (Appendix I) and the Permit Rules and Regulations (Appendix II) that the applicant agrees to operate in accordance with such terms and conditions in the event a permit is issued, and that all the information provided by the applicant is factual.
 5. All persons engaged solely in recycling or a solid waste volume reduction program must maintain all records and supply the Board of Supervisors or its designee with a quarterly report of its activities. Such quarterly report shall include: the tonnage of Recyclables collected in the County and the dates collected; and the market(s) for the Recyclables collected in the County.
 6. A signed letter of certification of ultimate disposal sites for recyclable materials as well as solid waste.
- E. Within ten days of receipt of the properly completed and signed application, the Board of Supervisors or its designee shall either issue a license or inform the applicant in that the license applied for has been denied with an explanation for the denial. The decision shall be sent to the applicant by certified mail.
- F. 1. When the Board of Supervisors or its designee determines that a failure to comply with solid waste license conditions in Section VII(B) of this law may have occurred it shall recommend that the solid waste license application be granted with conditions or denied, or the existing solid waste license be granted with conditions, suspended, revoked or its holder subjected to a reprimand. Notice and an opportunity to be heard shall be provided prior to the denial of a solid waste license application, the suspension or revocation of a solid waste license, or the issuance of a reprimand.
2. The Board of Supervisors or its designee shall notify the affected solid waste license applicant or licensee of the alleged failure in writing. The notice shall include:
- a. a statement of time, place, and nature of the hearing;
 - b. a statement of the solid waste license condition allegedly violated, referring to the pertinent law, rule or regulation; and
 - c. a short and plain statement of the alleged misconduct.
- The notice shall be personally served or sent by registered mail to the applicant or licensee's last known address.
3. Hearings
- a. Hearings shall be held before the Board of Supervisors or its designee within a reasonable period, which shall be at least ten (10) days after the service of the notice.
 - b. The applicant or licensee may be represented by counsel at the hearing, and may offer evidence and cross-examine witnesses.
 - c. Within twenty (20) days after the close of the hearing, the Board of Supervisors or its designee shall:
 - i. determine whether the alleged failure to comply with a solid waste license condition has occurred; and
 - ii. if it is determined that such a failure has occurred, decide whether the solid waste license application shall be denied, or an existing solid waste license shall be suspended, revoked, or its holder subjected to a reprimand; and issue an order carrying out its decisions; and
 - iii. if it is determined that such a failure has not occurred, the Board of Supervisors or its designee shall approve the issuance of a solid

waste license.

4. Determination, Decisions and Orders.
 - a. Disposition may be made by stipulation, agreed settlement, consent order, default or other informal method.
 - b. A final determination, decision or order adverse to a party shall be in writing and shall include a statement of facts and reasons supporting the determination, decision or order.
5. The Board of Supervisors or its designee shall promptly notify the applicant or licensee in writing of its final determination, decision or order. Such determination, decision or order shall become effective fifteen (15) days after the date of service or mailing.
6. Renewal licenses shall be applied for and issued in the same manner and subject to the same requirements as original licenses, and also shall be subject to any additional requirements in effect at the time of application for renewal. A complete and timely submitted application for renewal shall result in the applicant's existing license remaining in effect until the renewal application is acted upon by the Board of Supervisors or its designee.
7. Failure to pay fees and charges as established from time to time shall constitute a violation of this law.

SECTION 6: Section VII of Local Law No. 7-89 as amended by Local Law No. 3-91 is amended to read as follows:

Section VII. Issuance and Conditions of Solid Waste License

A. Solid Waste License Issuance

1. Solid waste licenses must be obtained and renewed annually from the County.
2. The solid waste license fee for each vehicle used to collect or transport solid waste by or on behalf of the licensee shall be established by resolution of the Board of Supervisors.
3. A solid waste license sticker shall be prominently displayed on each vehicle operated by or on behalf of the licensee as provided by the rules and regulations.

B. Conditions of Solid Waste License

Solid waste licenses and renewals shall be subject to the following conditions:

1. All licensees must comply with this law and the rules, regulations, and orders promulgated pursuant to this law.
2. All licensees, as a term and condition of being issued a solid waste license, shall agree to defend, indemnify and hold harmless the County of Wayne for any pending, threatened or actual claims, liability or expenses arising from waste disposal by the licensee in violation of this law.
3. All Waste Haulers in the County shall offer or cause to be offered to their customer's collection, transportation and service for Recyclables to the same extent any such waste hauler offers collection, transportation and disposal services for solid waste.
4. All Waste Haulers must maintain all records and supply the Board of Supervisors or its designee with a quarterly report of its activities. Such quarterly report shall include: the tonnage of Solid Waste collected in the County and the dates collected in the County; the location of disposal of Solid

Waste collected in the County; the tonnage of Recyclables collected in the County and the dates collected; and the market(s) for the Recyclables collected in the County.

5. Quarterly reports shall be provided no later than thirty (30) days after the end of the quarter with the first quarter being January, February and March; the second quarter being April, May and June; the third quarter being July, August and September; and the fourth quarter being October, November and December.

SECTION 7: Section IX of Local Law No. 7-89 as amended by Local Law No. 3-91 is amended to read as follows:

Section IX. Civil remedies: Criminal Penalties

A. Civil Remedies

The County may commence a civil action to enjoin or otherwise remedy any failure to comply with this law or the rules, regulations and orders promulgated pursuant to this law.

B. Criminal Penalties

1. Failure to comply with the rules and regulations promulgated pursuant to Section IV(A) subparagraphs 1 and 2 of this law or with the provisions of Section V(B)(1) of this local law shall be a violation as defined in Section 55.10 of the Penal Law. Any person convicted of such a violation shall be liable for:
 - a. A fine of \$25.00 for the first conviction;
 - b. A fine of \$50.00 for the second conviction
 - c. A fine of \$100.00 for the third conviction
 - d. fine of \$250.00 for the fourth conviction and each succeeding conviction; or
 - e. Imprisonment for a term not to exceed fifteen days.

Each day such violation occurs or continues shall constitute a separate offense.

2. Failure to comply with Sections V(A), V(B)(2) V(C), VI(A) of this local law shall be a violation as defined in Section 55.10 of the Penal Law. Any person convicted of such a violation shall be liable for:
 - a. A fine of \$250.00 for the first conviction;
 - b. A fine of \$500.00 for the second conviction and each succeeding conviction; or
 - c. Imprisonment for a term not to exceed fifteen days.

Each day such violation occurs or continues shall constitute a separate offense.

- C. Any penalties or damages recovered or imposed under this law are in addition to any other remedies available at law or equity.

SECTION 8: Section X of Local Law No. 7-89 as amended by Local Law No. 3-91 is repealed in its entirety.

SECTION 9: Section XI of Local Law No. 7-89 as amended by Local Law No. 3-91 is renumbered section X.

SECTION 10: Section XII of Local Law No. 7-89 as amended by Local Law No. 3-91 is renumbered section XI.

SECTION 11: Section XIII of Local Law No. 7-89 as amended by Local Law No. 3-91 is repealed and replaced with a new Section XII which reads as follows:

Section XII: Effective Date

The provisions of this Law shall become effective on January 1, 2011. The Clerk of the Board of Supervisors shall give notice of the effective date of this local law by publishing notice thereof at least once in the official newspapers of the County, not less than thirty (30) days prior to said effective date.

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

RESOLUTION NO. 584-10: AUTHORIZATION TO CREATE THREE TEMPORARY REGISTERED NURSE POSITIONS FOR CERTIFIED HOME HEALTH AGENCY AND AMEND THE 2010 BUDGET.

Ms. Park presented the following:

WHEREAS, staffing issues due to resignations in the Certified Home Health Agency (CHHA) have occurred; and

WHEREAS, recruiting efforts continue for full time staff, but it is necessary to utilize temporary staff to provide services; and

WHEREAS, because of the vacancies, there are sufficient funds to hire temporary Registered Nurses; and

WHEREAS, in response to this need, the Director of Public Health, would like to create three (3) temporary Registered Nurse positions to assist with daily and weekend patient coverage as needed at an hourly rate of \$27.19; now, therefore, be it

RESOLVED, that the Director of Public Health is hereby authorized to create three (3) temporary Registered Nurse positions to assist with patient coverage at an hourly rate of \$27.19; and be it further

RESOLVED, that the Treasurer is hereby authorized to amend the 2010 budget as follows:

A4019 – Wayne Community Nursing Care

\$50,100 from .51302 Public Health Nurse

\$50,100 to .51585 RPN-Temporary

Mr. Groat moved the adoption of the resolution. Seconded by Mrs. Crane.

Mr. Plant questioned why we were filling these positions if we do not know the future is of this program.

Ms. Park, Committee Chairperson of the Health and Medical Services Committee stated that we are filling these positions to fulfill our obligation to fully staff our active client list that requires needed home care.

Diane Devlin, Director of Public Health, addressed the Board to state that she will have a difficult time filling these positions as qualified nurses as well as the public know that we are considering the termination of the CHHA program.

Mr. Spickerman added that we should support these nursing positions to do the best job possible until we decide on the future of this program.

Mr. Miller questioned the hourly rate and the amount needed for this budget transfer. Ms. Devlin noted that the amount requested for this transfer will support the proposed temporary positions through the end of the year.

Upon roll call, all Supervisors voted Aye. Absent – Supervisor Manktelow. The Chairman declared the Resolution adopted.

Mr. Marquette wanted to confirm with Board members that earlier this week he electronically distributed information pertaining to recycling. He added that if Board

members had any questions regarding this matter to please contact him.

ADJOURNMENT:

The Chairman announced that the next scheduled meeting of the Board is Tuesday, September 21, 2010 at 7:00 p.m. and noted that this is an evening session.

Ms. Park moved, seconded by Mrs. Bender, that the board adjourn this session at 9:22 a.m. Carried.

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