

10th Day
Tuesday, April 21, 2014
9:00 a.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 Supervisors Colacino, Crane, Miller and LeRoy, who were absent. County Administrator James Marquette and County Attorney Daniel Connors were also present.

Supervisor Marini introduced Miss Guillemette Burkui, a foreign exchange student from Compiegne, France. Miss Burkui is a senior and attending the Wayne Central High School.

APPROVAL OF MINUTES:

Ms. Park moved, seconded by Mr. Kolczynski, to waive the reading of the minutes of the previous meeting and approve them as distributed. Upon roll call, carried.

COMMUNICATIONS:

The Chairman requested a motion to waive the reading of the following communications received and to approve them as listed.

Copies of the Sheriff's Office Cash Receipts Reports dated March 19 and April 15, 2015 totaling \$23,780.16 was received.

Copies of a Notice of Intent to Request Release of Funds (NOIRROF) and Environmental Review Record were received from the NYS Housing Trust Fund Corp., in reference for the project known as the 2013 NYS HOME LPA Program that provides funds to acquire, rehabilitate or construct housing or to provide assistance to low- and moderate-income home buyers and renters.

A copy of a letter of resignation was received from Catherine Chabrier, from the position of Administrator of the Wayne County Nursing Home, effective April 23, 2015.

Correspondence was received from the Jefferson County region requesting support regarding opposition to the proposed Wind Energy Project on Galloo Island in the Town of Hounsfield, Jefferson County. The letter summarizes the key objections and economic/ecological harm that this project will cause the Golden Crescent and their Counties, Towns and Villages.

A letter was received from Senator Michael Nozzolio, acknowledging the receipt of the Wayne County Board Resolution opposing the Governor's proposal to impose new requirements on Industrial Development Agencies if they provide state tax exemption benefits.

A card of appreciation was received from the Pines of Peace ministry for the donation given in memory of Lynne Baldrige.

A thank you card was received from the Humane Society of Wayne County, acknowledging donations received in memory of Diane Minger.

A copy of the County Auditor's accounts payable report for monthly utilities, miscellaneous payments including the March warrants for accounts payable, totaling \$5,838,623.64 was received and filed.

Ms. Park moved, seconded by Mrs. Marini to receive and file the Communications for April. Motion carried.

ANNUAL REPORTS:

Chairman Hoffman noted that the following Annual Reports from County Departments were reviewed by their Standing Committees and referred to the full Board for filing:

Public Works Department
Aging and Youth Department
Mental Health Department
Public Health Department
Nursing Home and Rehab Center
Social Services
Wayne County Industrial Development Agency – Financial Statements
Wayne Economic Development Corporation– Financial Statements
Wayne Industrial Sustainability Dev. Corp – Financial Statements
Wayne County Civic Facility Dev. Corp. – Financial Statements
Mr. Smith moved, seconded by Mr. Park, that the Annual Reports be received and filed.
Upon roll call, carried.

The following Proclamations were presented today:
Palmyra-Macedon Cheerleaders Sectional Champions – Read by Supervisor Hammond.
Lyons Boys Basketball Team Sectional/Regional Champions – Read by Supervisor Manktelow.

Sheriff Virts, along with Supervisor Deyo, presented a Proclamation and Certificate of Appreciation to Deputy Sheriff José “Joey” Alvarado for his thirty years of dedicated service to the Sheriff’s Office and Wayne County.

Sheriff Barry Virts introduced Abigail Vokes and Jonathan Kent for presentation of Proclamations for National Crime Victims’ Rights Week and Sexual Assault Awareness and Prevention Month and Child Abuse Prevention Month.

Supervisor Monica Deyo read the Proclamation for Emergency Medical Services Week – May 17-23, 2015.

Supervisor Steve Groat read proclamations for Women’s Lung Health Week – May 11-15, 2015; National Nursing Home Week – May 10-16, 2015 and National Nurses Week – May 6-12, 2015.

Chairman Hoffman introduced and welcomed Mr. Thomas Crowley and the Newark Government Class to today’s Board meeting.

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. There was no public comment on agenda items this evening.

PUBLIC HEARING:

The Clerk read the following introduction of the Notice of Public Hearing regarding the County of Wayne entering into a Payment In-Lieu of Taxes (PILOT) Agreement, scheduled for 9:05 a.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, April 21, 2015, at 9:05 a. m.** in the Supervisors’ Chamber in the County Court House, Lyons, New York, on the following proposed local law:

COUNTY OF WAYNE - STATE OF NEW YORK

INTRO NO 2/LOCAL LAW NO. ___ FOR THE YEAR 2015

A Local Law to Repeal Local Law No. 3-2005, and Enact a New Local Law Authorizing the Exemption of the R.E. Ginna Nuclear Power Plant, LLC from Taxation and Authorizing the County of Wayne to Enter into a Payment-In-Lieu of Taxes Agreement

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

SECTION 1. Section 485 and 490 of the Real Property Tax Law of the State of New York allow the County of Wayne (the "County") to exempt nuclear power electric generating facilities located within the County from taxation, special ad valorem levies, and special assessments imposed by the County.

SECTION 2. R.E. Ginna Nuclear Power Plant, LLC ("Company") is the owner of the R.E. Ginna Nuclear Power Plant ("Plant").

SECTION 3. The Plant has a nameplate rated capacity of 583 megawatts contains real property located in the County and identified on the Town of Ontario tax rolls as Tax Parcels SBL #62119-00-620478 (f/k/a 62119-00-620947), Tax Parcel SBL #62119-00-860424, Tax Parcel SBL #62119-00-426493, Tax Parcel SBL #62119-00-315465, Tax Parcel SBL #62119-00-483350, Tax Parcel SBL #62119-00-620478.1, and Tax Parcel SBL#62119-00-620478.2, as such parcels may be renumbered or supplemented from time to time, and includes, without limitation, cooling facilities that extend or may extend into Lake Ontario, any equipment used in generating electricity using nuclear power, equipment leading from the Nuclear Facility to the point of interconnection with the electric transmission system, and property that is or becomes located on the land, but shall not include any equipment in the electric transmission system or any property owned by RG&E.

SECTION 4. Pursuant to Real Property Tax Law Section 485, the County is permitted to enter into payment-in-lieu of taxes agreements with the owners of such nuclear powered electric generating facilities providing for payments in-lieu of taxes to be made for no longer than the period during which any such facility is exempt from taxation pursuant to said Section 485 and the Local Law.

SECTION 5. The County to the fullest extent permitted by Real Property Tax Law Sections 485 and 490 hereby exempts the Plant from taxation, special ad valorem levies, and special assessments proposed by the County commencing January 1, 2016.

SECTION 6. The County is authorized to enter into a Payment In-Lieu of Taxes Agreement with the Company, Wayne Central School District, and the Town of Ontario with respect to the Plant which will provide for said payment in-lieu of taxes.

SECTION 7. This local law shall be filed with the Office of the Clerk of the County as required by law, the Clerks of the Town of Ontario and the Wayne Central School District, and the New York State Board of Real Property Services within thirty (30) days of the adoption thereof.

SECTION 8. This local law shall take effect immediately upon the date it is filed in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law of the State of New York.

Dated: April 8, 2015
Lyons, New York

Sandra J. Sloane, Clerk
Wayne County Board of Supervisors

Prior to the opening of this public hearing, Chairman Hoffman read the rules and procedures that are followed for conducting scheduled hearings for this Board.

At 9:32 a.m., Chairman Hoffman opened the floor to the public, stating that anyone wishing to make comments should come forward to the podium to address the Board.

There was no public comment at this time.

After an additional request for comment was made, Chairman Hoffman asked for a motion to close the hearing.

Mr. Smith moved, seconded by Mr. Marini, that the hearing be closed at 9:33 a.m. Upon roll call, carried.

- **Trilby de Jung, Chief Executive Officer, Finger Lakes Health System Agency**
Delivery System Reform Incentive Payment (DSRIP) Program

The Finger Lakes Health Systems Agency will receive \$5 million over two years from New York State to support coordinated health planning in the nine-county Finger Lakes region. As part of the grant, the agency also will provide technical assistance for the state's 10 other regional health planning organizations.

The funding is part of New York's new \$26.5 million **Population Health Improvement Program**. The grant supports both data analysis, to identify the most pressing health needs of regions, and community goal setting, to find and implement solutions.

Community Needs Assessment for Finger Lakes Performing Provider System DSRIP Application includes a description of the population to be served, an assessment of its health status and clinical care needs, and an assessment of the health care and community wide systems available to address those needs.

The information collected for this community resource assessment will help us to identify where there are gaps in, and needs for, community-based programs and services across the region.

Supervisor Groat shared his concerns with the burden of down state. Overall, statewide, our successful participation in this region will not be reflecting favorably if other areas in our state do not perform well.

UNFINISHED BUSINESS

Mr. Kolczynski moved, seconded by Mr. Spickerman, to remove Resolution No. 145-15 from the Table. Motion carried.

RESOLUTION NO. 145-15 ADOPTION OF PORTABLE ELECTRICAL SPACE HEATER POLICY

Mr. Kolczynski presented the following:

WHEREAS, the Trane Energy Conservation project is nearly complete; and

WHEREAS, the Energy Conservation project does set limitations for heating and cooling in the County building in order to realize the energy savings; and

WHEREAS, the Energy Conservation project also provided for a balanced system of heating and cooling components in each building; now, therefore, be it

RESOLVED, that the following policy is hereby adopted:

PORTABLE ELECTRICAL SPACE HEATER POLICY FOR THE COUNTY OF WAYNE

PURPOSE The scope of this policy is to prohibit the utilization of personal portable electric space heaters.

I. DEFINITION

Portable heating equipment (i.e., portable heaters) may be generally defined as portable, purpose-built equipment designed to safely warm the air in an enclosed area or open area in proximity to the heater. Portable

heating equipment is specifically regulated by the Fire Prevention Code

II. SCOPE

- a. The NYS Code Enforcement Office has made numerous citations in the use of personal portable electrical space heaters.
- b. NYS Fire Code 605.10.4 prohibits the use of portable electrical space heaters with 3 feet of any combustible materials. This includes 3 feet above the heater
- c. Combustible materials include; clothing, fabrics, paper, wood, plastics, etc.
- d. Space heaters are known to cause fire which can lead to property damage, personal injury and even death.

III. POLICY

The use of portable electrical space heaters are prohibited in all County owned and leased buildings.

IV. ENFORCEMENT

The enforcement of the policy will be the responsibility of each individual Department Head in their respective department.

V. EXCEPTION

The policy shall not apply to any construction project were the use of such portable heats are for temporary heating and where that building heating system is not functional or available to be used for heating. Proper safeguards shall by estimated by the contract when using portable heat devices.

Mr. Kolczynski moved, seconded by Mr. Spickerman, that the resolution be amended by adding the following in the **III. POLICY** section:

“III. POLICY

The use of portable electrical space heaters **which are not permitted by New York State Codes**, are prohibited in all County owned and leased buildings.”

Motion carried.

Mrs. Marini moved the adoption of the amended resolution. Seconded by Mr. Spickerman. Upon roll call, adopted.

Ms. Park moved, seconded by Mrs. Deyo, to remove Resolution No. 186-15 from the Table. Motion carried.

RESOLUTION NO. 186-15: AUTHORIZATION TO SHARE DEFENSE COSTS FOR REAL PROPERTY TAX ASSESSMENT REVIEW PROCEEDINGS (ARTICLE 7 LITIGATION)

Ms. Park presented the following:

WHEREAS, proceedings to review real property tax assessments are annually commenced against assessing units, namely the Towns of Wayne County; and

WHEREAS, County taxes are based upon assessments established by the assessing units; and

WHEREAS, the County tax levy is, therefore, affected by any court ordered or stipulated reduction in assessed valuation; and

WHEREAS, this Board approved Resolution No. 444-95, amended by Resolution No. 700-06, which was amended by Resolution No. 688-07 and subsequently Resolution No. 307-10 which defined standards and procedures for County participation in litigation involving challenges to real property assessments; and

WHEREAS, a request from the Town of Sodus has been received by the Real Property Tax Services Director and reviewed and recommended by the Director and the County Attorney; and

WHEREAS, the written request from the Town of Sodus does include statement of fact that the **Town of Sodus, Village of Sodus and the Sodus Central School District** have all resolved for their respective Board approval to share in the defense costs for Real Property Tax Assessment review Article 7 proceedings,

RESOLVED, that the County of Wayne will participate in providing financial assistance, effective for services rendered after January 20, 2015, for litigation challenges of real property tax assessments per the provisions of Resolution No. 307-10 for the following Town and their respective petition:

TOWN	Property Owner	Parcel ID#	Index #(s)
Sodus-V	Sodus Benton Place Estates, LP	68117-08-997922	2014-CV077423
Sodus	Lehigh Hanson Sodus	69115-00-735980	77445
		69115-00-746896	
		69115-00-895929	
		69116-00-731116	
		70115-00-185980	

Mrs. Marini moved the adoption of the resolution. Seconded by Mr. Kolczynski. Upon roll call, adopted.

RESOLUTION NO. 252-15: AUTHORIZATION TO ENTER INTO A 2015 LICENSE AGREEMENT WITH YELLOW JACKET RACING TO HOST A TRIATHLON IN SODUS POINT PARK

Mr. Manktelow presented the following:

WHEREAS, Yellow Jacket Racing has requested the use of Sodus Point Park for the staging of a triathlon on Sunday, August 9, 2015; and

WHEREAS, Yellow Jacket Racing will set up the course and transition area in a designated section of the Sodus Point Beach parking lot on August 8, 2015; and

WHEREAS, Yellow Jacket Racing will reimburse the County for 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 with Yellow Jacket Racing on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, and conditional that Yellow Jacket Racing provides all necessary proofs of insurance at least one month prior to the event, for the purposes of staging a Triathlon Event on August 9, 2015 based out of the Sodus Point Park; and further be it

RESOLVED, that Yellow Jacket Racing will reimburse the County \$300.00 for lifeguard services for the swim portion of the event.

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

RESOLUTION NO. 253-15: AUTHORIZATION FOR THE DIRECTOR OF THE DEPARTMENT OF AGING AND YOUTH TO SIGN 2015 OFFICE OF CHILDREN AND FAMILY SERVICES BUDGET AMENDMENTS

Mr. Manktelow presented the following:

WHEREAS, the NY State Office of Family and Children Services Resource Allocation Plan stipulates that the Chief Executive may authorize the Youth Bureau Director to sign OCFS Youth Bureau budget amendments, and

WHEREAS, this authorization must be given in writing and filed annually with the State OCFS Regional Office; and

WHEREAS, the Board of Supervisors will still approve all County Budget modifications by the current procedure; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisors authorizes the Director of the

Department of Aging and Youth, Penny Shockley, to sign the OCFS budget amendments for the 2015 program year.

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

RESOLUTION NO. 254-15: AUTHORIZATION TO SUBMIT 2015 OCFS RESOURCE ALLOCATION PLAN FOR THE DEPARTMENT OF AGING AND YOUTH

Mr. Manktelow presented the following:

WHEREAS, the Department of Aging and Youth receives funding from NY State Office of Children and Family Services to support various youth service programs in Wayne County; and

WHEREAS, NY State Office of Children and Family Services requires the Chairman of the Board of Supervisors to sign the OCFS Resource Allocation Plan in order to receive the funding; now, therefore, be it

RESOLVED, that the Board of Supervisors authorize the Chairman of the Board to sign the OCFS Resource Allocation Plan for the year 2015.

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

RESOLUTION NO. 255-15: AUTHORIZING AGREEMENT OF OXYGEN SERVICE FOR THE WAYNE COUNTY NURSING HOME

Mr. Groat presented the following:

WHEREAS, the contract with Northeast Medical Repairs, Inc. for the provision of oxygen services is to be terminated effective July 1, 2015; and

WHEREAS, Northeast Medical Repairs, Inc. can provide oxygen services to the Wayne County Nursing Home; and

WHEREAS, the rates submitted by Northeast Medical Repairs, Inc are as follows:

	<u>Unit price</u>
Ambulatory Oxygen "E" Grab and Go cylinders	\$ 4.50 per fill
Concentrator, 5L	\$ 22.00 per month
Concentrator, 10L	\$ 65.00 per month
CPAP	\$ 50.00 per month
Bipap s unit	\$170.00 per month
Bipap st unit	\$190.00 per month
Bipap s Auto unit	\$210.00 per month
Cylinder rental charges	\$0
Hazmatt/delivery charges	\$ 25.00 per visit

now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute a contract on behalf of the Wayne County Nursing Home, with Northeast Medical Repairs, Inc for the provision of oxygen services during the period of July 1, 2015 – June 30, 2018, renewable for two (2) additional years, unless terminated by either party not less than sixty (60) days written notice, subject to the County Attorney's approval as to form and content.

Mr. Kolczynski moved the adoption of the resolution. Seconded by Mrs. Marini. Upon roll call, adopted.

RESOLUTION NO. 256-15: AUTHORIZING CONTRACT FOR FURNISHING NURSING HOME CARE TO BENEFICIARIES OF THE VETERANS SERVICE ADMINISTRATION

Mr. Groat 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 August 1, 2015; and

WHEREAS, the Wayne County Nursing Home is renewing said contract for the period of August 1, 2015 – July 31, 2016 at no cost to the nursing home; now, therefore, be it

RESOLVED, Authorize the Chairman of the Wayne County Board of Supervisors 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, 2015 to July 31, 2016, not less than Medicaid Rates.

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

RESOLUTION NO. 257-15: AUTHORIZATION TO EXECUTE CONTRACT FOR TRANSITION SERVICES AT THE WAYNE COUNTY NURSING HOME

Mr. Groat presented the following:

WHEREAS, the current agreement with Judith Seier for the provision of financial transitional services expires June 30, 2015; and

WHEREAS, it is anticipated that this service might be required through the end of September 2015; and

WHEREAS, the Nursing Home Administrator desires to extend the current agreement from July 1, 2015 to September 30, 2015 unless cancelled earlier; and now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisor's be authorized and directed to extend the agreement with Judith Seier on behalf of the Wayne County Nursing Home, subject to the County Attorney's approval as to form and content for the period July 1, 2015 to September 30, 2015 as needed at a cost \$75 per hour not to exceed \$10,000.

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

RESOLUTION NO. 258-15: AUTHORIZE AGREEMENT BETWEEN WAYNE COUNTY NURSING HOME AND GROUP WORKCAMPS FOUNDATION – 2015 WEEK OF HOPE PARTNER ORGANIZATION

Mr. Groat 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 volunteer 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 2015; 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 2015, subject to the County Attorney's approval as to form and content.

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

RESOLUTION NO. 259-15: AUTHORIZATION TO BID FOR EQUIPMENT FOR THE WAYNE COUNTY NURSING HOME

Mr. Groat presented the following:

WHEREAS, the Wayne County Nursing Home utilizes ceilings lifts to ensure the safety of the patients and employees; and

WHEREAS, Seven (7) ceiling lifts with seven (7) scales were authorized in the 2015 budget; and

WHEREAS, the Wayne County Nursing Home requests authorization to prepare a bid for the purchase of seven (7) ceilings lifts with seven (7) scales; now, therefore, be it

RESOLVED, that the Wayne County Nursing Home Administrator is hereby authorized and directed to prepare specifications for bid of seven (7) ceilings lifts with seven (7) scales with the approval of the County Attorney as to content and form; and be it further RESOLVED, that the Clerk of the Board is hereby authorized to advertise for said bid and report the results to the Board for award.

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

RESOLUTION NO. 260-15: AUTHORIZATION TO DISPOSE OF EQUIPMENT FOR WAYNE COUNTY PUBLIC HEALTH

Mr. Groat presented the following:

WHEREAS, Wayne County Public Health has the following equipment that requires disposal or transfer pending on working condition:

- Fujitsu fi – 4340C-USB, high speed document scanner; SN#714880 – poor working condition; now, therefore, be it

RESOLVED, that the Director of Public Health is hereby authorized to dispose or transfer of the above equipment as per the Wayne County Surplus Equipment Disposition / Transfer Policy.

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

RESOLUTION NO. 261-15: AUTHORIZATION FOR WAYNE COUNTY PUBLIC HEALTH TO SUBMIT AN APPLICATION FOR THE CREATION OF A BABY CAFÉ IN WAYNE COUNTY

Mr. Groat presented the following:

WHEREAS, Wayne County Public Health's (WCPH) Community Health Improvement Plan (CHIP) has identified obesity as being a priority to focus on, with breastfeeding being one of the initiatives; and

WHEREAS, the Wayne County Prevention Agenda Team has reconvened the Wayne County Breast Feeding Task Force to address breastfeeding issues and barriers within Wayne County; and

WHEREAS, it has been identified that establishing a Baby Café in Wayne County would provide a resource for women to obtain support and education for their breastfeeding needs; and

WHEREAS, the S2AY Rural Health Network has received grant funding from the National Association of County and City Health Officials to pay for the application, training and the 1st annual fee, for a total amount of \$1300; and

WHEREAS, WCPH will need to pay a \$150 annual fee thereafter; now, therefore, be it RESOLVED that the Director of Public Health is hereby authorized to submit an application to Baby Café, USA to establish a Baby Café in Wayne County, NY, with the application, training and the 1st annual fees being provided by the S2AY Rural Health Network at an amount not to exceed \$1300, with WCPH being responsible for a \$150 annual fee thereafter, subject to the approval of the County Attorney as to content and form.

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

RESOLUTION NO. 262-15: AUTHORIZATION TO RENEW INTERMUNICIPAL AGREEMENT BETWEEN MONROE, LIVINGSTON, STEUBEN, YATES, SCHUYLER, CHEMUNG, ONTARIO, WAYNE, AND SENECA FOR WAYNE COUNTY PUBLIC HEALTH

Mr. Groat presented the following:

WHEREAS, the Wayne County Public Health (WCPH) has the responsibility for planning and responding to all public health emergencies; and

WHEREAS, some public health problems may require public health services that exceed the capacities of WCPH; and

WHEREAS, the WCPH is desirous of renewing an inter-municipal agreement to provide

mutual aid to each other during a public health emergency; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute the Inter-municipal Agreement between Monroe, Livingston, Steuben, Yates, Schuyler, Chemung, Ontario, Wayne and Seneca for the period of July 1, 2015 to June 30, 2020, with approval as to form and content from the County Attorney.

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

RESOLUTION NO. 263-15: AUTHORIZATION TO APPLY FOR FUNDING FROM THE NEW YORK STATE GOVERNOR'S TRAFFIC SAFETY COMMITTEE TO SUPPORT A BICYCLE HELMET DISTRIBUTION PROGRAM FROM OCTOBER 1, 2015 THROUGH SEPTEMBER 30, 2016

Mr. Groat presented the following:

WHEREAS, Wayne County Public Health (WCPH) has already established a successful bicycle helmet distribution program in Wayne County; and

WHEREAS, WCPH would like to apply for funding to continue the bicycle helmet distribution program; now, therefore, be it

RESOLVED, that the Director of WCPH is hereby authorized and directed to apply for this grant in an amount of \$6,000 for the period of October 1, 2015 through September 30, 2016 on behalf of the County of Wayne; and be it further

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute a contract with New York State Governor's Traffic Safety Committee for the period of October 1, 2015 through September 30, 2016 for an amount not to exceed \$6,000, upon approval of the County Attorney as to form and content.

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

RESOLUTION NO. 264-15: AUTHORIZATION TO RENT BILLBOARD SPACE FROM LAMAR ADVERTISING FOR CHILD PASSENGER SAFETY WEEK AND THE ANNUAL SEAT CHECK EVENT

Mr. Groat 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 the rental and production of 2 billboard spaces for a minimum of 30 days, August – September, at a total cost of \$3000.00; now, therefore, be it

RESOLVED, that the Director of Public Health is hereby authorized to purchase 2 billboard spaces for a minimum of 30 days at a total cost of \$3000.00 which includes the production fees from Lamar Advertising.

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

RESOLUTION NO. 265-15: AUTHORIZATION FOR PUBLIC HEALTH TO CONTRACT WITH TIME WARNER CABLE FOR THE LEAD POISONING PREVENTION PROGRAM

Mr. Groat presented the following:

WHEREAS, Wayne County Public Health (WCPH) has received funding from the NYS DOH to provide public awareness and education to the Wayne County Community about Lead Poisoning Prevention and its effect on children's health; and

WHEREAS, WCPH plans to purchase on-line and television advertising from Time Warner Cable (TWC) at a time between August and October 2015 to increase awareness for Lead Poisoning Prevention Month that includes 65,300 on-line impressions and 532 television spots, at an amount not to exceed \$7296; now, therefore, be it

RESOLVED, that the Director of Public Health is hereby authorized to purchase on-line and television advertising from TWC for public awareness and education messages regarding the lead poisoning prevention program for 5 weeks, at an amount not to exceed \$7,296.

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

RESOLUTION NO. 266-15: AUTHORIZATION TO CONTRACT WITH WAYNE-FINGER LAKES BOCES FOR TRANSPORTATION FOR THE EARLY INTERVENTION AND THE PRE-K PROGRAMS

Mr. Groat presented the following:

WHEREAS, the County is required to provide transportation for children in the Early Intervention and the PreK programs, and currently holds a contract with the Wayne-Finger Lakes BOCES to provide such service for the period July 1, 2014 through June 30, 2015; and

WHEREAS, transportation is required for the following sites: Wayne County Chapter ARC facility located in Newark, programs at the Red Creek Central School and the Williamson Central School, and the Stepping Stones Learning Center program at the Children's Continuous Care in Macedon and within Wayne County for Childcare; and

WHEREAS, for the period of July 1, 2015 through June 30, 2016 the transportation rate will be \$42.00 per child per day with a minimum charge of \$126.00 when transporting fewer than three children on any particular route; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute a contract with the Wayne - Finger Lakes BOCES for transportation of children in the Early Intervention and Pre – K programs to the Wayne County Chapter ARC facility in Newark, programs at the Red Creek Central School and the Williamson Central School, the Stepping Stones Center program at the Children's Continuous Care in Macedon and within Wayne County for Childcare, for the period of July 1, 2015 through June 30, 2016, for the amount of \$42.00 per child per day with a minimum charge of \$126.00 when transporting fewer than three children on any particular route, subject to the approval of the County Attorney as to form and content.

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

RESOLUTION NO. 267-15: AUTHORIZATION TO APPLY FOR FUNDING FROM THE NEW YORK STATE GOVERNOR'S TRAFFIC SAFETY CHILD PASSENGER SAFETY PROGRAM FROM 10/1/2015 THROUGH 9/30/2016

Mr. Groat presented the following:

WHEREAS, Wayne County Public Health (WCPH) currently has funding to provide a child passenger safety seat program and would like to continue this program; and

WHEREAS, WCPH would apply for funding for the permanent fitting station to inspect car seats; coordinate major child safety seat check events; and continue the low income safety seat distribution program; now, therefore, be it

RESOLVED, that the Director of WCPH is hereby authorized and directed to apply for this grant for an amount of \$20,000 for the period of October 1, 2015 through September 30, 2016 on behalf of the county of Wayne; and be it further

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute a contract with the New York State Governor's Traffic Safety Child Passenger Safety Program, upon review and approval of the County Attorney as to form and content, for an amount not to exceed \$20,000 for the period October 1, 2015 through September 30, 2016.

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

RESOLUTION NO. 268-15: AUTHORIZATION TO AMEND RESOLUTION NO. 380-14 TO ESTABLISH TWO NEW BUS ROUTES FOR TRANSPORTATION OF PRE-SCHOOL CHILDREN WITH PHYSICALLY HANDICAPPING CONDITIONS

Mr. Groat presented the following:

WHEREAS, pursuant to the requirements of Section 4410 of the Education Law and Title II-A of the Public Health Law, the County is required to contract for transportation services

of pre-school children with physically handicapping conditions; and

WHEREAS, Wayne County Public Health (WCPH) has identified a need to establish two new roundtrip routes to transport children with physically handicapping conditions:

- Route 1: transport from Sodus, NY to the Hillside Children's Center at 2075 Scottsville Road, Rochester, NY 14623 and back to Sodus, for the period beginning March 16, 2015 to August 31, 2016 at a rate of:
 - round trip, without a monitor - \$334.28
 - round trip, with a monitor - \$444.28
- Route 2: transport from Geneva Lakefront Childcare, 61 Elizabeth Blackwell St., Geneva, NY to Happiness House Classroom at South Seneca Elementary School, 8326 Main St., Interlaken, NY 14847 and back to Geneva Lakefront Childcare, for the period beginning April 6, 2015 to June 25, 2015
 - At a roundtrip rate of \$171.00

now, therefore be it

RESOLVED, that Resolution No. 380-14 is hereby amended to establish two new roundtrip routes for transportation of pre-school children with physically handicapping conditions as outlined above, subject to the approval of the County Attorney as to form and content.

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

RESOLUTION NO. 269-15: SETTING DATE FOR PUBLIC HEARING ON A LOCAL LAW REGARDING PUBLICATION OF LOCAL LAWS

Mr. Smith presented the following:

WHEREAS, the County of Wayne is desirous of providing the general public with the most efficient process by which the public will be informed of, retrieve and review notices of local laws and other matters required by law to be published, that are to be proposed and/or adopted by the Board of Supervisors; and

WHEREAS, it has been common practice to afford the general public with the full text of said notices for publication in the official newspapers of Wayne County; and

WHEREAS, in order to reduce cost, this board desires that publication of the full text of each local law be discontinued, and replaced with only the detail necessary to insure that the public remains fully informed, and to provide a referral of interested parties to the full content of said laws and documents with twenty-four hour per day/seven days per week availability on the County's internet website, as well as ability of obtaining copies from the County; now, therefore, be it

RESOLVED, pursuant to Section 20 of the Municipal Home Rule Law of the State of New York, that the Board of Supervisors shall hold a public hearing on **Tuesday, May 19, 2015 at 9:05 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
INTRO NO. 3 - LOCAL LAW NO. ___ FOR THE YEAR 2015**

A Local Law Regarding Publication of Local Laws.

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

SECTION 1. PURPOSE AND INTENT:

- A. The Wayne County Board of Supervisors hereby finds and determines that New York State County Law § 214 is ineffective and impractical, as to its current requirements for publication, solely in newspapers, as the vehicle by which the general public will be

informed and advised as to the consideration, adoption and implementation of local laws and other municipal matters. At the time of the initial adoption of the official newspaper notification process/procedure set forth by the State of New York under County Law § 214, there was no radio, no television, nor the internet. The purpose of publication in newspapers of local laws, resolutions and other matters pertaining to the affairs of government is to afford the general public, or as large a portion of that population as possible, with the full text and all relevant information relating to each individual legislative enactment of laws or other mandated publication of other government activities.

- B. The Wayne County Board of Supervisors further finds that the availability of the full context of public laws, in newspapers, only printed once a week for two weeks, is not the most efficient process by which the public will be informed of, retrieve and review local laws and other matters.
- C. It is the finding of the Wayne County Board of Supervisors that, with the advent of the internet, there is a greater availability of and easier access to information posted online at any time of any day.
- D. It is further the finding of the Wayne County Board of Supervisors that publication online will allow those without subscription to newspaper services a more convenient way to access information and to be informed of proposed local laws and public notices, and will assist the public when research is necessary, or an examination is undertaken to review the activities of government, or to review the language of proposed legislation or of adopted legislation, and that the twenty-four hour per day/seven day per week availability of said information on the internet is superior in providing easier retrieval access and allows easier use of such information.
- E. It is further determined that the cost associated with publishing the abundant, lengthy and detailed legislative actions and government notifications has become significant, yet carries with it a reduced probability that significant numbers of the general public will receive, review or access the information when they have the time and desire to examine such information. It is further determined that it is more efficient, and economically prudent for government to publish notification of local laws having been proposed or adopted with a summary of the action and a referral of interested parties to the full content of said laws and documents on the County's internet website.
- F. It is further noted that notwithstanding the fact that not every home has access to the internet, it is universally recognized that libraries, schools and a significant number of homes in the County do have access to the internet and further that a member of the public that does not have a computer available to them at home or work can access the internet at libraries, and may also obtain a hardcopy of information posted online from the Clerk of the Board of Supervisors.

SECTION 2. DEFINITIONS:

As used in this chapter, the County of Wayne adopts the definitions of the New York State statutes as set forth in the codified laws of the state of New York, including but not limited to General Construction Law § 60, and further any Attorney General opinions or Comptroller's opinions or case law relating to the interpretation of County Law § 214 and General Construction Law § 60.

SECTION 3. DESIGNATION OF NEWSPAPERS AND PUBLICATION OF LAWS:

In Wayne County the following law will supersede New York State County Law § 214 (2) and shall read as follows:

"Section 214 (2). Local laws and notices. The Wayne County Board of Supervisors shall annually designate at least two newspapers published within the County as official newspapers for the publication of all local laws, notices and other matters required by law to be published. In such designations, consideration shall be given to those newspapers advocating the principles of the two major political parties into which the people of the state are divided and their general circulation throughout the County. However, the fact that a newspaper is an independent newspaper and not advocating the principles of any political party shall not

disqualify it from consideration. If there be but one newspaper having circulation in the County, that newspaper shall be designated. The Clerk of the Wayne County Board of Supervisors shall cause a true copy of each local law to be posted on the Wayne County web page, and a synopsis of said local laws or the full text of any notices and other matters required by law to be published shall also be published in such official newspapers at least once a week for two successive weeks, the first publication of which shall be had within 10 days after such local law has become effective; provided, however, that any local law which is subject to a permissive referendum shall have a true copy of said local law posted on the Wayne County web page, and a synopsis of said local laws shall also be published in such official newspapers at least once a week for two successive weeks, the first publication of which shall be had within 10 days after such local law is adopted. Legalizing acts shall be published as provided in § 227. Nothing herein shall be deemed to prevent the designation of additional newspapers for any publication, and such designation shall be deemed an official newspaper for the particular publication."

SECTION 4. APPLICABILITY:

This chapter shall apply to all official newspaper designations by the County of Wayne and all publications and procedures that are identified in the legislation above.

SECTION 5. EFFECTIVE DATE:

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.

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

RESOLUTION NO. 270-15: SETTING DATE FOR PUBLIC HEARING ON PROPOSED LOCAL LAW PROHIBITING USE OF TOBACCO AND E-CIGARETTES UPON REAL PROPERTY OWNED OR LEASED BY WAYNE COUNTY, WITHIN COUNTY OWNED VEHICLES OR PRIVATELY OWNED VEHICLES USED FOR A COUNTY PURPOSE, AND WITHIN 25 FEET OF THE ENTRYWAYS OF COUNTY BUILDINGS (DEFEATED – 4/21/15)

Mr. Smith presented the following:

WHEREAS, the County of Wayne recognizes the negative effects secondhand smoke may have on exposed individuals including increasing non-smokers' risk for cancer, heart disease, emphysema, stroke, bronchitis and chronic asthma; and

WHEREAS, the Surgeon General has concluded that there is no safe level of exposure to secondhand smoke; and

WHEREAS, allowing smoking in outdoor areas promotes littering, requires additional maintenance, and presents an unprofessional image; and

WHEREAS, while the long-term health effects of e-cigarettes and e-cigarette "secondhand vapor" on users and exposed individuals are currently unknown, studies do demonstrate that e-cigarettes contain numerous carcinogens and neurotoxins and that e-cigarette devices carry the further risk of exploding while in use or while charging; and

WHEREAS, it would create an "enforcement nightmare" to require enforcement officers to distinguish between traditional cigarettes and e-cigarettes; and

WHEREAS, it is the intent of the County to provide a healthy, clean, and safe work environment for all employees, clients, residents, and visitors; now therefore be it

RESOLVED, pursuant to Section 20 of the Municipal Home Rule Law that the Board of Supervisors shall hold a public hearing on **Tuesday, May 19, 2015 at 9:10 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
INTRO NO. 4 - LOCAL LAW NO. ____ FOR THE YEAR 2015**

A local law prohibiting use of tobacco upon real property owned or leased by Wayne County.
BE IT ENACTED BY THE BOARD OF SUPERVISORS COUNTY OF WAYNE AS FOLLOWS:

SECTION 1: TITLE

This law shall be known as the "Local Law Prohibiting Use of Tobacco and E-Cigarettes upon Real Property Owned or Leased by Wayne County, within county owned vehicles or privately owned vehicles used for a county purpose, and within 25 feet of the entryways of county buildings.

SECTION 2: DECLARATION OF INTENT

The Board of Supervisors of the County of Wayne finds that:

(I) Tobacco use on real property owned or leased by the County should be prohibited in order to:

- A. Protect the public health, safety and general welfare by eliminating exposure to secondhand tobacco smoke and tobacco residue;
- B. Acknowledge the need of nonsmokers, especially children, to breathe smoke-free air; recognizing the danger to public health which secondhand smoke causes including increasing the risk of exposed individuals of heart disease, cancer, emphysema, stroke chronic bronchitis, and asthma;
- C. Recognize that the need to breathe air free of the disease-causing toxins in secondhand smoke should have priority over the desire and convenience of smoking on real property owned or leased by the County;
- D. Recognize the right and benefit to municipal residents and visitors to be free from unwelcome secondhand smoke and tobacco residue while on real property owned or leased by the County;
- E. Encourage the cessation of tobacco use by all persons, to promote longevity and reduce disease and its cost to society;

And further finds that:

(II) E-cigarette use should be prohibited on county owned or leased property because:

- A. Preliminary studies of e-cigarettes demonstrate that many brands contain toxic chemicals and carcinogens;
- B. Most E-cigarettes contain nicotine which is a highly addictive and known neurotoxin. Moreover, the extremely high level of nicotine in some brands could place users at risk of overdosing and young children at risk of accidental poisoning;
- C. The long-term health effects of e-cigarette use are currently unknown as are the effects on health of "secondhand" e-cigarette vapor inhalation. Preliminary studies, however, suggest that the vapor may negatively affect the lungs and pulmonary system of users and individuals exposed to emitted vapor.
- D. E-cigarettes are not currently regulated by the Food and Drug Administration and are not approved as a smoking cessation device. E-Cigarettes, which are often available in a variety of flavor such as cherry, bubblegum, chocolate and vanilla, may encourage the use of these devices by adolescents and others not inclined to use traditional tobacco products and ultimately lead them into a lifetime of nicotine addiction;
- E. When consumed in public places where traditional tobacco products are banned, the use of e-cigarettes causes fear, stress, and confusion among patrons and workers alike. E-cigarettes also seriously compromise the county's current public health laws governing indoor smoking bans and create an enforcement "nightmare" by forcing officials to distinguish between e-cigarettes and traditional nicotine delivery devices.
- F. E-cigarettes have been reported to "explode" while being charged and even while being used causing property damage due to fire and personal injury.

SECTION 3. DEFINITIONS

As used in this Local Law

- A. "use of tobacco" or "tobacco use" shall mean the burning of a lighted cigar, cigarette, pipe, or any other matter of substance which contains tobacco, and chewing,

holding in the mouth, and/or expectorating of chewing tobacco, or any other matter of substance which contains tobacco;

- B. "E-cigarette" shall mean any electronic device composed of a mouthpiece, heating element, battery, and electronic circuit that provide a vapor of liquid nicotine and/or other substances mixed with propylene glycol to the user as he or she simulates smoking. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes, or under any other product name;
- C. "smoking" shall mean to inhale or exhale the smoke or vapor of burning tobacco or tobacco substitute and also to carry burning tobacco or tobacco substitute in the form of a cigarette, cigar, or any other smoke producing product or device including pipes as well as e-cigarettes.

SECTION 4. PROHIBITION

Tobacco and E-Cigarette use shall be prohibited:

- A. Upon all real property owned or leased by the County of Wayne;
- B. Within all County-owned vehicles or within private vehicles when being used for a county purpose except that a driver may smoke in a privately-owned vehicle being used for a county purpose if the driver is sole occupant of the vehicle; and
- C. Within 25feet of the entryways of all county-owned or county- leased buildings located within the County of Wayne, except as provided in Section 5 of this Local Law.

SECTION 5. EXCEPTIONS

The provisions of this Local Law shall not apply to:

- A. A privately owned motor vehicle located on county property, not engaged in county service, and only when said vehicle's doors and windows are completely closed;
- B. Roadways and rights of way located within the County road system established under Section 115 of the New York State
- C. Public Parklands other than any state parks and/or historic sites enumerated in 9 NYCRR 386.1 located within Wayne County, particularly Fair Haven State Park, except that the provisions of this Local Law will apply to prevent smoking inside of Park Pavilions and other structures located within the County parks.

SECTION 6. POSTING OF SIGNS

"NO SMOKING" signs, using international symbols (where possible) shall be prominently and conspicuously posted upon the entrance to all real property where smoking is regulated by this Local Law. Said signs shall be protected from tampering, damage, removal or concealment.

SECTION 7. VIOLATIONS AND PENALTIES

- A. Smoking shall be unlawful in any area where smoking is prohibited by the provisions of this Local Law.
- B. Any person who violates any provision of this Local Law shall be guilty of a violation, punishable by a civil penalty not to exceed two hundred \$200.00 for a first offense nor to exceed one thousand (\$1,000.00) for a second or subsequent offense.
- C. Each violation of this Local Law shall constitute a separate and distinct offense.

SECTION 8. ENFORCEMENT

- A. For the purpose of this Local Law the term "enforcement officer" shall mean any "police officer" as the term is defined by section 1.20 subsection (34) of the Criminal Procedure Law when said officer is acting pursuant to his or her official duties. If the enforcement officer determines that a violation of this chapter occurred, such enforcement officer may prepare, file and serve an appearance ticket in conformance with the New York State Criminal Procedure Law. Said appearance

ticket shall be returnable in the Local Justice Court in and for the town or village in which the violation is alleged to have occurred. If the Local Justice Court determines after a hearing that a violation of this Local Law has occurred, a penalty may be imposed by the Local Justice Court pursuant to Section 7 of this Local Law. Nothing herein shall be construed to prohibit an enforcement officer from commencing a proceeding for injunctive relief to compel compliance with this Local Law.

- B. The decision of the Local Justice Court shall be reviewable pursuant to applicable law. A defendant charged with a violation of any provision of this local law may plead guilty to the charge in open court. He or she may also submit to the magistrate having jurisdiction, in person, by duly authorized agent, or by registered mail, a statement (a) that he or she waives arraignment in open court and the aid of counsel, (b) that he or she pleads guilty to the offense charged, (c) that he or she elects and requests that the charge be disposed of and the fine or penalty fixed by the court, (d) of any explanation that he or she desires to make concerning the offense charged, and (e) that he or she makes all statements under penalty of perjury. Thereupon the magistrate may proceed as though the defendant had been convicted upon a plea of guilty in open court, provided however, that any imposition of fine or penalty hereunder shall be deemed tentative until such fine or penalty shall have been paid and discharged in full. If upon receipt of the aforesaid statement the magistrate shall deny the same, he or she shall thereupon notify the defendant of this fact, and that he or she is required to appear before the said magistrate at a stated time and place to answer the charge which shall thereafter be disposed of pursuant to the applicable provisions of law.
- C. The local justice court shall designate the Wayne County Sheriff as the official to whom payment of the imposed fine shall be remitted except that the court may designate that up to 50% of the fine imposed be remitted to the court clerk of the town or village in which the court is located.
- D. Any person who desires to register a complaint under this Local Law may do so with the Office of the Wayne County Sheriff.
- E. The Wayne County Attorney on behalf of the Wayne County Sheriff and/or the Wayne County Board of Supervisors, subsequent to any appeal having been finally determined, may bring an action to recover the civil penalty provided in Section 7 of this Local Law.

SECTION 9: EFFECT ON OTHER LAWS

This Local Law shall not be interpreted nor construed to permit tobacco or e-cigarette use where it is otherwise restricted by other applicable laws, including but not limited to the Indoor Clean Air Act.

SECTION 10: REVERSE PREEMPTION

This law shall be null and void on the day that Statewide or Federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent State or Federal Administrative Agency issues and promulgates regulations preempting such action by the County of Wayne. The Board of Supervisors may determine via mere resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions in this section.

SECTION 11: SEVERABILITY

If any section, subsection, sentence, clause, phrase or other portion of this Local Law is for any reason declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this law, which shall remain in full force and effect.

SECTION 12: INTERPRETATION

Nothing in this article shall be construed to create a cause of action by one person against another person for violation of any provision of this article.

SECTION 13: EFFECTIVE DATE

This Local Law shall take effect twenty (20) days after is shall finally have been adopted, pursuant to §27 of the Municipal Home Rule.

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

Mr. Spickerman addressed the Board that he would not be supporting this Local Law, as he does not feel we have the right to take away people's freedoms; and law makers should not make judgment. There are wineries, casinos and other habit forming venues that are allowed, and smoking or using tobacco should not be any different.

Mrs. Deyo disagreed and responded that smoking affects the health of others around them; and should not be allowed where people publicly congregate.

Upon roll call, all Supervisors vote Nay, except Supervisors Groat, Manktelow, Hammond, Deyo, Smith, Hoffman and Park who voted Aye. Absent – Supervisors Colacino, Crane, Miller and LeRoy. The Chairman declared the resolution DEFEATED.

RESOLUTION NO. 271-15: AUTHORIZATION TO SIGN AUDIT ENGAGEMENT LETTER FOR RAYMOND F. WAGER, CPA AND AMEND BUDGET FOR DEFERRED COMPENSATION PLAN 2015 AUDIT

Mr. Smith presented the following:

WHEREAS, the County is required to have audit services provided for various oversight and regulatory agencies of the New York State Government; and

WHEREAS, the Deferred Compensation (457) Plan requires an annual audit, and

WHEREAS, the County's contract with MassMutual includes \$5,000 annually to pay for this audit; and

WHEREAS, the County has engaged the services of Raymond F. Wager, CPA and wishes to have his firm conduct this audit of the Deferred Compensation Plan; and

WHEREAS, Raymond F. Wager, CPA has agreed that the audit can be accomplished at a cost of no more than \$5,000: now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized to sign an engagement letter with Raymond F. Wager, CPA to conduct an audit of the Deferred Compensation (457) Plan, not to exceed \$5,000; and be it further

RESOLVED, that the County Treasurer is authorized to make the following budget adjustment:

A1430 Human Resources

(Revenues)

\$5,000 to 42770 Miscellaneous Revenues

(Appropriations)

\$5,000 to 54501 Accountants and Auditors

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

RESOLUTION NO. 272-15: AUTHORIZATION TO SET SALARY FOR COUNTY CLERK 1st DEPUTY POSITION

Mr. Smith presented the following:

WHEREAS, the positions of Deputy County Clerk and Second Deputy County Clerk will become vacant in early 2015 due to retirements; and

WHEREAS, these positions have been placed in Managerial/Confidential pay grade 5; and

WHEREAS, one Deputy supervises the Motor Vehicle Office and the other Deputy supervises the Recording Office; and

WHEREAS, each Deputy has similar level responsibilities in their respective areas and it is appropriate that each deputy have the same base salary; and

WHEREAS, that the 2nd Deputy County Clerk position starting salary was set at \$44,053 for 2015; now, therefore, be it

RESOLVED, that the 1st Deputy County Clerk Position stating salary will be set at \$44,053 for 2015.

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

RESOLUTION NO. 273-15: APPOINTING ANGELA SWITZER TO THE WAYNE COUNTY COMPLIANCE COMMITTEE

Mr. Smith presented the following:

WHEREAS, the Compliance Plan requires a Compliance Committee to maintain the Compliance Plan, report Compliance issues to the Compliance Officer, direct annual audit activities of the program, identify individual department risk standards, and to advise and assist the Compliance Officer with implementation of the Compliance Plan; and

WHEREAS, the Compliance Plan indicates that the Compliance Officer shall recommend members of the Compliance Committee; and

WHEREAS, the Compliance Officer, in addition to the required representatives has recommended Staff Development Coordinator Angela Switzer be appointed to the committee; now, therefore be it

RESOLVED, that Angela Switzer is hereby appointed to the Wayne County Compliance Committee.

Mrs. Marini moved the adoption of the resolution. Seconded by Mr. Kolczynski. Upon roll call, adopted.

RECESS: Chairman Hoffman requested a 10 minute break at 10:33 a.m.

REGULAR SESSION: The Board resumed regular session at 10:43 a.m.

EXECUTIVE SESSION: Ms. Park moved, seconded by Mr. Manktelow that the Board go into Executive Session at 10:43 a.m. to discuss proposed acquisition of securities. Upon roll call, carried.

REGULAR SESSION: Mrs. Marini moved, seconded by Ms. Park that the Board resume regular session at 11:18 a.m. Carried.

RESOLUTION NO. 274-15: AUTHORIZATION TO RELEASE RFP FOR A LEAD BASED PAINT RISK ASSESSOR FOR THE WAYNE COUNTY LATERAL CONNECTION AND WELL/SEPTIC REPAIR ASSISTANCE PROGRAM

Mr. Spickerman presented the following:

WHEREAS, the County of Wayne was awarded a \$745,300 Community Development Block Grant (CDBG) administered by the New York State Office of Community Renewal on April 17, 2014; and

WHEREAS, this grant is intended to fully fund a project to install lateral connections or improve/repair septic and/or wells on properties in Wayne County; and

WHEREAS, Wayne County accepted this grant through resolution 326-14; now, therefore, be it

RESOLVED, that the Economic Development and Planning Department is hereby authorized to issue a Request for Bids for a Lead Based Paint Risk Assessor for this project; and be it further

RESOLVED, that following the opening, the Economic Development and Planning Department shall review proposals and present a record of the Bids and their recommendation

to the Economic Development and Planning Committee and the Board of Supervisors for final approval.

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

RESOLUTION NO. 275-15: REAPPOINTMENTS TO WAYNE COUNTY PLANNING BOARD

Mr. Spickerman presented the following:

WHEREAS, the terms of office of the following members of the Wayne County Planning Board will expire on April 30, 2015:

Ronald Thorn, 156 Desmond Road, Clyde, NY 14433

Larry Lockwood, 8979 York Settlement Road, North Rose, NY 14516

Stephen Buisch, 19 Lawrence Street, Lyons, NY 14489

Robert Burns, 3782 Hall Center Road, Walworth, NY 14568; now, therefore, be it

RESOLVED, that the above members are hereby reappointed to a three year term of office effective immediately and expiring April 30, 2018.

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

RESOLUTION NO. 276-15: ACCEPTING OF APPLICANTS INTO THE WAYNE COUNTY LATERAL CONNECTION AND WELL/SEPTIC REPAIR ASSISTANCE PROGRAM

Mr. Spickerman presented the following:

WHEREAS, the County of Wayne was awarded a \$745,300 Community Development Block Grant (CDBG) administered by the New York State Office of Community Renewal on April 17, 2014; and

WHEREAS, this grant is intended to fully fund a project to install lateral connections or improve/repair septic and/or wells on properties in Wayne County; and

WHEREAS, Wayne County accepted this grant through Resolution No. 326-14; and

WHEREAS, Wayne County authorized the acceptance and review of applications by the Economic Development and Planning Department through Resolution No. 449-14; and

WHEREAS, the following applicant has submitted an application that has been determined to be both complete and eligible based on the approved Program Guidelines:

51 Anna Shipley, 1017 Wilson Rd, Macedon

now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors accept this applicant into the Wayne County Lateral Connection and Well/Septic Repair Assistance Program.

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

RESOLUTION NO. 277-15: AUTHORIZE REPORTS AND TRANSFER CERTIFICATIONS FOR SCHOEPFEL PROPERTY

Mr. Spickerman presented the following:

WHEREAS, Wayne County took title to the Schoepfel Property (the "Site") in the Town of Sodus for the purposes of remediating environmental contamination; and

WHEREAS, Wayne County obtained funding from the NYS Department of Environmental Conservation through the Clean Air/Clean Water Bond Act to investigate and document site conditions, determine the public health and environmental impacts of the Site and to develop and evaluate appropriate remedial actions; and

WHEREAS, the County completed all required remedial actions and the NYS Department of Environmental Conservation issued an easement for the property that authorizes its use for commercial or industrial purposes only; and

WHEREAS, the County caused the property to be remediated and returned to the tax rolls on November 17, 2011; and

WHEREAS, the environmental easement and NYS Environmental law have specific certification and reporting requirements regarding the site management plan for the owners of

record during the current reporting period (February 2, 2010 to February 12, 2015) as well as for property transfer; now, therefore, be it

RESOLVED, that, the Chairman is authorized to cause to be prepared the appropriate reports and forms for the Site Management Periodic Review and to certify these forms, pending approval of the County attorney as to form and content; and be it further

RESOLVED, that the Chairman is authorized to cause to be prepared and to certify the appropriate forms for the property transfer and any other necessary documents, pending approval of the County attorney as to form and content.

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

Chairman Hoffman took this opportunity to re-introduce Miss Guillemette Burkui, a foreign exchange student from Compiègne, France, and have her say a few words regarding her stay in the United States.

She thanked the Board for inviting her here today, and further, thanked everyone, including her host families and friends, for their warmth and hospitality while here in Wayne County.

RESOLUTION NO. 278-15: AUTHORIZATION TO ADVERTISE FOR BIDS FOR FORKLIFT VEHICLE AT THE HIGHWAY DEPARTMENT

Mr. Kolczynski presented the following:

WHEREAS, the 2015 Wayne County budget equipment addendum included a 15,000 lb forklift for the Highway department; and

WHEREAS, the Superintendent of Public Works has prepared bid specifications for this piece of equipment; now, therefore, be it

RESOLVED, that the Clerk of the Wayne County Board of Supervisors is hereby authorized and directed to advertise for bid in accordance with specifications prepared by the Superintendent of Public Works and subject to the County Attorney's approval 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 bid(s) at the time and place specified in the bid documents and to present a record of the bid(s) at the next meeting of the Board of Supervisors following the bid opening.

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

RESOLUTION NO. 279-15: AUTHORIZATION TO DECLARE ITEMS SURPLUS IN THE HIGHWAY DEPARTMENT AND SELL AT MUNICIPAL AUCTION

Mr. Kolczynski presented the following:

WHEREAS, the following list of items are no longer needed and are declared surplus by the Highway department:

- One pallet of equipment filters
- One pallet of equipment service and parts manuals
- 1978 Homelite 4" trash pump
- 1978 Miller 225 amp portable welder
- 6' wide flail mower – 3 point hitch type
- 6' wide rotary cutter mower – 3 point hitch type
- CASE 1085C digging buckets - 18", 24", 36" and (2) 60" buckets
- 1986 John Deere JD 2350 2WD tractor with loader
- 1999 Wacker plate tamper
- Three Poulan S-380 chain saws

now, therefore, be it

RESOLVED, that the items listed above be declared surplus and sold at the Palmyra Municipal auction in May 2015.

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

RESOLUTION NO. 280-15: ADOPTION OF BRIDGE OWNERSHIP POLICY

Mr. Kolczynski presented the following:

WHEREAS, Wayne County owns and maintains many bridges on County and Town roadways; and

WHEREAS, it is appropriate to have a policy in place to assure that any rehabilitated or newly constructed bridges are properly maintained, now, therefore, be it

RESOLVED, that the following policy is hereby adopted:

BRIDGE OWNERSHIP AND MAINTENANCE POLICY FOR THE COUNTY OF WAYNE

I. PURPOSE

The purpose of this policy is to set guidelines for when the County may take ownership and maintenance responsibility of a bridge structure from another Municipality within Wayne County.

II. BACKGROUND

A bridge is defined as any structure over 20' in length that is on a public roadway that carries motor vehicle traffic. Wayne County owns and maintains approximately 45 bridge structures located on County and Town roadways. Several municipalities also own and maintain bridges on Town or Village roadways.

The Wayne County Highway Department has qualified Engineers and Bridge Maintenance staff that are well trained in the maintenance and repairs of bridge structures. These abilities allow the department to perform necessary repairs to keep the bridges in safe operation.

The New York State Highway law Section 234 states that any bridge having a span of twenty-five feet or more, which has been inspected by the County Superintendent of Highways, may be taken over by the County under official order of the County Superintendent of Highways.

III. INSPECTIONS

At a minimum, all bridges within the County are inspected every two years by a licensed Professional Engineer. These inspections are coordinated and paid for by the New York State Department of Transportation (NYSDOT). If the inspection team identifies a safety or structural deficiency, a flag is issued to the bridge and the bridge owner is required to respond in writing with a plan of action to mitigate the condition. If a flag is issued to the bridge, the bridge will be re-inspected the following year to monitor the condition.

IV. POLICY

Since some municipalities may not have the expertise or ability to perform maintenance or repair activities on a bridge, it may be appropriate for the County Highway Department to take the maintenance and ownership responsibilities of a bridge which is twenty five feet or greater in length. The County Highway Department will consider taking ownership and maintenance responsibility of a bridge if the bridge has undergone a reconstruction or rehabilitation project to extend the serviceable life of the bridge. The Superintendent of Highways must be allowed to provide input during the design of the project to assure that the bridge is built to County standards. After completion of the rehabilitation or reconstruction project, the Superintendent of Highways will review the most current bridge inspection report, the most recent engineered plans, and perform a site inspection to assess the condition of the bridge. Upon review of all of the documentation, the Superintendent of Highways will determine if the County should take ownership and maintenance responsibility of a Town or Village owned bridge and shall make a formal recommendation to the Public Works Committee of the Wayne County Board of Supervisors as to the County taking ownership.

V. AUTHORIZATION

Any requests for the transfer of ownership of a bridge should be submitted in writing to the Wayne County Superintendent of Highways. After review of the request and associated documentation, the Superintendent of Public Works will prepare a resolution authorizing the County to take ownership and assume maintenance responsibility to present to the standing committee, and a formal Resolution authorizing acceptance of ownership and maintenance responsibility must be approved by the full Board of Supervisors.

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

RESOLUTION NO. 281-15: AUTHORIZATION TO AMEND AND RENEW AGREEMENT WITH JEMCO WATER TREATMENT SERVICES

Mr. Kolczynski presented the following:

WHEREAS, Wayne County has multiple HVAC systems that require periodic testing and conditioning throughout the year to insure proper and efficient performance; and

WHEREAS, the current agreement with Jemco Water Treatment Services to perform these test will expire on April 30th 2015; and

WHEREAS, the current agreement allows for (2) one-year extensions; and

WHEREAS, the recently completed Energy Project has installed some new and several different HVAC systems since the original contract was award to Jemco, so some minor changes to the scope of the services is needed; and

WHEREAS, Jemco has provided as revised scope of services and updated cost of \$6,426 for one additional year of service which is an increase of \$143.00 over the original contract price; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed

to renew the contract with the amended scope of services on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with Jemco Water Treatment Services for one year for a cost of \$6,426.00.

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

RESOLUTION NO. 282-15: AUTHORIZATION TO ENTER INTO SUPPLEMENTAL AGREEMENT WITH SCHRADERGROUP FOR 911 CENTER DESIGN SERVICES

Mr. Kolczynski presented the following:

WHEREAS, Resolution No. 276-13 authorized Schradergroup to perform conceptual design tasks on several alternatives for a new 911 center; and

WHEREAS, after review of the concepts and lengthy discussions with several departments, it has been decided to locate the 911 center on the first floor of the Public Safety building; and

WHEREAS, Schradergroup has been asked to provide a scope of work, fee and schedule to prepare the final bid documents for the renovations necessary for construction of the 911 center; and

WHEREAS, the Superintendent of Public Works has reviewed the documents provided by Schradergroup and suggests that the County enter into a supplemental agreement for the proposed fee of \$225,000; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed

to sign a supplemental agreement based on the proposed scope of services on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with Schradergroup for a cost of \$225,000; and be it further

RESOLVED, that the Treasurer is authorized to make the following budget adjustments:

A9950 Transfer to Capital Fund Project

(Appropriations)
\$225,000 to 52774 - E911A Building Renovation Cap Proj - E911 Center
A1990 Contingent Fund General
(Appropriations)
\$225,000 from 54000 Contractual Expenses

H1933 Building Renovation Projects

(Revenues)
\$225,000 to 45031 - E911A Interfund Transfer - E911 Center
(Appropriations)
\$225,000 to 54400 - E911A Contracted Services - E911 Center
Mr. Groat moved the adoption of the resolution. Seconded by Mr. Hammond. Upon roll call, adopted.

RESOLUTION NO. 283-15: AUTHORIZATION TO AWARD BID FOR REFUSE DISPOSAL AND RECYCLING FOR ALL COUNTY OFFICE BUILDINGS AND PARKS

Mr. Kolczynski presented the following:

WHEREAS, the Clerk of the Board of Supervisors has duly advertised for bids for Refuse Disposal and Recycling for all County Office Buildings and Park locations; and

WHEREAS, sealed bids were received and opened on **Tuesday, March 31, 2015 at 2:00 p.m.** and are listed as follows:

	<u>1st Year of Service</u>	<u>2nd Year of Service</u>	<u>Total Base Bid</u>
K&D Disposal 5076 Route 31 Newark, NY 14513	\$21,672.00	\$22,105.44	\$43,777.44
CASELLA WASTE MANAGEMENT OF NY, INC 54 Doran Ave Geneva, NY 14456	\$25,875.60	\$26,651.88	\$52,527.48
WASTE MANAGEMENT 100 Ransier Drive West Seneca, NY 14224			NO BID

WHEREAS, K&D Disposal is unable to meet the insurance requirements set forth in the bid specifications; and

WHEREAS, the County Attorneys office has reviewed the bid results and has deemed K&D Disposals bid as nonconforming to the requirements of the bid documents and shall be rejected as such; now, therefore, be it

RESOLVED, that pursuant to recommendations of the County Attorney, the bid submitted by K&D Disposal is rejected; 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 Casella Waste Management of NY, Inc. for a two year period with the option to renew this agreement for up to three (3) additional years in one year increments.

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

Mr. Spickerman addressed the Board to note that we have been successfully doing business with these companies for years with no problems. Is there a way that we can waive these insurance requirements and take their good reputation into consideration when awarding these contracts? We need to take another look at the policy that is in place as this new

implementation of insurance requirements is hurting our local companies, and ultimately, driving up the cost for our taxpayers.

Upon roll call, all Supervisors voted Aye, except Supervisors Spickerman and Deyo who voted Nay. Absent - Supervisors Colacino, Crane, Miller and LeRoy. The Chairman declared the resolution adopted.

RESOLUTION NO. 284-15: AUTHORIZATION TO EXTEND CONTRACT WITH WAYNE COUNTY ACTION PROGRAM INC. FOR THE OPERATION OF THE CONCESSION STAND AT SODUS POINT

Mr. Kolczynski presented the following:

WHEREAS, Resolution No. 322-13 authorized an agreement between Wayne County and the Wayne County Action program Inc. (Wayne CAP) for the operation of the concession stand at the Sodus Point Park; and

WHEREAS, Wayne CAP wishes to extend the contract for one additional year under the same terms as the original agreement as authorized in Resolution No. 322-13; and

WHEREAS, Wayne CAP will pay Wayne County \$750 for the rental of the concession stand for the 2015 season; now, therefore, be it

RESOLVED, that that Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to extend a contract on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content with Wayne County Action Program, Inc. to operate the concession stand.

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

RESOLUTION NO. 285-15: AUTHORIZATION TO APPROVE HIGHWAY CONSTRUCTION SUPPLEMENTAL PROJECT STATEMENTS AND APPROPRIATE FUNDS

Mr. Kolczynski presented the following:

WHEREAS, in accordance with Section 115 of the Highway Law, the Superintendent of Public Works has prepared Supplemental Project Statements for the proposed work for the following projects:

11-50	Macedon Center Rd Bridge Project	\$264,000
13-85	Pultneyville Hamlet Project	\$62,000
14-50	Ridge Road/Alton Hamlet Project	\$10,000
14-68	Macedon Center Rd Project	\$394,000
14-56	Arcadia-Zurich-Norris Rd.	\$65,000
14-95	Misc Shoulder Safety Project	\$20,000
15-91	Culvert Replacement Project	\$250,000
15-93	Canandaigua Road Project	\$230,000
15-98	Lakeside Road Project	\$225,000

now, therefore, be it

RESOLVED, that the Supplemental Project Statements prepared by the Superintendent of Public Works are hereby approved by the Board of Supervisors, and the Chairman of the Board and the Clerk of the Board are hereby authorized and directed to endorse such approval on the Project Statements; and be it further

RESOLVED, that the County Treasurer is hereby authorized and directed to create line items and transfer funds as listed below:

\$259,000 from	D51122.52900	Bridge Construction
\$1,261,000 from	D51122.52600	Road Construction – Highway Construction
\$264,000 to	D51122.52950	Macedon Center Rd Bridge Project
\$62,000 to	D51122.52685	Pultneyville Hamlet Project
\$10,000 to	D51122.52650	Ridge Road/Alton Hamlet Project
\$394,000 to	D51122.52668	Macedon Center Rd Project

\$65,000 to	D51122.52656	Arcadia-Zurich-Norris Rd Project
\$20,000 to	D51122.52695	Misc. Shoulder Safety Project
\$250,000 to	D51122.52691	Culvert Replacement Project
\$230,000 to	D51122.52693	Canandaigua Rd Project
\$225,000 to	D51122.52698	Lakeside Rd. Project

Mr. Smith moved the adoption of the resolution. Seconded by Mrs. Marini. Upon roll call, adopted.

RESOLUTION NO. 286-15: AUTHORIZATION TO DECLARE A VEHICLE SURPLUS FROM BUILDINGS AND GROUNDS AND TRANSFER TO HIGHWAY DEPARTMENT

Mr. Kolczynski presented the following:

WHEREAS, the Buildings and Grounds Department has taken possession of a new pickup truck that was included in the 2015 budget; and

WHEREAS, the new pickup truck will replace a 2001 Ford F250 VIN # 1FTNF21LX1EC60435, which is no longer needed by the Buildings and Grounds Department; and

WHEREAS, the 2001 Ford F250 has been inspected by the Central Garage staff is considered to be in poor to fair condition; and

WHEREAS, the Highway Department wishes to utilize the 2001 Ford F-250 truck at the Daansen Road Patrol barn in the winter months to plow snow from the parking area and will replace a 1986 Jeep that was used for the same purpose, but was declared surplus in Resolution No. 208-15; now, therefore, be it

RESOLVED, the 2001 Ford F-250 truck, VIN 1FTNF21LX1EC60435, be transferred from the Buildings and Grounds Department to the Highway Department.

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

RESOLUTION NO. 287-15: AUTHORIZATION TO ENTER AGREEMENT WITH THE TOWNS OF MARION, ONTARIO AND PALMYRA FOR ROADSIDE MOWING

Mr. Kolczynski presented the following:

WHEREAS, the Towns of Marion, Ontario and Palmyra have expressed interest in providing roadside mowing services on county roadways in the Towns of Marion, Ontario and Palmyra as they have done in the past several years; and

WHEREAS, the roadside mowing in Marion, Ontario and Palmyra benefits the Towns and County; and

WHEREAS, the Town of Marion will do a minimum of three complete mowings on Wayne County roads within the Town of Marion with a total of 22.4 miles; and

WHEREAS, the Town of Ontario will do a minimum of three complete mowings on Wayne County roads within the Town of Ontario with a total of 25.5 miles; and

WHEREAS, the Town of Palmyra will do a minimum of three complete mowings on Wayne County roads within the Town of Palmyra with a total of 23.8 miles; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute a contract on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with the Towns of Ontario and Palmyra for mowing county roadsides located in the towns at a rate of \$235.00 per mile for the 2015 season.

Mrs. Deyo moved the adoption of the resolution. Seconded by Mr. Spickerman. Upon roll call, adopted.

RESOLUTION NO. 288-15: SETTING DATE FOR PUBLIC HEARING ON PROPOSED LOCAL LAW ALLOWING FOR COMMON, SAFE ITEMS TO BE EXCLUDED FROM THE DANGEROUS FIREWORKS DEFINITION AS PERMITTED BY NEW YORK STATE PENAL LAW SECTION 405 (b)

Mrs. Deyo presented the following:

RESOLVED, pursuant to Section 20 of the Municipal Home Rule Law that the Board of Supervisors shall hold a public hearing on **Tuesday, May 19, 2015 at 9:15 a.m.** at the Wayne County Board Meeting to be held at in the Supervisors' Chambers in the County Court House, Lyons, New York, on the following proposed local law:

**COUNTY OF WAYNE - STATE OF NEW YORK
INTRO NO. 5/LOCAL LAW NO. ___ FOR THE YEAR 2015**

A Local Law allowing for common, safe items to be excluded from the dangerous fireworks definition as permitted by new York state penal law section 405 (b)

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

SECTION 1. LEGISLATIVE INTENT

- A. Whereas on November 21, 2014 Governor Cuomo signed into law Chapter 477 of the Laws of 2014 (S.7888/A10141).
- B. Whereas this state law amended the State Penal Law, the Executive Law and the General Business Law placing further restrictions on dangerous fireworks while at the same time recognizing that certain fireworks should not be labeled dangerous when they pose little to no danger to the public and by labeling them dangerous only restricts business and personal enjoyment.
- C. Whereas the Governor signed this version of the bill into law in part due to its strong home rule authority, only allowing for certain fireworks to be sold and used in municipalities that affirmatively enact a local law authorizing such action.
- D. In keeping with Chapter 477 of the Laws of 2014, and Penal Code Section 405 this Board further finds and determines that "sparkler devices" may be sold and enjoyed, only in the manner described below, within Wayne County.
- E. This Board finds that allowing our residents the use of safe "sparkler devices" will benefit them and our local businesses.
- F. This Board further finds that the sale and use of "sparkler devices" is permitted with the following restrictions:
 - 1) Sales will only be permitted on or between June 1st through July 5th and December 26th and January 2nd of each calendar year.
 - 2) All distributors manufacturers and retailers must be registered though the New York State Office of Fire Prevention and Control
 - 3) Only those over the age of 18 may purchase said products.
 - 4) The sale and use of "sparkler devices" may be suspended by Order of the Chairman of the Board of Supervisors following adoption of a Board Resolution finding that due to dry conditions the Public Health or Safety would be imperiled by increased risk of fire.

SECTION 2. DEFINITIONS

"Sparkling Devices" are defined as follows:

"Sparkling Devices" which are ground-based or hand-held devices that produce a shower of white, gold, or colored sparks as their primary pyrotechnic effect. Additional effects may include a colored flame, an audible crackling effect, an audible whistle effect, and smoke. These devices do not rise into the air, do not fire inserts or projectiles into the air, and do not explode or produce a report (an audible crackling-type effect is not considered to be a report). Ground-based or hand-held devices that produce a cloud of smoke as their sole pyrotechnic effect are also included in this category. Types of devices in this category include:

- 1) cylindrical fountain: cylindrical tube containing not more than seventy-five grams of pyrotechnic composition that may be contained in a different shaped exterior such as a square, rectangle, cylinder or other shape but the interior tubes are

cylindrical in shape. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle to be hand held (handle fountain). When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, and when tubes are securely attached to a base and the tubes are separated from each other on the base by a distance of at least half an inch (12.7 millimeters), a maximum total weight of five hundred grams of pyrotechnic composition shall be allowed.

- 2) cone fountain: cardboard or heavy paper cone containing not more than fifty grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one cone is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, as is outlined in this subparagraph.
- 3) wooden sparkler/dipped stick: these devices consist of a wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower of sparks is produced. Sparklers may contain up to one hundred grams of pyrotechnic composition per item.
- 4) novelties which do not require approval from the United States department of transportation and are not regulated as explosives, provided that they are manufactured and packaged as described below:
 - a. party popper: small devices with paper or plastic exteriors that are actuated by means of friction (a string or trigger is typically pulled to actuate the device). They frequently resemble champagne bottles or toy pistols in shape. Upon activation, the device expels flame-resistant paper streamers, confetti, or other novelties and produces a small report. Devices may contain not more than sixteen milligrams (0.25 grains) of explosive composition, which is limited to potassium chlorate and red phosphorus. These devices must be packaged in an inner packaging which contains a maximum of seventy-two devices.
 - b. snapper: small, paper-wrapped devices containing not more than one milligram of silver fulminate coated on small bits of sand or gravel. When dropped, the device explodes, producing a small report. Snappers must be in inner packages not to exceed fifty devices each, and the inner packages must contain sawdust or a similar, impact-absorbing material.

SECTION 3. SEPARABILITY

If any part of or provisions of this law, or the application thereof to any person or circumstance, shall be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of or provision of, or application directly involved in the controversy in which such judgment is rendered and shall not apply to the remainder of this law, or the application thereof to other persons or circumstances.

SECTION 4. EFFECTIVE DATE

This law shall take effect immediately upon filing with the Secretary of State.

Mr. Smith moved the adoption of the resolution. Seconded by Mrs. Marini. Upon roll call, adopted.

RESOLUTION NO. 289-15: AUTHORIZATION TO PURCHASE EQUIPMENT WITH FORFEITURE FUNDS FOR THE PROBATION DEPARTMENT

Mrs. Deyo presented the following:

WHEREAS, the Probation Department has received forfeiture money as a result of its participation in the USSS Computer Forensic Task Force; and

WHEREAS, a Trust and Agency Account (TE 2047) has been established to access said funds; and

WHEREAS, there exist a need to purchase equipment that would enhance Probation's Programs; now, therefore, be it

RESOLVED that the Probation Department is authorized to purchase the following equipment using funds from the Trust and Agency Account:

Two (2) mobile radios with antennas and installation at a cost not to exceed \$ 1,347.50.

Mr. Smith moved the adoption of the resolution. Seconded by Mrs. Marini. Upon roll call, adopted.

RESOLUTION NO. 290-15: AUTHORIZATION TO RENEW AND PAY FOR THE ANNUAL PUBLIC DEFENSE CASE MANAGEMENT MAINTENANCE AND SUPPORT AGREEMENT BETWEEN THE WAYNE COUNTY PUBLIC DEFENDER'S OFFICE AND THE NEW YORK STATE DEFENDERS ASSOCIATION, INC.

Mrs. Deyo presented the following:

WHEREAS, the Wayne County Public Defender's Office uses the Public Defense Case Management System

(PDCMS) in their office for the management of data; and

WHEREAS, the New York State Defenders Association, Inc. and the Wayne County Public Defender's Office

have entered into an annual agreement for the support and maintenance of said program which includes software maintenance, bug fixes, new software releases and unlimited telephone support; and

WHEREAS, the annual payment for the maintenance and support agreement is \$ 2,500; and

WHEREAS, the renewal term of the maintenance and support agreement is from March 7, 2015 through March 6, 2016; now, therefore, be it

RESOLVED, that the Wayne County Chairman of the Board is hereby authorized to review and approve the annual contract; and be it further

RESOLVED, that the Wayne County Public Defender's Office is hereby authorized to pay to the New York

State Defenders Association, Inc., the sum of \$2,500 for the annual support and maintenance of the Public Defense

Case Management System (PDCMS) and that said sum shall be paid from line number 54424 as justified in the Wayne County Public Defender's 2015 budget.

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

RESOLUTION NO. 291-15: 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 THE NASCAR RACE

Mrs. Deyo 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 NASCAR races at Watkins Glen International from July 1, 2015 through June 30, 2020; 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 previous auto racing seasons at Watkins Glen International; and

WHEREAS, the County of Schuyler will be declaring a state of emergency for the NASCAR racing events; 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 shall 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 NASCAR races at Watkins Glen International from July 1, 2015 through June 30, 2020, 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 NASCAR races from July 1, 2015 through June 30, 2020 at Watkins Glen International; and be it further

RESOLVED, that such agreement shall remain in force for 5 years unless either party shall advise the other in writing of an intent not to renew at least 30 day prior to the anniversary date hereof; 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.

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

RESOLUTION NO. 292-15: AUTHORIZING MEMORANDUM OF UNDERSTANDING BETWEEN AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS AND EMERGENCY MANAGEMENT FOR ANIMAL SHELTER SUPPORT

Mrs. Deyo presented the following:

WHEREAS, Wayne County of Office of Emergency Management Services is in need of assistance for animal sheltering and other animal support services during disaster and other emergency operations; and

WHEREAS, The American Society for the Prevention of Cruelty to Animals (ASPCA) has offered to supply said support for the period covering May 1, 2015 through April 30, 2020; and

WHEREAS, this support is available at no cost to Wayne County; and

WHEREAS, a signed MOU between the ASPCA and Wayne County is required in order to provide these services; now, therefore, be it

RESOLVED, the Board of Supervisors hereby authorizes the Chairman of the Board of Supervisors to execute an agreement with the ASPCA to procure Animal Shelter Support and other services, from May 1, 2015 through April 30, 2020. Agreement is subject to the County Attorney's approval as to form and content.

Mr. Spickerman moved the adoption of the resolution. Seconded by Mr. Kolczynski. Upon roll call, adopted.

RESOLUTION NO. 293-15: AUTHORIZATION TO AMEND MUTUAL AID BUDGET TO SUPPLEMENT FIRE TRAINING STORAGE BUILDING PROJECT AND ADVERTISE FOR BID

Mrs. Deyo presented the following:

WHEREAS, \$30,000 was appropriated in the 2015 budget for the construction of an unheated Fire Training storage building; and

WHEREAS, since the original development of the 2015 budget, NYS Office of Fire

Prevention and Control has greatly increased firefighter physical training requirements; and
WHEREAS, this increase in physical training requirements has resulted in the need for a larger, heated (on demand) building that will be built by Wayne County Public Works for both training and storage purposes; and

WHEREAS, Public Works has advised that the total cost of said building with increased functionality is \$58,000, an increase of \$28,000; now, therefore, be it

RESOLVED, that the County Treasurer is authorized to make the following budget adjustment:

A1990 Contingent Fund Gen

(Appropriations)

\$28,000 from .54000 Contractual Expenses

A3410 Mutual Aid

(Appropriations)

\$28,000 to .52500 Other Equipment

and be it further

RESOLVED, that the Superintendent of Public Works or his designee is authorized to bid for the materials required to construct said building and purchase said materials in accordance with Wayne County purchasing policy.

Mr. Kolczynski moved the adoption of the resolution. Seconded by Mrs. Marini. Upon roll call, adopted.

RESOLUTION NO. 294-15: ESTABLISHMENT OF ADJUNCT POSITIONS WITHIN WAYNE COUNTY ADVANCED LIFE SUPPORT SERVICES (TABLED - 4/21/15)

Mrs. Deyo presented the following:

WHEREAS, Board of Supervisors Resolution 073-13 authorized the Adjunct Service Program for Wayne County Advanced Life Support (ALS) Services, whereby personnel meeting all qualifications for the position are permitted to serve and provide care for Wayne County ALS, except that, such personnel are paid during hours of adjunct service only when they provide advanced level care, and transport patients to the hospital, with such compensation currently specified at \$40 per ALS patient transported, and

WHEREAS, the above referenced resolution did not specify a number of personnel authorized to hold the position of Adjunct ALS Technician, and

WHEREAS, the funding specified in the regular County budget applies for any and all Adjunct personnel collectively, since a specific number of authorized positions was never previously specified; now, therefore, be it

RESOLVED, that the maximum number of personnel authorized to hold the position of Adjunct ALS Technician for Wayne County ALS Services shall be five (5).

Mrs. Deyo moved to TABLE the resolution. Seconded by Mr. Spickerman.

RESOLUTION NO. 295-15: AUTHORIZING PUBLIC AUCTION SALE OF REAL PROPERTY ACQUIRED BY THE COUNTY FOR DELINQUENT TAXES

Ms. Park 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 Appendix A (attached hereto and incorporated herein by reference) and is entitled to acquire title by Court Order to the properties from 2013 listed on Appendix 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; now, therefore, be it

RESOLVED, in accordance with Article Eleven (11) of the Real Property Tax Law;

- FIRST: The County Attorney is hereby authorized and directed to take appropriate action regarding removal of property from the auction list after the filing of the Summary Judgement of the Petition of Foreclosure and up to the time of the auction.
- SECOND: The Director of Real Property Tax Services is hereby authorized, empowered and directed to conduct a public auction sale of the properties listed on Appendix A at the Lyons High School Auditorium, 10 Clyde Rd., Lyons, New York, on June 10, 2016, commencing at 6:00 p.m.
- THIRD: The Director of Real Property Tax Services is hereby authorized and directed to advertise the auction sale in such manner as he/she may deem suitable for obtaining the greatest public participation in the sale and to charge the advertising cost to Account No. A1364.54000 (Expenses on Property Acquired for – Advertising).
- FOURTH: Each parcel of property shall be offered and sold at the public auction sale subject to the following terms and conditions of sale:

**COUNTY OF WAYNE REAL PROPERTY AUCTION SALE
Lyons High School Auditorium, 10 Clyde Rd., Lyons, NY
June 10, 2015 at 6:00 p.m.**

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, Article 11 of the Real Property Tax Law of the State of New York.
2. All potential Bidders/Buyers must provide acceptable photo identification for issuance of a bid number.
3. All Bidders/Buyers must register for this auction and hold a bid number.
4. Former owners will not be allowed to bid on their properties.
5. 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 the County Foreclosed and has no intent to defraud the 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 the County foreclosed within 24 months subsequent to the auction date. If such conveyance occurs, the purchaser understands that he/she will 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 the County as related to the foreclosure on the property and consents to immediate judgment by the County for said amounts in addition to reasonable attorneys fees and expenses.
6. ***NO PERSON OR ORGANIZATION CAN BID ON PROPERTIES AT THE AUCTION IF THEY, OR A CORPORATION OR COMPANY THEY ARE AFFILIATED WITH, OWE PROPERTY TAXES (CURRENT YEAR OR PRIOR YEAR) TO THE COUNTY. ALL TAX LIABILITIES MUST BE PAID PRIOR TO THE AUCTION IN ORDER TO BID AT THE AUCTION. Previously defaulting parties (i.e. parties who have a property tax installment contract or have failed to pay taxes for prior tax years) are not allowed to bid until 18 months after the default is cured.*** Failure to comply with this provision will be grounds for default and forfeiture of any deposits paid without exceptions.
7. The auctioneer's decision regarding any disputes is final, and the auctioneer reserves the right to reject any bid that is not an appreciable advancement over the preceding bid.
8. 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.

9. The County will not furnish an abstract of title or an instrument survey map.
10. **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.
11. Any successful bidder, who fails to tender the deposit to the Treasurer at the end of the auction, will be forbidden to participate in this or any other auction for a time period of 18 months. Any parcels which the County of Wayne Treasurer did not receive deposits for by the end of the auction will be considered defaulted. If a purchaser fails to close on the parcel(s) that he/she bids on at the auction, he/she will be prohibited from participating at future auctions held for the County of Wayne for a time period of 18 months.
12. 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.
13. Evictions, if necessary, are solely the responsibility of the successful bidder after closing and recording of the deed.
14. 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.
15. The County will convey the property free and clear of County tax liens accrued on or before January 1, 2015.
16. The purchaser will pay all of the following taxes and charges, including all interest and penalties if applicable:
 - 2015 Village Tax; current water, sewer, other special district charges, demolition charges, and any service charges levied against property by a Municipality - **INCLUDING ANY APPLICABLE INTEREST AND PENALTIES**
 - Federal and/or State taxes, liens and encumbrances of record
 - 2015-16 School Tax
 - 2016 Town Tax & County Tax which may include re-levied village or school taxes
 - In 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.
17. 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

- Purchaser defaults.
18. 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.
 19. 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, attorney fees, reimbursement for any expenses incurred as a result of ownership or improvements of the property, nor for taxes paid during the period of ownership.
 20. The purchaser shall pay full payment immediately at "Knockdown" (when the Auctioneer says "sold") for any properties sold in the amount of \$2,000 or less.
 21. Regarding any properties sold for more than \$2,000, the amount of \$2,000 plus 10% of the amount over \$2,000 must be paid immediately at "Knockdown"
 22. All sales shall be final, absolute and without recourse, and in no event shall the 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 the County arising from this sale.
 23. 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.
 24. **The purchaser's bid will be submitted to the Board of Supervisors on June 16, 2015. IT SHALL BE THE PURCHASER'S RESPONSIBILITY TO CONTACT THE COUNTY REAL PROPERTY TAX SERVICE AGENCY (315-946-5927) ON OR AFTER JUNE 17, 2015 TO DETERMINE WHETHER THE BID WAS ACCEPTED OR REJECTED BY THE BOARD OF SUPERVISORS.**
 25. A personal check or cash may be used the night of the auction for down payment.
 26. **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 Attorneys office not later than the close of business on July 17, 2015. 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. The purchaser may not assign his/her right to complete the sale. ALL DEEDS SHALL BE EXECUTED SOLELY IN THE NAME OF THE BIDDER (AND SPOUSE, IF REQUESTED) AS REGISTERED AT THE AUCTION. IF THE PURCHASER FAILS TO MAKE SUCH PAYMENTS ON OR BEFORE JULY 17, 2015, 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.**
 27. **The purchaser shall execute a Memorandum of Purchase at the time and place of the auction sale agreeing to purchase the property subject to the terms and conditions of sale prescribed by the County.**

MEMORANDUM OF PURCHASE

I, _____, agree to purchase the property identified as
(print name)

Tax Map # _____,

Town of _____, subject to the terms and conditions of sale set forth

above, for the purchase price of \$ _____.

Dated: June 11, 2014

Name: _____ (Signature)

Social Security No.: _____

Telephone: _____

Residence Address:

Mailing Address:

—

GRANTEE DESIGNATION IN DEED:

Name

Soc. Security #

Residence Address

Name

Soc. Security #

Residence address _____

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

RESOLUTION NO. 296-15: TAX REFUND – ERROR ON TAX ROLL

Ms. Park 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 HURON

2015 Tax Roll

Account No. 72116-00-319715
Assessed to: King, Charles & Karen

Total Tax Difference \$ 489.48 Total County Tax Difference: \$ 327.46
Corrected Total Tax: \$2,009.85

TOWN OF SODUS

2015 Tax Roll
Account No. 71118-05-043941
Assessed to: Ellsworth, Terry L & Donna L
Total Tax Difference \$ 11.26 Total County Tax Difference: \$8.16
Corrected Total Tax: \$ 313.15

TOWN OF WALWORTH

2014 Tax Roll
Account No. 61113-06-323990
Assessed to: Turner, George K & Wadsley, Brenda S
Total Tax Difference \$ 141.07 Total County Tax Difference: \$ 95.61
Corrected Total Tax: \$2,026.88

2015 Tax Roll
Account No. 61113-06-323990
Assessed to: Turner, George K & Wadsley, Brenda S
Total Tax Difference \$ 141.07 Total County Tax Difference: \$ 94.87
Corrected Total Tax: \$2,193.17

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. Marini moved the adoption of the resolution. Seconded by Mrs. Deyo. Upon roll call, adopted.

RESOLUTION NO. 297-15: ADOPTION OF LOCAL LAW TO REPEAL LOCAL LAW NO. 3 OF 2005, AND ENACT A NEW LOCAL LAW AUTHORIZING THE EXEMPTION OF THE R.E. GINNA NUCLEAR POWER PLANT, LLC FROM TAXATION AND AUTHORIZING THE COUNTY OF WAYNE TO ENTER INTO A PAYMENT-IN-LIEU OF TAXES AGREEMENT

Ms. Park presented the following:

WHEREAS, a proposed local law to Repeal Local Law No. 3-2005 and enact a new Local Law authorizing the exemption of the R.E. Ginna Nuclear Power Plant, LLC from taxation and authorizing the County of Wayne to enter into a payment-in-lieu of taxes agreement, was presented to the Board of Supervisors on Wednesday, April 8, 2015; and

WHEREAS, a public hearing on the proposed local law was held on Tuesday, April 21, 2015 at 9:05 a.m. in the Supervisor's Chambers in the County Court House, 26 Church Street, Lyons, New York, 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
LOCAL LAW NO. 2 FOR THE YEAR 2015**

A Local Law to Repeal Local Law No. 3-2005, and Enact a New Local Law Authorizing the Exemption of the R.E. Ginna Nuclear Power Plant, LLC from Taxation and Authorizing the County of Wayne to Enter into a Payment-In-Lieu of Taxes Agreement.

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

SECTION 1. Section 485 and 490 of the Real Property Tax Law of the State of New York

allow the County of Wayne (the "County") to exempt nuclear power electric generating facilities located within the County from taxation, special ad valorem levies, and special assessments imposed by the County.

SECTION 2. R.E. Ginna Nuclear Power Plant, LLC ("Company") is the owner of the R.E. Ginna Nuclear Power Plant ("Plant").

SECTION 3. The Plant has a nameplate rated capacity of 583 megawatts contains real property located in the County and identified on the Town of Ontario tax rolls as Tax Parcels SBL #62119-00-620478 (f/k/a 62119-00-620947), Tax Parcel SBL #62119-00-860424, Tax Parcel SBL #62119-00-426493, Tax Parcel SBL #62119-00-315465, Tax Parcel SBL #62119-00-483350, Tax Parcel SBL #62119-00-620478.1, and Tax Parcel SBL#62119-00-620478.2, as such parcels may be renumbered or supplemented from time to time, and includes, without limitation, cooling facilities that extend or may extend into Lake Ontario, any equipment used in generating electricity using nuclear power, equipment leading from the Nuclear Facility to the point of interconnection with the electric transmission system, and property that is or becomes located on the land, but shall not include any equipment in the electric transmission system or any property owned by RG&E.

SECTION 4. Pursuant to Real Property Tax Law Section 485, the County is permitted to enter into payment-in-lieu of taxes agreements with the owners of such nuclear powered electric generating facilities providing for payments in-lieu of taxes to be made for no longer than the period during which any such facility is exempt from taxation pursuant to said Section 485 and the Local Law.

SECTION 5. The County to the fullest extent permitted by Real Property Tax Law Sections 485 and 490 hereby exempts the Plant from taxation, special ad valorem levies, and special assessments proposed by the County commencing January 1, 2016.

SECTION 6. The County is authorized to enter into a Payment In-Lieu of Taxes Agreement with the Company, Wayne Central School District, and the Town of Ontario with respect to the Plant which will provide for said payment in-lieu of taxes.

SECTION 7. This local law shall be filed with the Office of the Clerk of the County as required by law, the Clerks of the Town of Ontario and the Wayne Central School District, and the New York State Board of Real Property Services within thirty (30) days of the adoption thereof.

SECTION 8. This local law shall take effect immediately upon the date it is filed in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law of the State of New York.

Mr. Smith moved the adoption of the resolution. Seconded by Mrs. Marini. Upon roll call, adopted.

RULE 14 RESOLUTIONS

RESOLUTION NO. 298-15: AUTHORIZATION TO EXECUTE CONTRACTS FOR THE 2015 WAYNE COUNTY FAIR

Ms. Park presented the following:

WHEREAS, several Wayne County Departments have requested to rent booths for participation in presentations at the 2015 Wayne County Fair, scheduled for August 10-15, 2015; and

WHEREAS, the cost for each booth space is \$175 with the additional charge of \$5 each for the necessary passes for workers; now, therefore, be it

RESOLVED, that subject to Standing Committee approval, the Chairman of the Wayne

County Board of Supervisors is hereby authorized and directed to execute contracts on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with the Union Agricultural Society at Palmyra for rental of booths for the following County Departments for the 2015 Wayne County Fair:

- Wayne County Tourism 1 Booth \$175.00
- Wayne County Nursing Home 1 Booth \$175.00
- Wayne County Public Health Dept. 2 Booths \$350.00
- Wayne County Mental Health Dept. 1 Booth \$175.00
- Wayne County Board of Elections 2 Booths \$350.00

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

RESOLUTION NO. 299-15: AUTHORIZATION TO AWARD BIDS FOR DRY CLEANING SERVICES FOR THE SHERIFF'S OFFICE

Mrs. Deyo presented the following:

WHEREAS, the Clerk of the Board of Supervisors has duly advertised for sealed bids for dry cleaning services for the Wayne County Sheriff's Office in accordance with specifications prepared; and the following bid was received and opened on Friday, February 20, 2015 at 3:00 pm:

BIDDER: **STOTT'S CLEANERS**
 111 W. Shore Blvd.
 Newark, NY 14513

- Long sleeve uniform shirts \$2.95
- Short sleeve uniform shirts \$2.95
- Uniform pants \$2.75
- Uniform ties \$0.00
- Uniform jackets \$2.95
- Uniform sweaters \$2.95

now, therefore, be it

RESOLVED, that the bid submitted by Stott's Cleaners, in accordance with the specifications, 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 Stott's Cleaners for a two (2) year contract period from 4/21/15 – 4/30/17.

Mr. Smith moved the adoption of the resolution. Seconded by Mrs. Marini. Upon roll call, adopted.

RESOLUTION NO. 300-15: AUTHORIZATION TO ACCEPT LOW BID FOR THE TELLIER ROAD OVER GANARGUA CREEK BRIDGE REHABILITATION PROJECT AND AMEND BUDGET

Mr. Kolczynski presented the following:

WHEREAS, the Clerk of the Board of Supervisors has duly advertised for bids for the Tellier Road over Ganargua Creek Bridge Replacement Project for the County Highway Department, and the bids were opened on Tuesday, April 14, 2015 at 10:00 a.m. and the following bids were received:

<u>Bidder</u>	<u>Bid Totals</u>
VECTOR CONSTRUCTION CORP	\$673,351.05

RAMSEY CONSTRUCTION	\$653,626.90
SLATE HILL CONSTRUCTORS	\$693,601.00
CP WARD	\$549,725.10
ECONOMY PAVING CO.	\$572,720.50
WIND-SUN CONSTRUCTION	\$635,213.00

WHEREAS, this project is funded with 80% Federal Funds, 15% State Marchiselli Funds and 5% Local funds; now, therefore, be it

RESOLVED, that the bid submitted by **CP Ward of Scottsville NY**, in accordance with the specification, is hereby accepted in the amount not to exceed \$549,725.10, subject to New York State Department of Transportation approval; 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 CP Ward in accordance with the bid acceptance; and be it further

RESOLVED, that the County Treasurer is authorized to transfer \$27,486.25 from the D Fund Unassigned Fund Balance; and be it further

RESOLVED, that the County Treasurer is hereby authorized to amend the 2015 County Budget as follows

D5112 – ROAD CONSTRUCTION:

Increase .52942 Yellow Mills Bridge Project by \$549,725.10

D9999 – OTHER:

Increase .43511 Consolidated Highway Aid by \$82,458.77 (15%)

Increase .44511 Marchiselli Funds - Federal by \$439,780.08 (80%)

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

RESOLUTION NO. 301-15: AUTHORIZATION TO AMEND RESOLUTION NO. 165-13 TO EXECUTE A CONTRACT WITH A PROVIDER OF APPROVED SPECIAL EDUCATION SERVICES OR PROGRAMS

Mr. Groat presented the following:

WHEREAS, the County is required to contract for approved special education services or programs pursuant to Section 4410 of the Education Law; and

WHEREAS, Wayne County Public Health has identified Finger Lakes Therapy Works, 210 Clifton Springs, Professional Park, Clifton Springs, NY 14432 as an approved 4410 special education service or program for preschool age children with handicapping conditions provider and wishes to execute a contract; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to amend Resolution 165-13 and execute a contract with Finger Lakes Therapy Works, 210 Clifton Springs, Professional Park, Clifton Springs, NY 14432, subject to the County Attorney's approval as to form and content for the period of 4/1/15 to 6/30/18, and that these are mandated services which will be reimbursed at an approved rate set by the State.

Mrs. Marini moved the adoption of the resolution. Seconded by Mrs. Deyo. Upon roll call, adopted.

RESOLUTION NO. 302-15: AUTHORIZATION TO ADVERTISE CHRONIC DISEASE PREVENTION AT COLBURN PARK DURING THE NEWARK PILOTS 2015 BASEBALL SEASON

Mr. Groat presented the following:

WHEREAS, Wayne County Public Health's (WCPH) Community Health Improvement Plan (CHIP) identifies activities to promote healthier lifestyles to prevent chronic diseases by reducing obesity and reducing smoking rates; and

WHEREAS, WCPH would like to advertise at Colburn Park during the 2015 Newark Pilot Baseball season to promote healthier lifestyles; and

WHEREAS, WCPH would like to purchase one (1) scoreboard sign and one (1) entrance sign with obesity prevention messages and one (1) entrance sign with a tobacco prevention message for a total not to exceed \$3,000; now, therefore, be it

RESOLVED that the Director of Public Health is hereby authorized to purchase one scoreboard sign and two entrance signs to promote obesity and tobacco prevention at Coburn Park during the Newark Pilots 2015 baseball season, at a cost not to exceed \$3,000.

\$2250 A40114 .54586 Chronic Disease

\$750 A40184 .54581 Tobacco

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

Prior to adjournment, Supervisors Hammond, Spickerman and Manktelow commented on the Refuse Bid that was awarded today; and noted that we should revisit the current policy in place regarding the county's insurance requirements that effect vendors. It was mentioned that we should support our local businesses that have had contracts for services with the County for years through the bid process, however now, are not meeting the insurance requirements that are in place because the cost for this additional coverage is too high.

County Administrator Marquette and County Attorney Connors agree that the county can take another look at this; however, responded by saying that regional counties have similar limits, some higher and some lower. Further, this liability risk should not be put on the backs of taxpayers, instead, a cost to the vendors that want to do business with Wayne County.

ADJOURNMENT:

The next scheduled meeting of the Board is Tuesday, May 19, 2015 at 9:00 a.m.

Ms. Park moved, seconded by Mr. Hammond, that the board adjourn at 11:43 a.m. Carried.

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