

11th Day
Tuesday, May 19, 2015
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 Supervisor Marini who was absent today. County Administrator James Marquette and Assistant County Attorney Erin Hammond were also present.

APPROVAL OF MINUTES:

Mr. LeRoy 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.

A letter regarding the notice of the scheduled public statement hearing was received, held on May 6 and 7, 2015, was received from the NYS Public Service Commission on a filing made by Rochester Gas and Electric Corporation requesting the Commission to approve the reliability Support Serviced Agreement between RG&E and R.E. Ginna Nuclear Power Plant, LLC for continued operation of the Ginna Facility.

A letter of acknowledgement was received from the Commissioner of Agriculture & Markets of NYS, Richard A. Ball, regarding WC Board's Resolution No. 212-15 of the 2015 plan to modify the WC Agricultural District No. 1 for inclusion of viable agricultural land into this district.

An information packet containing proposed resolutions was received from the Town of Tyre, regarding Notices of Public Hearings scheduled for May 21, 2015 at 7:30 p.m. at the Town of Tyre Band Hall Building, for the purpose of taking public comments on proposed local laws for Site Plan Review and Subdivision Regulations and SEQRA matters.

A copy of the Wayne County Nursing Home Audit from Bonadio & Co., LLP was received on May 4, 2015 for presentation to the Health and Medical Committee.

A copy of the Rochester-Genesee Regional Transportation Authority 2015-2018 Strategic Comprehensive Plan and approved 2015-2016 Budget was received.

A letter of notification was received from Hank Malcom, HR Director of HP Hood, LLC, regarding the decision to permanently cease its cheese operations in Sodus, New York, closing both its Heluva Good Cheese Plant and Country Store locations, with completion scheduled this September.

Copy of certified Resolution No. 291-15 was received from Ontario County, entitled "Approval of Administrative Agreement Workforce Investment".

A copy of the County Auditor's accounts payable report for monthly utilities, miscellaneous payments including the April warrants for accounts payable, totaling \$4,859,746.32 was received and filed.

Ms. Park moved, seconded by Mr. Kolczynski to receive and file the Communications for May. Motion carried.

UNFINISHED BUSINESS:

TABLED Resolution from April 21, 2015 Board Meeting

Mr. LeRoy moved, seconded by Mr. Smith, to request to remove Resolution No. 294-15 from the Table. Motion carried.

RESOLUTION NO. 294-15: ESTABLISHMENT OF ADJUNCT POSITIONS WITHIN WAYNE COUNTY ADVANCED LIFE SUPPORT SERVICES

Mr. LeRoy presented the following:

WHEREAS, Board of Supervisors Resolution No. 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 the adoption of the resolution. Seconded by Mr. Smith. Upon roll call, all Supervisors voted Aye. Absent - Supervisor Marini. The Chairman declared the resolution adopted.

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.

Mark Peake, Village of Newark Economic Development Facilitator/Code Enforcement Officer Robert Bendix, Village of Newark Trustee and Moshe Friedman, Representative of the Compassionate Care Center of New York, requested that the Board reconsider the original draft resolution that included the name of the Newark site to become a registered organization for a medical marijuana manufacturing facility under the guidelines of the Compassionate Care Act in NYS.

PROCLAMATIONS:

Supervisor Steve Groat read the Proclamation for Mental Health Awareness Month and noted specialized training scheduled for June 10-12, 2015, sponsored by the NY State Department of Health for assessing the needs of individuals and families that deal with mental illness.

Sheriff Virts read Proclamations for **Correction Officers Week – May 1-7, 2015** and **Police Officers Week - May 10-16, 2015** in Wayne County.

Lieutenant Brian Ameele was awarded a Proclamation of Appreciation for his 35 years of dedicated service to the Wayne County Sheriff's Office and the residents of Wayne County.

Sheriff Ronald G Spike of Yates County, on behalf of the New York State Sheriffs' Association Institute's, presented **the Carl Drexler Award to Lieutenant Steve Sklenar.**

PUBLIC HEARINGS:

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

The Clerk read the following introduction of the **Notice of Public Hearing** regarding the Publication of Local Laws for Wayne County, scheduled for 9:05 a.m.:

At 9:33 a.m., Chairman Hoffman opened the floor for the public, stating that people interested in making comment should come forward to the podium to address the Board.

Further, he requested that they state their name and address for the record.

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 Ms. Park, that the hearing be closed at 9:33 a.m. Upon roll call, carried.

The Clerk read the title of the second **Notice of Public Hearing** scheduled this morning, regarding a Local Law for allowing for common safe items to be excluded from the dangerous fireworks definition as permitted by NYS Penal Law Section.

Chairman Hoffman opened the floor for public comment at 9:35 a.m. for this hearing. Mr. Fred Kramer from Phantom Fireworks of Youngstown, Ohio addressed the board in support of the proposed local law allowing for the sale of sparklers and sparkling devices; informing members that New York is the 47th state to legalize some level of consumer fireworks for sale.

Chairman Hoffman made an additional request for any other public comment. Being none, he asked for a motion to close the hearing at 9:39 a.m.

Ms. Park moved, seconded by Mr. Hammond, that the hearing be closed. Upon roll call, carried.

SCHEDULED PRESENTATIONS:

Karen Ambroz, Director, Real Property Tax Services gave a power point presentation on the Cold War Veterans Exemption.

Chairman Hoffman took this opportunity to welcome **Mr. Thomas Crowley and the Newark Government Class** to today's Wayne County Board Meeting.

Janelle Cooper, CEO, Wayne CAP conducted a Community Needs Assessment – Focus Group Survey with Board Members

RECESS:

Chairman Hoffman requested a 10 minute break at 10:10 a.m. Carried.

REGULAR SESSION:

The Board resumed regular session at 10:20 a.m. Carried.

RESOLUTION NO. 303-15: CERTIFICATION OF A HOME RULE REQUEST TO AMEND THE TAX LAW IN RELATION TO EXTENDING THE AUTHORIZATION OF THE COUNTY OF WAYNE TO IMPOSE AN ADDITIONAL SALES AND COMPENSATING USE TAX

Ms. Park presented the following:

RESOLVED, pursuant to Article IX of the constitution, the County of Wayne hereby requests that the New York State Legislature enact Senate Bill (No. S4941) (Said bill is identified in the Assembly as Assembly Bill No. A6291) entitled "AN ACT to amend the tax law, in relation to extending the authorization of the county of Wayne to impose an additional sales and compensating use tax"; and be it further

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

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

Mr. Kolczynski moved the adoption of the resolution. Seconded by Mr. Miller. Upon roll call, all Supervisors voted Aye, except Supervisor Baldrige who voted Nay. Absent – Supervisor Marini. The Chairman declared the Resolution adopted.

RESOLUTION NO. 304-15: ADOPTING MORTGAGE TAX REPORT AND AUTHORIZING

COUNTY TREASURER TO MAKE PAYMENT TO TOWNS AND VILLAGES

Ms. Park presented the following:

WHEREAS, the Finance Committee of the Wayne County Board of Supervisors has filed a report showing the mortgage tax monies received by the Wayne County Treasurer during October 1, 2014 to March 31, 2015, and recommend payment to the Villages and Towns as apportioned in such report as follows:

TOWN	TOWN SHARE	VILLAGE	VILLAGE SHARE	TOTAL
Arcadia	47,139.77	Newark	19,707.88	66,847.65
Butler	5,202.44	Wolcott	286.96	5,489.40
Galen	13,901.37	Clyde	3,059.55	16,960.92
Huron	17,974.49		0.00	17,974.49
Lyons	15,000.48	Lyons	5,787.64	20,788.12
Macedon	63,795.61	Macedon	4,274.16	68,069.77
Marion	18,658.63		0.00	18,658.63
Ontario	84,757.23		0.00	84,757.23
Palmyra	29,324.10	Palmyra	3,736.27	33,060.37
Rose	22,829.30		0.00	22,829.30
Savannah	4,325.78		0.00	4,325.78
Sodus	34,087.44	Sodus	2,396.05	41,858.32
		Sodus Pt.	5,374.83	
Walworth	100,704.02		0.00	100,704.02
Williamson	61,976.29		0.00	61,976.29
Wolcott	13,158.31	Red Creek	648.28	15,271.09
		Wolcott	1,464.49	
TOTAL	532,835.26		46,736.12	579,571.38

now, therefore, be it

RESOLVED, that the Mortgage Tax Report submitted by the Finance Committee is hereby accepted, the recommendation for payments to the Villages and Towns contained in such report is hereby adopted, and the County Treasurer is hereby authorized and directed to make such payments pursuant to the report.

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

RESOLUTION NO. 305-15: AUTHORIZATION TO AMEND PROJECT ACCOUNT BUDGET

Ms. Park presented the following:

WHEREAS, the county's External Auditors recommended that an analysis of H Fund Capital Project accounts be completed and the status of project accounts be reviewed; and

WHEREAS, during a recent review it was found that the H Fund budget appropriations for the H1935 Project account prior to the 2006 implementation of the MUNIS financial system, were not carried over to the MUNIS system, while the life to date actual expenditures were carried over, resulting in account balances that appear to be over spent; now, therefore, be it

RESOLVED, that the County Treasurer is authorized to amend the H1935 Project account budget as follows:

H1935 Enhanced 911 Emergency Telephone

(revenue)
\$119,299.92 to .43395 Wireless 911 Grant Program
\$336,189.00 to .45031 Interfund Transfers
\$ 4,180.79 to .42401 Interest Earnings
(appropriations)
\$278,481.47 to .52000 Equipment & Other Cap Outlay
and be it further,

RESOLVED, that \$181,188.24 be appropriated from H Fund Capital Project fund balance.

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

RESOLUTION NO. 306-15: AUTHORIZATION TO ENTER INTO A CONTRACT WITH WAYNE COUNTY SOIL AND WATER CONSERVATION DISTRICT TO PROVIDE THEM INFORMATION TECHNOLOGY SERVICES

Ms. Park presented the following:

WHEREAS, the Information Technology Department works with all County departments with regards to computer hardware/software and telephone matters; and

WHEREAS, Soil and Water Conservation Districts in New York State have unique legal relationships with the respective County governments; and

WHEREAS, the Wayne County Soil and Water Conservation District is in need of certain information technology services to fulfill its District functions: and

WHEREAS, the County has the ability and willingness to provide those information technology services needed by the Wayne County Soil and Water Conservation District; and

WHEREAS, in order to continue to function in the most efficient and productive manner, the proposed contract agreement of Information Technology (IT) Services is required on an as-needed basis, to assist the Wayne County Soil and Water Conservation District staff at the rate of \$100 per hour; and

WHEREAS, it is in the best interests of both parties to enter into a contract which allows the County to provide said information technology services; now, therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute a contract agreement with the Wayne County Soil and Water Conservation District for Information Technology (IT) Services on an as-needed basis.

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

RESOLUTION NO. 307-15: AUTHORIZATION TO APPROPRIATE FUNDS AND AMEND THE 2015 WAYNE COUNTY NURSING HOME BUDGET FOR WORKFORCE DEVELOPMENT INSTITUTE AND NYS DEPARTMENT OF HEALTH FUNDED CNA TRAINING COSTS

Ms. Park presented the following:

WHEREAS, resolution 245-15 authorized a memorandum of agreement between the Wayne County Nursing Home and the Workforce Development Institute (WDI) for WDI grant funding for Nursing Assistant training of \$1,800 per student up to five persons successfully completing the course; and

WHEREAS, Finger Lakes Community College provided the Nurse Assistant training course; and

WHEREAS, five persons have successfully completed the course at a total cost of \$10,000 of which \$9,000 will be funded by WDI and \$1,000 will be reimbursed to the County from the New York State Department of Health; now, therefore, be it

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

E6000 NH Combined

(Revenues)

\$1,000 to 43716 E6020 State Aid

\$9,000 to 41899 E6020 Nursing Home Other Revenue
(Appropriations)

\$10,000 to 54483 E6020 Training-Seminars & Schools

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

RESOLUTION NO. 308-15: AUTHORIZATION TO TRANSFER FUNDS FROM THE STOP-DWI RESTRICTED FUND BALANCE TO THE COUNTY GENERAL FUND

Ms. Park presented the following:

WHEREAS, an internal audit of the STOP- DWI program was performed for Calendar Year 2014; and

WHEREAS, it was found during this internal audit that \$6,300.00 of STOP DWI program stipends for the Program Administrator and Program Secretary were charged to the Sheriff's office and not the STOP DWI Program in 2014; and

WHEREAS, in 2014 the District Attorney's Office did not voucher the STOP-DWI program for a budgeted stipend of \$16,000.00; and

WHEREAS, the \$22,300.00 of appropriations came out of the General Fund instead of the STOP DWI restricted funds; now, therefore, be it

RESOLVED, that the County Treasurer is authorized to transfer \$22,300.00 from the STOP-DWI restricted fund balance to the general fund unassigned fund balance to correctly reflect the amount of restricted fund balance.

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

RESOLUTION NO. 309-15: DIRECTING WAYNE COUNTY TREASURER TO REINSTATE FORECLOSURE PROCEEDINGS ON CERTAIN PARCELS

Ms. Park presented the following:

WHEREAS, the Wayne County Treasurer is the enforcing officer for delinquent property taxes in Wayne County; and

WHEREAS, the County Treasurer has reviewed the list of parcels to be foreclosed upon with the Real Property Tax Director, the County Attorney, and the Assistant Superintendent of Public Works; and

WHEREAS, pursuant to New York Real Property Tax Law 1138 1(d) the County Treasurer has withdrawn certain parcels from the foreclosure proceeding on the basis that if the tax district were to acquire the parcel, there is significant risk that it might be exposed to a liability substantially in excess of the amount that could be recovered by enforcing the tax lien; and

WHEREAS, the Wayne County Board of Supervisors has reviewed the list of properties that have been withdrawn; and

WHEREAS, the Board of Supervisors does not agree that certain parcels should be withdrawn from the proceeding; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors makes the following determination: there would be no significant risk that the parcels might expose the County to liability substantially in excess of the amount that could be recovered by enforcing the tax lien; and be it further

RESOLVED, that pursuant to section 1138 (4) (a) (ii) of the New York Real Property Tax Law, the Wayne County Board of Supervisors hereby directs the Wayne County Treasurer to reinstate foreclosure proceedings on the following parcels previously withdrawn from the foreclosure proceeding by the County Treasurer:

Tax ID # 72113-00-412155 2677 Gannett Road, Town of Galen (Seq:437)

Ms. Park moved, seconded by Mr. Manktelow, to add the additional parcel, as follows:

Tax ID # 62112-06-429850 1269 Rte. 31F, Town of Macedon (Seq:797)

Motion carried.

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

RESOLUTION NO. 310-15: RESOLUTION IN SUPPORT OF THE APPLICATION OF BUTLER EVERGREEN TO PURSUE LICENSE UNDER NEW YORK'S COMPASSIONATE CARE ACT

Ms. Park presented the following:

WHEREAS, on July 5, 2014, Governor Andrew Cuomo signed into law Chapter 90 which enacted the Compassionate Care Act and established the New York State Medical Marijuana Program; and

WHEREAS, New York State's Medical Marijuana Program is the most comprehensive and tightly regulated medical marijuana program in the county which will provide much needed relief and effective treatment options for New Yorkers that are suffering from serious conditions such as cancer, epilepsy, multiple sclerosis, Parkinson's disease and several other debilitating illnesses and conditions; and

WHEREAS, the New York State Department of Health is currently accepting applications from organizations that are interested in becoming "registered organizations" which must conform to stringent requirements, guidelines, policies, and procedures to produce non-smokable medical marijuana-based medicines which will be regulated by New York State; and

WHEREAS, local businessman Scott Marshall has assembled a team of experts in the fields of indoor agriculture, medical cannabis processing, secure dispensing, and medical research to create a new biopharmaceutical company located in Wolcott called Butler Evergreen; and

WHEREAS, Butler Evergreen will be a highly-secure, patient-centered company focused on the production and advancement of state of the art biopharmaceutical medicines; and

WHEREAS, the plan put forth by Butler Evergreen calls for the rehabilitation of the former Electromark facility to become a growing and processing center for cannabis-based medicine; and

WHEREAS, Butler Evergreen's Wolcott facility will be secure, discreet, and will not serve as a dispensary pursuant to New York State law; and

WHEREAS, Butler Evergreen anticipates the creation of approximately 100 jobs, a majority of which will be in Wayne County; and

WHEREAS, Wayne County would receive 22.5 percent of the excise tax levied on medical marijuana manufactured in Wolcott; and

WHEREAS, the Marshall Family is a long established, well-respected and trusted employer in the Wayne County community; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors adopts this resolution in support of the Butler Evergreen application and initiative to become a "registered organization" under New York's Compassionate Care Act.

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

RESOLUTION NO. 311-15: AUTHORIZATION TO SUBMIT GOVERNMENT EFFICIENCY PLAN TO THE NEW YORK STATE DIVISION OF BUDGET AND FOR DESIGNATED INDIVIDUALS TO EXECUTE CERTIFICATIONS

Ms. Park presented the following:

WHEREAS, the Wayne County Administrator and County staff have been developing a Government Efficiency Plan submission as part of the Property Tax Freeze/Property Tax Credit program; and

WHEREAS, the Towns of Arcadia, Butler, Marion, Ontario, Rose, Savannah, Sodus, Walworth, Williamson and Wolcott and the Villages of Newark and Red Creek are joining with Wayne County in the submission of the plan; and

WHEREAS, the submission is due to the State of New York by June 1, 2015; and

WHEREAS, all jurisdictions that are participating in the plan must execute certifications to be attached to the submission; and

WHEREAS, budgetary actions completed by Wayne County after January 1, 2012 will comprise the submission; and

WHEREAS, the annualized savings from position reductions adopted in the 2013 Wayne County Budget, the contracting of certain services at the Wayne County Nursing Home, and the creation of the Public Works Department are providing a recurring savings to Wayne County in excess of \$2.4 million per year; and

WHEREAS, the annual one percent target amount for the participating jurisdictions as a group is \$561,055 for 2017, 2018, and 2019; and

WHEREAS, the reductions that have been implemented are significantly greater than the required target amount; now, therefore, be it

RESOLVED, that the Board of Supervisors hereby acknowledges and approves the Towns and Villages referenced herein as participants in the Government Efficiency Plan; and be it further

RESOLVED, that the County Administrator, County Treasurer, Chairman of the Board of Supervisors, and any other required official are authorized to certify and submit the Government Efficiency Plan to the State of New York.

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

RESOLUTION NO. 312-15: ADOPTION OF 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)

Mr. LeRoy presented the following:

WHEREAS, a 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) was presented to the Board of Supervisors on Tuesday, April 21, 2015, and

WHEREAS, a public hearing on the proposed local law was held on **Tuesday, May 19, 2015 at 9:15 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. 3 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.

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

RESOLUTION NO. 313-15: AUTHORIZATION FOR THE DISTRICT ATTORNEY TO APPLY FOR AN AID TO PROSECUTION GRANT FOR THE PERIOD APRIL 1, 2015 TO SEPTEMBER 30, 2016

Mr. LeRoy presented the following:

WHEREAS, the District Attorney has been notified that the County of Wayne may be eligible for an Aid to Prosecution Grant in the amount of \$29,200.00 and \$14,600.00 with no matching funds for the period of 4/1/15 to 9/30/16; and

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

RESOLVED, that the District Attorney is authorized to apply for a \$29,200.00 and \$14,600.00 Aid to Prosecution Grant with no matching funds for the period of 4/1/15 to 9/30/16; and be it further

RESOLVED, that the Chairman of the Board of Supervisors is authorized to execute all necessary documents to implement the grant for the period of 4/1/15 to 9/30/16 on behalf of the County, subject to the County Attorney's approval as to form and content, with the New York State Division of Criminal Justice Services.

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

RESOLUTION NO. 314-15: AUTHORIZATION TO FILL VACANT PART-TIME ANIMAL ABUSE OFFICER POSITION

Mr. LeRoy presented the following:

WHEREAS, there will be a vacancy for a part-time Animal Abuse Officer position, effective 4/30/15; now, therefore, be it

RESOLVED, that the Board of Supervisors are hereby authorized to appoint a part-time Animal Abuse Investigator at an annual salary of \$4,571.64.

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

RESOLUTION NO. 315-15: EMS ADVISORY BOARD APPOINTMENT

Mr. LeRoy presented the following:

WHEREAS, there is currently an open appointment in the Town of Palmyra for an EMS Advisory Board Member; now, therefore, be it

RESOLVED, that Mike Catalano is hereby appointed to the Wayne County EMS Advisory

Board as the representative for the Town of Palmyra to a term that will expire December 31, 2017.

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

RESOLUTION NO. 316-15: AUTHORIZATION TO EXECUTE AGREEMENT WITH THE STATE OF NEW YORK FOR MUTUALINK SYSTEM

Mr. LeRoy presented the following:

WHEREAS, the State of New York, Office of Homeland Security and Emergency Services is deploying a hardware and software incident collaboration technology solution statewide, known as the Mutualink system, making the system available to all counties in the state, and

WHEREAS, the Mutualink system provides a platform for the sharing of radio, video, telephone, and data information between users of separate systems, in separate counties, and

WHEREAS, the Mutualink system will be provided on loan to the counties at no purchase cost, with no cost for system set-up, as the State will incur all acquisition, installation and licensing costs, and

WHEREAS, the Mutualink system will provide a valuable interoperable communication resource for Wayne County; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors shall be authorized to execute a Memorandum of Agreement with the State of New York authorizing the County of Wayne to receive the Mutualink system, with the Memorandum of Agreement subject to the approval of the County Attorney as to form and content.

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

RESOLUTION NO. 317-15: AUTHORIZATION TO AMEND E911 BUDGET

Mr. LeRoy presented the following:

WHEREAS, \$2,400 was appropriated in the 2015 budget for the purchase of Dispatch Chairs; and

WHEREAS, grant funding has been sourced for the purchase of said chairs; and

WHEREAS, it has been determined that there is a need to replace more telephone headsets and headset base station batteries than originally budgeted in 2015; now, therefore, be it

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

A3642 E911

(Appropriations)

\$2,400 from .52200 Office Equipment

\$2,400 to .54150 Office Supplies

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.

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

RESOLUTION NO. 318-15: AUTHORIZATION TO RENEW LEASE AGREEMENT WITH WAYNE COUNTY ACTION PROGRAM FOR PROPERTIES IN THE TOWN OF SODUS, TOWN OF HURON AND THE VILLAGE OF LYONS

Mr. Miller presented the following:

WHEREAS, Wayne County Action Program hereinafter "Wayne CAP" is currently a tenant in following County owned properties: 159 Montezuma Street, Lyons, New York; 11395 Ridge

Road, Huron, New York; 7190 Ridge Road East, Sodus, New York and 7192 Ridge Road East, Sodus, New York; and

WHEREAS, the prior leases between Wayne CAP and the County regarding these premises will expire on June 30, 2015; and

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

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

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

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

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

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

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

- The leases for each of the above mentioned properties shall be for an initial three (3) year term with an optional three (3) year renewal.
- Wayne CAP shall not be required to pay rent for any of the above mentioned properties
- Wayne CAP will be responsible for providing and paying for all maintenance required for each of the above mentioned facilities.
- Wayne CAP will be responsible for providing and paying for all utilities required for each of the above mentioned properties.
- Wayne CAP subject to providing prior notice to and receiving approval from the County will be responsible for all capital improvements to the above mentioned properties.
- The County during the lease period for the property located at 159 Montezuma Street will not be responsible for maintaining the fiber optic cable to said property.
- The County during the lease period for the property located at 159 Montezuma Street will provide snow plowing and grass mowing for said property.

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

RESOLUTION NO. 319-15: AUTHORIZATION FOR CONSUMER AFFAIRS DEPARTMENT TO PURCHASE A TRAILER AND AMEND BUDGET

Mr. Miller presented the following:

WHEREAS, it has been determined that the department is in need of trailer to carry weights, the 50 gallon test measurer and other items to help perform the tasks for the department; and

WHEREAS, the anticipated cost of a new 5x8 trailer to be not more than \$3000; and

WHEREAS, funds are available from the sale of the Weight Truck and weights earlier in 2015; now therefore be it

RESOLVED, the Director of Weights and Measures is authorized to purchase a trailer; and be it further

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

A9999 Other Revenues

(Revenue)

\$3000 to 42665 Sale of Surplus Equipment

A6610 Consumer Affairs (Weights & Measures)

(Appropriations)

\$3000 to 52000 Equipment

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

RESOLUTION NO. 320-15: AUTHORIZATION TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH THE NYSDOT FOR CONSTRUCTION COSTS ASSOCIATED WITH THE WHITBECK ROAD BRIDGE PROJECT

Mr. Miller presented the following:

WHEREAS, the original agreement between Wayne County and the NYSDOT only included funds for the design phase of the project in the amount of \$89,000; and

WHEREAS, the NYSDOT has authorized the construction phase of this project for a total additional cost to the project of \$523,000; and

WHEREAS, this supplemental agreement for \$523,000 will be funded with 80% Federal funds, and 15% State funds, and 5% local funds; now, therefore, be it

RESOLVED that the Wayne County Board of Supervisors hereby agrees to pay in the first instance 100% of the federal and non-federal share of the cost of the Construction Phase work for the Project or portions thereof; 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 the NYSDOT for an additional \$523,000; and be it further

RESOLVED, that the County Treasurer is hereby authorized to transfer \$26,150 from the Unassigned D Fund Balance; and but it further

RESOLVED, that the Treasurer is authorized to make the following adjustments to the 2015 Budget:

D9999 – OTHER:

(Revenues)

\$78,450 to .43511 Marchiselli Funds – State (15%)

\$418,400 to .44511 Marchiselli Funds – Federal (80%)

D5112 – ROAD CONSTRUCTION:

(Appropriations)

\$523,000 to .52904 Whitbeck Road Bridge project

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

Supervisor Miller was excused from the meeting at 10:30 a.m.

RESOLUTION NO. 321-15: AUTHORIZATION TO RATIFY ACTIONS OF THE PLANNING DEPARTMENT IN CONNECTION WITH THE BID REQUEST FOR SERVICES FOR THE WAYNE COUNTY LATERAL CONNECTION AND WELL/SEPTIC REPAIR ASSISTANCE PROGRAM AND AUTHORIZE EXECUTION OF A CONTRACT WITH DYNA MOLE FOR SAME

Mr. Spickerman presented the following:

WHEREAS, in accordance with Federal procurement requirements and consistent with Wayne County procurement policy, the Planning Department issued a Request for Bids for Services to pump and inspect existing septic systems in connection with the Wayne County Lateral Connection and Well/Septic Repair Assistance Program; and

WHEREAS, in response to the Request for Bids, the County received four bids; and
WHEREAS, the Planning Department has reviewed all bids and recommended that Wayne County retain DYNA MOLE to provide Services to pump and inspect existing septic systems for the Wayne County Lateral Connection and Well/Septic Repair Assistance Program; now, therefore, be it

RESOLVED, that the actions of the Planning Department in connection with the issuance of the Request for Bids are hereby ratified; and be it further

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute an agreement with DYNA MOLE, subject to approval by the County Attorney as to form and content, for Services to pump and inspect existing septic systems in an amount not to exceed \$9,937.50.

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

RESOLUTION NO. 322-15: 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 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 Donald and Karen Dwello, 5808 Rt. 14, Sodus

52 Jennifer Reed, 616 State Route 14, Lyons

53 Lisa Lang, 5240 Podger Rd, Sodus

54 Samuel Privitera, 2500 Highland Fruit Farmer Rd, Galen

now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors accept these applicants into the Wayne County Lateral Connection and Well/Septic Repair Assistance Program; and be it further

RESOLVED, that said property improvements are on a standby basis only, as funding is available.

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

RESOLUTION NO. 323-15: SETTING PUBLIC HEARINGS FOR CDBG APPLICATION

Mr. Spickerman presented the following:

WHEREAS, it is anticipated that the Office of Community Renewal will solicit proposals from municipalities under the 2015 Community Development Block Grant (CDBG) program; and

WHEREAS, potential applicants for CDBG funding are required under 24 CFR570.486 and NYS's Citizen Participation Plan to schedule and conduct an advertised public hearing prior to the submission of such applications to give the public the opportunity to suggest projects for municipalities to consider; and

WHEREAS, the purpose of the hearing is to gain citizen input as to their needs and potential CDBG-funded projects for consideration by the County, including Housing, Economic Development and Infrastructure; now, therefore, be it

RESOLVED, that the Board of Supervisors hereby authorizes the Clerk of the Board to advertise and conduct the hearing in time to permit the filing of a 2015 Community

Development Block Grant application; and be it further

RESOLVED, that the hearing be set for June 5, 2015 at 1:30 P.M. in the first floor Conference room at 26 Church Street, Lyons, New York; and be it further

RESOLVED, that the Clerk of the Board is hereby directed to publish notice in the legal newspapers for the County for the first available publication.

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

RESOLUTION NO. 324-15: AUTHORIZATION TO PREPARE AND SUBMIT A SNOWMOBILE TRAILS GRANT-IN-AID "PHASE 1- TRAIL SYSTEM PRIOR APPROVAL" and a "PHASE 2 - APPLICATION" ON BEHALF OF WAYNE COUNTY SNOWMOBILE CLUBS

Mr. Spickerman presented the following:

WHEREAS, Resolution 560-98 established Wayne County as the Local Sponsor for the Snowmobile Trails Grant-In-Aid Program offered through the NYS Office of Parks, Recreation and Historic Preservation (OPRHP); and

WHEREAS, the County Planning Department has prepared applications to said grant program on behalf of snowmobile clubs in the County since 1998; and

WHEREAS, the County continues to recognize and support the recreational and economic benefits of snowmobiling throughout the County; now, therefore, be it

RESOLVED, that the Board of Supervisors authorizes the Wayne County Economic Development and Planning Department to prepare and submit a Phase 1- Trail System Prior Approval and to prepare and submit a Phase II – Application to NYS OPRHP's Snowmobile Trails Grant-In-Aid Program for the 2015/2016 funding cycle pending approval by the County Attorney as to form and content.

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

RESOLUTION NO. 325-15: AUTHORIZATION TO SUPPORT THE ERIE CANALWAY TRAILWAY COMPLETION AS A TOURISM AND ECONOMIC DEVELOPMENT NEED IN THE FINGER LAKES REGIONAL ECONOMIC DEVELOPMENT'S UPSTATE REVITALIZATION PLAN

Mr. Spickerman presented the following:

WHEREAS, it is estimated that approximately 1.4 million visitors enjoy the Erie Canalway Trail each year, spending more than \$250 million on tourism activities in communities along its route; and

WHEREAS, there are sections of the Trail that are missing in New York State, including an 18 mile gap from Lyons to the Seneca River, costing approximately \$9 Million to complete; and

WHEREAS, by completing this section of the Trail there will be approximately 160 continuous miles that hikers and bikers can use, stretching from Buffalo to the Seneca River; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors recognizes the Canalway Trail as a unique historical attraction of world-wide importance, generating considerable visitation and tourism revenues for our communities and the region as a whole and that the World Canal Conference will be held on the Erie Canal in June, 2017, attracting hundreds of international delegates, now, therefore, be it

RESOLVED, that the Supervisors request that the Finger Lakes Regional Economic Development Council recognize the importance of the Erie Canalway Trail in the upcoming Upstate Revitalization Plan for the Region.

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

RESOLUTION NO. 326-15: APPOINTMENT TO WAYNE COUNTY PLANNING BOARD

Mr. Spickerman presented the following:

WHEREAS, the Town of Williamson has recommended the appointment of Robert Peters of 6008 E. Townline Road, Williamson, NY to fill the empty seat from the Town on the County Planning Board; now, therefore be it

RESOLVED, that Robert Peters is hereby appointed to a three year term of office effective immediately and expiring April 30, 2018.

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

RESOLUTION NO. 327-15: APPOINTING MEMBERS TO SERVE ON THE WAYNE COUNTY BOARD OF ETHICS

Mrs. Crane presented the following:

WHEREAS, Local Law No. 2 of 2012 adopted a revised Ethics Policy for the County of Wayne, and increased the membership on the local County Board of Ethics from three (3) members to five (5) members; and

WHEREAS, said Board of Ethics now consists of five (5) members to be appointed by the Wayne County Board of Supervisors; and

WHEREAS, said Board members shall serve without compensation at the pleasure of the Wayne County Board of Supervisors; and

WHEREAS, a majority of the Board of Ethics shall not be officers or employees of the County of Wayne, but at least one of whom must be a municipal officer or employee of the County of Wayne; and

WHEREAS, one (1) membership position is presently awaiting appointment; and

WHEREAS, the following person has agreed to accept appointment to said Board of Ethics; now, therefore be it

RESOLVED, that the following person is hereby appointed to serve as a member of the Wayne County Board of Ethics, to serve at the pleasure of the Wayne County Board of Supervisors without compensation:

Jeffrey R. Harper, Esq.

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

RESOLUTION NO. 328-15: AUTHORIZING A MEMORANDUM OF AGREEMENT WITH THE WAYNE COUNTY SHERIFF'S POLICE OFFICERS' ASSOCIATION REGARDING 207-c PROCEDURES

Mrs. Crane presented the following:

WHEREAS, the Wayne County Sheriff's Police Officers' Association (Association) filed an Improper Practice charge with the Public Employment Relations Board (PERB) on July 29, 2014 alleging a violation concerning procedures implementing General Municipal Law section 207-c; and

WHEREAS, the County, the County Sheriff, and the Association reached agreement on new 207-c procedures; and

WHEREAS the Association notified the County on April 30, 2014 that they have ratified the procedures; and

WHEREAS, once the County ratifies the 207-c procedures, the Association will withdraw the PERB charge; now, therefore, be it

RESOLVED, that these final 207-c procedures are hereby adopted by the County effective immediately; and be it further

RESOLVED, that the Chairman of the Board is hereby authorized to sign the Memorandum of Agreement on behalf of the County.

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

RESOLUTION NO. 329-15: AUTHORIZATION TO SIGN SETTLEMENT AGREEMENT AND RELEASE FOR WORKERS' COMPENSATION CLAIM

Mrs. Crane presented the following:

WHEREAS, the Self-Insurance Plan for Workers' Compensation has paid a claim wherein the injury to an employee was caused by an employee of Trane U.S. Inc.; and

WHEREAS, the County's workers' compensation claims administrator, NCA Comp has reviewed the file and does not expect any further expenses to arise from this claim; and

WHEREAS, once a Settlement Agreement and Release is executed and returned to their offices, Trane U.S., Inc. will reimburse the County for all expenses related to this claim, which total \$243.54; and

WHEREAS, the Wayne County Attorney has reviewed the settlement agreement and has found it to be acceptable; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to execute the settlement agreement and release for the aforementioned claim.

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

RESOLUTION NO. 330-15: ADOPTION OF LOCAL LAW ON A LOCAL LAW REGARDING PUBLICATION OF LOCAL LAWS

Mrs. Crane presented the following:

WHEREAS, a proposed local law regarding the publication of Local Laws was presented to the Board of Supervisors on Tuesday, April 21, 2015; and

WHEREAS, a public hearing on the proposed local law was held on **Tuesday, May 19, 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. 4 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. Hammond. Upon roll call, adopted.

RESOLUTION NO. 331-15: AUTHORIZATION TO PURCHASE FROM DOMINION VOTING SYSTEMS BMD WHEELS FOR THE WAYNE COUNTY BOARD OF ELECTIONS AND AMEND BUDGET

Mrs. Crane presented the following:

WHEREAS, the Wayne County Board of Elections (BOE) has previously purchased voting machines and voting related systems from Dominion pursuant to New York State Contract; and

WHEREAS, after a few years of utilizing the BMDs, it has become apparent that many of the wheels on the BMDs are not of the same quality as those on the ICPs: they are bent, don't lock or unlock and the BOE technicians often have to adjust the tension on existing wheels which are not under warranty; and

WHEREAS, the new wheels are part of the upgrade to the BMD; and

WHEREAS, the cost of the purchase of this replacement hardware from Dominion Voting Systems Corp shall be \$4,300 (43 BMDs, 4 wheels each at \$100.00 per set), which is fully reimbursable with NYS Shoebox funds, and this purchase has been approved by the New York State Board of Elections; now, therefore, be it

RESOLVED, that the Wayne County Board of Elections is hereby authorized to purchase from Dominion BMD wheel replacements; and be it further

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

A1450 Board of Elections

(Revenues)

\$4,300 to .43968 Shoebox

(Appropriations)

\$4,300 to .54421 Election Expense

Mr. Smith moved the adoption of the resolution. Seconded by Mr. Colacino. Upon roll

call, adopted.

RESOLUTION NO. 332-15: AUTHORIZATION FOR THE MENTAL HEALTH DEPARTMENT TO AMEND THE 2015 ANNUAL CONTRACT WITH FINGER LAKES ADDICTIONS COUNSELING AND REFERRAL AGENCY (FLACRA) AND AMEND THE 2015 BUDGET

Mr. Groat presented the following:

WHEREAS, both the Mental Health Department and the Sheriff's Office & STOP-DWI, have historically had contracts with and provided funding to the Finger Lakes Addictions Counseling and Referral Agency (FLACRA) to provide drug and alcohol related treatment services on behalf of both the County Mental Health and Sheriff's Office; and

WHEREAS, in order to better coordinate the services provided by FLACRA on behalf of the county departments associated with this initiative, and to improve government efficiencies, the Sheriff and the Mental Health Director along with the County Administrator have agreed that the funding provided to FLACRA for forensic services, which has formerly been associated with the noted County departments, will now be combined with and managed through the contracting process between the County Mental Health Department and with FLACRA; and

WHEREAS, the amount of funding the Sheriff's Office & STOP-DWI had planned to provide to FLACRA in 2015 for jail forensic services totals \$22,500 (\$15,000 Sheriff's Office & \$7,500 STOP-DWI); and

WHEREAS, the Mental Health Department will now process an interoffice charge back to the Sheriff's Office and STOP-DWI for such funding, and now include and manage those funds along with the Mental Health Department's funding currently budgeted in 2015 for FLACRA; now, therefore, be it

RESOLVED, the Mental Health Department is authorized to charge back the Sheriff's Office \$15,000 and STOP-DWI \$7,500, both from existing budgeted funds, in order to continue funding FLACRA for jail forensic services in 2015, and the Chairman of the Board of Supervisors, subject to the County Attorneys review and approval as to form and content, is authorized to sign an amended contract for 2015 between the Mental Health Department and with FLACRA to add an additional \$22,500 as noted above to the existing budgeted amount of funding for FLACRA to provide jail forensic services during the 2015 budget year (as noted below);

FLACRA – 2015 Budget Year

Mental Health Dept OASAS & County Funding (County)	\$1,127,288 (State)	\$69,602
Jail Forensic Services with Additional Sheriff's Funding	\$15,000 (Sheriff-County)	
Jail Forensic Services with Additional STOP-DWI Funding	\$7,500 (STOP-DWI-County)	
TOTAL State & County:	\$1,219,390	

and be it further

RESOLVED, the County Treasurer is authorized to amend the 2015 budget as follows;

A4322 COMMUNITY PROVIDERS:

Revenue:

\$22,500 to 43499 FLACRA

Expense:

\$22,500 to 54604 FLACRA

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

RESOLUTION NO. 333-15: AUTHORIZATION TO RENT BILLBOARD SPACE FROM LAMAR ADVERTISING FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS PROGRAM

Mr. Groat presented the following:

WHEREAS, the Public Health Department is required to perform outreach for the Children

with Special Health Care Needs Program; and

WHEREAS, there are funds budgeted for the rental of space for the advertising of the Children with Special Health Care Needs (CSHCN) Program; and

WHEREAS, the costs include the rental and production of up to 3 billboard spaces for a minimum of 30 days, between June and September, 2015 at a total cost not to exceed \$3451.00; now, therefore, be it

RESOLVED, that the Director of Public Health is hereby authorized to purchase up to 3 billboard spaces for a minimum of 30 days at a total cost not to exceed \$3451.00 which includes the production fees from Lamar Advertising.

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

RESOLUTION NO. 334-15: AUTHORIZATION TO EXECUTE CONTRACTS WITH PROVIDERS OF RELATED SERVICES FOR PRESCHOOL CHILDREN WITH HANDICAPPING CONDITIONS FOR WC PUBLIC HEALTH

Mr. Groat presented the following:

WHEREAS, the County must contract for the provision of related services for preschool age children with handicapping conditions pursuant to Section 4410 Education Law; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute contracts, subject to the County Attorney's approval as to form and content, for the provision of related services for preschool age children with handicapping conditions for the period 7/1/15 to 6/30/18 in accordance with the rates approved by the Health and Medical Committee of the Board of Supervisors as follows:

- Deanne Aceto Spear: physical therapy, assistive technology - \$59/.5; group (up to 5) \$40/.5/child; coordination of services \$20/.5 hr.
- Bright Start Pediatric SLP and OT Services, PLLC: speech therapy, occupational therapy, physical therapy, psychological service, parent counseling/training, social work- \$59/.5 hr; group (up to 5) \$40/.5/child; coordination of services - \$20/.5; teaching assistant, paraprofessional aid, 1:1 aid \$10/.5 hr.
- Building Blocks Comprehensive Services, Inc.: speech therapy, occupational therapy, physical therapy, parent counseling/training - \$59/.5 hr; group (up to 5) \$40/.5/child; teaching assistant, paraprofessional aid, 1:1 aid \$10/.5; coordination of services \$20/.5 hr.
- Clinical Associates of the Finger Lakes: speech therapy, occupational therapy, physical therapy, school psychological service/counseling, audiology services/evaluation; assistive technology; counseling; parent counseling/training, social work - \$59/.5 hr; group (up to 5) \$40/.5/child; paraprofessional aid, teaching assistant, 1:1 aid \$10/.5 hr; coordination of services - \$20/.5 hr.
- Jeanne Donahue Collins: speech therapy - \$59/.5; group (up to 5) \$40/.5/child; coordination of services \$20/.5 hr.
- Communication Place for Hearing & Speech: speech therapy, occupational therapy, physical therapy, audiology services, assistive technology, parent counseling/training, play therapy, TOD - \$59/.5 hr; group (up to 5) \$40/.5/child; 1:1 aide, paraprofessional aide, teaching assistant - \$10/.5 hr; coordination of services \$20/.5 hr.
- Christine R. DeFisher: speech therapy-\$59/.5 hr; group (up to 5) \$40/.5/child; coordination of services - \$20/.5 hr.
- E. John Gavras Center: speech therapy, occupational therapy, physical therapy - \$59/.5 hr; group (up to 5) \$40/.5/child; 1:1 aide, paraprofessional aide, teaching assistant - \$10/.5 hr; coordination of services - \$20/.5 hr.
- Jill W. Escriva: speech therapy - \$59/.5 hr; group (up to 5) \$40/.5/child; coordination of services - \$20/.5 hr. Finger Lakes Cerebral Palsy, Inc.: speech therapy, occupational therapy, physical therapy, psychological service, parent counseling/training, play therapy, assistive

technology - \$59/.5 hr; group (up to 5) \$40/.5/child; 1:1 aide, paraprofessional aide, teaching assistant - \$10/.5 hr; coordination of services \$20/.5 hr.

- Hearing & Speech Center of Rochester, Inc.: speech therapy, audiology services \$59/.5 hr; group (up to 5) \$40/.5/child; coordination of services - \$20/.5 hr.
- Richard M. Hilton: speech therapy - \$59/.5 hr; group (up to 5) \$40/.5/child; coordination of services \$20/.5 hr.
- Donna L. Hontz: occupational therapy, Infant message - \$59/.5 hr; group (up to 5) \$40/.5/child; coordination of services - \$20/.5 hr.
- Jill M. Kelley: speech therapy, assistive technology - \$59/.5 hr; group (up to 5) \$40/.5/child; coordination of services - \$20/.5 hr.
- Finger Lakes Therapy Works: speech therapy, physical therapy - \$59/.5 hr; group (up to 5) \$40/.5/child; coordination of services \$20/.5 hr.
- Susan T. Lapp: occupational therapy - \$59/.5 hr; group (up to 5) \$40/.5/child; coordination of services - \$20/.5 hr.
- (Lifespan Physical Therapy, Occupational Therapy, Speech Language Pathology Services, PLLC: speech therapy, occupational therapy, physical therapy, psychological service \$59/.5 hr; group (up to 5) \$40/.5/child; coordination of services - \$20/.5 hr.
- Kimberly F. McCaffrey: speech therapy- \$59/.5 hr; group (up to 5) \$40/.5/child; coordination of services- \$20/.5 hr.
- Karen A. Meuler: physical therapy - \$59/.5 hr; group (up to 5) \$40/.5/child; coordination of services - \$20/.5 hr.
- Marcy P. Osburn: physical therapy - \$59/.5 hr; group (up to 5) \$40/.5/child; coordination of services - \$20/.5 hr.
- Kristi A. Sergeant: occupational therapy-\$59/.5 hr; group (up to 5) \$40/.5/child; coordination of services-\$20/.5 hr.
- Stepping Stones Learning Center: speech therapy, occupational therapy, physical therapy, psychological service, music therapy, assistive, technology, counseling, parent counseling/training, play therapy, social work, autism services - \$59/.5 hr; group (up to 5) \$40/.5/child; 1:1 aid, paraprofessional aid, teaching assistant - \$10/.5 hr; coordination of services - \$20/.5 hr.
- Wayne ARC: speech therapy, occupational therapy, physical therapy, vision therapy, psychological service, music therapy, counseling, parent counseling/training, play therapy, assistive technology - \$59/.5 hr; group (up to 5) \$40/.5/child; coordination of services - \$20/.5 hr. 1:1 aide, paraprofessional aide, teaching assistant - \$10/.5hr. Wayne County Action Program, Inc.: 1:1 aide - \$10/.5hr; 2:1 aide - \$5/.5hr.
- Katrina Briggs: speech therapy - \$59/.5 hr; group (up to 5) \$40/.5/child; coordination of services - \$20/.5 hr.
- Cheryl Ann Aroesty: occupational therapy, parent counseling/training - \$59/.5 hr; group (up to 5) \$40/.5/child; coordination of services - \$20/.5 hr.
- Breaking Boundaries OT Services, PLLC: occupational therapy, physical therapy - \$59/.5 hr; group (up to 5) \$40/.5/child; coordination of services - \$20/.5 hr.
- Williamson CSD: speech therapy, occupational therapy, physical therapy, psychological services, assistive technology, counseling - \$59/.5 hr; group (up to 5) \$40/.5/child; coordination of services - \$20/.5 hr. 1:1 aide, paraprofessional aide, teaching assistant - \$10/.5 hr.
- Red Creek ABCD: 1:1 aide - \$10/.5 hr. (enrolled migrant or seasonal child)
- Red Creek CSD: speech therapy, occupational therapy, physical therapy, vision therapy, psychological services, counseling, parent counseling/training, teacher of deaf, assistive technology - \$59/.5 hr ; group (up to 5) \$40/.5/child; coordination of services - \$20/.5 hr. 1:1 aide - \$10/.5 hr.
- Upstate Music Therapy Center, LLC (Amy Thomas): music therapy - \$59/.5 hr; group (up to 5) \$40/.5/child; coordination of services - \$20/.5 hr.

- Therapy Partners: speech therapy, occupational therapy, physical therapy, vision therapy, parent counseling/training - \$59/.5 hr; group (up to 5) \$40/.5/child; coordination of services - \$20/.5 hr.
- Kimberly Wintemute: speech therapy - \$59/.5 hr; group (up to 5) \$40/.5/child; coordination of services - \$20/.5 hr.
- United Cerebral Palsey Association of Rochester: speech therapy, occupational therapy, physical therapy, music therapy, assistive technology, parent counseling/training, social work - \$59/.5 hr; group (up to 5) \$40/.5/child; coordination of services - \$20/.5 hr.
- Lauren Taylor: speech therapy - \$59/.5 hr; group (up to 5) \$40/.5/child; coordination of services - \$20/.5 hr.
- Joann Salerno: speech therapy - \$59/.5 hr; group (up to 5) \$40/.5/child; coordination of services - \$20/.5 hr.
- Susan Cochrane: Speech therapy/fluency, parent counseling/training - \$59/.5 hr; group (up to 5) \$40/.5/child; coordination of services - \$20/.5 hr.

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

RESOLUTION NO. 335-15: AUTHORIZATION TO ESTABLISH A MEDICAL COUNTER MEASURE PUSH POD (POINT OF DISPENSING) MEMORANDUM OF UNDERSTANDING WITH BLOSSOM VIEW NURSING HOME FOR WAYNE COUNTY PUBLIC HEALTH

Mr. Groat presented the following:

WHEREAS, Wayne County Public Health (WCPH) is required to be able to respond to a disease outbreak, biological toxin release, and a weather emergency event at all times; and

WHEREAS, WCPH has identified that establishing Push PODS (Point of Distribution) Clinics throughout the county to provide mass prophylaxis of clients, employees and employee family members of an organization to be an efficient way to dispense oral medications and/or vaccinations in a timely manner; and

WHEREAS, WCPH has identified that nursing homes are such organizations that a Push POD could easily be implemented; and

WHEREAS, all oral medication and/or vaccinations will be provided "pushed" to the nursing home and just-in-time training would occur for each situation; and

WHEREAS, WCPH wishes to establish a Memorandum of Understanding with Blossom View Nursing Home to establish a Push POD in disease outbreak, biological toxin release or severe weather event situations to prophylaxis their clients, employees and employee's family members; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to establish a Memorandum of Understanding between Wayne County Public Health and Blossom View Nursing Home to establish a Push POD (Point of Dispensing) Clinic to dispense oral medications and/or vaccination to their clients, employees and employee's family members in a disease outbreak, biological toxin release or severe weather event situations, subject to the approval of the County Attorney as to the form and content.

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

RESOLUTION NO. 336-15: AUTHORIZATION TO EXECUTE CONTRACTS WITH PROVIDERS OF APPROVED SPECIAL EDUCATION SERVICES OR PROGRAMS FOR WC PUBLIC HEALTH

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; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute contracts, subject to the County Attorney's approval as to form and content, with the following providers of approved special education services or programs for preschool age children with handicapping conditions for the period of 7/1/15 to

6/30/18, and that these are mandated services which will be reimbursed at the approved State Aid rate:

- Bright Start Pediatric SLP and OT Services, PLLC
 - Building Blocks Comprehensive Services, Inc.
 - Clinical Associates of the Finger Lakes
 - Communication Place for Hearing & Speech, OT, PT, Psychology, PLLC
 - Center For Autism and Related Disorders
 - E. John Gavras Center
 - Finger Lakes Cerebral Palsy, Inc.
 - Finger Lakes Therapy Works
 - The Hearing & Speech Center of Rochester, Inc.
 - Mary Cariola Children's Center, Inc.
 - Red Creek CSD
 - Williamson CSD
 - Stepping Stones Learning Center
 - United Cerebral Palsy Association of the Rochester Area, Inc.
 - Wayne ARC
 - Hillside Children's Center
- Mr. LeRoy moved the adoption of the resolution. Seconded by Mr. Manktelow. Upon roll call, adopted.

RESOLUTION NO. 337-15: AUTHORIZING CONTRACT FOR PSYCHOLOGICAL SERVICES FOR THE WAYNE COUNTY NURSING HOME

Mr. Groat presented the following:

WHEREAS, the nursing home residents would greatly benefit from in-house psychodiagnostic and psychotherapeutic treatment services; and

WHEREAS, the Wayne County Nursing Home is desirous to contract with Healthy Connections Psychological Services, P.L.L.C. (Healthy Connections) for the provision of psychodiagnostic and psychotherapeutic treatment services; and

WHEREAS, Healthy Connections will bill third-party payers and residents as appropriate for the services rendered; and

WHEREAS, the Wayne County Nursing Home recommends that a contract be authorized with Healthy Connections will be effective April 1, 2015 and to renew automatically for successive one (1) year periods at no cost to the facility; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisors is authorized to execute the agreement effective April 1, 2015 and to renew automatically for successive one (1) year periods at no cost to the facility, until written notice is provided by either Health Connections or Wayne County of an intention to terminate the agreement, subject to the County Attorney's approval as to form and content.

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

RESOLUTION NO. 338-15: AUTHORIZATION TO SOLICIT REQUESTS FOR PROPOSALS FOR PHARMACY SERVICES AND PHARMACY CONSULTING SERVICES FOR THE WAYNE COUNTY NURSING HOME

Mr. Groat presented the following:

WHEREAS, the contract with Health Direct for Pharmacy Services and Pharmacy Consulting Services expires December 31, 2015; and

WHEREAS, the Wayne County Nursing Home is desirous of soliciting requests proposals for the provision of pharmacy services and consulting services from January 1, 2016 to December 31, 2018 with the option to renew for two (2) additional one (1) year periods; now, therefore, be it

RESOLVED, that the Nursing Home Administrator is hereby authorized and directed to

solicit requests for proposals for pharmacy services and pharmacy consulting services from January 1, 2016 to December 31, 2018 with the option to renew for two (2) additional one (1) year periods in accordance with specifications prepared by the Nursing Home Administrator, and approved by the County Attorney as to content and form.

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

RESOLUTION NO. 339-15: AUTHORIZATION TO RESCIND RESOLUTION NO. 259-15, TO DECLARE STANDARD EQUIPMENT, AND TO BID FOR CEILING LIFTS FOR THE WAYNE COUNTY NURSING HOME

Mr. Groat presented the following:

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

WHEREAS, the Nursing Home currently has 22 Waverly Glen ceiling lifts and scales installed in patient rooms; and

WHEREAS, it is in the best interest of the Nursing Home to standardize ceiling lifts and scales installed in patient rooms because of the cost of batteries and other replacement parts, ease of maintenance and repair and availability of local service, and reduced risk of operator error; and

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

WHEREAS, Resolution No. 259-15 did not include the necessary standardization declaration; 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 Board of Supervisors hereby rescinds Resolution No. 259-15; and be it further

RESOLVED, that the Wayne County Board of Supervisors hereby declares that the standard ceiling lift at the Wayne County Nursing Home will be the Waverly Glen Ceiling Lift; and be it further

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.

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

RESOLUTION NO. 340-15: AUTHORIZATION TO AMEND CONTRACT WITH EXCELLUS FOR THE WAYNE COUNTY NURSING HOME

Mr. Groat presented the following:

WHEREAS, the State of New York is transitioning Medicaid recipients into a designated New York Medicaid Managed Long Term Care Plan; and

WHEREAS, effective July 1, 2015, institutional long-term care services will be included in the Medicaid managed care benefit; and

WHEREAS, Excellus has indicated that services provided by the Wayne County Nursing Home to its Medicaid managed care members will be covered under the existing participation agreement; and

WHEREAS, Wayne County Nursing Home desires to amend the contract with Excellus; now, therefore be it

RESOLVED, that the Wayne County Nursing Home accept the Amendment to Agreement for Skilled Nursing Facility Services dated April 1, 2015 which becomes effective July 1, 2015 for the provision of skilled nursing facility services to Excellus members subject to the County Attorney's approval as to form and content.

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

RESOLUTION NO. 341-15: AUTHORIZE AGREEMENT WITH REGIONAL TRANSIT SERVICE/WAYNE AREA TRANSPORTATION SERVICES (RTS-WAYNE) FOR ON-DEMAND TRANSPORTATION

Mr. Manktelow presented the following:

WHEREAS, Wayne County is required to meet participation rates or face possible fiscal penalties as a consequence specified by the Federal Deficit Reduction Act of 2005 and New York State statute; and

WHEREAS, one of the major barriers to work/work readiness participation is the lack of transportation; and

WHEREAS, New York State has provided, through the Office of Temporary and Disability Assistance, Community Solutions to Transportation (CST) monies to counties in the past but now is not providing monies to Wayne County Department of Social Services (DSS); and

WHEREAS, RTS has been allocated CST monies by New York State in the past but is no longer receiving them; and

WHEREAS, Wayne DSS is able to use TANF funds to offset local costs for this service; and

WHEREAS, WATS is able to use Job Access Reverse Commute (JARC) funds to offset local costs; and

WHEREAS, WATS has provided timely and effective service in the past; therefore be it RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to enter into an agreement with the RTS/WATS, subject to review by the County Attorney, for the provision of on-demand services to Wayne DSS clients for an amount not to exceed \$145,920 for the time period 1/1/15 – 12/31/15.

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

RESOLUTION NO. 342-15: AUTHORIZE CONTRACT WITH WAYNE COUNTY ACTION PROGRAM FOR FAMILY VIOLENCE PARENT EDUCATION (PACT) SERVICES

Mr. Manktelow presented the following:

WHEREAS, services for families with violence issues are an important component in reducing child abuse; and

WHEREAS, the Wayne County Action Program has worked in collaboration with Wayne DSS and the Victim Resource Center to provide services which ameliorate the effects of family violence; and

WHEREAS, this partnership has been effective with the families served; therefore be it RESOLVED, that the Chairman of the Wayne County Board of Supervisors is authorized

to execute a contract on behalf of the County of Wayne and the Wayne County Department of Social Services, subject to the County Attorney's review as to form and content, with the Wayne County Action Program for Family Violence Parent Education (PACT) Services to a cost not to exceed \$18,000 for the time frame 7/1/15-6/30/16; and be it further

RESOLVED, that this contract is funded 100% with federal monies through the TANF flexible fund.

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

RESOLUTION NO. 343-15: AUTHORIZE AGREEMENT BETWEEN WAYNE COUNTY SOCIAL SERVICES DEPARTMENT AND WAYNE COUNTY WORKFORCE DEVELOPMENT DEPARTMENT FOR THE PROVISION OF A SUMMER YOUTH EMPLOYMENT PROGRAM

Mr. Manktelow presented the following:

WHEREAS, monies have been made available to Wayne County Department of Social Services (DSS) to support a summer youth employment program in Wayne County; and

WHEREAS, Workforce Development has a successful track record of providing summer youth employment programming including this past summer; and

WHEREAS, Workforce Development has both the capability and the interest in providing summer youth employment programming during the summer 2015 timeframe; now, therefore, be it

RESOLVED, that the Commissioner of the Wayne County Department of Social Services is hereby authorized to enter into an agreement with Wayne County Workforce Development for the provision of a summer youth employment program at an amount not to exceed \$90,000 for the timeframe 5/1/15 - 9/30/15, subject to the review and approval of the County Attorney; and be it further

RESOLVED, that Workforce Development is authorized to enter into the aforesaid agreement with the Department of Social Services.

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

RESOLUTION NO. 344-15: AUTHORIZE MEMORANDUM OF UNDERSTANDING WITH WAYNE COUNTY DEPARTMENT OF PROBATION AND CORRECTIONAL ALTERNATIVES AND THE DEPARTMENT OF SOCIAL SERVICES FOR COOPERATIVE DIVERSION PROCEDURES

Mr. Manktelow presented the following:

WHEREAS, New York State requires the designation of a lead agency for the Person in Need of Supervision (PINS) process; and

WHEREAS, the Wayne County Probation Department has acted in this capacity for the past few years; and

WHEREAS, there needs to be in place specified procedures for the PINS population; now, therefore, be it

RESOLVED, that the Commissioner of the Wayne County Department of Social Services is hereby authorized to sign a Memorandum of Understanding for Cooperative Diversion Procedures between the Wayne County Department of Probation and Correctional Alternatives and the Wayne County Department of Social Services for the time period 7/1/15–6/30/16.

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

RESOLUTION NO. 345-15: AUTHORIZE AGREEMENT WITH WAYNE BEHAVIORAL NETWORK FOR DRUG/ALCOHOL ASSESSMENTS AND THE WAYNE COUNTY DEPARTMENT OF SOCIAL SERVICES

Mr. Manktelow presented the following:

WHEREAS, the Wayne County Department of Social Services (DSS) is required to contract for drug/alcohol assessment services for those applying for cash assistance; and

WHEREAS, Wayne DSS is required to provide a choice of assessment options; and

WHEREAS, Wayne DSS is reimbursed at a rate of \$40.00 per assessment by the New York State Office of Temporary and Disability Assistance; now, therefore, be it

RESOLVED, that the Commissioner of the Social Services is hereby authorized to execute an agreement with Wayne Behavioral Network, subject to the County Attorney's approval as to form and content, for the provision of drug/alcohol assessment services during the period 7/1/15-6/30/16 at a fee of \$40.00 per assessment.

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

RESOLUTION NO. 346-15: AUTHORIZE CONTRACT WITH CATHOLIC FAMILY CENTER FOR DRUG/ALCOHOL ASSESSMENTS FOR THE WAYNE COUNTY DEPARTMENT OF SOCIAL SERVICES

Mr. Manktelow presented the following:

WHEREAS, the Wayne County Department of Social Services (DSS) is required to

contract for drug/alcohol assessment services for those applying for cash assistance; and
WHEREAS, Wayne DSS is required to provide a choice of assessment options; and
WHEREAS, Wayne DSS is reimbursed at a rate of \$40.00 per assessment by the New York State Office of Temporary and Disability Assistance; now, therefore, be it
RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute an agreement with Catholic Charities of the Diocese of Rochester, d/b/a Catholic Family Center, subject to the County Attorney's approval as to form and content, for the provision of drug/alcohol assessment services during the period 1/1/15-12/31/15 at a fee of \$40.00 per assessment.

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

RESOLUTION NO. 347-15: AUTHORIZATION FOR TRAINED AND APPROVED VOLUNTEERS TO DRIVE THE WAYNE COUNTY VETERANS AGENCY BUS

Mr. Manktelow presented the following:

WHEREAS, the Veterans Service Agency has a Handicapped accessible bus to transport Wayne County Veterans to and from medical appointments at Syracuse VAMC; and

WHEREAS, the Bus remains idle from Monday to Thursday; and

WHEREAS, the Wayne County Veterans Service Agency employs a Part-time driver for the Syracuse VAMC travel; and

WHEREAS, the Canandaigua VAMC has a medical bus stationed Tuesdays at the Wolcott American Legion; and

WHEREAS, the Wayne County Veterans Service Agency has been informed that many County Veterans need transportation to this facility; and

WHEREAS, the Veterans Service Agency has also been informed that there are volunteers willing to drive the bus to transport Veterans to the Wolcott American Legion VAMC vehicle location; and

WHEREAS, in order for Wayne County and the volunteers to be properly covered by insurance, the volunteers will need to be trained in operating the bus and its procedures, and approved by resolution of the Board of Supervisors; now, therefore, be it

RESOLVED that the Wayne County Veterans Service Agency may authorize veteran/volunteers to drive those veterans to their medical appointments under the following conditions:

1. The volunteers currently have and will maintain a clean driving record.
2. The volunteers are properly trained in operating the bus and the wheelchair lift system and procedures. The Veterans Service Office is to maintain documentation that the training occurred.
3. Upon satisfying the above criteria, the Board of Supervisors approves by resolution those volunteers who have been properly trained to operate the bus and its systems.
4. The bus will only be used to transport Wayne County residents to and from the facility.

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

RESOLUTION NO. 348-15: AUTHORIZATION FOR THE CHAIRMAN OF THE BOARD TO SIGN WORKFORCE INNOVATION OPPORTUNITY ACT (WIOA) ADMINISTRATIVE, ADULT, AND DISLOCATED WORKER AND CAREER CENTER (ONE STOP) SERVICES CONTRACT FOR THE PERIOD OF JULY 1, 2015 – JUNE 30, 2016.

Mr. Manktelow presented the following:

WHEREAS, the Workforce Investment Act, WIA will be replaced by the new law of the Workforce Innovation and Opportunity Act (WIOA) on July 1, 2015; and

WHEREAS, exact funding information is not anticipated to be know prior to July 1, 2015 as the Federal Regulations are to be posted until June 13, 2015 to be followed by NYS Regulations and distributions of funds; and

WHEREAS, it is anticipated that level funding or increased funding will follow; and

WHEREAS July 1, 2015 will begin the new WIOA program in requirement of a contract for anticipated funding for the time period of July 1, 2015 – June 30, 2016; and

WHEREAS, the expected level funding for that same time period is \$139,963; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized, upon review and approval of the Wayne County Attorney, to allow the new contract to be signed; and

RESOLVED, that the Wayne County Board hereby authorizes the programs to operate without interruption with same funding anticipated for the time period of July 1, 2015 – June 30, 2016; and

RESOLVED, that the Wayne County Board of Supervisors authorizes any adjustments be made to the current budget in August 2015, should amounts allotted for the program received by that date warrant any adjustments to said budget.

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

RESOLUTION NO. 349-15: AUTHORIZATION FOR THE CHAIRMAN OF THE BOARD TO AUTHORIZE THE SUBMISSION OF A REQUEST FOR PROPOSAL AND SIGN WORKFORCE INNOVATION OPPORTUNITY ACT (WIOA) YOUTH PROGRAM CONTRACT FOR THE PERIOD OF JULY 1, 2015 – JUNE 30, 2016

Mr. Manktelow presented the following:

WHEREAS, the Workforce Investment Act, WIA, Youth Proposal currently in place will end June 30, 2015 to be replaced by the Workforce Innovation and Opportunity Act (WIOA) to begin July 1, 2015; and

WHEREAS, the requirement to submit a new Request For Proposal, RFP, to be followed by a new WIOA Youth Contract to be signed for the time period of July 1, 2015 – June 30, 2016; and

WHEREAS, the expectation of level funding for that same time period of \$116,000; now, therefore, be it

RESOLVED, that the Board of Supervisors hereby authorizes for a new RFP to be submitted for approval,

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized, upon review and approval of the Wayne County Attorney, to allow the new contract to sign; and be it further

RESOLVED, that the Wayne County Board hereby authorizes the program to operate without interruption with same funding anticipated for the time period of July 1, 2015 – June 30, 2016; and be it further

RESOLVED, that the Wayne County Board of Supervisors authorizes any adjustments to be made to the current budget in August 2015, should amounts allotted for the program received by that date warrant any adjustments to said budget.

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

RESOLUTION NO. 350-15: APPROVAL REQUEST OF WIOA ADMINISTRATIVE AGREEMENT BETWEEN THE CHIEF ELECTED OFFICIALS AND THE FINGER LAKES WORKFORCE INVESTMENT BOARD

Mr. Manktelow presented the following:

WHEREAS, the Workforce Investment Act (WIA) will end on June 30, 2015 with the New Law enacted as Workforce Innovation and Opportunity Act (WIOA) to begin on July 1, 2015; and

WHEREAS, the requirement is to have an Administrative Agreement between the Chief Elected Officials and the Finger Lakes Workforce Investment Board for the allocation of Title I Workforce Investment Act funds and for the designation of the One Stop (Career Center) Operator (s) and the definition of responsibilities for fiscal and program operations; and

WHEREAS, this agreement defines the responsibilities and working relationships between the Counties of Wayne, Ontario, Seneca, and Yates, and the Finger Lakes Workforce Investment Board, Inc.; and

WHEREAS, this agreement serves to define the operational as well as program and fiscal responsibilities of each party for the period of July 1, 2015 – June 30, 2016; now, therefore, be it

RESOLVED, that this Board of Supervisors authorizes the Board Chairman, and the Finger Lakes Workforce Investment Board Executive Director, to enter into this agreement with the respective parties; and be it further

RESOLVED, that certified copies of this resolution be sent by the Clerk of this Board to Ontario, Seneca, and Yates Counties, the Finger Lakes Workforce Investment Board and the Commissioner's Regional Representative of the New York State Department of Labor.

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

RULE 14 RESOLUTION

RESOLUTION NO. 351-15: AUTHORIZATION TO CREATE TEMPORARY ALS TECHNICIAN POSITION

Mr. LeRoy presented the following:

WHEREAS, currently one full time ALS Technician is out of work for an extended period of time; and

WHEREAS, it is necessary to fill this position on a temporary basis to provide critical emergency services to county residents; now, therefore, be it

RESOLVED, that one (1) full time temporary ALS Technician position is hereby created until such time as the permanent employee returns to work.

Mr. Kolczynski moved the adoption of the resolution. Seconded by Mrs. Crane. Upon roll call, all Supervisors voted Aye. Absent - Supervisors Miller and Marini. The Chairman declared the resolution adopted.

OTHER BUSINESS

Mr. LeRoy moved, seconded by Mr. Manktelow that four (4) resolutions be allowed on the floor under Other Business. Upon roll call, all Supervisors voted Aye. Absent - Supervisors Marini and Miller. Motion Carried.

RESOLUTION NO. 352-15: AUTHORIZATION TO AMEND THE 2015 COUNTY BUDGET FOR AN OFFICE OF HOMELAND SECURITY 2014 "OPERATION STONEGARDEN" GRANT PROGRAM

Mr. LeRoy presented the following:

WHEREAS, the Wayne County Sheriff's Office has been awarded a no cash match 2014 "Operation Stonegarden" grant from the Office of Homeland Security, in the amount of \$40,852.00; and

WHEREAS, a stipulation of the grant is that said funds must be used to assist in border security on and along Lake Ontario and the adjoining bays in Wayne County; and

WHEREAS, said grant funds are dedicated for the purchase of (2) Mobile License Plate Readers systems; at no cost to County taxpayers; and

WHEREAS, the Sheriff is requesting that the County accept such grant and be given authorization to purchase (2) Mobile License Plate Reader systems, at a cost not to exceed

\$40,852.00; as authorized by such grant; now, therefore, be it

RESOLVED, that the Sheriff and the Chairman of the Board of Supervisors are hereby authorized to execute any agreements associated with the 2014 "Operation Stonegarden" grant, and the Sheriff be authorized to purchase (2) Mobile License Plate Reader systems, at a cost not to exceed \$40,852.00; as authorized by such grant, and no cost to County taxpayers and upon review and approval of the County Attorney; and further, be it

RESOLVED, that Wayne County Treasurer is hereby authorized to establish a "Stonegarden" 2014 grant project account and directed to amend the 2015 County Budget as follows:

Account No A3114 - Road Patrol

(Revenue)

Amount	Object#	Object Name	Project ID	Project ID Name
\$40,852.00 To	44302	Homeland Security Federal	STG14	STONEGARDEN 14

(Appropriations)

Amount	Object#	Object Name	Project ID	Project ID Name
\$40,852.00 To	52500	Other Equipment	STG14	STONEGARDEN 14

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

RESOLUTION NO. 353-15: AUTHORIZATION SUPPORTING THE ESTABLISHMENT OF A REGISTERED MEDICAL MARIJUANA MANUFACTURING FACILITY IN WAYNE COUNTY

Mr. Spickerman presented the following:

WHEREAS, with the passage of New York's Compassionate Care Act the State will authorize five Registered Organizations to manufacture approved medical marijuana products for the treatment of serious conditions, such as ALS, Parkinson's Disease, multiple sclerosis, cancer and others by January, 2016; and

WHEREAS, each Registered Organization will also be authorized to operate four Dispensing Facilities in the State, at which patients, who are certified by a licensed practicing New York State physician, can access approved medical marijuana products to treat the specific severe debilitating or life threatening condition(s) defined in the law; and

WHEREAS, Registered Organizations must demonstrate that they have planned the complete details of the operation, including but not limited to, the sanitary production of approved medical marijuana products, site surveillance and security, and safe transportation to and from the Manufacturing Facility; and

WHEREAS, the establishment of such an enterprise in Wayne County would have various economic benefits such as new good paying jobs, tax revenue and increased local purchases of goods and services; now therefore be it

RESOLVED, that the Board of Supervisors hereby supports the establishment of such facilities within Wayne County.

Mrs. Deyo moved the adoption of the resolution. Seconded by Ms. Park.

Mr. Colacino requested to amend the resolution back to the original copy that was presented in the special committee for the Economics Development and Planning Committee, held on Monday, May 18. This resolution named the interested party, the Compassionate Care Center of New York, as well as listed the location of the former Newark Florist Site in the Village of Newark. He noted that the Town of Arcadia held a special Board meeting to pass a resolution in support of the establishment of a registered Medical Marijuana Manufacturing Facility in Newark; and that the Village would be doing the same at a board meeting scheduled for this evening.

Mr. Colacino further expressed that due to a misunderstanding, the interested parties did not attend the special committee meeting held Monday in regards to this matter.

Upon roll call for Mr. Colacino's motion to amend the resolution to list the name and location of the interested parties. No second was offered.

Mr. Baldrige moved, seconded by Mr. Colacino, to *return this resolution back to committee* for further development. Upon roll call, all Supervisors voted Nay, except Supervisors Colacino, Spickerman, Groat, Baldrige, Kolczynski and Hoffman who voted Aye. Absent – Supervisors Miller and Marini. The Chairman declared the motion Defeated.

Upon roll call on the original resolution presented, all Supervisors voted Aye, except Supervisor Baldrige who voted Nay. Absent – Supervisors Miller and Marini. The Chairman declared the Resolution adopted.

RESOLUTION NO. 354-15: AUTHORIZING CHAIRMAN TO EXECUTE AN AGREEMENT WHEREIN THE COUNTY AGREES TO SELL THE PROPERTIES BEARING TAX ID NUMBERS 75117-16-890333 AND 75117-16-894330 TO THE VILLAGE OF WOLCOTT FOR \$1.00 AND THE VILLAGE'S AGREEMENT TO INDEMNIFY THE COUNTY FOR AND AGAINST ALL FUTURE COSTS INCURRED BY THE COUNTY AS A RESULT OF THE ENVIRONMENTAL CONTAMINATION OF THE PROPERTIES

Ms. Park presented the following:

WHEREAS, the Village of Wolcott would like to acquire ownership of two properties located at 12057 East Main Street in the Village of Wolcott and bearing property Tax ID numbers of 75117-16-890333 and 75117-16-894330; and

WHEREAS, the County currently has a lien against said properties for non-payment of real property taxes; and

WHEREAS, fuel was stored in underground and/or above-ground tanks on the properties and, consequently, the County is concerned about current and future environmental contamination of the properties as well as the current and future costs associated with such contamination; and

WHEREAS, due to the potential environmental contamination of the properties and the liability associated with such contamination, the County did not include the properties in the County's pending real property tax foreclosure proceeding; and

WHEREAS, the Village of Wolcott has indicated its desire to execute an agreement with the County in which it will buy the above-described Wolcott properties for the sum of \$1.00 and, moreover, indemnify the County against any and all costs associated with the environmental contamination of the properties that the County may incur as a result of the County being in the properties' "chain of title"; and

WHEREAS, should such an agreement be executed, the County will initiate a new tax foreclosure proceeding to acquire ownership of the properties and then sell said properties to the village of Wolcott pursuant to section 72-h of the General Municipal Law; now, therefore, be it

RESOLVED, the Chairman is authorized to execute an agreement with the Village of Wolcott in which the County, once it acquires ownership of the two properties located 12057 East Main Street in the Village of Wolcott bearing property tax ID numbers of 75117-16-890333 and 75117-16-894330, will sell said properties to the Village of Wolcott for the consideration of \$1.00 and the Village's agreement to indemnify the County for and against all future costs incurred by the County as a result of the environmental contamination of the properties.

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

RESOLUTION NO. 355-15: AUTHORIZING CHAIRMAN TO EXECUTE AN AGREEMENT WHEREIN THE COUNTY AGREES TO SELL THE PROPERTY BEARING TAX ID NUMBER 77114-17-163106 TO THE TOWN OF BUTLER FOR \$1.00 AND THE TOWN'S AGREEMENT TO INDEMNIFY THE COUNTY FOR AND AGAINST ALL FUTURE COSTS INCURRED BY

THE COUNTY STEMMING FROM CODE VIOLATIONS OCCURRING ON THE PROPERTY AND/OR ENVIRONMENTAL CONTAMINATION OF THE PROPERTY

Ms. Park presented the following:

WHEREAS, the Town of Butler would like to acquire ownership of the property located at 13060 Butler Conquest Road bearing property Tax ID Number 77114-17-163106; and

WHEREAS, the County currently has a lien against said property for non-payment of real property taxes; and

WHEREAS, due to potential code violations occurring on the property as well as potential environmental contamination of the property, the property is not included in the County's pending real property tax foreclosure proceeding; and

WHEREAS, the Town of Butler has indicated its desire to execute an agreement with the County in which it will buy the above-described property for the sum of \$1.00 and, moreover, indemnify the County against any and all costs the County incurs related to code violations occurring on the property and/or any environmental contamination of the property; and

WHEREAS, should such an agreement be executed, the County will initiate a new tax foreclosure proceeding to acquire ownership of the properties and then sell said properties to the Town of Butler pursuant to section 72-h of the General Municipal Law; now, therefore, be it

RESOLVED, the Chairman is authorized to execute an agreement with the town of Butler in which the County, once it acquires ownership of the property located at 13060 Butler Conquest Road bearing property tax id number 77114-17-163106, will sell said property to the Town of Butler for the consideration of \$1.00 and the Town's agreement to indemnify the County for and against all costs incurred by the County as a result of the code violations occurring on the property and as a result of any environmental contamination of the property.

Mr. Colacino moved the adoption of the resolution. Seconded by Mr. LeRoy. Upon roll call, all Supervisors voted Aye. Mr. Spickerman Abstained from voting. Absent – Supervisors Miller and Marini. The Chairman declared the Resolution adopted.

Chairman Hoffman asked if there were any other matters to come before the Board.

Mrs. Crane requested to reintroduce Resolution No. 270-15 to set the date for a public hearing on a local law prohibiting the use of tobacco on county-owned property. This resolution was presented and defeated at the previous board session.

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 (Res. No. 270-15: DEFEATED 4/21/15 – RENEWED/ADOPTED 5/19/15)

Mrs. Crane 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, June 16, 2015 at 7:05 p.m.** in the Supervisors' Chambers in the County Court House, 26 Church Street, Lyons, New York, on the following proposed local law:

**COUNTY OF WAYNE - STATE OF NEW YORK
INTRO NO. 6 - 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 it shall finally have been adopted, pursuant to §27 of the Municipal Home Rule.

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

Mr. Spickerman addressed the Board to state that he would not be supporting this resolution as we should not introduce regulations and mandates on citizens as we have other problems in this county to focus on.

Other comments were made regarding the enforcements of this law on County property, if it were established.

Supervisor Crane noted that these were all good comments; however, the purpose of this resolution is to set the date for a public hearing. Support of this resolution today would allow members of the public to comment at the hearing.

Upon roll call, all Supervisors voted Aye, except Supervisors Spickerman, Baldrige, LeRoy and Kolczynski who voted Nay. Absent - Supervisors Miller and Marini. The Chairman declared the Resolution adopted.

Prior to adjournment, Chairman Hoffman announced that immediately following the this Board session, Human Resources Director, Charles Dye, will be holding a training session on the County's Workplace Violence Prevention Program, in the first floor conference room in this building. This should take less than 30 minutes.

ADJOURNMENT:

The next scheduled meeting of the Board will be an evening session, Tuesday, June 16, 2015 at 7:00 p.m.

Mr. Kolczynski moved, seconded by Mr. LeRoy, that the board adjourn at 11:02 a.m. Carried.

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