

# Wayne County Board of Supervisors

## AGENDA

Tuesday, October 17<sup>th</sup>, 2023  
Wayne County Public Safety Building  
Emergency Management Office  
9:00 a.m.

### PLEDGE & PRAYER

### ROLL CALL

### APPROVAL OF MINUTES

### COMMUNICATIONS:

The County Auditor's Accounts Payable Report for monthly utilities, miscellaneous payments including the October 2, 2023 warrants for accounts payable, totaling \$6,088,070.30 was received and filed.

The Sheriff's Office Cash Receipts Report dated September 22, 2023 totaling \$17,907.75 was received and filed.

Fulton County Resolution 390 was received in regards to a Resolution Supporting Senate Bill S7645 That Repeals Certain Provisions of the Executive Law Establishing a Fee for Background Checks on Certain Firearm and Ammunition Purchases.

A notice, issued in accordance with SEQRA procedures, was received in regards to the Adoption of a New Toll Schedule Regulation for the New York State Thruway Authority.

A letter from Alan Isselhard regarding Asylum Seekers relocating to Wayne County was received and filed.

Ontario County Resolution 535-2023 was received appointing Kyle Lovell to the Finger Lakes Workforce Development Board and the Finger Lakes Workforce Investment Board, Inc.

### PROCLAMATION

Domestic Violence Awareness Month – October 2023

Major James Miller – Life Saving Actions

### PUBLIC HEARING

Amendment of Local Law 5-2015, to Include the Prohibition of the Use of Cannabis Products 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

### PRIVILEGE OF THE FLOOR

### SCHEDULED BUSINESS

#### COM. #7 – HUMAN SERVICES – DONALTY, LEONARD, JOHNSON, Verno, METTLER

7-1 Authorization to Enter Into an Agreement with International Data Base Corp DBA Bidnet for the Provision of Additional Modules for the Bidnet Platform

7-2 Authorization to Transfer Funds to Medicaid Budget

7-3 Authorization to Sign Agreement with Wayne County Public Health for the Provision of Nursing Assessments

7-4 Authorization to Contract with Northwoods for Hardware and Software Technology

7-5 Authorization for the Wayne County Child Advocacy Center to use the Wayne County Logo

**COM. #6 – HEALTH AND MEDICAL SERVICES – ROBUSTO, GROAT, BENDER, BRADY, ROSE**

- 6-1 Authorization to Increase User Licenses for Iclaim Systems Corp, DBA ICentral
- 6-2 Authorization to Execute Contract with Jamie Randall to Provide Related Services to Preschool Children with Handicapping Conditions for Wayne County Public Health
- 6-3 Authorization to Amend the 2023 Wayne County Public Health Budget
- 6-4 Authorization to Release a Request for Proposals for the Provision of Accounting Services Related to Article 6 State Aid Application and Quarterly Claims for Wayne County Public Health
- 6-5 Authorization to Amend Contract with Sodexo
- 6-6 Authorization to Renew Contract with Michael S. Adsit, DDS for Dental Services for the Wayne County Nursing Home
- 6-7 Authorization to Renew Contract with MDS Consultant, LLC for the Wayne County Nursing Home
- 6-8 Authorization to Renew Contract with Rochester Regional Health for Medical Director for the Wayne County Nursing Home
- 6-9 Authorization to Renew Contract with Simple LTC for the Wayne County Nursing Home
- 6-10 Authorization to Enter Into a Provider Agreement with Independent Health for the Wayne County Nursing Home
- 6-11 Authorization to Contract with Bonadio & Co. LLP for Assistance with OMIG Audit 19-6250 for the Wayne County Nursing Home
- 6-12 Authorization to Submit Application to New York State Department of Health to Become a Medicaid Transportation Provider for the Wayne County Nursing Home

**COM. #5 – GOVERNMENT OPERATIONS – LASHER, DONALTY, KOLCZYNSKI, CHATFIELD, ROSE**

- 5-1 Authorization to Sign Intermunicipal Agreement with Ontario County for Pre-K Transportation
- 5-2 Authorization to Amend 293-23 Establishing Pay Rates for Election Workers
- 5-3 Adoption of Local Law on the Proposed Amendment of Local Law 5-2015, Which Prohibited the 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, to Include the Prohibition of the Use of Cannabis Products

**COM. #4 – EC DEV & PLANNING – JOHNSON, GROAT, CHATFIELD, ROBUSTO, LASHER**

- 4-1 Authorization to Accept EPA 2023 Brownfield Coalition Assessment Grant
- 4-2 Authorization to Set Public Hearing for 8-Year Review of Certified Agricultural District Number 1 and Approve Review Schedule
- 4-3 Authorization to Set Date for Public Hearing on Proposed Local Short Form EAF for Agricultural District Review and Modification

**COM. #3 – PUBLIC WORKS – CHATFIELD, KOLCZYNSKI, Verno, METTLER, BRADY**

- 3-1 Authorization to Sign Proposal for Additional Design Services with Bergmann Relating to the Highway Patrol Barn Project
- 3-2 Authorization to Sign Agreement with Labella Associates for the Architectural and Engineering Services for the Construction of Two Additional Ambulance Bases
- 3-3 Authorization to Declare Vehicles Surplus in the Public Works Department
- 3-4 Authorization to Amend the 2023 Central Garage Budget
- 3-5 Authorization to Close Completed Construction Projects and Amend the Highway Department 2023 Budget
- 3-6 Authorization to Extend Contract Term with BME Associates
- 3-7 Authorization to Sign Agreement with US Army Corps of Engineers for Temporary Use of the

**COM. #2 – PUBLIC SAFETY – Verno, Van Laeken, Donalty, Bender, Rose**

- 2-1 Authorization to Purchase 3 Year Sophos Cyber Security Maintenance Agreement
- 2-2 Authorization to Create One Temporary Full Time Radiological/Hazmat Officer Position
- 2-3 Authorization to Purchase Land in the Town of Rose for Wayne County EMS
- 2-4 Authorization to Purchase Land in the Town of Walworth for Wayne County EMS
- 2-5 Authorization to Execute an Agreement Addendum with Flex Financial for EMS Equipment
- 2-6 Authorization to Contract with Boldplanning for Continuity of Operations Planning Refresher Workshops
- 2-7 Authorization to Accept the 2023 State Homeland Security Program (SHSP)
- 2-8 Authorization to Accept the FY2023 Emergency Management Performance Grant (EMPG)
- 2-9 Authorization to Execute One Year Extension Agreement for ILS Contract #CAFA354, Between the New York State Office of Indigent Legal Services and the County of Wayne
- 2-10 Authorization to Contract with Paul Harkness for Diener Services
- 2-11 Authorization to Contract with William Dean, M.D. for Pathologist Services
- 2-12 Authorization to Adopt New Coroner's Fee Schedule for Body Removal and Transportation Services and Authorization of Contracts with Wayne County Funeral Homes and Contiguous Counties

**COM. #1 – FINANCE – Leonard, Bender, Groat, Robusto, VanLaeken**

- 1-1 Authorization to Share Defense Costs for Real Property Tax Assessment Review Proceedings (Article 7 Litigation)
- 1-2 Authorization to Contract with Auctioneer Service
- 1-3 Authorization to Accept Sealed Bid and Execute Quit Claim Deed for Sale of County Property Town of Williamson
- 1-4 Setting Date For A Public Hearing On The Proposed Amendment Of Local Law 2-1995 As Amended By Local Law 2-2019 Which Provided For The Installment Payment Of Eligible Delinquent Real Property Tax
- 1-5 Authorization to Amend the 2023 Wayne County Treasurer's Budget
- 1-6 Authorization to Approve Advertising Fees for Delinquent Taxes for Calendar Years 2024, 2025 And 2026
- 1-7 Adopting a Policy to Require All New Vendors to Receive Epayment Starting in 2024 and to Transition All Vendors to Epayments by the End of 2026
- 1-8 Setting Date for Public Hearing on the 2024 Wayne County Tentative Budget
- 1-9 Authorization to Amend the 2023 Sheriff's Office Budget and Expend Funds for the Purchase and Implementation of the TAP App Fourdscape
- 1-10 Authorization to Award Bid for Wayne County Jail Annex Repurposing Project and Amend Project Budget

**OTHER BUSINESS**

**ADJOURNMENT**

The next meeting of the Wayne County Board of Supervisors is scheduled for **Tuesday, November 21<sup>st</sup>, 2023 at 9 a.m.** in the Emergency Management Department, 7376 Route 31, Suite 2000, Lyons, NY.

**RESOLUTION 7-1: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH INTERNATIONAL DATA BASE CORP DBA BIDNET FOR THE PROVISION OF ADDITIONAL MODULES FOR THE BIDNET PLATFORM**

Mr. Donalty presented the following:

WHEREAS, the Wayne County Purchasing Department has been using the BidNet platform to post, accept, and evaluate bids, RFPs, and RFQs in an electronic format, all of which have created efficiencies within the solicitation process by providing tools that allow electronic proposals to be received and evaluated digitally and allows for evaluators to be managed easier through automated reminders and a user-friendly interface, in addition to creating a clearer audit trail in the case of an audit; and

WHEREAS, BidNet offers additional modules that allow for greater integration of the procurement cycle; and

WHEREAS, one module, Contract Lifecycle Management (CLM) allows for the approved bids/proposals to be automatically pulled into a software module that can electronically manage the development of the corresponding contracts as a result of a solicitation. The module allows the County departments to work collaboratively in the contract process without the need for excessive emails or contract revisions between vendors, the County Attorney's office, and multiple County departments; and

WHEREAS, In addition to the collaborative contract construction, the module allows for greater monitoring of contracts due to integrations with the County's financial software MUNIS and allows for automated messages to all parties involved of upcoming deadlines for contract renewals or expiration of certain documents managed by the County Attorney's Office such as Insurance certificates; and

WHEREAS, other modules that are offered that would benefit County Operations are: the Requestor Module, which allows departments to request contracts and solicitations electronically, the RFX Module, a collaborative module for solicitation development and review, and the Vendor Performance Module which would allow the County to regularly monitor and evaluate the vendor performance on the delivery of relevant services, all of which integrate to allow for a more complete view of the procurement life cycle (service request to contract to renewal/re-issue); and

WHEREAS, the Department of Social Services (DSS) has a large number of contracts annually that require multiple people to collaborate efficiently in order to achieve full execution of a new/renewed contract prior to the expiration of prior agreements; and

WHEREAS, the DSS staff in conjunction with the Purchasing Department has been researching options for this type of software and evaluated the cost/benefits of any options found; and

WHEREAS, the cost of implementation of both software modules is \$48,852 with a fee for Year 2 of \$21,321 and Year 3 of \$21,960.63 for support and maintenance, which is covered under the TIPS Contract 23015; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is authorized to sign an agreement with BidNet for the provision of the Requestor Module, RFXPackage, Contract Lifecycle Management (CLM) Team Edition, and Vendor Performance modules, subject to review and approval of the County Attorney as to form and content.

**RESOLUTION 7-2: AUTHORIZATION TO TRANSFER FUNDS TO MEDICAID BUDGET**

Mr. Donalty presented the following:

WHEREAS, the Department of Social Services (DSS) approved 2023 budget appropriated \$12,000,000 for the cost of Medicaid Weekly Shares; and

WHEREAS, the New York State Department of Health Medicaid Financial Management Office has notified the Commissioner of DSS that there will be 2 upcoming Medicaid weekly share amount increases throughout the end of the County fiscal year; and

WHEREAS, it is estimated that DSS will need an additional \$700,00 allocated to their budget to offset these increases; now, therefore, be it

RESOLVED, that the County Treasurer is authorized to transfer \$700,000 from Unassigned General Fund Balance and make the following 2023 County budget amendments:

**A6100 Medicaid**

(Appropriations)

\$700,000 to 54000 Contractual Services

**RESOLUTION 7-3: AUTHORIZATION TO SIGN AGREEMENT WITH WAYNE COUNTY PUBLIC HEALTH FOR THE PROVISION OF NURSING ASSESSMENTS**

Mr. Donalty presented the following:

WHEREAS, The Wayne County Department of Social Services has a need to provide Nursing Assessments for clients to determine an appropriate Plan of Care. In addition, once established, a Plan of Care must be reassessed at intervals determined by the type of Care being provided; and

WHEREAS, the State of New York continues to take on more of these assessments and reassessments with New York Independent Assessors; and

WHEREAS, until recently, the Wayne County Department of Social Services employed a Registered Nurse to conduct the needed assessments. With the recent resignation of that employee, the need for a full-time employee to continue conducting these assessments was evaluated. It was determined that the need for assessments could be met through other means; and

WHEREAS, Wayne County Public Health has the Registered Nurses in their organization who would meet the required standards for conducting assessments; and

WHEREAS, it is in the best interest to maintain contracts with those individuals or agencies who employ said individuals, who meet the required standards; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute an agreement with Wayne County Public Health for the time frame of 9/1/2023-12/31/2025 for the provision of assessments services to be conducted by a Registered Nurse at the rate of \$50 per hour to determine appropriateness of services, subject to the County Attorney's approval as to form and content for an amount not to exceed \$25,000; and be it further

RESOLVED, that the County Treasurer is authorized to make the following 2023 county budget amendments:

**A1990 Contingent Fund General**

(Appropriations)

\$7,500 from 54000 Contractual Expenses

**A6010 Department of Social Services**

(Revenue)

\$12,500 to 44610 Social Services Administration Federal

\$5,000 to 43610 Social Services Administration State

(Appropriations)

\$25,000 to 54500 Contractual Services

**RESOLUTION 7-4: AUTHORIZATION TO CONTRACT WITH NORTHWOODS FOR HARDWARE AND SOFTWARE TECHNOLOGY**

Mr. Donalty presented the following:

WHEREAS, The Wayne County Department of Social Services is committed to improving efficiencies to allow for more timely and effective provision of services to our Wayne County Community; and

WHEREAS, Northwoods is an experienced provider of hardware and software that would improve the efficiencies at the Wayne County Department of Social Services; and

WHEREAS, Northwoods has a New York State Office of General Services Contract; and

WHEREAS, it is in the best interest of both clients and staff to be efficient in the provision and delivery of services; now, therefore, be it

RESOLVED, that the Wayne County Department of Social Services is authorized to initiate a contract with Northwoods for installation of hardware and software in the DSS building; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute a contract with Northwoods on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content; and be it further

RESOLVED, that the County Treasurer is authorized to transfer \$139,500 from Unassigned General Fund Balance and make the following 2023 county budget amendments:

**A6010 Department of Social Services**

(Revenue)

\$232,500 to 44610 Social Services Administration Federal

\$93,000 to 43610 Social Services Administration State

(Appropriations)

\$465,000 to 54475 Software

**COM. #6 – HEALTH AND MEDICAL SERVICES – ROBUSTO, GROAT, BENDER, BRADY, ROSE**

**RESOLUTION 6-1: AUTHORIZATION TO INCREASE USER LICENSES FOR ICLAIM SYSTEMS CORP, DBA iCENTRAL**

Mr. Robusto presented the following:

WHEREAS, Resolution No. 261-21 established a contract with ICLAIM Systems Corp DBA iCentral by "piggybacking" off of Tompkins County's contract; and

WHEREAS, Wayne County Public Health (WCPH) currently holds eight iCentral user licenses; and

WHEREAS, WCPH has hired an additional Early Intervention Service Coordinator that needs access to the iClaim system for documentation purposes, thus increasing the monthly rate from \$1250 to \$1275 per month due to the additional user, beginning September 1, 2023; now, therefore, be it

RESOLVED, that the Director of Public Health is hereby authorized to obtain one additional iCentral user license for a total of nine (9) user licenses for a monthly total amount of \$1275, beginning September 1, 2023, for a total amount not to exceed \$5,100 for the remainder of the contract that expires on December 31, 2023.

**RESOLUTION 6-2: AUTHORIZATION TO EXECUTE CONTRACT WITH JAMIE RANDALL TO PROVIDE RELATED SERVICES TO PRESCHOOL CHILDREN WITH HANDICAPPING CONDITIONS FOR WAYNE COUNTY PUBLIC HEALTH**

Mr. Robusto presented the following:

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

WHEREAS, Jamie Randall has been approved by the New York State Education Department to provide Related Services to preschool children with handicapping conditions; and

WHEREAS, Wayne County Public Health wishes to contract with Jamie Randall for the provision of Related Services for the period of October 1, 2023 to June 30, 2024 for the following services and rates:

- Physical Therapy - \$80/.5hr;
- Group (up to 5) - \$50/.5hr;
- Coordination of Services - \$50/.5hr

now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute a contract, and sign any future contract amendments, with Jamie Randall to provide Related Services to preschool children with handicapping conditions for the above listed services and rates for the period of October 1, 2023 to June 30, 2024, subject to the approval of the County Attorney as to form and content.

**RESOLUTION 6-3: AUTHORIZATION TO AMEND THE 2023 WAYNE COUNTY PUBLIC HEALTH BUDGET**

Mr. Robusto presented the following:

WHEREAS, Resolution No. 299-23 authorized Wayne County Public Health to enter into an agreement with Health Research, Inc to accept the Public Health Infrastructure award of \$129,427 annually for five years, with a total amount not to exceed \$647,135; and

WHEREAS, at that time, the specifics of the budget for the Public Health Infrastructure funding had not been fully finalized; and

WHEREAS, the budget has now been finalized and it has been identified that new budget lines need to be established; now, therefore, be it

RESOLVED, that the Treasurer is hereby authorized to amend the 2023 Public Health budget as follows:

**A4010 Public Health**

(Revenue)

\$22836 to .43453 PH Infrastructure

(Appropriations)

\$20,981 to .54100 PHINF Supplies

\$750 to .54485 PHINF Travel

\$1105 to .54485 PHINF Travel

**RESOLUTION 6-4: AUTHORIZATION TO RELEASE A REQUEST FOR PROPOSALS FOR THE PROVISION OF ACCOUNTING SERVICES RELATED TO ARTICLE 6 STATE AID APPLICATION AND QUARTERLY CLAIMS FOR WAYNE COUNTY PUBLIC HEALTH**

Mr. Robusto presented the following:

WHEREAS, Wayne County Public Health (WCPH) is required annually to submit an Article 6 State Aid Application to the New York State Department of Health; and

WHEREAS, once the Application is approved, WCPH is eligible to seek quarterly reimbursements for the provision of Core Public Health Services; and

WHEREAS, due to staffing changes within the Public Health Agency, institutional knowledge of how to create the Article 6 State Aid Application and the quarterly reimbursement claims has been lost; and

WHEREAS, upon review of what is required to fulfill the requirements of Article 6 State Aid Applications and the quarterly claims process and to rebuild an institutional knowledge base of what was lost, it was determined to be more advantageous to the WCPH to seek outside assistance with the process; and

WHEREAS, WCPH is desirous of releasing a Request for Proposals and contract with an accounting service that can perform these tasks beginning in 2024 for a term of up to three years; now, therefore be it

RESOLVED, Wayne County Public Health in conjunction with the County Purchasing Department is authorized to release a Request for Proposals for the provision of accounting services related to Article 6 State Aid Application and quarterly claims for Wayne County Public Health.

**RESOLUTION 6-5: AUTHORIZATION TO AMEND CONTRACT WITH SODEXO**

Mr. Robusto presented the following:

WHEREAS, the Wayne County Nursing Home is currently contracted with Sodexo for dietary, housekeeping, and maintenance services pursuant to resolution 260-21; and

WHEREAS, the original request for proposals was issued prior to the issuance of the staffing mandate imposed by the State of New York; and

WHEREAS, this staffing mandate has resulted in a reduced resident census at the Nursing Home that is expected to continue into the foreseeable future; and

WHEREAS, this reduction in census has resulted in a decrease in demand for dietary and housekeeping services for the Nursing Home residents; and

WHEREAS, following several meetings and discussions with Sodexo a contract amendment has been proposed to decrease the operating expenses at the Nursing Home in correlation with this reduction in resident census; and

WHEREAS, the County Auditor has reviewed the contract amendment proposal and determined that the acceptance of this contract amendment is financially advantageous for the County; now therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized to accept the reduced pricing that results in a financial savings to the County for the dietary and housekeeping services provided to the Wayne County Nursing Home; and be it further

RESOLVED, that the Chairman of the Board of Supervisors is authorized to sign a contract amendment that memorializes this new pricing structure following a thorough review of this contract amendment by the County Attorney as to form and content.

**RESOLUTION 6-6: AUTHORIZATION TO RENEW CONTRACT WITH MICHAEL S. ADSIT, DDS FOR DENTAL SERVICES FOR THE WAYNE COUNTY NURSING HOME**

Mr. Robusto presented the following:

WHEREAS, the contract with Michael S. Adsit, DDS became effective January 1, 2023 and terminating on December 31, 2023 with the option to renew for two (2) additional one (1) year periods by mutual agreement between the parties; and

WHEREAS, the County wishes to renew the agreement for the first period of one (1) year; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is authorized and directed to execute a renewal letter on behalf of the Wayne County Nursing Home, subject to the County Attorney's approval as to form and content for the period January 1, 2024 – December 31, 2024 pursuant to contract specifications.

**RESOLUTION 6-7: AUTHORIZATION TO RENEW CONTRACT WITH MDS CONSULTANT, LLC FOR THE WAYNE COUNTY NURSING HOME**

Mr. Robusto presented the following:

WHEREAS, the contract with MDS Consultant, LLC became effective January 1, 2022 and terminating on December 31, 2022 with the option to renew for two (2) additional one (1) year periods by mutual agreement between the parties; and

WHEREAS, the County wishes to renew the agreement for the second period of one (1) year; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors be authorized and directed to execute a renewal letter on behalf of the Wayne County Nursing Home, subject to the County Attorney's approval as to form and content for the period January 1, 2024 – December 31, 2024 pursuant to contract specifications.

**RESOLUTION 6-8: AUTHORIZATION TO RENEW CONTRACT WITH ROCHESTER REGIONAL HEALTH FOR MEDICAL DIRECTOR FOR THE WAYNE COUNTY NURSING HOME**

Mr. Robusto presented the following:

WHEREAS, the contract with Rochester Regional Health became effective January 1, 2023 and terminating on December 31, 2023 with the option to renew for two (2) additional one (1) year periods



by mutual agreement between the parties; and

WHEREAS, the County wishes to renew the agreement for the first period of one (1) year; NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Wayne County Board of Supervisors be authorized and directed to execute a renewal letter on behalf of the Wayne County Nursing Home, subject to the County Attorney's approval as to form and content for the period January 1, 2024 – December 31, 2024 pursuant to contract specifications.

**RESOLUTION 6-9: AUTHORIZATION TO RENEW CONTRACT WITH SIMPLE LTC FOR THE WAYNE COUNTY NURSING HOME**

Mr. Robusto presented the following:

WHEREAS, the contract with Simple LTC became effective January 1, 2022 and terminating on December 31, 2022 with the option to renew for two (2) additional one (1) year periods by mutual agreement between the parties; and

WHEREAS, the County wishes to renew the agreement for the second period of one (1) year; now, therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors be authorized and directed to execute a renewal letter on behalf of the Wayne County Nursing Home, subject to the County Attorney's approval as to form and content for the period January 1, 2024 – December 31, 2024 pursuant to contract specifications.

**RESOLUTION 6-10: AUTHORIZATION TO ENTER INTO A PROVIDER AGREEMENT WITH INDEPENDENT HEALTH FOR THE WAYNE COUNTY NURSING HOME**

Mr. Robusto presented the following:

WHEREAS, the Wayne County Nursing Home (WCNH) accepts commercial and managed Medicare insurance plans for approved skilled nursing stays, therapy, and other eligible charges; and

WHEREAS, Independent Health provides commercial and managed Medicare insurance plans to residents in our area; and

WHEREAS, WCNH would like to become a provider for Independent Health, allowing WCNH to bill Independent Health for any eligible charges for resident care; and

WHEREAS, WCNH can accept referrals for persons with Independent Health insurance, increasing admissions options for residents and the Home; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors, on behalf of the Wayne County Nursing Home, is hereby authorized to sign an agreement with Independent Health, for the Wayne County Nursing Home to provide services related to resident care in a skilled nursing facility and to accept funds from Independent Health for approved services, to take effect upon credentialing and approval of Independent Health, subject to the approval of the County Attorney as to form and content.

**RESOLUTION 6-11: AUTHORIZATION TO CONTRACT WITH BONADIO & CO. LLP FOR ASSISTANCE WITH OMIG AUDIT 19-6250 FOR THE WAYNE COUNTY NURSING HOME**

Mr. Robusto presented the following:

WHEREAS, the Office of the Medicaid Inspector General (OMIG) recently completed an audit of the Wayne County Nursing Home (WCNH), referenced as OMIG Audit #19-6250, which spans the Medicaid rate years of 2013 through 2016; and

WHEREAS, OMIG had audit findings that required a response within a short amount of time by WCNH; and

WHEREAS, WCNH sought assistance from Bonadio & Co., LLP (Bonadio), on April 12, 2023, to seek an extension for the reply and remediation of the findings; and

WHEREAS, Bonadio has assisted in obtaining an extension, review of the audit, and formatted a reply for WCNH; and

WHEREAS, OMIG has yet to respond to the audit reply submitted by Bonadio on behalf of WCNH

on June 26, 2023, and there may be additional assistance required from Bonadio upon the receipt of the OMIG response; and

WHEREAS, WCNH has exceeded the discretionary spending amount budgeted for this type of assistance; and

WHEREAS, Bonadio cannot provide an end date or total cost of the engagement without a response from OMIG; and

WHEREAS, Bonadio has provided an engagement letter with the hourly rates of staff that may be utilized in this engagement; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors, on behalf of the Wayne County Nursing Home, is hereby authorized to enter into an agreement with Bonadio & Co. LLP, to provide services related to OMIG Audit 19-6250 as outlined in the engagement letter from April 12, 2023 through December 31, 2025, subject to the approval of the County Attorney as to form and content.

**RESOLUTION 6-12: AUTHORIZATION TO SUBMIT APPLICATION TO NEW YORK STATE DEPARTMENT OF HEALTH TO BECOME A MEDICAID TRANSPORTATION PROVIDER FOR THE WAYNE COUNTY NURSING HOME**

Mr. Robusto presented the following:

WHEREAS, The Wayne County Nursing Home (WCNH) has the ability to provide transportation to its residents for medical appointments; and

WHEREAS, many residents requiring transportation are Medicaid eligible at WCNH; and

WHEREAS, in order to receive Medicaid reimbursement for the provision of transportation, WCNH must submit an application to become an enrolled Medicaid transportation provider and receive approval from the New York State Department of Health (NYSDOH); and

WHEREAS, WCNH wishes to become an enrolled Medicaid transportation provider; and

WHEREAS, the fee for this application to NYSDOH is waived due to WCNH being an enrolled Medicare provider; now, therefore, be it

RESOLVED; that the Wayne County Nursing Home may submit an application to the New York State Department of Health to become an authorized Medicaid Transportation provider and able to receive Medicaid funds for eligible transportation provided; and, be it further

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign the application, on behalf of the Wayne County Nursing Home, subject to approval by the County Attorney as to form and content .

**COM. #5 – GOVERNMENT OPERATIONS – LASHER, DONALTY, KOLCZYNSKI, CHATFIELD, ROSE**

**RESOLUTION 5-1: AUTHORIZATION TO SIGN INTERMUNICIPAL AGREEMENT WITH ONTARIO COUNTY FOR PRE-K TRANSPORTATION**

Mr. Lasher presented the following:

WHEREAS, Wayne County Public Health (WCPH) holds a contract with Transpo Busing Service to provide out of county transportation for developmental and physically handicapped children receiving services from the Early Intervention Program and the Pre-K Program; and

WHEREAS, Ontario County Public Health (OCPH) has a child, who has not received services due to lack of transportation available. This child requires transportation from childcare in Penfield, NY to Liberty Post in Webster, NY; and

WHEREAS, OCPH's contracted transportation service cannot accommodate the transportation for this child; and

WHEREAS, OCPH has requested to enter into an Intermunicipal Agreement between OCPH and WCPH for the provision of transportation by Transpo Busing Services from the childcare site in Penfield, NY to Liberty Post in Webster, NY for this child; and

WHEREAS, Transpo Busing Service has agreed to transport this child in a five point harness for a rate of \$390 round trip/day for the period of October 18, 2023 to June 30, 2024; now, therefore, be it

RESOLVED that the Chairman of the Board of Supervisors is hereby authorized to sign an Intermunicipal Agreement with Ontario County Public Health on behalf of Wayne County Public

Health for the period of October 18, 2023 to June 30, 2024, at a cost set under the contract between Transpo and Ontario County, to transport an Ontario County child in a five point harness from childcare in Penfield, NY to Liberty Post in Webster, NY, subject to the approval of the County Attorney as to form and content.

**RESOLUTION 5-2: AUTHORIZATION TO AMEND RESOLUTION 293-23 ESTABLISHING PAY RATES FOR ELECTION WORKERS**

Mr. Lasher presented the following:

WHEREAS, Resolution 293-23 established the pay rates for Poll Workers and Chairs/Co-chairs at a rate of \$20 per hour and \$25 per hour, respectively; and

WHEREAS, upon further analysis, the Board of Elections is desirous of establishing a daily flat rate on election days for Poll Workers and Chairs/Co-chairs based on a 16 hour day at the previously authorized hourly rates; and

WHEREAS, a set daily rate of pay for Election Day workers will alleviate much of the administrative burden at the Board of Elections caused by the current hourly system; and

WHEREAS, the new daily rates for Election Day Poll Workers and Chairs/Co-chairs for primary and general elections would be set as follows:

Poll Worker - \$320 per day

Chairs/Co-chairs- \$400 per day

now, therefore be it

RESOLVED, that the Wayne County Board of Supervisors authorizes the amendment of Resolution 293-23 eliminating hourly rates for Poll Workers and Chairs/Co-chairs and establishing a daily rate for Poll Workers and Chairs/Co-chairs for all primary and general election days.

**RESOLUTION 5-3: ADOPTION OF LOCAL LAW ON THE PROPOSED AMENDMENT OF LOCAL LAW 5-2015, WHICH PROHIBITED THE 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, TO INCLUDE THE PROHIBITION OF THE USE OF CANNABIS PRODUCTS**

Mr. Lasher presented the following:

RESOLVED, a proposed amendment to Local Law 5-2015 prohibiting the use of cannabis products was presented to the Board of Supervisors on September 19<sup>th</sup>, 2023; and be it further

RESOLVED, that a public hearing on the proposed amendment to the local law was held by the Board of Supervisors on October 17, 2023, in accordance with the notice of hearing duly posted and published in the manner prescribed by law, and be it further

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

**COUNTY OF WAYNE - STATE OF NEW YORK  
LOCAL LAW NO.7 FOR THE YEAR 2023**

A local law amending Local Law 5-2015, entitled "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 Building", to include the prohibition of the use of cannabis products

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

**SECTION 1: TITLE**

This law shall be known as: A Local Law Prohibiting the Use of Tobacco, E-Cigarettes and Cannabis Products 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;

And further finds that"

- (III) The use of cannabis products should be prohibited on county owned or leased property because:
- A. Secondhand marijuana smoke contains many of the same toxic and carcinogenic chemicals found in tobacco smoke; and
  - B. The tetrahydrocannabinol (THC) contained in marijuana and responsible for its psychoactive effects can be passed to infants and children through secondhand marijuana smoke; and
  - C. The fine particulate matter contained in marijuana smoke can cause people of all ages to experience lung irritation, asthma attacks and more frequent respiratory infections and can exacerbate health problems, particularly for those with pre-existing medical conditions.

### **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 provides 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. "use of cannabis products" shall mean the smoking or vaping of cannabis or concentrated cannabis products as those terms are defined by §222.00 of the New York State Penal Law; and
- D. "smoking" shall mean to inhale or exhale the smoke or vapor of burning tobacco, tobacco substitute, cannabis or concentrated cannabis and also to carry burning tobacco, tobacco substitute, cannabis or concentrated cannabis 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, E-Cigarette and Cannabis Products 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 use tobacco products in a privately-owned vehicle being used for a county purpose if the driver is sole occupant of the vehicle; and
- C. Within 25 feet 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 Highway Law.
- C. Public Parklands other than any state parks and/or historic sites enumerated in 9 NYCRR 386.1 located within Wayne County, 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 and vaping shall be unlawful in any area where smoking and vaping are 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, e-cigarette or cannabis products 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.

## **COM. #4 – EC DEV & PLANNING – JOHNSON, GROAT, CHATFIELD, ROBUSTO, LASHER**

### **RESOLUTION 4-1: AUTHORIZATION TO ACCEPT EPA 2023 BROWNFIELD COALITION ASSESSMENT GRANT**

Mr. Johnson presented the following:

WHEREAS, The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or the Superfund Law) was amended by the Small Business Liability Relief and Brownfields Revitalization Act (Brownfields Law) to include section 104(k), which provides federal financial assistance for brownfields revitalization, including grants for assessment, cleanup, and revolving loan funds; and

WHEREAS, Resolution No. 536-22: authorized an EPA 2023 Brownfield Assessment coalition grant with coalition partners of the Town of Lyons, the Village of Newark and the Greater Rochester Enterprise to fund among other things, conducting site assessments, and developing cleanup plans and reuse plans related to brownfield sites; and

WHEREAS, the grant funds and project scope allows testing to be performed on eligible sites throughout the County, now, therefore, be it

RESOLVED, the Board of Supervisors accepts the award of a FY23 Brownfield Assessment Coalition Grant of \$1,000,000 grant funding from the EPA; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute Coalition member agreements with the Coalition members on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute any agreements or documents necessary to implement the resolution on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content.

## **COM. #3 – PUBLIC WORKS – CHATFIELD, KOLCZYNSKI, VERO, METTLER, BRADY**

### **RESOLUTION 3-1: AUTHORIZATION TO SIGN PROPOSAL FOR ADDITIONAL DESIGN SERVICES WITH BERGMANN RELATING TO THE HIGHWAY PATROL BARN PROJECT**

Mr. Chatfield presented the following:

WHEREAS, Bergmann has been working on final design documents for the new Wayne County Highway Patrol Barn located at 13834 Messner Road in Savannah, NY; and

WHEREAS, during the project design Bergmann has identified that the project site will need further Natural Resource review and a Storm Water Pollution Prevention Plan (SWPPP); and

WHEREAS, Bergmann has provided a proposal for these additional services and design at a cost of \$13,900; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to sign the proposal for additional design services on behalf of the County of Wayne for the additional not-to-exceed cost of 13,900.00, subject to the approval of the County Attorney as to

form and content.

**RESOLUTION 3-2: AUTHORIZATION TO SIGN AGREEMENT WITH LABELLA ASSOCIATES FOR THE ARCHITECTURAL AND ENGINEERING SERVICES FOR THE CONSTRUCTION OF TWO ADDITIONAL AMBULANCE BASES**

Mr. Chatfield presented the following:

WHEREAS, per resolution 442-22 the Board of Supervisors adopted the Wayne County EMS Transporting Agency Implementation Plan; and

WHEREAS, the plan calls for the establishment of four ambulance bases; and

WHEREAS, resolution 549-22 authorizes an agreement with Labella Associates for the architectural and engineering services relating to the Sodus (North) and Lyons (South) ambulance bases; and

WHEREAS, the implementation plan also calls for ambulance bases in the east and west parts of the County; and

WHEREAS, the design for the two additional sites will be a duplication of the building designed for the Sodus site; and

WHEREAS, the east and west sites will require property subdivision and additional site design, and permitting; and

WHEREAS, it is advantageous for the County to continue to working with LaBella Associates as they have already done 95% of the building design work; and

WHEREAS, Labella has provided a cost not to exceed of \$250,000.00 for design through bidding tasks for East and West ambulance bases; and;

WHEREAS, the Fiscal Assistant and Deputy Superintendent of Public Works recommends creating a separate project account for the East and West ambulance bases for better project cost tracking, now, therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to sign the proposal on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with LaBella Associates for detailed design services thought contract bidding associated with the construction of the East and West ambulance bases at a not to exceed cost of \$250,000.00 and be it further

RESOLVED, that the following project account EMS2 – CWEMS Phase 2 be created; and be it further

RESOLVED, that the County Treasurer is authorized to transfer \$250,000.00 from General Fund Unassigned Fund Balance; and be it further

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

**A9950 Transfer to Capital Fund Projects**

(Appropriations)

\$ 250,000to            59711            (EMS2 – CWEMS Phase 2)

**H1930 New Buildings**

(Revenues)

\$250,000 to            45031            Interfund Transfer (EMS2 – CWEMS Phase 2)

(Appropriations)

\$250,000 to            52573            Architect/Engineer (EMS2 – CWEMS Phase 2)

**RESOLUTION 3-3: AUTHORIZATION TO DECLARE VEHICLES SURPLUS IN THE PUBLIC WORKS DEPARTMENT**

Mr. Chatfield presented the following:

WHEREAS, the Highway Department has the vehicle and items listed below that should be disposed of as noted:

2008 Chevrolet Impala (MH)

VIN 2G1WB58N181312726

AUCTION



2018 Ford Taurus Interceptor (SO)	VIN 1FAHP2MT2JG137096	AUCTION
2016 Ford Taurus Interceptor (SO)	VIN 1FAHP2MT3GG126584	AUCTION
2020 Ford Explorer Interceptor (SO)	VIN IFM5K8AC3LGA83387	AUCTION

now, therefore be it

RESOLVED, that the vehicles and equipment listed above be sold at an upcoming public auction, in accordance with the County's Equipment Disposition policy.

**RESOLUTION 3-4: AUTHORIZATION TO AMEND THE 2023 CENTRAL GARAGE BUDGET**

Mr. Chatfield presented the following:

WHEREAS, the Central Garage has expended most of the 2023 budget amount for account number 54100, Supplies and Materials due to an increase of materials needed for repairs, and account number 54180, Tires; and

WHEREAS, it is necessary to increase the budgets for these accounts in order to perform the necessary repairs on vehicles owned by the County and other agencies that Central Garage services; now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized and directed to amend the budget as follows:

**A 1640-Central Garage:**

(Revenues)

\$40,000 to 41272 Central Garage Fees

\$16,000 to 42304 Material reimbursement

(Appropriations)

\$44,000 to 54100 Supplies and Materials

\$12,000 to 54180 Tires

**RESOLUTION 3-5: AUTHORIZATION TO CLOSE COMPLETED CONSTRUCTION PROJECTS AND AMEND THE HIGHWAY DEPARTMENT 2023 BUDGET**

Mr. Chatfield presented the following:

WHEREAS, various Highway Construction Projects have been completed in 2023 and final payments processed; and

WHEREAS, the balance in the budgeted projects may be reallocated to other projects; now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2023 budget as follows:

**D5112-ROAD CONSTRUCTION:**

\$55,746.91 from .52670 22-63 Lakes Corners Rose Valley Recycle Project

\$23,591.72 from .52670 22-64 Lakes Corners Rose Valley Paving Project

\$44,512.41 from .52673 23-80 Lake Bluff Road Drainage Project

\$55,286.53 from .52673 23-84 Tyre Rd Recycle Project

\$48,653.70 from .52673 23-87 Lakes Corners Rose Valley Rd Recycle A Project

\$17,774.57 from .52673 23-90 Lake Bluff Road Cold Mix Paving

\$31,030.04 from .52673 23-91 Lake Rd Pultneyville Paving Project

\$20,830.15 from .52673 23-95 Lake Bluff Rd Surface Seal Project

\$8,895.65 to .52673 23-75 Savannah Spring Lake Bridge Rail Replacement Project

\$15,460.36 to .52673 23-79 Surface Treating Section B Project

\$273,070.02 to .52600 Highway Construction

and be it further

RESOLVED, that the following highway construction projects within Account D51122 Road Construction having a zero balance are hereby closed:

**D5112-ROAD CONSTRUCTION:**

- 52670 22-63 Lakes Corners Rose Valley Recycle Project
- 52670 22-64 Lakes Corners Rose Valley Paving Project
- 52673 23-80 Lake Bluff Road Drainage Project
- 52673 23-84 Tyre Rd Recycle Project
- 52673 23-87 Lakes Corners Rose Valley Rd Recycle A Project
- 52673 23-90 Lake Bluff Road Cold Mix Paving
- 52673 23-91 Lake Rd Pultneyville Paving Project
- 52673 23-95 Lake Bluff Rd Surface Seal Project
- 52673 23-75 Savannah Spring Lake Bridge Rail Replacement Project
- 52673 23-79 Surface Treating Section B Project

**RESOLUTION 3-6: AUTHORIZATION TO EXTEND CONTRACT TERM WITH BME ASSOCIATES**

Mr. Chatfield presented the following:

WHEREAS, Wayne County has an agreement in place with BME Associates to provide a boundary survey as requested by the Public Works department; and

WHEREAS, this agreement expired on Sept 20, 2023; and

WHEREAS, the work is anticipated to stay within budget, but is not yet complete; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to extend the existing contract expiration date to September 30, 2024, subject to the review and approval of the County Attorney as to form and content.

**RESOLUTION 3-7: AUTHORIZATION TO SIGN AGREEMENT WITH US ARMY CORPS OF ENGINEERS FOR TEMPORARY USE OF THE SODUS POINT PARK**

Mr. Chatfield presented the following:

WHEREAS, the US ARMY CORPS OF ENGINEERS (USACOE) has requested use of a portion of the Sodus Point Park for a staging area for a Breakwater Repair project; and

WHEREAS, the Superintendent of Public Works has reviewed this request and has agreed that this short-term use is appropriate; and

WHEREAS, the Superintendent of Public Works will meet with a representative of USACOE prior to the start of the staging to document the existing conditions in the park; and

WHEREAS, the USACOE will be responsible for restoring the park area to pre-construction condition; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute a license Agreement on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content with the USACOE, for the purpose of storing stone material in a portion of the Sodus Point Park in Sodus.

**COM. #2 – PUBLIC SAFETY – Verno, Van Laeken, Donalty, Bender, Rose**

**RESOLUTION 2-1: AUTHORIZATION TO PURCHASE 3 YEAR SOPHOS CYBER SECURITY MAINTENANCE AGREEMENT**

Mr. Verno presented the following:

WHEREAS; the Public Safety Technology Coordinator manages all Information Technology hardware and software for the departments under the Emergency Management Office and the Sheriff's Office, and;

WHEREAS; Sophos is an essential tool within IT's and Public Safety Communication's arsenal of tools to protect the County's network of Computers, Servers, and other equipment from malicious cyber attacks, and;

WHEREAS; the Public Safety Technology Coordinator has received a quote on a cooperative

contract for a three-year term license that would be advantageous to the County over the traditional one-year term license .and;

WHEREAS; the cost of a three-year license is \$27,047.30, the three-year term will produce a savings to the County of \$13,190.55 over the annual purchase; now, therefore be it

RESOLVED; that the Public Safety Coordinator as approved by the Chairman of the Board of Supervisors, is authorized to purchase a three-year license for Sophos at a cost of \$27,047.30 subject to the County Attorneys Approval as to form and content.

**RESOLUTION 2-2: AUTHORIZATION TO CREATE ONE TEMPORARY FULL TIME RADIOLOGICAL/HAZMAT OFFICER POSITION**

Mr. Verno presented the following:

WHEREAS, the current Radiological/Hazmat Officer, John O'Toole has announced his plan to retire in April of 2024; and

WHEREAS, this position has a variety of critical responsibilities in support of the Ginna Nuclear Power Plant, including supporting Emergency Management, the Fire Service and the EMS service; and

WHEREAS, examples of these responsibilities include participating in the planning and participation of Ginna federally evaluated exercises, the next which will occur in August of 2024, along with the update of the Radiological Response Plan, Hazardous Materials Response Plan; ordering and distribution of: Potassium Iodide to towns and schools within the emergency planning zone; ordering and distribution of USDOT Emergency Response Guide Books to all fire and EMS agencies within the county; taking and distributing photo identification for all fire and EMS organizations within the county; and

WHEREAS, this position will not easily be filled due to the high demand of individuals with radiological backgrounds which will most likely result in the need for extensive on-the-job training; now, therefore, be it

RESOLVED, the Board of Supervisors authorizes the creation of one temporary full-time position of Radiological/Hazmat Officer within the Department of Emergency Management Services; and be it further

RESOLVED, that the position shall have a standard work week of 40 hours, and be placed in the CSEA Supervisory Unit Grade 11; and be it further

RESOLVED, that the position shall be in full compliance with Civil Service Law; and be it further

RESOLVED, that the position currently held by Radiological/Hazmat Officer, John O'Toole shall be eliminated upon his retirement; and be it further

RESOLVED, that the Director of Emergency Preparedness has the authorization to fill the above referenced position on or after October 17, 2023; and be it further resolved

RESOLVED, that the Wayne County Treasurer is authorized to make the following 2023 Budget amendment:

**A1990Contingency Fund General**

(Appropriation)

\$24,590 - from 54000 Contractual Expenses

**A3640 Emergency Management**

(Appropriations)

Amount	Object#	Object Name
\$17,165	to 51378	Radiological/Chemical Officer
\$2,558	to 58100	Payments to NYS Retirement
\$1,313	to 58200	Payments to Social Security
\$3,554	to 58400	Payments to Hospitalization

**RESOLUTION 2-3: AUTHORIZATION TO PURCHASE LAND IN THE TOWN OF ROSE FOR**

## **WAYNE COUNTY EMS**

Mr. Verno presented the following:

WHEREAS, the Wayne County EMS Implementation Plan, as adopted by the Board of Supervisors in resolution 442-22, recommends that there shall be Wayne County EMS bases of operation located in the western and eastern sections of Wayne County, in addition to one in the northern section, and one in the southern section; and

WHEREAS, based on the analysis work of Fitch and Associates, and as recommended by the EMS Project Oversight Committee, an eastern sector base of operation would be centrally located if it were to be constructed in the Town of Rose; and

WHEREAS, a parcel of 3.6 acres privately owned by George M. Wilson, addressed at 4495 Route 414, has been identified as within an area that would be advantageous for timely travel to facilitate expedient EMS response in the area; and

WHEREAS, the property owner has expressed an interest in selling approximately two acres of said parcel to the County, for the purpose of constructing a County EMS base, by splitting off the southern section of the parcel currently addressed as 4495 Route 414; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors shall be authorized to execute a land purchase agreement with George M. Wilson of 10771 Wolcott Road, for the County to purchase approximately 2.0 acres of land, splitting off the southern section of a parcel of land identified as tax parcel 74115-00-102407, at a cost of \$15,000.00 per acre, pro rated based on the final exact acreage, as determined during survey and parcel splitting process; and be it further

RESOLVED, that the County shall bear financial responsibility for the costs to complete survey and parcel split work prior to the transaction; and be it further

RESOLVED, that the land purchase contract shall be subject to the approval of the County Attorney as to form and content.

## **RESOLUTION 2-4: AUTHORIZATION TO PURCHASE LAND IN THE TOWN OF WALWORTH FOR WAYNE COUNTY EMS**

Mr. Verno presented the following:

WHEREAS, the Wayne County EMS Implementation Plan, as adopted by the Board of Supervisors in resolution 442-22, recommends that there shall be Wayne County EMS bases of operation located in the western and eastern sections of Wayne County, in addition to one in the northern section, and one in the southern section; and

WHEREAS, based on the analysis work of Fitch and Associates, and as recommended by the EMS Project Oversight Committee, a western sector base of operation would be centrally located if it were to be constructed in the Town of Walworth; and

WHEREAS, the Town of Walworth currently owns a parcel of 19.83 acres addressed at 1870 Penfield-Walworth Road, with this location being advantageous for timely travel in all directions, helping to facilitate timely EMS response; and

WHEREAS, the Walworth Town Board has expressed an interest in selling approximately two acres of said parcel to the County, for the purpose of constructing a County EMS base in the northeast corner of the parcel currently addressed as 1870 Penfield-Walworth Road; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors shall be authorized to execute a land purchase agreement with the Town of Walworth, for the County to purchase approximately 2.0 acres of land in the northeast corner of a parcel of land identified as tax parcel 63114-00-164410, at a cost of \$3,000.00 per acre, pro-rated based on the final exact acreage, as determined during survey and parcel splitting process; and be it further

RESOLVED, that the County shall bear financial responsibility for the costs to complete survey and parcel split work prior to the transaction; and be it further

RESOLVED, that the land purchase contract shall be subject to the approval of the County Attorney as to form and content.

## **RESOLUTION 2-5: AUTHORIZATION TO EXECUTE AN AGREEMENT ADDENDUM WITH FLEX**

## **FINANCIAL FOR EMS EQUIPMENT**

Mr. Verno presented the following:

WHEREAS, pursuant to Board of Supervisors resolution 706-22, an agreement was executed with Flex Financial, a Division of Stryker Sales, LLC on January 31, 2023, entering into a 10-year agreement to lease several types of Stryker equipment for the use on the ambulances of Wayne County EMS; and

WHEREAS, in July 2023, a purchase order was issued for the purchase of two additional new ambulances, in anticipation of critical need in 2024, in accordance with the Wayne County EMS Implementation Plan; and

WHEREAS, the aforementioned Flex Financial agreement for Stryker equipment did not include any equipment for the two ambulances ordered in July 2023; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors shall be authorized to execute an addendum to the existing Flex Financial agreement to allow for the addition of two complete sets of Stryker equipment for the two Lifeline ambulances ordered in July 2023, at a total cost of \$890,465.50 for the entire 10-year contract, with annual payments of \$89,046.55, with said agreement addendum subject to the approval of the County Attorney as to form and content.

## **RESOLUTION 2-6: AUTHORIZATION TO CONTRACT WITH BOLDPLANNING FOR CONTINUITY OF OPERATIONS PLANNING REFRESHER WORKSHOPS**

Mr. Verno presented the following:

WHEREAS, BoldPlanning is the provider of Continuity of Operations Planning (COOP) Software as a Service for Wayne County; and

WHEREAS, Wayne County is desirous to obtain refresher workshops for said software as a service; and

WHEREAS, BoldPlanning has offered a price of \$3,281.50 each (including travel) for two 1/2 day COOP Refresher Workshops for Wayne County; and

WHEREAS, funding is in place in the Emergency Management 2023 budget for this expense; and

WHEREAS, this amount exceeds the discretionary amount referenced for purchases in the County Purchasing Policy; now therefore be it

RESOLVED, that the County of Wayne authorizes the purchase of two 1/2 day Continuity of Operations Planning refresher workshops for a total price of \$6,563.00; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to sign the required contract documents, subject to the review and approval of the County Attorney as to form and content.

## **RESOLUTION 2-7: AUTHORIZATION TO ACCEPT THE 2023 STATE HOMELAND SECURITY PROGRAM (SHSP)**

Mr. Verno presented the following:

WHEREAS, Resolution 269-23 authorized application for the 2023 SHSP; and

WHEREAS, Wayne County has been advised that it has received a FY2023 Homeland Security Grant in the amount of \$145,106 with no local match required; and

WHEREAS, this grant program is a Federal Emergency Management Agency grant program administered by the NYS Division of Homeland Security and Emergency Services; and

WHEREAS, this grant has a performance period from September 1, 2023 through August 31, 2026; and

WHEREAS, this grant will be used to offset the cost of a Command Vehicle; now, therefore be it

RESOLVED, that the County of Wayne accept the 2023 State Homeland Security Grant in the amount of

\$145,106; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to sign the required contract documents, subject to the review and approval of the County Attorney as to form and content.

**RESOLUTION 2-8: AUTHORIZATION TO ACCEPT THE FY2023 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG)**

Mr. Verno presented the following:

WHEREAS, Resolution 269-23 authorized application for the 2023 EMPG Grant; and

WHEREAS, Wayne County has been advised that it has received a FY2023 Emergency Management Performance Grant in the amount of \$37,134 with no local match required; and

WHEREAS, this grant program is a Federal Emergency Management Agency grant program administered by the NYS Division of Homeland Security and Emergency Services; and

WHEREAS, this grant has a performance period from October 1, 2022 through September 30, 2025; and

WHEREAS, this grant will be used to offset salaries within the Emergency Management Department in the 2024 budget; now, therefore be it

RESOLVED, that the County of Wayne accept the 2023 Emergency Management Performance Grant in the amount of \$37,134; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to sign the required contract documents, subject to the review and approval of the County Attorney as to form and content.

**RESOLUTION 2-9: AUTHORIZATION TO EXECUTE ONE YEAR EXTENSION AGREEMENT FOR ILS CONTRACT #CAFA354, BETWEEN THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES AND THE COUNTY OF WAYNE**

Mr. Verno presented the following:

WHEREAS, New York State Indigent Legal Services offered to enter into an agreement with the County of Wayne, New York, to provide funding to assist Wayne County in providing Counsel at First Appearance services pursuant to Article 18-B of the County Law; and

WHEREAS, Wayne County was awarded said grant in the sum of \$317,250.00 under Contract Number CAFA354, ILS Grant CAFA3, on January 1, 2020; and

WHEREAS, Wayne County accepted said grant by Wayne County Resolution number 304-21, Resolution dated June 15, 2021; and

WHEREAS, the term of ILS Contract CAFA354, ILS Grant CAFA3, is for three years, from January 1, 2020 through December 31, 2022; and

WHEREAS, because funding remains in this grant, on September 1, 2023, Wayne County filed a No-Cost Contract Extension Request Letter for ILS Contract CAFA354, with Indigent Legal Services; and

WHEREAS, New York State Indigent Legal Services approved said Extension Request and submitted a Final Extension Contract Amendment for one year from January 1, 2024 through December 31, 2024, to be reviewed and executed by Wayne County; now, therefore be it,

RESOLVED, that the Wayne County Chairman of the Board is hereby authorized to review and approve the Final Extension Agreement of ILS Grant CAFA3, Contract CAFA354, with New York State Indigent Legal Services to run from January 1, 2024 through December 31, 2024, subject to approval by the County Attorney as to form and content.

**RESOLUTION 2-10: AUTHORIZATION TO CONTRACT WITH PAUL HARKNESS FOR DIENER SERVICES**

Mr. Verno presented the following:

WHEREAS, the Coroner's Office has need to contract with a diener for services provided through that office; and

WHEREAS, Paul Harkness is qualified to perform said services and shall be paid One Hundred Twenty Five (\$125) per deceased body; now therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to execute a contract with Paul Harkness, subject to the County Attorney's approval as to form and content for the period January 1, 2024 through December 31, 2024.

**RESOLUTION 2-11: AUTHORIZATION TO CONTRACT WITH WILLIAM DEAN, M.D. FOR PATHOLOGIST SERVICES**

Mr. Verno presented the following:

WHEREAS, the Coroner's Office has need to contract with a pathologist for services provided through that office; and

WHEREAS, William Dean, M.D. is qualified to perform said services and shall be paid Seven Hundred Seventy (\$770) per autopsy; now therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to execute a contract with William Dean, M.D., subject to the County Attorney's approval as to form and content for the period January 1, 2024 through December 31, 2024.

**RESOLUTION 2-12: AUTHORIZATION TO ADOPT NEW CORONER'S FEE SCHEDULE FOR BODY REMOVAL AND TRANSPORTATION SERVICES AND AUTHORIZATION OF CONTRACTS WITH WAYNE COUNTY FUNERAL HOMES AND CONTIGUOUS COUNTIES**

Mr. Verno presented the following:

WHEREAS, resolution 458-22 duly enacted on September 20, 2022 authorized contracts with various funeral homes within Wayne County and contiguous counties for body removal and transportation services; now therefore be it

RESOLVED, that the removal and transportation fee for funeral directors on Coroner cases be set at \$450.00, plus actual cost of body bag as needed, for transport to the morgues at Newark-Wayne Community Hospital, Clifton Springs Hospital or the Monroe County Medical Examiner's Office effective January 1, 2024. The County will not reimburse for mileage; and be it further

RESOLVED, that exigent circumstance reimbursement shall be reviewed by the Finance Committee on a case by case basis for presentation of the Board of Supervisors for reimbursement; and be it further

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to execute contracts with the various funeral homes within Wayne County and with contiguous counties, subject to the County Attorney's approval as to form and content for the period January 1, 2024 through December 31, 2024.

**COM. #1 – FINANCE – LEONARD, BENDER, GROAT, ROBUSTO, VANLAEKEN**

**RESOLUTION 1-1: AUTHORIZATION TO SHARE DEFENSE COSTS FOR REAL PROPERTY TAX ASSESSMENT REVIEW PROCEEDINGS (ARTICLE 7 LITIGATION)**

Mrs. Leonard presented the following:

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

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

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

WHEREAS, this Board approved Resolution No. 444-95, amended by Resolution No. 700-06, which was amended by Resolution No. 688-07 which was again amended by Resolution No. 307-10 and subsequently amended by Resolution 591-15 and again amended by Resolution No. 524-17 which defined standards and procedures for County participation in litigation involving challenges to real property assessments; and

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

WHEREAS, the written request from the Town of Macedon does include statement of fact that the Town of Macedon and the Pal-Mac Central School District has resolved for their respective Board approval to share in the defense costs for Real Property Tax Assessment review Article 7 proceedings, now, therefore, be it

RESOLVED, that the County of Wayne will participate in providing financial assistance for litigation challenges of real property tax assessments per the provisions of Resolution No. 524-17 for the following Town and their respective petition:

TOWN	PROPERTY OWNER	PARCEL ID#	INDEX #(S)
Macedon	Realty Income Properties 9, LLC c/o CVS Pharmacies #01286-02 1215 Route 31, Macedon, NY	62111-06-358764	CV089834-2023
Macedon	Speedway, LLC 121 Main St, Macedon, NY	62111-08-953917 62111-08-932916	CV089857-2023

**RESOLUTION 1-2: AUTHORIZATION TO CONTRACT WITH AUCTIONEER SERVICE**

Mrs. Leonard presented the following:

WHEREAS, proposals were due by September 26, 2023, and three (3) proposals were received from the following:

Absolute Auctions & Reality, Inc  
45 South Ave.  
Pleasant Valley NYT 12569  
Buyer Premium: 7 % Cash/Check, 10% CC  
Score: 732.5/ 1000

Bid4Assets Inc.  
5757 Georgia Ave., Suite 520  
Silver Spring, Md 20910  
Buyer Premium: 4% Certified Funds (Cashier’s Check, Money Order and Wire)  
Score: 575/ 1000

Collar City Auctions  
9423 Western Turnpike  
Delanson, NY 12053  
Buyer Premium: 7 % Cash/Official Bank Check, 10% CC/Debit  
Score: 777.5/ 1000

WHEREAS, the proposals were reviewed by members of a review committee consisting of 4 members, and the team recommends the contract be awarded to COLLAR CITY AUCTIONS, in accordance with the program objectives, desired outcomes, terms and conditions of the RFP; now, therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to enter into an agreement with COLLAR CITY AUCTIONS, on behalf of Wayne County, for a term of January 1, 2024 with the option to renew for up to two (2) additional one (1) year terms, based on the rates set forth in the submitted RFP, subject to the approval of the County Attorney as to form and content.

**RESOLUTION 1-3: AUTHORIZATION TO ACCEPT SEALED BID AND EXECUTE QUIT CLAIM DEED FOR SALE OF COUNTY PROPERTY TOWN OF WILLIAMSON**

Mrs. Leonard presented the following:

WHEREAS, the County took title of parcel 66117-09-064519 by Treasurer’s tax deed on June 21, 2023; and

WHEREAS, said property was advertised for sealed bid with bids due to the Real Property Tax



Services Office on Thursday October 5, 2023; and  
WHEREAS, bids were received as follows:

Craig Stull \$ 75,000  
7724 Tamarack Lane  
Ontario, NY 14519

Joe DiGravio \$ 36,000  
6079 Lincoln Rd  
Ontario, NY 14519

Josh Davis/JD Homes, LLC \$ 42,000  
858 Clevenger Rd  
Ontario, NY 14519

and;

WHEREAS, the appropriate down payment was received; now, therefore, be it

RESOLVED, the Wayne County Board of Supervisors hereby accepts the high bid of \$ 75,000 from Craig Stull; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute a quit claim deed and any required documents for said parcel, subject to the approval of the County Attorney as to form and content; and be it further

RESOLVED, that the County Treasurer be required to collect the balance due before the title is transferred, subject to the terms and conditions of the sale.

**RESOLUTION 1-4: SETTING DATE FOR A PUBLIC HEARING ON THE PROPOSED AMENDMENT OF LOCAL LAW 2-1995 AS AMENDED BY LOCAL LAW 2-2019 WHICH PROVIDED FOR THE INSTALLMENT PAYMENT OF ELIGIBLE DELINQUENT REAL PROPERTY TAX**

Mrs. Leonard presented the following:

WHEREAS, Local Law No. 2-1995 which was amended by Local Law No. 2-2019 allowing for the County Treasurer to enter into installment payment agreements on delinquent property taxes; and

WHEREAS, the County Treasurer desires to update the local law for the purposes of amending the down payment required; now therefore be it

RESOLVED, that the Board of Supervisors shall hold a public hearing on November 21<sup>st</sup>, 2023 at 9:10 a.m. at the Wayne County Public Safety Building, 7376 Route 31, Wayne County Emergency Management Department, 2<sup>nd</sup> Floor, Lyons, New York, on the following proposed local law;

COUNTY OF WAYNE - STATE OF NEW YORK  
LAW NO. 8 FOR THE YEAR 2023

A Local Law to Amend Local Law No. 2 of 2019 to Provide for the Installment Payment of Eligible Delinquent Taxes Pursuant to Real Property Tax Law Section 1184.

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

SECTION 1. PURPOSE

This local law is enacted pursuant to the provisions of Section 1184 of the Real Property Tax law of the state of New York for the purpose of providing for the installment payment of eligible delinquent real property taxes.

SECTION 2. DEFINITIONS

As used in this Section:

- (a) "County" means the County of Wayne;
- (b) "County Treasurer" means the County Treasurer of the County of Wayne;
- (c) "Eligible delinquent taxes" means delinquent taxes, including interest, penalties, and other charges which have accrued against a parcel as of the date on which an installment agreement is executed;
- (d) "Eligible owner" means an owner of real property who is eligible to or has entered into an installment agreement;
- (e) "Installment agreement" means a written agreement between an eligible owner and the County Treasurer providing for the payment of eligible delinquent taxes in installments pursuant to the provisions of Section 1184 of the Real Property Tax Law and this local law.

### SECTION 3. AUTHORIZATION

The County Treasurer is authorized to enter into an installment agreement with an eligible owner providing for the payment of eligible delinquent taxes in installments. Such installment payment of eligible delinquent taxes shall be made available to each eligible owner on a uniform basis pursuant to the provisions of Section 1184 of the Real Property Tax Law and this local law. The installment payment of eligible delinquent taxes shall commence upon the signing of an installment agreement between the County Treasurer and the eligible owner. The agreement shall be kept on file in the office of the County Treasurer.

### SECTION 4. PROPERTIES

This local law shall apply to all classes of properties within Wayne County.

### SECTION 5. ELIGIBILITY DATE

An owner of real property shall be eligible to enter into an installment agreement pursuant to this local law no earlier than thirty days after the delivery of the return of the unpaid taxes to the County Treasurer and no later than November 30th of the current year. After November 30th it shall be the County Treasurer's discretion if a contract is to be entered into.

### SECTION 6. INSTALLMENT AGREEMENT PROVISIONS

Such installment agreement shall provide:

- (a) The maximum term of an installment agreement, which shall not exceed twenty-four months;
- (b) The payment schedule which shall be monthly;
- (c) A required minimum initial down payment, which shall be ten (10%) percent of the eligible delinquent taxes but not exceed 25% of the eligible delinquent taxes, although an eligible owner may make larger initial down payment if the eligible owner so chooses.

### SECTION 7. RESTRICTIONS

A property owner shall not be eligible to enter into an installment agreement pursuant to this local law where;

- (a) There is a delinquent tax lien on the same property for which the application is made or on another property owned by such person and such delinquent tax lien is not eligible to be made part of the agreement pursuant to this local law;
- (b) Such person is the owner of another parcel within Wayne County on which there is a delinquent tax lien, unless such delinquent tax lien is eligible to be and is made part of the agreement pursuant to this local law; or
- (c) Such person was the owner of property on which there existed a delinquent tax lien and which lien was foreclosed within three years of the date on which an application is made to execute an agreement pursuant to this local law.
- (d) Such person defaulted on an agreement executed pursuant to this section within three years of the date on which application is made to execute an agreement pursuant to this section.

## SECTION 8. AMOUNT DUE

The amount due under an installment agreement shall be eligible delinquent taxes plus the interest that is to accrue on each installment payment up to and including the date on which each payment is to be made. The agreement shall provide that the amount due shall be paid, as nearly as possible, in equal amounts on each payment due date. Each installment payment shall be due on the last day of the month in which it is to be paid. Such payments shall be applied first to interest, penalties, and other charges, then to principal. As used herein, the term "principal" shall mean the amount of the delinquent tax excluding all interest, penalties, and other charges.

## SECTION 9. INTEREST AND PENALTIES.

(a) Interest on the total amount of eligible delinquent taxes, less the amount of the down payment made by the eligible owner, shall be that amount as determined pursuant to Section 924-a of the Real Property Tax Law. The rate of interest in effect on the date the agreement is signed shall remain constant during the period of the agreement. If an installment is not paid on or before the date it is due, interest shall be added at the rate prescribed by Section 924-a of the Real Property Tax Law for each month or portion thereof until paid. In addition, if an installment is not paid by the end of the fifteenth calendar day after the payment due date, a late charge of five percent of the overdue payment shall be added.

(b) Waiver of interest and penalties for certain eligible deployed military members. The County Treasurer is authorized to waive interest and penalties, provided that:

(i) The financial hardship was caused in substantial part by the eligible owner's having been ordered to active military duty in the United States armed forces including the reserve components of such armed forces.

(ii) The deployment lasted for at least six contiguous months, or the owner was killed in action during such activation; and

(iii) The owner or estate must provide satisfactory written evidence to the County Treasurer prior to foreclosure including documentation from the armed forces showing the eligible owner meets criteria (ii) above.

## SECTION 10. DEFAULT

(a) The eligible owner shall be deemed to be in default of the installment agreement upon:

(i) Non-payment of any installment within thirty days from the payment due date;

(ii) Non-payment of any tax, special ad valorem levy or special assessment which is levied subsequent to the signing of the agreement by the County, and which is not paid prior to the expiration of the warrant of the collecting officer, or

(iii) Default of the eligible owner on another agreement made and executed pursuant to this local law.

(b) In the event of a default, the County Treasurer shall have the right to require the entire unpaid balance, with interest and late charges, to be paid in full. The County shall also have the right to enforce the collection of the delinquent tax lien pursuant to the applicable sections of the law.

(c) Where the eligible owner is in default and the County Treasurer does not either require the eligible owner to pay in full the balance of the delinquent taxes or elect to institute foreclosure proceedings, the County shall not be deemed to have waived the right to do so.

## SECTION 11. NOTIFICATION OF POTENTIAL ELIGIBLE OWNERS.

(a) Within forty-five days after receiving the return of the unpaid taxes from the collecting officer, or as soon thereafter as is practicable, the County Treasurer shall notify, by first class mail, all potential eligible owners of their possible eligibility to make installment payments on such tax delinquencies. The County Treasurer shall add one dollar to the amount of the tax lien for such mailing.

(b) The failure to mail any such notice, or the failure of the addressee to receive the same, shall not in any way affect the validity of taxes or interest prescribed by law with respect thereto.

(c) The County Treasurer shall not be required to notify the eligible owner when an installment is due.

#### SECTION 12. TAX LIEN

The provisions of this local law shall not affect the tax lien against the property except that the lien shall be reduced by the payments made under an installment agreement, and that the lien shall not be foreclosed during the period of installment payments provided that such installment payments are not in default.

#### SECTION 13. EFFECTIVE DATE

This local law shall take effect on the date if it is filed in the Office of the Secretary of State.

### **RESOLUTION 1-5: AUTHORIZATION TO AMEND THE 2023 WAYNE COUNTY TREASURER'S BUDGET**

Mrs. Leonard presented the following:

WHEREAS, the Treasurer's Office budgeted \$110,000 for title searches the County does for its annual tax foreclosure process; and

WHEREAS, the County had more parcels this year that needed title searches than in years past which lead to a higher than budgeted expense; now therefore be it

RESOLVED, that the County Treasurer is authorized to amend the 2023 County Budget as follows:

#### **A1325 County Treasurer**

(Appropriations)

\$24,750.00 to .54231 Title Search Fees

#### **A99990 Other**

(Revenues)

\$24,750.00 to .42101 Interest Earnings

### **RESOLUTION 1-6: AUTHORIZATION TO APPROVE ADVERTISING FEES FOR DELINQUENT TAXES FOR CALENDAR YEARS 2024, 2025 AND 2026**

Mrs. Leonard presented the following:

WHEREAS, the County Treasurer is responsible for publicly advertising delinquent tax liens every year in the County's legal papers; and

WHEREAS, changes to the tax foreclosure process will no longer allow the County to retain anything other than the taxes owed and administrative costs; and

WHEREAS, the County Treasurer would like to impose an advertising fee for said advertised properties; now therefore be it

RESOLVED, that the Advertising Fee to be added by the County Treasurer is:

2024 Calendar Year - \$25 per parcel

2025 Calendar Year - \$25 per parcel

2026 Calendar Year - \$25 per parcel

### **RESOLUTION 1-7: ADOPTING A POLICY TO REQUIRE ALL NEW VENDORS TO RECEIVE EPAYMENT STARTING IN 2024 AND TO TRANSITION ALL VENDORS TO EPAYMENTS BY THE END OF 2026**

Mrs. Leonard presented the following:

WHEREAS, Wayne County's procurement processes are designed to identify reliable vendors and provide adequate contingencies to ensure continual operations and services to all citizens within Wayne County; and

WHEREAS, Wayne County's Account Payable Process is responsible for maintaining good vendor relationships through the accurate and timely payment for all goods and services received. It is the objective to make accurate and timely payments in the most cost-effective way possible and minimize the potential fraud that may occur through various payment vehicles; and

WHEREAS, Wayne County recognizes the technological advances of the past decade that allow for payments to be made electronically. It is the objective of Wayne County to encourage electronic payments. To this end, all new vendor relationships starting as of January 1, 2024 will be required to select the electronic payment methods outlined below. Checks will not be used to make payments to all new vendors after the stated date; and

WHEREAS, Wayne County also encourages all vendors to also accept electronic payments. Contracts renewed after January 1, 2024 will require vendors to select an electronic payment method upon renewal; and

WHEREAS, current vendors will be allowed to continue receiving checks if they so choose for the next four (4) years. The Wayne County Treasurer will engage in an "enrollment" campaign during 2024 designed to transition vendors away from paper/check payments to electronic payments. Vendors will have several choices of payment options. However, as of December 31, 2026, all vendors will be required to transition to an electronic payment option outlined below:

-Automated Clearing House (ACH) Transaction: ACH is an electronic payment directly into a bank account, similar to direct deposit for payroll. Remittance information can be sent with the ACH to facilitate reconciliation and posting. A bank account is the only requirement to receive an ACH. It is expected that any and all reliable vendors doing business with Wayne County will have a bank account.

-Wire: Wire payments, due to expense, will be reserved for the most significant vendor relationships (defined as those relationships having single payments exceeding \$1,000,000.00 per transaction). Wires represent the quickest payment option, but are also the most expensive to Wayne County.

-Other options that may become available and may prove to be efficient ways to make electronic payments to vendors as technology continues to change and evolve; and

WHEREAS Wayne County's ePayment program will be managed by the County Treasurer's Office and County Purchasing Department; now, therefore be it

RESOLVED, that the Wayne County Board of Supervisors adopts this epayment policy and the requirement that all new vendors starting in 2024 are paid by epayment methods and that all vendors are transitioned to epayment methods as of December 31, 2026.

## **RESOLUTION 1-8: SETTING DATE FOR PUBLIC HEARING ON THE 2024 WAYNE COUNTY TENTATIVE BUDGET**

Mrs. Leonard presented the following:

WHEREAS, the Tentative Budget for the County of Wayne for the fiscal year beginning January 1, 2024 will be presented to the Board of Supervisors by November 15, 2023; now, therefore be it

RESOLVED, pursuant to Section 359 of the County Law of the State of New York as follows:

SECTION 1. A public hearing on the tentative budget shall be held at the Wayne County Public Safety Building, 7376 Route 31, Lyons, New York in the Emergency Management Department, 2<sup>nd</sup> Floor, on Tuesday, December 5, 2023 at 7:00 pm. Copies of the tentative budget on which the public hearing will be held, will be available in the Clerk of the Board of Supervisors' office after November 15, 2023 and may be inspected or procured therein by any interested person during business hours.

SECTION 2. At least five (5) days' notice of such hearing shall be given by the Clerk of the Board of Supervisors by posting such notice on the bulletin board in the County Court House and by publication of such notice in the official newspapers of the County.

SECTION 3. The notice of public hearing shall include a statement of maximum salary that may be fixed and payable during said fiscal year to the members of the Board of Supervisors and the Chairman, respectively.

**RESOLUTION 1-9: AUTHORIZATION TO AMEND THE 2023 SHERIFF'S OFFICE BUDGET AND EXPEND FUNDS FOR THE PURCHASE AND IMPLEMENTATION OF THE TAP APP FOURDSCAPE**

Mrs. Leonard presented the following:

WHEREAS, the Sheriff's Office was awarded the Department of Justice 2020 COPS (SVP20) grant funding in the amount of \$433,222.00. Those funds are to be used to improve security at schools through evidence-based school safety programs and program implementation; and

WHEREAS, the grant revenue available for SVP20 is \$324,917.00 total per Res 394-21 with a current balance of \$161,945.00 and an extension granted for this balance to be spent by 12/31/2023; and

WHEREAS, The Sheriff's Office has identified a solution that provides extensive integrations within school districts' systems to allow for greater access and situational awareness in the event of a critical incident to prevent undue damage, injuries or casualties to the Public, staff, or responding entities, in addition to providing additional training tools and integration of emergency plans; and

WHEREAS, Res 454-23 was submitted by the Sheriff's Office and approved by the Wayne County Board of Supervisors authorizing the Sheriff's Office to enter into an agreement with CLPS, LLC, that has been determined to be a sole source provider of the solution (TAP App fourDscope) and complies with Alyssa's Law and the New York S.A.V.E. legislation; and

WHEREAS, the Proposed solution will be a one-time fee of \$115,000.00 and additional maintenance for future years will be the responsibility of the Component school districts to be set forth in an MOU with each school district; now, therefore be it

RESOLVED, that the Wayne County Board of Supervisors hereby authorizes the Wayne County Sheriff's Office 2023 budget amendment in the amount of \$115,000.00; and be it further

RESOLVED, the Wayne County Treasurer is hereby authorized to amend the 2023 County Budget as follows:

**Revenue**

A31130 44302 \$115,000

**Appropriations**

A31134 54475 \$115,000 TAP APP

**RESOLUTION 1-10: AUTHORIZATION TO AWARD BID FOR WAYNE COUNTY JAIL ANNEX REPURPOSING PROJECT AND AMEND PROJECT BUDGET**

Mrs. Leonard presented the following:

WHEREAS, the Purchasing Agent has duly advertised for bid(s) for the Jail Annex Repurposing Project located at 7368 Route 31, Lyons, NY and the bids were opened on Thursday, September 28, 2023 at 2:00 p.m. and the following bids were received:

Bellows Construction	\$787,000.00
Shumaker Construction LLC	\$298,000.00
Building Innovation Group	\$753,054.00
Maracon Enterprise	\$860,000.00
Iverson Construction	\$723,600.00

Massa Construction	\$764,000.00
Javen Construction	\$851,000.00
Peak Construction	\$997,000.00

WHEREAS, the Purchasing Agent and the Deputy Superintendent of Public Works have reviewed the bids for conforminty; and

WHEREAS the Deputy Superintendent has vetted the lowest bidder, Shumaker Construction LLC and also followed up with contractor references and recommends that the bid be awarded to Shumker Construction LLC, for the cost of \$298,000.00; and

WHEREAS, at this time the County is not accepting bid altenative number 1 and 2; and

WHEREAS, the total project cost came in over the overall allocated budget of \$300,000; and

WHEREAS, \$92,241 of the budget has already allocated to for design services thourgh bidding and code review services for said project; and

WHEREAS, per the bid documents the County forces will be providing all site work, fire alarm equipemnt and door access control equipment at an esitmated cost of \$ 56,976.00, and

WHEREAS, the Deputy Superintendent of Public Works recommends carrying a project contingency amount of \$50,000; and

WHEREAS, every effort will be made to avoid change orders, but it is possible that change orders may be necessary; and

WHEREAS, due to the scope of work the contractors may be required to utilize subcontractor to fulfill his/her responsibility under the contract; and

WHEREAS, the total project cost is \$524,218, thus an additional \$224,218 will need to be allocated to the project; now, therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to enter into an agreement on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content with Shumaker Construction LLC, for the Jail Annex Repurposing project, for the cost of \$298,000.00; and be it further

RESOLVED, that the Wayne County Board of Supervisors authorizes the use of subcontractors if needed on this project; and be it further;

RESOLVED, that the Wayne County Board of Supervisors hereby authorizes the Superintendent of Public Works or his designee to approve individual change orders that increase the project cost that is within the budgeted amount for said project, and be it further

RESOLVED, that the County Treasurer is authorized to transfer \$224,218 from General Fund Unassigned Fund Balance; and be it further

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

**A9950 Transfer to Capital Fund Projects**

(Appropriations)

\$224,218.00 to 52774 Building Renovation Cap Proj - ANNEX (Jail Annex Repurposing Project)

**H1933 Building Renonvation**

(Revenues)

\$224,218.00 to .45031 ANNEX (Jail Annex Repurposing Project) Interfund Transfer

(Appropriations)

\$207,758.00 from .52000 ANNEX (Jail Annex Repurposing Project) Equip & Cap Outlay

\$ 56,976.00 to .52576 ANNEX (Jail Annex Repurposing Project) Miscellaneous

\$ 22,000.00 to .52573 ANNEX (Jail Annex Repurposing Project) Architect/Engineer

\$ 50,000.00 to .52583 ANNEX (Jail Annex Repurposing Project) Contingencies.

\$ 298,000.00 to .52813 ANNEX (Jail Annex Repurposing Project) General Trades  
\$ 5,000.00 to .52826 ANNEX (Jail Annex Repurposing Project) Building Permit

## **OTHER BUSINESS**

## **ADJOURNMENT**

The next meeting of the Wayne County Board of Supervisors is scheduled for **Tuesday, November 21<sup>st</sup>, 2023 at 9 a.m.** in the Emergency Management Department, 7376 Route 31, Suite 2000, Lyons, NY.