

Wayne County Board of Supervisors

AGENDA

Tuesday, November 21st, 2023

9:00 a.m.

Emergency Management Department

<https://us02web.zoom.us/j/84992573960>

Meeting ID: 849 9257 3960

PLEDGE AND PRAYER

ROLL CALL

APPROVAL OF MINUTES

COMMUNICATIONS:

The County Auditor's October 2023 Audit of Claims Summary totaling \$6,159,923.22 was received and filed.

The Sheriff's Office Cash Receipts Report dated October 20, 2023 totaling \$16,437.80 was received and filed.

A copy of the 2024 Wayne County Tentative Budget was received and filed.

A letter was received from NYS Division of the Budget approving the Raise the Age (RTA) for Wayne County for SFY 2024. The State also received the tax cap compliance/fiscal hardship certification for calendar year 2023 for RTA reimbursement costs.

A retirement letter was received from Republication Elections Commissioner, John Zornow, effective December 31, 2023.

A retirement letter was received from the Secretary to the Chairman/Deputy Clerk, Debbie Liseno, effective January 19, 2024.

PROCLAMATIONS

Runaway Prevention Month

National Family Caregiver Month

PUBLIC HEARINGS

9:05 a.m. Agricultural District and State Environmental Quality Review Act (SEQRA) Short Form

9:10 a.m. Amending Local Law 2-2019, As Established By Local Law 2-1995, Which Provided for the Installment Payment of Eligible Delinquent Real Property Tax

PRIVILEGE OF THE FLOOR

IN MEMORIAM

Resolution MM-1: Kenneth Lauderdale – Town of Savannah

SCHEDULED BUSINESS

COM. #1 – FINANCE – LEONARD, BENDER, GROAT, ROBUSTO, VAN LAEKEN

1-1 Authorization to Renew Contract with Firstlight Fiber LLC for the Leasing of Dark Fiber Connections between County Locations

1-2 Authorization to Amend Contract with Geneva Club Vending

- 1-3 Authorization to Contract with Venesky & Company for the Preparation of the Cost Allocation Plan and Indirect Cost Recovery Plan
- 1-4 Setting Date for a Public Hearing on Imposing a Tax on Occupants of Hotel and Motel Rooms within the County of Wayne
- 1-5 Adoption of Local Law Amending Local Law 2-2019, As Established By Local Law 2-1995, Which Provided for the Installment Payment of Eligible Delinquent Real Property Tax
- 1-6 Authorizing the County Treasurer to Create Accounts, Transfer Funds and Create Assigned Fund Balances as Necessary to Allow County Accounting Records to Follow GASB 84
- 1-7 Authorization to Contract with Boylan Code for Legal Counsel for Real Property Tax Law Article 11 Foreclosure Proceedings
- 1-8 Authorization to Adopt Mortgage Tax Report and Authorize County Treasurer to Make Payment to Towns and Villages
- 1-9 Statement of Levy of Charges for Town Accounts
- 1-10 Acknowledging Receipt of the 2024 Tentative Wayne County Budget

COM. #2 – PUBLIC SAFETY – VERNO, VAN LAEKEN, DONALTY, BENDER, ROSE

- 2-1 Authorization to Approve and Accept the Discovery and Bail Reform Grant from the Division of Criminal Justice Services (DCJS)
- 2-2 Authorization to Approve and Accept the Governor's Aid to Prosecution Grant from the Division of Criminal Justice Services (DCJS)
- 2-3 Authorization to Purchase Automated External Defibrillators
- 2-4 Authorization to Execute Billing Agreements for Wayne County EMS
- 2-5 Authorization to Accept 2023 Statewide Interoperable Communications Grant Funding and Amend the Project Account Budget
- 2-6 Authorization to Abolish (1) Part-Time Deputy Sheriff Position Assigned to the Jail and Create (1) Additional Part-Time Corrections Officer Position
- 2-7 Authorization to Amend the 2023 Sheriff's Office Budget and Expend Funds for the Purchase of Replacement Service Weapons
- 2-8 Authorization to Sign an Agreement with PowerDMS for Policy and Compliance Management Platform for the Sheriff's Office
- 2-9 Authorization of Payments to Attorney Employees of the Wayne County Public Defender Office for Mandated Participation In the Off Hours Centralized Arraignment Program
- 2-10 Authorization to Renew Contract with Thomson Reuter's, West Company for Enhanced Subject Information and Search Access

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

- 3-1 Authorization to Voucher Remaining Balance of 2023 County Weed Harvesting Contract and to be Claimed to Reinvest In Weed Harvestng Equipment
- 3-2 Authorization to Accept Low Bid for Tree Removal for the Public Works Department
- 3-3 Authorization to Accept Low Bid for Stump Removal for the Public Works Department
- 3-4 Authorization to Declare Vehicle Surplus In The Public Works Department
- 3-5 Authorize County/Town Contracts for Snow and Ice Control on Wayne County Highways
- 3-6 Authorization to Amend 2023 Highway Machinery Budget
- 3-7 Authorization to Close Completed Construction Projects and Amend the Highway Department 2023 Budget
- 3-8 Authorization to Enter Into an Agreement with the New York State Department of Transportation for the Funding of Two Bridge NY Culvert Projects
- 3-9 Authorization to Enter Into a Supplemental Agreement and Extend the Contract Term with C&S Engineers, Inc. for Construction Administration Services on the Jail Annex Project

COM. #4 – ECONOMIC DEV. AND PLANNING – JOHNSON, GROAT, CHATFIELD, ROBUSTO, LASHER

- 4-1 Authorization to Submit Grant Application for New York State Tourism Matching Funds

- 4-2 Authorization to Execute EPA Brownfield Access Agreements
- 4-3 Authorization to Extend Contract for the Business Park Feasibility Study
- 4-4 Authorization to Adopt the Short Form EAF for Agricultural District Review and Modification
- 4-5 Authorization to Enter Into a Cooperative Agreement with Department Of Agriculture and Markets for Agricultural District Review and Modification
- 4-6 Authorization to Appoint Members to Wayne County Water and Sewer Authority

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

- 5-1 Authorization to Set Salary and Fill Position Within Wayne County Administrator Office for the Position of Fiscal Officer
- 5-2 Authorization to Engage In a Contract with Cyracom International, Inc. for Language Interpretation Services
- 5-3 Authorization to Enter Into Collective Bargaining with the Wayne County Sheriff's Lieutenants Association
- 5-4 Authorization to Adopt 2024 Salary Schedule for the Board of Supervisors and the Chairman of the Board
- 5-5 Authorization to Amend the 2023 Human Resource Department Budget for Legal Expenses for Negotiations and Arbitrations
- 5-6 Authorization to Enter In Memorandum of Agreement Between County of Wayne and Civil Service Employee Association, Inc. CSEA Local 859 General for Tuition Reimbursement for Employees Entering Into a Medical Field Involving Direct Patient Care

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

- 6-1 Authorization to Enter Into a Provider Agreement with MVP Health Care for the Wayne County Nursing Home
- 6-2 Authorization to Set Ancillary Charges for the Wayne County Nursing Home
- 6-3 Authorization to Contract for Social Work Services at the Wayne County Nursing Home
- 6-4 Authorization to Enter Into a Contract with Wellsky Corporation for Access to Resident Referral Platform for the Wayne County Nursing Home
- 6-5 Authorization to Release Bids for Electronic Medical Records and Financial Software Suite and Extend Agreement with Pointclickcare for the Wayne County Nursing Home
- 6-6 Authorization to Accept the Governor's Traffic Safety Committee Child Passenger Safety Program Award for Wayne County Public Health
- 6-7 Authorization to Accept Funds for the Health Research, Inc. CDC COVID-19 Health Disparities Grant
- 6-8 Authorization to Award the Request for Competitive Offer No. 031-23 for the Purchase of a Mobile Health Service Vehicle
- 6-9 Authorization to Amend Contract with IClaim Systems Corp, DbA ICentral for Wayne County Public Health
- 6-10 Authorization to Contract with Health Research, Inc to Perform Public Health Emergency Preparedness Activities
- 6-11 Authorization to Release Request for Proposals for an Electronic Medical Record System for Wayne County Public Health
- 6-12 Authorization to Renew Contract with Patricia Mckinny, LMHC for Clinical Record Auditing & Utilization Review Services
- 6-13 Authorization to Contract with Licensed Professionals for Psychotherapy Services in the Mental Health Department
- 6-14 Authorization to Renew Annual Contracts for Mental Hygiene Related Services with Community Provider Organizations for the 2024 County Budget Year
- 6-15 Authorization for Wayne Behavioral Health Network to Participate In Behavioral Health Data Analytics Collaborative Initiative with Integrity Partners Behavioral Health and University of Buffalo School of Social Work

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

- 7-1 Authorization for the Wayne County Department of Social Services & Wayne County Aging & Youth to Enter Into an Agreement for the Families and Communities Together Program (FACT)
- 7-2 Authorize Agreement with Regional Transit Service/Wayne Area Transportation Services (RTS-Wayne) for On-Demand Transportation
- 7-3 Authorize Agreement with Wayne County Sheriff's Office for Welfare Fraud Investigation Services for the Wayne County Department Of Social Services
- 7-4 Authorization to Accept Grant Funds for Home Delivered Meals for Departmento Aging and Youth
- 7-5 Urging State and Federal Elected Officials to Advocate for Increased Aging Services Funding in the Federal and State Budgets to Enable Area Agencies on Aging to Provide Critical Services that Support Older Residents to Age in Place
- 7-6 Authorization to Remove and Reappoint Aging Advisory Council Members for the Department of Aging and Youth
- 7-7 Authorization to Remove and Reappoint Youth Board Members for the Department of Aging and Youth

OTHER BUSINESS

ANNOUNCEMENT

The next meeting of the Wayne County Board of Supervisors is scheduled for Tuesday, **December 5th, 2023, 7:00 p.m. in the Emergency Management Department** for the purpose of holding a Public Hearing on the 2024 Tentative Wayne County Budget.

REMINDER: Supervisors to attend the Wayne County Museum Brunch immediately following the meeting.

The last regular meeting of 2023 is scheduled for **Tuesday, December 19th, 2023 at 9:00 a.m.**

ADJOURNMENT

SCHEDULED BUSINESS

RESOLUTION MM-1: IN MEMORIAM – KENNETH LAUDERDALE – TOWN OF SAVANNAH

Mr. Kolczynski presented the following:

WHEREAS, Ken Lauderdale served Wayne County as Supervisor for the Town of Savannah from 2008-2011 and Wayne County Compliance Officer from 2012 through 2017; and

Throughout his years of service, he diligently served the Citizens of Wayne County with loyalty and dedication. Ken's death is a great loss to his family and the community;

NOW, THEREFORE, in memory of his service to the people of Wayne County, be it

RESOLVED, that the Board of Supervisors of the County of Wayne hereby express its great regret in the passing of Ken Lauderdale and extends its deepest sympathy to his family; and be it further

RESOLVED, that this resolution be spread upon the minutes in dedication of his memory.

COM. #1 – FINANCE – LEONARD, BENDER, GROAT, ROBUSTO, VAN LAEKEN

RESOLUTION 1-1: AUTHORIZATION TO RENEW THE CONTRACT WITH FIRSTLIGHT FIBER LLC FOR THE LEASING OF DARK FIBER CONNECTIONS BETWEEN COUNTY LOCATIONS

Mrs. Leonard presented the following:

WHEREAS, The County has leased dark fiber connections between its locations from Firstlight since 2013; and

WHEREAS, the dark fiber connections allow the county to safely provide IT and phone services across the county infrastructure; and

WHEREAS, the dark fiber connections play an important role in the continuity of operations of the county; and

WHEREAS, the current lease rate is \$3,090.00 per month and set to expire March of 2024; and

WHEREAS, The Information Technology department has negotiated an early renewal to start 12/1/2023 for a term of seven years at a rate of \$1180.00 per month; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute a contract on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with FirstLight Fiber LLC for dark fiber at a cost of \$1180.00 per month for a term of 84 months starting 12/1/2023.

RESOLUTION 1-2: AUTHORIZATION TO AMEND CONTRACT WITH GENEVA CLUB VENDING

Mrs. Leonard presented the following:

WHEREAS, Resolution 384-20 authorized a contract with Geneva Club Vending for the provision of countywide vending machine service and was further amended with Resolution 425-23; and

WHEREAS, the contract as amended is slated to end on December 31, 2023, with the intent to issue a new Request for Proposal (RFP) and issue a new contract before term end; and

WHEREAS, the Purchasing Department conducted an RFP and received no proposals in response to the solicitation, upon further investigation the Purchasing Agent determined that the current specification may be deemed as too restrictive leading to the lack of responses; and

WHEREAS, the current County vending requirements and policy adopted in resolution 562-14 needs to be reviewed and modified if necessary, in order for a new solicitation to be released, with such modifications requiring Board of Supervisors adoption which will not be completed before the current terms end date; and

WHEREAS, to maintain the continuity of services and allow for an effective procurement process and transition period if necessary, a contract extension is required; now therefore be it

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

amendment to the Geneva Club Vending Contract extending the contract term to June 30, 2024, subject to the approval of the County Attorney as to form and content.

RESOLUTION 1-3: AUTHORIZATION TO CONTRACT WITH VENESKY & COMPANY FOR THE PREPARATION OF THE COST ALLOCATION PLAN AND INDIRECT COST RECOVERY PLAN

Mrs. Leonard presented the following:

WHEREAS, Wayne County is required to have a Cost Allocation Plan for the entire County and Indirect Cost Recovery Plans for the Department of Social Services, Nursing Home, and Public Health; and

WHEREAS, the current contract for these services expires December 31, 2023; and

WHEREAS, a Request for Proposals was conducted and was due on October 25, 2023, and proposals were received from the following firms:

Venesky Training & Support Services
DBA: Venesky & Company
6114 State Route 31
Cicero, NY 13039
Three Yr Cost: \$42,000
Score: 934 / 1000

MGT of America Consulting, LLC
4320 West Kennedy Blvd. Suite 200
Tampa, FL 33609
Three Yr Cost: \$84,555
Score: 447.68 / 1000

and

WHEREAS, the proposals were reviewed by members of a review committee consisting of 5 members, and the team recommends the contract be awarded to Venesky & Company, 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 and directed to execute a three year contract, for the period January 1, 2024-December 31, 2026, on behalf of Wayne County, subject to the County Attorney's approval as to form and content with Venesky & Company for the preparation of the County's Space Occupancy Cost Analysis Report, Consolidated County-Wide Cost Allocation Plan and Departmental Indirect Cost Proposals for the annual fixed cost not to exceed \$14,000 per year for plan years 2023, 2024 and 2025.

RESOLUTION 1-4: SETTING DATE FOR A PUBLIC HEARING ON IMPOSING A TAX ON OCCUPANTS OF HOTEL AND MOTEL ROOMS WITHIN THE COUNTY OF WAYNE

Mrs. Leonard presented the following:

WHEREAS, a proposed local law imposing a tax on occupant's hotel and motel rooms within the County of Wayne was presented to the Board of Supervisors on November 14, 2023, and

WHEREAS, a public hearing is scheduled for December 19, 2023 at 9:05 a.m. in the Supervisors Chambers located at 26 Church Street, Lyons, New York 14489 on the following proposed local law:

COUNTY OF WAYNE - STATE OF NEW YORK
INTRO NO.9 LAW NO. FOR THE YEAR 2023

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

Section

1. Short Title
2. Purpose
3. Definitions
4. Impositions of tax
5. Transitional Provisions
6. Exempt Organizations
7. Territorial Limitations
8. Registration
9. Administration and Collection
10. Records to be Kept

11. Returns
12. Payment of Tax
13. Determination of Tax
14. Disposition of Revenues
15. Refunds
16. Reserves
17. Remedies Exclusive
18. Proceedings to Recover Tax
19. General Powers of the County Treasurer
20. Administration of Oaths
21. Reference to Tax
22. Penalties and Interest
23. Returns to be Secret
24. Notices and Limitations of Time
25. Separability
26. Effective Date

Section 1. Short Title

This Local Law shall be known as the Wayne County Hotel, Motel or Seasonal Rental Occupancy Tax Law.

Section 2. Purpose

The purpose of this Local Law is to impose a tax on occupants of hotel or motel rooms in Wayne County, pursuant to Section 1202-ii of the Tax Law.

Section 3. Definitions

(a) Person. An individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combinations of the foregoing.

(b) Operator. Any person operating a hotel, motel or seasonal rental in the County of Wayne, including, but not limited to, the owner or proprietor of such premises, lessee, sub-lessee, mortgagee in possession, licensee or any other person otherwise operating such hotel, motel or seasonal rental.

(c) Hotel, Motel or Seasonal Rental. Any facility or portion thereof which is used for the lodging or sheltering of guests regardless of services or lack thereof given to such guests. The term "hotel" or "motel" or "seasonal rental" may include but is not limited to: a hotel, motel, apartment, bed and breakfast, inn, guest house, private house, tourist facility, cottage, vacation rental, cabin, condominium, townhouse, boat, or a similar type of structure by whatever name designated, regardless if said lodging is procured online, in person, or by any other means.

(d) Occupancy. The use or possession, or the right to use or possession, of any room in a hotel or motel.

(e) Occupant. A person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel, motel or seasonal rental under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

(f) Permanent Resident. Any occupant of any room or rooms in a hotel, motel or seasonal rental for at least ninety (90) consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

(g) Rent. The consideration received for occupancy valued in money, whether received in money or otherwise.

(h) Room. Any room or rooms of any kind in any part or portion of a hotel, motel or seasonal rental which is available for or let out for any purpose other than a place of assembly.

(i) Return. Any return filed or required to be filed as herein provided.

(j) County Treasurer. The Treasurer of Wayne County.

Section 4. Imposition of Tax

In addition to any other tax presently authorized and imposed (pursuant to Article 29 of the Tax Law), on and after the first day of March 2024, there is hereby imposed and there shall be paid a tax of five (5) percent upon the rent for every occupancy of a room or rooms in a hotel, motel or seasonal rental in this county, except that the tax shall not be imposed upon a permanent resident.

Section 5. Transitional Provisions

The tax imposed by this Local Law shall be paid upon any occupancy on and after the first day of March 2024, although such occupancy is pursuant to a prior contract, lease or other arrangement. Where rent is paid on a weekly, monthly or other term basis, the rent shall be subject to the tax imposed by this local law to the extent that it covers any period on and after the first day of March 2024.

Section 6. Exempt Organizations

(a) Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this Local Law:

1. The State of New York, or any public corporation (including a public corporation created pursuant to an agreement or compact with another state or Canada), improvement district or political subdivision of the state;
2. The United States of America, insofar as it is immune from taxation;
3. Any corporation, association, trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this subdivision shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this subdivisions.

(b) Where any organization described in paragraph (3) of subdivision (a) of this subdivision carried on its activities in furtherance of the purposes for which it was organized, in premises in which, as part of said activities, it operates a hotel or motel, occupancy of rooms in the premises and rents therefrom received by such corporation or association shall not be subject to tax hereunder.

Section 7. Territorial Limitations

The tax imposed by this Local Law shall apply only within the territorial limits of the County of Wayne.

Section 8. Registration

(a) Every person required to collect any tax imposed by this Local Law presently operating, commencing business or opening a new place of business, and every person who takes possession of or pays for business assets under circumstances requiring notification by such person to the County Treasurer pursuant to sub divisions (d) of Section 18 of this Local Law shall file with the County Treasurer a certificate of registration, in a form prescribed by it, at least twenty days prior to commencing business or opening a new place of business or such purchasing or taking of possession or payment, whichever comes first. The certificate of registration form shall contain information with respect to the notice requirements of a purchaser, transferee or assignee and his liability for the payment of taxes pursuant to subdivision (d) of Section 18 of this Local Law. The County Treasurer shall, within five days after such registration, issue, without charge, to each registrant a certificate of authority empowering him to collect the tax and a duplicate thereof for each additional place of business of such registrant. The County Treasurer shall issue, with the certificate of authority, general information about the tax imposed under this Local Law, including information on records to be kept, returns and payments, notification requirements and forms. Each certificate or duplicate shall state the place of business to which it is applicable. Such certificates of authority shall be prominently displayed in the places of business of the registrant. Such certificates shall be nonassignable and nontransferable and shall be surrendered to the County Treasurer immediately upon the registrant's ceasing to do business at the place named or in the event that such business never commenced.

Section 9. Administration and Collection

(a) Every person required to collect the tax shall collect the tax from the occupant when collecting the rent to which it applies. If the occupant is given any receipt or other statement or memorandum of rent paid or payable, the tax shall be stated, charged and shown separately on the first of such documents given to him. The tax shall be paid to the person required to collect it as trustee for and on account of the County.

(b) The County Treasurer shall, by regulation, prescribe a method or methods or a schedule or schedules, of the amounts to be collected from occupants in respect to rent upon which a tax is imposed by this Local Law so that the aggregate collection of taxes by a person required to collect tax shall, as far as practicable, equal to five (5) percent of the total rents of such person upon whom a tax is imposed by this Local Law.

(c) For the purpose of the proper administration of this Local Law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents for occupancy of hotel, motel rooms or seasonal rentals are subject to tax until the contrary is established, and the burden of proving that any rent is not taxable hereunder shall be upon the person required to collect tax or the occupant. Unless an occupant, prior to taking possession, furnished to the operator a statement which the County Treasurer may require demonstrating that the occupant is an exempt organization described in Section 6 of this Local Law, the sale shall be deemed a taxable transaction. Where such a statement has been furnished to the operator, the burden of proving that the rent is not taxable hereunder shall be solely upon the occupant. The operator shall not be required to collect tax from occupants who furnish an exempt organization statement in proper form.

(d) The County Treasurer may provide, by regulation, for the exclusion from taxable rents, rent which has been ascertained to be uncollectible or, in case the tax has been paid upon such rent, for refund of or credit for the tax so paid, he shall require an application for credit to be filed, but he may also allow the applicant to immediately take the credit on the return which is due coincident with or immediately subsequent to the time the applicant files his application for credit. However, the taking of the credit on the return shall be deemed to be part of the application for credit and shall be subject to the provisions in respect to application for credit in Section 15 of this Local Law.

Section 10. Records to be Kept

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the County Treasurer may, by regulation, require. Such records shall include a true copy

of each receipt or statement separately stating the tax charged. Such records shall be available for inspection, examination and audit at any time upon demand by the County Treasurer or his duly authorized agent at any time upon demand by the County Treasurer or his duly authorized agent or employees and shall be preserved for a period of three years, except that the County Treasurer may consent to their destruction within that period or may require that they be kept longer.

Section 11. Returns

(a) Every operator required to register pursuant to Section 8 hereof shall file a return quarterly with the County Treasurer. The return shall show all rents received or charged and the amount of tax thereon. The returns to be filed quarterly shall be filed for the quarterly periods ending on the last day of February, May, August and November of each year, and shall be filed within thirty days after the end of the quarterly period covered thereby. The County Treasurer may permit or require returns to be made by other periods and upon such dates as he may specify. If the County Treasurer deems it necessary in order to insure the payment of the tax imposed by this Local Law, he may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as he may specify.

(b) The form of returns shall be prescribed by the County Treasurer and shall contain such information as he may deem necessary for the proper administration of this Local Law. The County Treasurer may require amended returns to be filed within twenty days after notice and to contain the information specified in the notice.

(c) If a return required by this Local Law is not filed, or a return when filed is incorrect or insufficient on its face, the County Treasurer shall take the necessary steps to enforce the filing of such a return or of a corrected return.

Section 12. Payment of Tax

(a) Every operator required to file a return under the preceding section shall, at the time of filing such return, pay to the County Treasurer five (5) percent of the total of all rents subject to tax pursuant to this Local Law, as well as all other moneys collected by the operator acting or purporting to act under the provisions of this Local Law.

(b) The Amount payable for the period for which a return is filed shall be due and payable to the County Treasurer on the date limited for filing the return, whether or not the return is filed, or whether or not the return filed correctly shows the rents or the taxes due thereon.

(c) Where the County Treasurer, in his discretion, deems it necessary to protect revenues to be obtained under this Local Law, he may require any operator required to collect the tax imposed by this Local Law to file with him a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the County Treasurer may fix, to secure the payment of any tax or penalties or interest due or which may become due from such operator. In the event that the County Treasurer determines that an operator is to file such bond, he shall give notice to such operator to that effect specifying the amount of the bond required. The operator shall file such bond within five days after the giving of such notice unless within such five days, the operator shall request in writing a hearing before the County Treasurer, at which time the necessity, propriety and amount of the bond shall be determined by the County Treasurer. Such determination shall be final and shall be complied with within fifteen days after the giving of notice thereof. In lieu of such bond, securities approved by the County Treasurer or cash in such amount as he may prescribe, may be deposited which shall be kept in the custody of the County Treasurer, who may at any time without notice to the depositor, apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him at public or private sale without notice to the depositor thereof.

Section 13. Determination of Tax

(a) If a return required by this Local Law is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be determined by the County Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall be given to the person liable for the collection and/or payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within ninety days after giving notice of such determination, shall apply to the County Treasurer for a hearing, or unless the County Treasurer, on his own motion, shall re-determine the same.

(b) Whenever such tax is estimated as provided for in this section, such notice shall contain a statement in bold face type conspicuously placed on such notice advising the person: that the amount of tax was estimated, that the tax may be challenged through a hearing process, and that the petition for such challenge must be filed with the County Treasurer within thirty (30) days.

(c) After such hearing, the County Treasurer shall give notice promptly, by registered or certified mail, of his determination to the applicant. The determination of the County Treasurer shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article 78 of the Civil Practice Law and Rules, if application therefor is made to the Supreme Court within four months after the giving of the notice of such determination. A proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless the amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited with the County Treasurer, and there shall be filed with the County Treasurer an undertaking, issued by a surety company authorized to transact business

in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding, or at the option of the applicant, such undertaking filed with the County Treasurer may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such taxes, penalties and interest as a condition precedent to the application.

Section 14. Disposition of Revenues

All revenues resulting from the imposition of the tax under this Local Law shall be paid into the treasury of the County of Wayne and shall be credited to and deposited in a special tourism revenue line. The County of Wayne is authorized to retain sufficient revenue to defray the necessary expenses of the County in administering said tax, in an amount not to exceed 5% of the amount collected each quarter. The revenue derived from the tax, after deducting the amount provided for administering said tax as authorized by this Local Law, shall be allocated by the Wayne County Tourism department quarterly. The funds so allocated shall be used for the purpose of promoting Wayne County, its towns and villages in order to increase tourism within the County.

Section 15. Refunds

(a) In the manner provided in this section, the County Treasurer shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the County Treasurer for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the County Treasurer, he shall state his reason therefor in writing. Such application may be made by the occupant, operator or other person who has actually paid the tax. No actual refund of moneys shall be made to any operator, of tax which he collected from an occupant, until he shall first establish to the satisfaction of the County Treasurer under such regulations as the County Treasurer may prescribe, that he has repaid to the occupant the amount for which the application for refund is made. The County Treasurer may, in lieu of any refund required to be made, allow credit therefore on payments due from the applicant.

(b) An application for a refund or credit made as herein provided shall be deemed an application for revisions of any tax, penalty or interest complained of and the County Treasurer may receive evidence with respect thereto. After making his determination, the County Treasurer shall give notice thereof to the applicant who shall be entitled to review such determination by a proceeding pursuant to Article 78 of the Civil Practice Law and Rules, provided such proceeding is instituted within four months after the giving of the notice of such determination, and provided that a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the County Treasurer in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceedings be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

(c) A person shall not be entitled to a revision, refund or credit under this section of a tax, interest or penalty which had been determined to be due pursuant to the provisions of Section 13 of this Local Law where he has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail himself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty after a determination by the County Treasurer made pursuant to Section 13 of this Local Law unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the County Treasurer after a hearing or of his own motion or in a proceeding under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event, refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

Section 16. Reserves

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review, a determination adverse to him on his application for refund, the County Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

Section 17. Remedies Exclusive

The remedies provided by Sections 13 and 15 of this Local Law shall be exclusive remedies available to any person for the review of tax liability imposed by this Local Law; and no determination on any application for refund shall be enjoined or reviewed by any action for declaratory judgment, an action for money had and received or by an action or proceeding other than a proceeding under Article 78 of the Civil Practice Law and Rules.

Section 18. Proceedings to Recover Tax

(a) Whenever any operator required to collect a tax shall fail to collect and pay over any tax, penalty or interest, or whenever any occupant shall fail to pay any tax, penalty or interest imposed by this Local Law as herein provided, the County Attorney shall, upon request of the County Treasurer, bring or cause to be brought an action to enforce the payment of the same on behalf of the County of Wayne in any court of the State of New York, or of any other state of the United States.

(b) If, however, the County Treasurer in his discretion believes that any such operator, officer, occupant or

other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, he may declare such tax or penalty to be immediately due and payable and may issue a warrant.

(c) As an additional or alternate remedy, the County Treasurer may issue a warrant, directed to the sheriff commanding him to levy upon and sell the real and personal property of the operator which may be found within the county for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return such warrant to the County Treasurer and to pay to him the money collected by virtue thereof within sixty days after the receipt of such warrant. The sheriff shall, within five days after the receipt of the warrant, file with the County Clerk thereof, and thereupon such clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the interest in real and personal property of the person against whom the warrant is issued. The sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in respect to executions issued against property upon judgments of a court of record and for services in executing the warrant he shall be entitled to the same fees, which he may collect in the same manner. In the discretion of the County Treasurer, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the County Treasurer and in the execution thereof such officer or employee shall have all the powers conferred by law upon sheriffs, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the County Treasurer may, from time to time, issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the county had recovered judgment and thereafter the execution thereon had been returned unsatisfied.

(d) Whenever an operator shall make a sale, transfer or assignment in bulk of any part or the whole of his hotel, motel or seasonal rental assets, otherwise than in the ordinary course of business, the purchaser, transferee or assignee shall, at least ten days before taking possession of the subject of said sale, transfer or assignment, or paying therefore, notify the County Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor has represented to or informed the purchaser, transferee or assignee that he owes any tax pursuant to this local law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing.

Section 19. General Powers of the County Treasurer

(a) In addition to the powers granted to the County Treasurer in this Local Law, he is hereby authorized and empowered:

(1) to make, adopt and amend rules and regulations appropriate to the carrying out of this Local Law and the purposes thereof;

(2) to extend for cause shown, the time of filing any return for a period not exceeding thirty days; and for cause shown, to remit penalties but not interest computed at the rate of six percent per annum;

(3) to request information from the tax commission of the State of New York or the treasury department of the United States relative to any person; and to afford information to such tax commission or such treasury department relative to any person, any other provision of this Local Law to the contrary notwithstanding;

(4) to delegate his functions hereunder to a Deputy County Treasurer or any employee or employees of the office of the County Treasurer;

(5) to prescribe methods for determining the amount of rents for determining which of them are taxable and non-taxable;

(6) to require any operator to keep detailed records of all rents received, charged and accrued, including those claimed to be non-taxable, and also the nature, type, value and amount of all occupancies, names and addresses of occupants, and other facts relevant in determining the amount of tax due, and to furnish such information to the County Treasurer.

(7) to assess, determine, revise and readjust the taxes imposed under this Local Law.

(b) Penalty for late filing. In addition to any other powers, penalties or remedies contained in this Local Law, as amended, the Wayne County Treasurer is hereby authorized to and shall impose a minimum fifty (\$50) dollar penalty for any return not timely filed and for which an extension has not otherwise been granted.

Section 20. Administration of Oaths and Compelling Testimony

(a) the County Treasurer, or his employees or agents duly designated and authorized by him, shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this Local Law. The County Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this Local Law, and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before him or excused from attendance.

(b) A justice of the Supreme Court either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the County Treasurer under this Local Law.

(c) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the County Treasurer under this Local Law shall be guilty of a misdemeanor, punishment

for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment.

(d) The officers who serve the summons or subpoena of the County Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts or record, except as herein otherwise provided. Such officers shall be the county sheriff and his duly appointed deputies or any officers or employees of the Treasurer's Office, designated to serve such process.

Section 21. Reference to Tax

Wherever reference is made in placards or advertisements or in any other publications to this tax, such reference shall be substantially in the following form: "Tax on occupancy of hotel or motel rooms, or "seasonal rentals" except that in any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator, the words "occupancy tax" will suffice.

Section 22. Penalties and Interest

(a) Any operator failing to file a return or to pay or pay over any tax to the County Treasurer within the time required by this Local Law shall be subject to a penalty of five (5%) percent of the amount of tax due if such failure is for not more than one month, with an additional one (1%) percent for each additional month or fraction thereof during which such failure continues, not exceeding twenty-five percent in the aggregate, plus interest at the rate of one percent of such tax for each month of delay after such return was required to be filed or such tax became due.

(b) If the County Treasurer determines that such failure or delay was due to reasonable cause and not due to willful neglect, he shall remit all of such penalty and that portion of such interest that exceeds interest at the rate of six percent. The County Treasurer shall promulgate rules and regulations as to what constitutes reasonable cause.

(c) If the failure to file a return or to pay over any tax to the County Treasurer within the time required by this Local Law is due to fraud, there shall be added to the tax a penalty of fifty percent of the amount of the tax due (in lieu of the penalty provided for in paragraph (1), plus interest at the rate of one percent of such tax for each month of delay after such return was required to be filed or such tax became due. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this Local Law. Unpaid penalties and interest may be determined, assessed, collected and enforced in the same manner as the tax imposed by this Local Law.

(d) Any operator failing to file a return or report required by this Local Law or filing or causing to be filed, or making or causing to be made, or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this Local Law, which is willfully false, or willfully failing to file a bond required by this Local Law or willfully failing to comply with the provisions of Section 12(c) of this Local Law, or failing to file a registration certificate on such date in connection therewith as the County Treasurer by regulation or otherwise may require, or to display or surrender a certificate of authority as required by this Local Law, or assigning or transferring such certificate of authority, or willfully failing to charge separately the tax herein imposed or to state such tax separately on any bill, statement, memorandum or receipt issued or employed by him upon which the tax is required to be stated separately as provided in Section 10, or willfully failing to collect the tax from a customer, or who shall refer or cause reference to be made to this tax in a form or manner other than that required by this Local Law, or failing to keep any records required by this Local Law, shall, in addition to any other penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment. The penalties provided herein shall not apply to a failure to surrender a certificate of authority which is required to be surrendered where business never commenced.

(e) The certificate of the County Treasurer to the effect that a tax has not been paid, that a return, bond or registration has not been filed, or that information has not been supplied pursuant to the provisions of this Local Law, shall be presumptive evidence thereof.

(f) The penalties provided for in this section shall not preclude prosecution pursuant to the penal law with respect to the willful failure of any person to pay over to the county any tax imposed by this Local Law, whenever such person has been required to collect and has collected any such sales tax.

Section 23. Returns to be Secret

(a) Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the County Treasurer or any officer or employee of this department, or any person who in any manner may acquire knowledge of the contents of a return or report filed with the County Treasurer pursuant to this Local Law, to divulge or make known in any manner any particulars set forth or disclosed in any such return or report. The County Treasurer shall not be required to produce any returns or reports, or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the County Treasurer in an action or proceeding under the provisions of the tax law or in any other action or proceeding involving the collection of a tax due under this Local Law to which the county or the County Treasurer is a party or a claimant, or on behalf of any party to any action, proceeding or hearing under the provisions of this Local Law, when the returns, reports or facts shown thereby are directly involved in such action, proceeding or hearing, in any of which events the court, or in the case of a hearing, the County Treasurer may require the production of, and may admit into evidence, so much of said returns, reports or of the facts shown thereby, as are pertinent to the action, proceeding or hearing and no more. The County Treasurer may, nevertheless, publish a copy or a summary of any decision rendered after a hearing required by this Local Law. Nothing herein shall be construed to prohibit the delivery to

a person who has filed a return or report or his duly authorized representative of a certified copy of any return or report filed in connection with his tax. Nor shall anything herein be construed to prohibit the delivery to a person required to collect the tax under this Local Law or a purchaser, transferee or assignee personally liable under the provisions of Section 18(d) of this Local Law for the tax due from the seller, transferor or assignor, of any return or report filed under this Local Law in connection with such tax, provided however, that there may be delivered only so much of said return, report or of the facts shown thereby as are pertinent to a determination of the taxes due or liability owned by such person or purchaser, transferor, or assignee and no more, or to prohibit the publication of statistics so classified as to prevent the identification of particular returns or reports and the items thereof, or the inspection by the County Attorney or other legal representatives of the County of the return or report of any person required to collect or pay the tax who shall bring action to review the tax based thereon, or against whom an action or proceeding under this Local Law has been recommended by the County Treasurer or the County Attorney, or has been instituted.

(b) Returns filed under this Local Law shall be preserved for three years and thereafter until the County Treasurer orders them to be destroyed.

(c) Any violation of subdivision (a) of this section shall be punishable by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both, in the discretion of the court, and if the offender be an officer or employee of the county, he shall be dismissed from office and be incapable of holding any public office for a period of five years thereafter.

Section 24. Notices and Limitations of Time

(a) (1) Any notice authorized or required under the provisions of this Local Law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him pursuant to the provisions of this Local Law, or in any application made by him, or, if no return has been filed or application made, then to such address as may be obtainable. A notice of determination shall be mailed promptly by registered or certified mail. The mailing of such notice shall be presumptive evidence of the receipt of same by the person to whom addressed. Any period of time which is determined according to the provisions of this Local Law by the giving of notice shall commence to run from the date of mailing of such notice.

(2) If any return, claim, statement, notice, application or other document required to be filed, or any payment required to be made, within a prescribed period or on or before a prescribed date under authority of any provision of this Local Law is, after such period or such date, delivered by United States mail to the County Treasurer or his office, the date of the United States postmark stamped on the envelope shall be deemed the date of delivery. This subdivision shall apply only if the postmark date falls within the prescribed period or on or before the prescribed date for the filing of such document, or for making the payment, including any extension granted for such filing or payment, and only if such document or payment was deposited in the mail, postage prepaid, properly addressed to the County Treasurer or his office. If any document is sent by United States registered mail, such registration shall be prima facie evidence that such document was delivered to the County Treasurer or his office. Certified mail may be used in lieu of registered mail under this section. This subdivision shall apply in the case of postmarks not made by the United States Post Office only if and to the extent provided by regulation of the County Treasurer.

(3) When the last day prescribed under authority of this Local Law (including any extension of time) for performing any act falls on a Saturday, Sunday or a legal holiday in the State of New York, the performance of such act shall be considered timely if it is performed on the next succeeding day which is not a Saturday, Sunday or a legal holiday.

(b) The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the county to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this Local Law. However, except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment or additional tax shall be made after the expiration of more than three years from the date of filing of a return; provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

(c) Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

Section 25. Separability

If any provision of this Local Law or the application thereof to any period or circumstances, is held invalid, the remainder of this Local Law, and the application of such provisions to other persons or circumstances shall not be affected thereby.

Section 26. Effective Date

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State.

PROPERTY TAX

Mrs. Leonard presented the following:

WHEREAS, a proposed local law amending Local Law No. 2-2019., as established by Local Law No. 2-1995 which provided for the installment payment of eligible delinquent real property tax was presented to the Board of Supervisors on October 17, 2023; and

WHEREAS, a public hearing on the proposed local law amendment was held on November 21, 2023 at 9:10 a.m. at the Wayne County Public Safety Building, 7376 Route 31, Wayne County Emergency Management Department, 2nd Floor, Lyons, New York, in accordance with the notice of hearing duly posted and published in the manner prescribed by law; now, therefore be it

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

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

A Local Law to Amend Local Law No. 2-2019, as established by Local Law No. 2-1995 to amend the Installment Payment of Eligible Delinquent Real Property 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 it is filed in the Office of the Secretary of State.

RESOLUTION 1-6: AUTHORIZING THE COUNTY TREASURER TO CREATE ACCOUNTS, TRANSFER FUNDS AND CREATE ASSIGNED FUND BALANCES AS NECESSARY TO ALLOW COUNTY ACCOUNTING RECORDS TO FOLLOW GASB 84

Mrs. Leonard presented the following:

WHEREAS, GASB84 was effective for County Fiscal year ending December 31, 2020; and

WHEREAS, the County Treasurer and External Auditors have been doing numerous year end adjustments to align the Financial Statements as recorded in MUNIS, the County's accounting software, with GASB 84 requirements; and

WHEREAS, the County Treasurer wants to transition the County's day to day accounting practices to ensure transactions are recorded in MUNIS the way they should be to be compliant with GASB 84; and

WHEREAS, if the normal procedures were followed for creating accounts, transferring funds, and creating assigned fund balances, numerous resolutions and complex account transactions would require Board approval; and

WHEREAS, the County Treasurer believes the most efficient way to accomplish this is to complete the transactions and report back to the Finance Committee all of the changes made; now, therefore, be it

RESOLVED, that the Board of Supervisors authorizes the County Treasurer to create accounts, transfer funds, and create assigned fund balance accounts as necessary to have accounting transactions posted in MUNIS be GASB 84 compliant.

RESOLUTION 1-7: AUTHORIZATION TO CONTRACT WITH BOYLAN CODE FOR LEGAL COUNSEL FOR REAL PROPERTY TAX LAW ARTICLE 11 FORECLOSURE PROCEEDINGS

Mrs. Leonard presented the following:

WHEREAS, the Purchasing Agent has duly advertised the RFP for legal counsel for Real Property Tax Law Article 11 Foreclosure proceedings and the RFP's were opened and the following RFP's were received:

Boylan Code
145 Culver Road Armory, Suite 110
Rochester, New York 14620

and

WHEREAS, the proposals were reviewed by members of a review committee consisting of 5 members and it has been determined that the proposal meets the needs of the department and the team recommends the contract be awarded to Boylan Code at a rate of Two Hundred and 00/100 (\$200.00) per property and Two Hundred Sixty Five and 00/100 (\$265.00) per hour for consulting and extending litigation; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to enter into a contract with Boylan Code for a term commencing January 1, 2024 and terminating December 31, 2026, based on the rates set forth in the submitted RFP, subject to the approval of the County Attorney as to form and content.

RESOLUTION 1-8: AUTHORIZATION TO ADOPT MORTGAGE TAX REPORT AND AUTHORIZE COUNTY TREASURER TO MAKE PAYMENT TO TOWNS AND VILLAGES

Mrs. Leonard presented the following:

WHEREAS, the Finance Committee of the Wayne County Board of Supervisors has filed a report showing the mortgage tax monies received by the Wayne County Treasurer from April 1, 2023 to September 30, 2023, and recommend payment to the Villages and Towns as apportioned in such report as follows:

TOWN TOWN VILLAGE VILLAGE TOTAL

	SHARE		SHARE		
Arcadia		72,603.20	Newark	29,716.52	102,319.72
Butler	3,179.20	Wolcott	129.84	3,309.04	
Galen	16,657.17	Clyde	2,515.37	19,172.54	
Huron	20,853.97		0.00	20,853.97	
Lyons	24,221.51		0.00	24,221.51	
Macedon	66,706.24		0.00	66,706.24	
Marion	40,557.17		0.00	40,557.17	
Ontario	280,166.72		0.00	280,166.72	
Palmyra	53,089.24	Palmyra	7,090.51	60,179.75	
Rose	16,688.76		0.00	16,688.76	
Savannah	4,733.25		0.00	4,733.25	
Sodus	47,400.26	Sodus	3,322.80	58,147.16	
		Sodus Pt.	7,424.10		
Walworth	104,617.12		0.00	104,617.12	
Williamson	57,582.97		0.00	57,582.97	
Wolcott	24,818.17	Red Creek	916.69	27,872.93	
		Wolcott	2,138.07		
TOTAL	\$833,874.95		\$53,253.90	\$887,128.85	

now, therefore, be it

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

RESOLUTION 1-9: STATEMENT OF LEVY OF CHARGES FOR TOWN ACCOUNTS

Mrs. Leonard presented the following:

WHEREAS, the Clerk of the Board has prepared the annual statement of accounts that are chargeable back to the towns within the County of Wayne for the period of November 1, 2022 through October 31, 2023; now, therefore be it

RESOLVED, that the County Treasurer is hereby authorized and directed to levy the following Statement of Town Accounts on the 2024 tax rolls upon the taxable property of the respective towns liable for the payment of such accounts:

STATEMENT OF TOWN ACCOUNTS – NOVEMBER 1, 2022 THROUGH OCTOBER 31, 2023

Town of Arcadia

Cablevision Franchise Tax		5,888.80
2023 Tax Roll Excess and Deficit		+1.52
Erroneous Taxes	Water Dist. 10	1,759.75
	Water Dist. 10	7,987.52

RES#	Name	Year	Amount
124-23	Schrader, M. E.	2023	71.24
124-23	WCRLB	2023	91.50

TOTAL ARCADIA: 15,800.33
Paid Check # 5526 0.00

Town of Butler

Cablevision Franchise Tax		
2023 Tax Roll Excess and Deficit		-.58
Erroneous Taxes		

RES #	Name	Year	Amount
124-23	WCRLB	2023	115.42
124-23	WCRLB	2023	333.96

TOTAL BUTLER: 448.80

Town of Galen

Cablevision Franchise Tax	5,429.10
2023 Tax Roll Excess and Deficit	+27
Erroneous Taxes	

RES #	Name	Year	Amount
124-23	WCRLB	2023	9.43
137-23	United States of America	2023	113.94

Intent to Pay/Check #21901 TOTAL GALEN: 5,552.74

Town of Huron

Cablevision Franchise Tax	3,838.12
2023 Tax Roll Excess and Deficit	+54
Erroneous Taxes	

RES #	Name	Year	Amount
124-23	WCRLB	2023	332.98
138-23	VanFleet, Eric	2023	539.11
137-23	Shear, Doug & Amy	2023	539.11
137-23	Wright, Brendan	2023	539.11

TOTAL HURON: 5,788.97

Town of Lyons

Cablevision Franchise Tax	7,914.78
2023 Tax Roll Excess and Deficit	-.61
Erroneous Taxes	Maddock, Christopher - Judgment 343.22

RES #	Name	Year	Amount
124-23	WCRLB	2023	212.68
138-23	Wick, Carl & Anne	2023	20.00
137-23	Christopher & Tammy	2023	363.02
137-23	Christopher & Tammy	2023	369.02

TOTAL LYONS: 9,222.11

Town of Macedon

Cablevision Franchise Tax	2,588.47
2023 Tax Roll Excess and Deficit	-.82
Erroneous Taxes	

Intent to Pay TOTAL MACEDON: 2,587.65

Town of Marion

Cablevision Franchise Tax	1,143.59
2023 Tax Roll Excess and Deficit	-5.10
Erroneous Taxes	

TOTAL MARION: 1,138.49

Town of Ontario

Cablevision Franchise Tax	1,914.66
2023 Tax Roll Excess and Deficit	+3.80
Erroneous Taxes	

RES #	Name	Year	Amount
124-23	Hosier, Robert & Patrick	2023	207.35
124-23	Benton, Richard & Suzanne	2023	1,018.27
124-23	Genesee Land Trust	2023	239.46

TOTAL ONTARIO: 3,383.54

Town of Palmyra

Cablevision Franchise Tax	1,247.28
2023 Tax Roll Excess and Deficit	+40
Erroneous Taxes	

LEVY PALMYRA: 1,247.68

Town of Rose

Cablevision Franchise Tax	6,655.53
2023 Tax Roll Excess and Deficit	+11

Erroneous Taxes

RES #	Name	Year	Amount
124-23	Rose Cemetery Assoc.	2023	11.00
124-23	WCRLB	2023	720.77

TOTAL ROSE: 7,387.41

Town of Savannah

Cablevision Franchise Tax	3,792.90
2023 Tax Roll Excess and Deficit	0
Erroneous Taxes	

RES #	Name	Year	Amount
124-23	WCRLB	2023	133.40

Intent to Pay **TOTAL SAVANNAH: 3,926.30**

Town of Sodus

Cablevision Franchise Tax	5,898.21
2023 Tax Roll Excess and Deficit	+ .12
Erroneous Taxes	

RES #	Name	Year	Amount
124-23	Burditt, Timothy	2023	497.54

Intent to Pay **TOTAL SODUS: 6,395.87**

Town of Walworth

Cablevision Franchise Tax	1,430.10
2023 Tax Roll Excess and Deficit	-4.08
Erroneous Taxes	

Law Office of Chad H	814.68
Law Office of Chad M	804.89

RES #	Name	Year	Amount
124-23	Gananda Central School District	2023	630.85
125-23	Gananda Housing Dev Fund Corp	2023	584.89
125-23	Gananda Housing Dev Fund Corp	2023	566.82

Intent to Pay **TOTAL WALWORTH: 4,828.15**

Town of Williamson

Cablevision Franchise Tax	1,617.34
2023 Tax Roll Excess and Deficit	+ .54
Erroneous Taxes	

RES #	Name	Year	Amount
124-23	Sonneville, J&J	2023	393.72

Intent to Pay **TOTAL WILLIAMSON: 2,011.60**

Town of Wolcott

Cablevision Franchise Tax	3,989.84
2023 Tax Roll Excess and Deficit	-.55
Erroneous Taxes	

TOTAL WOLCOTT: 3,989.29

RESOLUTION 1-10: ACKNOWLEDGING RECEIPT OF THE 2024 TENTATIVE WAYNE COUNTY BUDGET

Mrs. Leonard presented the following:

WHEREAS, the Budget Officer provided the Clerk of the Board with the 2024 Tentative Wayne County Budget by November 15, 2023; and

WHEREAS, the Budget Officer has also provided copies of the 2024 Tentative Budget to each

member of the Board of Supervisors; now, therefore, be it

RESOLVED, that the Board of Supervisors hereby acknowledges the receipt of the 2024 Tentative Wayne County Budget.

COM. #2 – PUBLIC SAFETY – VERNO, VAN LAEKEN, DONALTY, BENDER, ROSE

RESOLUTION 2-1: AUTHORIZATION TO APPROVE AND ACCEPT THE DISCOVERY AND BAIL REFORM GRANT FROM THE DIVISION OF CRIMINAL JUSTICE SERVICES (DCJS)

Mr. Verno presented the following:

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) has approved and provided funding to assist the County and District Attorney's Office with expenses related to the new Discovery Law enacted January 1, 2020; and

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) has approved and provided funding to assist the County and District Attorney's Office with expenses related to the new Discovery Law enacted January 1, 2020 in the amount of \$ 312,224.00; and

WHEREAS, the funding is contingent upon approval of the Chairman of the Wayne County Board of Supervisors and DCJS; and

WHEREAS, the funding can be used to fund support programs through Probation and Pre-Trial Services; Police Agencies; District Attorney's Office; now, therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to approve and accept said Grant in an amount up to \$ 312,224.00 for fiscal year April 1, 2023 through March 31, 2024; and further be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors, shall submit a letter of Affirmation that said funds will be used for Discovery and or Bail Reform; and further be it

RESOLVED, that the District Attorney, the Director of Probation and the Director of Pre-Trial Services are authorized to sign and submit letters of support of implementation of said funds in and for the County of Wayne.

RESOLUTION 2-2: AUTHORIZATION TO APPROVE AND ACCEPT THE GOVERNOR'S AID TO PROSECUTION GRANT FROM THE DIVISION OF CRIMINAL JUSTICE SERVICES (DCJS)

Mr. Verno presented the following:

WHEREAS, Governor Kathy Hochul has secured an additional \$40 million dollars to assist county prosecution efforts in the 2023/2024 budget, said money to be distributed by the New York State Division of Criminal Justice Services (DCJS); and

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) has approved and provided funding to assist the County and District Attorney's Office with expenses related to recruitment and retention of Attorneys and other costs to aid in prosecution; and

WHEREAS, the amount of funding awarded to the Wayne County District Attorney's Office is \$ 224,904.00; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to approve and accept said Grant in an amount up to \$ 224,904.00 for fiscal year April 1, 2023 through March 31, 2024.

RESOLUTION 2-3: AUTHORIZATION TO PURCHASE AUTOMATED EXTERNAL DEFIBRILLATORS

Mr. Verno presented the following:

WHEREAS, Automated External Defibrillators (AEDs) have long been shown to improve patient outcomes and survivability in cases of sudden cardiac arrest, and to form an essential link in the chain of survival needed when someone suffers cardiac arrest; and

WHEREAS, AEDs have been deployed for many years in various County buildings, and in the patrol cars of the Sheriff's Office, with many of the AEDs deployed several years ago, with many now more than 10 years old; and

WHEREAS, a task force was set up to assess the need for AEDs across all affected County

departments, with options for leasing versus purchasing considered by the EMS Project Oversight Committee, then by the Public Safety Committee; and

WHEREAS, it has been recommended that all AEDs owned by the County be replaced and standardized by purchasing the Stryker CR2 AED, with a further recommendation that the units should be purchased rather than leased, with all current County owned units to be traded in; and

WHEREAS, the replacement project recommendation includes additional units to be assigned to the County Highway foremen, and additional units for the Wayne County Nursing Home, among others; now, therefore, be it

RESOLVED, that purchasing Stryker CR2 AEDs is hereby authorized, utilizing cooperative purchasing contracts as specified and approved by the Purchasing Department, at the following prices:

Lifepak CR2 without case	\$2049.12 per unit
Lifepak CR2 with case	\$2212.37 per unit
Trade in Lifepak 1000	\$400.00 per unit
Trade in Zoll AED	\$300.00 per unit

and be it further

RESOLVED, that the purchase of 130 total Stryker Lifepak CR2 AEDs is hereby authorized, consisting of 106 units with cases, and 24 units without cases, with consideration for trade-in of a total quantity of 108 units, for a total credit of \$42,800, and a total purchase cost not to exceed \$240,900.00; and be it further

RESOLVED, that the County Treasurer is hereby authorized to transfer \$240,900.00 from Unassigned General Fund Balance to make the following amendment to the 2023 County budget for the purpose of purchasing the above mentioned automated external defibrillators:

A3625 Emergency Medical Services
(Appropriations)
\$240,900.00 to .52500 Other Equipment

RESOLUTION 2-4: AUTHORIZATION TO EXECUTE BILLING AGREEMENTS FOR WAYNE COUNTY EMS

Mr. Verno presented the following:

WHEREAS, Wayne County Emergency Medical Services (Wayne County Advanced Life Support) has provided Paramedic assistance to the other transporting EMS agencies in the county since the inception of Wayne County ALS in 2002; and

WHEREAS, Medicare regulations specify that there shall be no more than one bill to Medicare for each patient transported, including cases where separate agencies work together to treat and transport the patient, as Wayne County ALS has done since its inception, which necessitated that agreements be executed between the County and the transporting ambulance services to allow the agency to collect revenue for services provided by the County, and to allow for payment of an established fee from the agencies to the County for each patient having Medicare or Medicare Advantage coverage; and

WHEREAS, the current fee payable to the County for each occurrence as described herein is \$100, as established under Board of Supervisors resolution 321-19; and

WHEREAS, with the County having changed billing companies to EMS Management and Consultants, and as a result of the new operating certificate issued by the Department of Health, it is recommended that revised agreements be executed relative to this practice; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors shall be authorized to execute ALS-BLS Joint Prehospital Billing Agreements, as needed, and on an ongoing basis, relative to the contractual relationship between the County and the other transporting EMS agencies in Wayne

County, to continue the practice of payment of the \$100 Medicare interface chargeback from the transporting EMS agencies to the County, when applicable, subject to the review and approval of the County Attorney as to form and content.

RESOLUTION 2-5: AUTHORIZATION TO ACCEPT 2023 STATEWIDE INTEROPERABLE COMMUNICATIONS GRANT FUNDING AND AMEND THE PROJECT ACCOUNT BUDGET

Mr. Verno presented the following:

WHEREAS, notification has been received that the County has been awarded \$484,283 in State grant funding in association with the 2023 Statewide Interoperable Communications Grant (SICG) program; and

WHEREAS, said State grant program is administered by the New York State Division of Homeland Security and Emergency Services, and requires no local match; and

WHEREAS, grants funds received in association with this program will be utilized in an effort to continue to build-out the public safety radio infrastructure, serving all police, fire, and EMS agencies and personnel operating in Wayne County, to improve radio system performance in areas where coverage studies and practical knowledge show that improvement is most in need, and to improve radio interoperability; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors shall be authorized to execute a contract with the State to accept the 2023 SICG funding, in the amount of \$484,283, subject to the review and approval of the County Attorney as to form and content: and be it further

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

H3918 Homeland Security

(Revenue)

\$484,283 to .43302 SIC23 Homeland Security State Interoperable Comm

(Appropriations)

\$484,283 to .54400 SIC23 Contracted Services State Interoperable Comm

RESOLUTION 2-6: AUTHORIZATION TO ABOLISH (1) PART-TIME DEPUTY SHERIFF POSITION ASSIGNED TO THE JAIL AND CREATE (1) ADDITIONAL PART-TIME CORRECTIONS OFFICER POSITION

Mr. Verno presented the following:

WHEREAS, the Sheriff's Office Jail currently has two (2) P/T Deputy Sheriff's and (8) P/T Corrections Officers assigned to the Jail; and

WHEREAS, the Sheriff is requesting to abolish (1) P/T Deputy Sheriff assigned to the Jail position and create one (1) additional P/T Corrections Officer position; and

WHEREAS, the cost associated with the P/T Corrections Officer position is currently less than that of a P/T Deputy Sheriff's position; and

WHEREAS, the need of an additional P/T Corrections Officer in the Jail would ensure the tasks, duties and functions of the abolished P/T Deputy Sheriff be fulfilled; and

WHEREAS, the funds are currently already budgeted for the position in the 2023 Sheriff's Office budget; now therefore, be it

RESOLVED, that the position of P/T Deputy Sheriff assigned to the Jail is abolished effective immediately, and in its place a P/T Corrections Officer position is created; and, be it further

RESOLVED, that the Sheriff has the authority to fill the created a P/T position of Corrections Officer assigned to the Jail.

RESOLUTION 2-7: AUTHORIZATION TO AMEND THE 2023 SHERIFF'S OFFICE BUDGET AND EXPEND FUNDS FOR THE PURCHASE OF REPLACEMENT SERVICE WEAPONS

Mr. Verno presented the following:

WHEREAS, the Sheriff's Office currently carries Smith and Wesson MP .45 caliber handguns, that

program began in 2008, and there are currently 168 Smith and Wesson MP .45 caliber guns, and 5 MP Shield 9M in inventory; and

WHEREAS, the current weapons inventory is having malfunction and increased repair issues due to age and normal wear and tear of the weapons, becoming an officer safety issue; and

WHEREAS, the Sheriff's Office has tested multiple manufacturers and determined Sig Sauer 320P and the Sig Sauer 365X 9M with optics, to be the best option to replace the current inventory; and

WHEREAS, while testing multiple different skill leveled shooters during the testing phase, overwhelmingly, Sig Sauer 320P and the Sig Sauer 365X 9M, proved to be the most accurate, and seamless transition; and

WHEREAS, our partners at Probation went to the same weapon platform recently and highly recommend the Sig Sauer weapons platform, thus creating continuity between county agencies; and

WHEREAS, the proposed replacement solution will be at a cost not to exceed \$150,000.00; 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 \$150,000.00 for the purchase of Sig Sauer 320P and Sig Sauer 365X weapons for the Sheriff's Office; and be it further

RESOLVED, the Wayne County Treasurer is hereby authorized to transfer \$150,000.00 from the Unassigned General Fund balance and make the following budget amendment:

A3114 Sheriff Road Patrol

(Appropriations)

\$150,000.00 to 52000 Equipment

RESOLUTION 2-8: AUTHORIZATION TO SIGN AN AGREEMENT WITH POWERDMS FOR POLICY AND COMPLIANCE MANAGEMENT PLATFORM FOR THE SHERIFF'S OFFICE

Mr. Verno presented the following:

WHEREAS, the Sheriff's Office uses the PowerDMS platform to manage policies and compliance with law enforcement, correction, civil and court security accreditation programs that includes the ability to create, edit, and distribute content from a secure, cloud-based site. Included are key features such as automatic workflows, signature capture and tracking, side-by-side comparison, Public-Facing Documents, PowerDMS University, and analytics for advanced reporting; and

WHEREAS, the annual cost for the PowerDMS platform will be \$12,472.10; and

WHEREAS, the Sheriff is requesting that an agreement be entered into with PowerDMS for the period of December 21, 2023 through December 20, 2024; and

WHEREAS, the expense to support the PowerDMS platform is budgeted in the 2024 Sheriff's Budget; now, therefore, be it

RESOLVED, that the Sheriff and Chairman of the Board of Supervisors is hereby authorized to enter into agreement with PowerDMS, 2120 Park PL. Suite 100, El Segundo, CA 90245, for annual PowerDMS platform for \$12,472.10 for the period of December 21, 2023 through December 20, 2024 and upon review and approval of the County Attorney as to form and content.

RESOLUTION 2-9: AUTHORIZATION OF PAYMENTS TO ATTORNEY EMPLOYEES OF THE WAYNE COUNTY PUBLIC DEFENDER OFFICE FOR MANDATED PARTICIPATION IN THE OFF HOURS CENTRALIZED ARRAIGNMENT PROGRAM

Mr. Verno presented the following:

WHEREAS, in 2017 Resolution 447-17, the Public Defender was first authorized to pay attorneys for participation in the Counsel at First Appearance plan as mandated by the Office of Indigent Legal Services; and

WHEREAS, Counsel at first appearance in criminal case arraignments is mandated by the U.S. Constitution, the United States Supreme Court and the Constitution and Laws of the State of New York; and

WHEREAS, the funding for this program is available through single source CAFA grants

administered through the Office of Indigent Legal Services as part of their mandated plans under Executive Law 832; and

WHEREAS, all attorneys in the Public Defender Office are now required to participate in the Off Hours Centralized Arraignment Program as a condition of employment in the office; and

WHEREAS, the County is desirous of clarifying the mechanism of payment for services rendered to the attorney staff of the Public Defender Office for meeting this mandated obligation which is scheduled twice a day, 365 days a year outside our regular nine to five business hours; now, therefore, be it

RESOLVED, that the Public Defender is hereby authorized to compensate attorneys within the Public Defender Office from the active CAFA grants, per attended arraignment session, at the current rate of:

\$165 dollars for Monday morning through Friday morning CAP sessions, as needed, and
\$200 dollars for Friday evening, weekends and County holiday CAP sessions, as needed,

and be it further

RESOLVED, that the Public Defender is authorized to set the rates of CAP payments consistent with the budget and workplan of the active CAFA grants to ensure reimbursement of payments and associated fringe costs; and be it further

RESOLVED, that such earned payments shall continue to be documented by appropriate Addendum to Payroll Timesheets, as verified by the Public Defender or the First Assistant Public Defender and entered accurately on timesheets as PD-Event1 for the lower rate and PD-Event2 for the higher rate.

RESOLUTION 2-10: AUTHORIZATION TO RENEW CONTRACT WITH THOMSON REUTER'S, WEST COMPANY FOR ENHANCED SUBJECT INFORMATION AND SEARCH ACCESS

Mr. Verno presented the following:

WHEREAS, The Wayne County Probation Director has requested and reviewed a three-year renewal contract with Thomson Reuter's, West Company and has determined that Thomson Reuter's provides the most beneficial and cost-effective resource for enhanced searching capabilities; and

WHEREAS, there is a need to renew the contract with Thomson Reuter's, West Company', Clear Program; and

WHEREAS, the current contract is set to expire on 5/31/2024; and

WHEREAS, \$2,700.00 was budgeted in the 2024 Probation Budget, Line Item 54000-Contractual, with a 2% increase in the first year and a 5% increase, for the 2nd and 3rd years of the three-year renewal; and

WHEREAS, the County Attorney reviewed and approves the contract as to form and content; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized to execute the renewal of the three-year Contract with Thomson Reuter's, West Company, 610 Opperman Drive, PO Box 64833 St. Paul, MN 55164-1803.

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

RESOLUTION 3-1: AUTHORIZATION TO VOUCHER REMAINING BALANCE OF 2023 COUNTY WEED HARVESTING CONTRACT AND TO BE CLAIMED TO REINVEST IN WEED HARVESTING EQUIPMENT

Mr. Chatfield presented the following:

WHEREAS, Wayne County contracts with the Wayne County Soil & Water Conservation District to harvest weeds and nutrient removal within bays of Lake Ontario; and

WHEREAS, \$2,492.32 of the County Harvesting Contract funds for the 2023 year are remaining; and

WHEREAS, it is prudent to allow the unspent monies from the weed harvesting program to be utilized to enhance the reserve for replacement of program equipment at Soil and Water; and

WHEREAS, the cost of harvesting equipment keeps increasing due to changes in emissions and raw materials for building of the harvesters and a long-term replacement plan is being configured for future investment into the Aquatic Vegetative Control program. The general replacement cost of harvesting equipment is between \$165,000 to \$215,000 depending on size and design of equipment; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors hereby authorizes the remaining 2023 Weed Harvesting Program funds totaling \$2,492.32 to be vouchered and to be paid to the Wayne County Soil and Water Conservation District to enhance the reserve Capital Harvesting fund for future replacement of harvesting equipment in conjunction with the terms in the contract; and be it further

RESOLVED, that pursuant to resolution 858-11, any use of these funds must be approved in advance by the Wayne County Board of Supervisors.

RESOLUTION 3-2: AUTHORIZATION TO ACCEPT LOW BID FOR TREE REMOVAL FOR THE PUBLIC WORKS DEPARTMENT

Mr. Chatfield presented the following:

WHEREAS, the Clerk of the Board of Supervisors has duly advertised for bids for Tree Removals for the Public Works Department and the bids were opened on Thursday, November 9, 2023 at 10:00 a.m. and the following bids were received:

Split Rite Tree Service	\$1700/day	\$2550/day-weekend/holiday
Monster Tree Services	\$2997.45/day	\$5994.90/day-weekend/holiday
Empire Enterprises JKB, Inc	\$1895/day	\$2585/day - weekend/holiday

RESOLVED, that the bid submitted by Split Rite Tree Service in the amount of \$1700/day (\$2550/weekend/Holiday) in accordance with specifications, is hereby accepted; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute a contract on behalf of the County of Wayne, subject to the County Attorney’s approval as to form and content, with Split Rite Tree Service in accordance with the bid acceptance.

RESOLUTION 3-3: AUTHORIZATION TO ACCEPT LOW BID FOR STUMP REMOVAL FOR THE PUBLIC WORKS DEPARTMENT

Mr. Chatfield presented the following:

WHEREAS, the Clerk of the Board of Supervisors has duly advertised for bids for Stump Removals for the Public Works Department and the bids were opened on Thursday, November 9, 2023 at 10:00 a.m. and the following bids were received:

Split Rite Tree Services	\$150 (up to 24")	\$300 (24"-48")	\$445 (over 48")
Empire Enterprises JKB, inc	\$245 (up to 24")	\$545 (24"-48")	\$845 (over 48")

RESOLVED, that the bid submitted by Split Rite Tree Services in the amounts listed above in accordance with specifications, is hereby accepted; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute a contract on behalf of the County of Wayne, subject to the County Attorney’s approval as to form and content, with Split Rite Tree Services in accordance with the bid acceptance.

RESOLUTION 3-4: AUTHORIZATION TO DECLARE VEHICLE SURPLUS IN THE PUBLIC WORKS DEPARTMENT

Mr. Chatfield presented the following:

WHEREAS, the Highway Department has the vehicle listed below that should be disposed of as

noted:

2016 Ford Explorer (ALS)

VIN 1FM5K8AT1GGD17144

AUCTION

now, therefore be it

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

RESOLUTION 3-5: AUTHORIZE COUNTY/TOWN CONTRACTS FOR SNOW AND ICE CONTROL ON WAYNE COUNTY HIGHWAYS

Mr. Chatfield presented the following:

WHEREAS, as in previous years, Wayne County is proposing to enter into an agreement with the towns for towns to provide snow and ice services to the County for the period beginning on January 1, 2024 and ending on December 31, 2024; and

WHEREAS, the towns charges to the County will be based on the number of trips taken, times an average per trip cost, which will include both time and materials costs expended by each town per trip, and will be negotiated separately with each town; and

WHEREAS, the towns will be required to keep a log of trips that will be submitted to the county for reimbursement on a monthly basis; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to execute County/Town contracts for snow and ice control on County Highways during 2024, subject to the County Attorney's approval as to form and content.

RESOLUTION 3-6: AUTHORIZATION TO AMEND 2023 HIGHWAY MACHINERY BUDGET

Mr. Chatfield presented the following:

WHEREAS, the Highway DM fund will likely run short in two-line items in the 2023 budget; and

WHEREAS, a recent significant engine repair to a 10 wheel dump truck will cause an approximate \$21,000 shortfall in Equipment Supplies and Repairs (DM 5130 54425); and

WHEREAS, the usage and cost of fuel has increased necessitating an increase in the Machinery Budget for Diesel fuel; and

WHEREAS, the Highway department is a major consumer of diesel fuel, but other agencies are also charged costs of the fuel that they use; now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized to transfer \$61,000 from the DM fund balance and amend the 2023 Highway Machinery (DM) budget as follows:

DM51304 – ROAD MACHINERY

(Revenue)

\$20,000 to .42304 Material Reimbursements

(Appropriations)

\$60,000 to .54121 Diesel

\$21,000 to .54425 Equipment Supplies and Repairs

RESOLUTION 3-7: 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:

\$ 65.11 from .52673 23-86 Lakes Corners Rose Valley Paving B Project
\$ 40,370.38 from .52673 23-92 Kelsey Rd Paving Project
\$ 24,346.11 from .52673 23-93 Canandaigua Rd Paving Project
\$ 34,225.96 from .52673 23-96 Guiderail Replacement Project
\$109,068.35 from .52673 23-97 Ridge Rd Hot In Place Recycle Project
\$ 53,653.17 to .52673 23-77 Gananda Parkway Culvert Project
\$ 6,019.40 to .52673 23-78 Surface Treating Section A Project
\$ 28,250.70 to .52673 23-82 Surface Treating Section C Project
\$ 548.77 to .52673 23-88 Lakes Corners Rose Valley Paving A Project
\$ 27,372.25 to .52673 23-94 Tyre Rd Paving Project
\$ 92,231.62 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:

.52673 23-77 Gananda Parkway Culvert Project
.52673 23-78 Surface Treating Section A Project
.52673 23-82 Surface treating Section C Project
.52673 23-86 Lakes Corners Rose Valley Paving B Project
.52673 23-88 Lakes Corners Rose Valley Paving A Project
.52673 23-92 Kelsey Rd Paving Project
.52673 23-93 Canandaigua Rd Paving Project
.52673 23-94 Tyre Rd Paving Project
52673 23-96 Guiderail Replacement Project
.52673 23-97 Ridge Rd Hot In Place Recycle Project

RESOLUTION 3-8: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR THE FUNDING OF TWO BRIDGE NY CULVERT PROJECTS

Mr. Chatfield presented the following:

WHEREAS, THE County of Wayne will be responsible for the design, letting and construction of these project; and

WHEREAS, a Project for the replacement of a culvert on Lyons Marengo Road over Tributary to Clyde River in the Town of Galen, Wayne County (PIN 4BNY72) is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 0% Federal Funds and 100% non-federal funds; and

WHEREAS, a Project for the replacement of a culvert on South Centenary Road over Wetland in the Town of Sodus, Wayne County (PIN 4BNY73) is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 0% Federal Funds and 100% non-federal funds; and

WHEREAS, the County of Wayne desires to advance these Projects by making a commitment of 100% of the non-federal share of this project; now, therefore be it

RESOLVED, that the Wayne County Board of Supervisors hereby approves the above subject project; and be it further

RESOLVED, that the Wayne County Board of Supervisors hereby agrees to pay in the first instance 100% of the Federal and non-federal share of the cost of the entire project; and be it further

RESOLVED, that the Wayne County Board of Supervisors agrees that the County of Wayne shall be responsible for all costs of the project, including costs which exceed the amount of reimbursement available from the NY Bridge funding awarded to the County of Wayne; and be it further

RESOLVED, that the sum of \$208,488 is hereby appropriated and made available to cover the cost of the Lyons-Marengo Road project (4BNY72) and that the County Treasurer is hereby authorized to create a D51122.52930 Lyons-Marengo Culv project account; and, further be it

RESOLVED, that the sum of \$237,383 is hereby appropriated and made available to cover the cost of the South Centenary Road project (4BNY73) and that the County Treasurer is hereby authorized to create a D51122.52931 S Centenary Culv project account; and, further be it

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

D9999 – OTHER

(Revenue)

\$208,488 to .43511 Marchiselli Funds - State (100%)

\$237,383 to .43511 Marchiselli Funds - State (100%)

D5112 – ROAD CONSTRUCTION

(Appropriations)

\$208,488 to .52930 Lyons-Marengo Culv (BNY)

\$237,383 to .52931 S Centenary Culv (BNY)

and, further be it

RESOLVED, that in the event the costs of the project exceeds the amount appropriated above, the Board of Supervisors shall convene as soon as possible to appropriate said excess amount; and be it further

RESOLVED, that the Wayne County Board of Supervisors hereby agrees that the construction of the project shall begin no later than twenty-four (24) months after award and that the project shall be completed within thirty (30) months of commencing construction; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors or the Superintendent of Public Works is authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or State Aid on behalf of the County of Wayne with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the County's funding; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that this Resolution shall take effect immediately.

RESOLUTION 3-9: AUTHORIZATION TO ENTER INTO A SUPPLEMENTAL AGREEMENT AND EXTEND THE CONTRACT TERM WITH C&S ENGINEERS, INC FOR CONSTRUCTION ADMINISTRATION SERVICES ON THE JAIL ANNEX PROJECT

Mr. Chatfield presented the following:

WHEREAS, The Board of Supervisors approved resolution 610-22 authoring an agreement with C&S Engineers, Inc for the design services related to the Jail Annex Repurposing Project; and

WHEREAS, the project bids have been accepted and construction is anticipated to start in November 2023; and

WHEREAS, it will be necessary for C&S Engineers, Inc to provide limited construction administration services through the duration of the project to review submittals and address project design issues; and

WHEREAS, C&S Engineers, Inc has provided a proposed cost not to exceed \$26,000; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to amend the contract and signed the proposal on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with C&S Engineers for an

additional cost not to exceed amount of \$26,000; and be it further
RESOLVED, the current contract term be extend though 12/31/2024.

COM. #4 – ECONOMIC DEV. AND PLANNING – JOHNSON, GROAT, CHATFIELD, ROBUSTO, LASHER

RESOLUTION 4-1: AUTHORIZATION TO SUBMIT GRANT APPLICATION FOR NEW YORK STATE TOURISM MATCHING FUNDS

Mr. Johnson presented the following:

RESOLVED, that the Wayne County Office of Tourism and Promotion is hereby designated as the Tourist Promotion Agency for the County of Wayne (“County”) for the purpose specified in the New York State Promotion Act; and be it further

RESOLVED, that the Director of Wayne County Office of Tourism and Promotion is hereby authorized to apply on behalf of the County for funding under the 2024 New York State Matching Grant Program for the County Tourism Project

County Share	\$ 172,500
State Share	\$ 172,500

and, be it further

RESOLVED, that Christine Worth, Project Director, is authorized to execute the grant application on behalf of the County.

RESOLUTION 4-2: AUTHORIZATION TO EXECUTE EPA BROWNFIELD ACCESS AGREEMENTS

Mr. Johnson presented the following:

WHEREAS, Wayne County, been awarded and accepted various awards from the Federal Environmental Protection Agency (EPA) including a Brownfield Assessment Grant and a Brownfield Revolving Loan Fund; and

WHEREAS, Assessment Grants provide funding for prioritizing sites, conducting site assessments, community engagement, and development of cleanup plans and reuse strategies; and

WHEREAS, Revolving Loan Fund projects will assist in cleanup of brownfield sites and allow redevelopment of these properties, returning them to productive status; and

WHEREAS, an Access Agreement is required between the County, or its agents, and the property owners before Phase I or II Environmental Site Assessment or Revolving Loan Fund activities are initiated; and

WHEREAS, the County will utilize one or more Qualified Environmental Professional firms to provide professional services related to these EPA grants; now therefore be it

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 these programs on behalf of the County of Wayne, subject to the County Attorney’s approval as to form and content.

RESOLUTION 4-3: AUTHORIZATION TO EXTEND CONTRACT FOR THE BUSINESS PARK FEASIBILITY STUDY

Mr. Johnson presented the following:

WHEREAS, Resolution 615-22 authorized the County to execute a contract for the Business Park Feasibility Study with MRB; and

WHEREAS, it is necessary to extend the contract with MRB since the contract expires December 31, 2023 to complete the Business Park Feasibility Study; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute an extension to the contract with MRB for the Business Park Feasibility Study to expire February 28, 2024, subject to the County Attorney’s approval as to form and content.

RESOLUTION 4-4: AUTHORIZATION TO ADOPT THE SHORT FORM EAF FOR AGRICULTURAL DISTRICT REVIEW AND MODIFICATION

Mr. Johnson presented the following:

WHEREAS, New York State Department of Agriculture and Markets (AGM) and Wayne County (COUNTY) are agencies as defined in Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act, hereinafter "SEQRA") and its implementing regulations (Title 6 of the New York Code of Rules and Regulations, Part 617), and which requires agencies to review environmental impact in its related planning and decision-making processes; and

WHEREAS, the Agricultural Districts Law, Article 25-AA of the Agriculture and Markets Law (AML), establishes a process by which county legislative bodies may create, review, modify, consolidate, or terminate Agricultural Districts throughout the State, which the Commissioner of AGM then certifies; and

WHEREAS, the Department of Environmental Conservation (DEC) has determined that the creation, modification, consolidation, termination, and certification of an Agricultural District are all actions subject to review pursuant to SEQRA; and

WHEREAS, AGM and the COUNTY wish to cooperate to the fullest extent to reduce duplication of efforts consistent with SEQRA and the Agricultural Districts Law; and

WHEREAS, Under 617.2(m) of the SEQR regulations, the model full and short EAFs may be modified by an agency, provided the forms remain at least as comprehensive as the model. Agencies adopting their own EAFs must follow the process set forth under 617.14(f), which requires a public hearing and filing of notice with the DEC Commissioner; and

WHEREAS, the County has held a public hearing; now therefore be it

RESOLVED, pursuant to Section 20 of the Municipal Home Rule Law that the Board of Supervisors adopts the Short Environmental Assessment Form developed by the New York State Department of Agriculture and Markets for SEQRA review of Agricultural District modification and certification; and be it further

RESOLVED, the Clerk of the Board shall submit a copy of this resolution and adopted form to the Commissioner of DEC and Agriculture and Markets.

RESOLUTION 4-5: AUTHORIZATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH DEPARTMENT OF AGRICULTURE AND MARKETS FOR AGRICULTURAL DISTRICT REVIEW AND MODIFICATION

Mr. Johnson presented the following:

WHEREAS, New York State Department of Agriculture and Markets (AGM) and Wayne County (COUNTY) are agencies as defined in Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act, hereinafter "SEQRA") and its implementing regulations (Title 6 of the New York Code of Rules and Regulations, Part 617), and which requires agencies to review environmental impact in its related planning and decision-making processes; and

WHEREAS, the Agricultural Districts Law, Article 25-AA of the Agriculture and Markets Law (AML), establishes a process by which county legislative bodies may create, review, modify, consolidate, or terminate Agricultural Districts throughout the State, which the Commissioner of AGM then certifies; and

WHEREAS, the Department of Environmental Conservation (DEC) has determined that the creation, modification, consolidation, termination, and certification of an Agricultural District are all actions subject to review pursuant to SEQRA; and

WHEREAS, AGM and the COUNTY wish to cooperate to the fullest extent to reduce duplication of efforts consistent with SEQRA and the Agricultural Districts Law; and

WHEREAS, the County has, pursuant to Section 20 of the Municipal Home Rule Law that the Board of Supervisors adopted the Short Environmental Assessment Form developed by the New York State Department of Agriculture and Markets for SEQRA review of Agricultural District modification and certification; and

WHEREAS, AGM and the COUNTY hereby propose to enter into such cooperative agreement to establish procedures to eliminate the overlap and duplication in comment and review, and it is in the best interest of AGM and the COUNTY to create uniformity in SEQRA processes within the context of Article 25-AA for certain actions related to Agricultural Districts within the County; and

WHEREAS, this agreement may be terminated by written notice; now therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to enter into a cooperative agreement with the Department of Agriculture and Markets, subject to review and approval by the County Attorney as to form and content; and be it further

RESOLVED, that this agreement may be extended for an indefinite period of time.

RESOLUTION 4-6: AUTHORIZATION TO APPOINT MEMBERS TO WAYNE COUNTY WATER AND SEWER AUTHORITY

Mr. Johnson presented the following:

WHEREAS, the Chairman of the Board of Supervisors has recommended that the following members be reappointed to the Wayne County Water and Sewer Authority for a term of office beginning January 1, 2024 and expiring December 31, 2026:

William Hammond
2728 Canandaigua Road
Macedon, New York 14502

Mark Humbert
3896 Lakes Corners- Rose Valley Rd
Clyde, New York 14433 (Town of Rose); and

David Scudder
7458 Park Ave
Wolcott, New York 14590 (Town of Huron);

now, therefore be it

RESOLVED, that the Board of Supervisors approves and ratifies these appointments to the Wayne County Water and Sewer Authority.

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

RESOLUTION 5-1: AUTHORIZATION TO SET SALARY AND FILL POSITION WITHIN WAYNE COUNTY ADMINISTRATOR OFFICE FOR THE POSITION OF FISCAL OFFICER

Mr. Lasher presented the following:

WHEREAS, The County Administrator created the position of Fiscal Officer in January 2023 to assist in the provision of financial administration in all County departments, augment department financial operations when necessary, and assist in the management of County grants, and

WHEREAS, the County Administrator has obtained a conditional acceptance from a candidate for such position who has over thirty years' experience of financial experience, three of which were within County employment; and

WHEREAS, the request to hire a Grade 6 Fiscal Officer at a salary commensurate with such experience has been submitted to the Pay Plan Advisory group, and has been approved at a 2023 salary of \$68,205; now, therefore, be it

RESOLVED that the County Administrator have authority to fill this Full Time Grade 6 position at step level 9 within the Managerial confidential salary structure.

RESOLUTION 5-2: AUTHORIZATION TO ENGAGE IN A CONTRACT WITH CYRACOM INTERNATIONAL, INC FOR LANGUAGE INTERPRETATION SERVICES

Mr. Lasher presented the following:

WHEREAS, The United States Department of Health and Human Services Title VI of the Civil Rights Act of 1964 requires recipients of Federal financial assistance to take reasonable steps to make their programs, services, and activities accessible to persons with limited English proficiency; and

WHEREAS, Cyracom International, Inc (formerly known as Voiance Language Services) has provided professional telephonic and video language translation services effectively and with great efficiency to Wayne County since 2019; and

WHEREAS, the people in our county who have limited English proficiency have benefited from the Voiance translation services; and

WHEREAS, it has enabled county employees of various departments to be responsive to the needs, at times critical needs, of the citizens of our county; and

WHEREAS, this is an amendment to Resolution 488-23; now, therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to enter into a three-year contract with Cyracom International, Inc. 2650 East Elvira Road Suite 132 Tucson, AZ 85756, at a cost of \$10 per month fee for each department for which service is provided or potentially provided and additional minutes after the first \$10 of services at a cost of \$0.55 per minute for telephonic, \$0.87 per minute for video language translation services and a cost of \$1.25 per minute for video conferencing American Sign Language translation services. The contract will include also include a 3% cost of living adjustment annually on the anniversary of the contract. The contract shall be subject to the review and approval of the County Attorney as to form and content.

RESOLUTION 5-3: AUTHORIZATION TO ENTER INTO COLLECTIVE BARGAINING WITH THE WAYNE COUNTY SHERIFF'S LIEUTENANTS ASSOCIATION

Mr. Lasher presented the following:

WHEREAS, the Wayne County Sheriff's Lieutenants Association collective bargaining agreement expired on December 31, 2022; and

WHEREAS, the Association has notified the County that it desires to negotiate a successor agreement; and

WHEREAS, Wayne County also desires to negotiate this agreement; now, therefore be it

RESOLVED, that the Chairman of the Board has approved and appointed three members of the Board (Verno, Chatfield and Donalty), the County Administrator, the County Sheriff or his designee, and the Director of Human Resources to be members of the County's negotiating team; and be it further

RESOLVED, that the Board of Supervisors hereby designates Tish Lynn, Esq. of Hancock Estabrook to be the County's chief spokesman and negotiator for these negotiations.

RESOLUTION 5-4: AUTHORIZATION TO ADOPT 2024 SALARY SCHEDULE FOR THE BOARD OF SUPERVISORS AND THE CHAIRMAN OF THE BOARD

Mr. Lasher presented the following:

WHEREAS, the County of Wayne Local needs to establish a salary for members of the Board of Supervisors and the Chairman of the Board of Supervisors for 2024; and

WHEREAS, the Board of Supervisors adopted resolution 433-21 which established a multi-year salary schedule in 2021; and

WHEREAS, the Budget Officer will allocate sufficient funds for the salaries listed below for 2024; now, therefore be it

RESOLVED, that the Board of Supervisors hereby adopts the following salary schedule for the Board of Supervisors and the Chairman of the Board for the year 2023, effective January 1, 2024:

Supervisors	\$ 18,309
Chairman of the Board	\$ 24,665

RESOLUTION 5-5: AUTHORIZATION TO AMEND THE 2023 HUMAN RESOURCE DEPARTMENT BUDGET FOR LEGAL EXPENSES FOR NEGOTIATIONS AND ARBITRATIONS

Mr. Lasher presented the following:

WHEREAS, the Human Resource Department oversees the budgeted line item for Legal Representation for contract negotiations, arbitrations, etc.; and

WHEREAS, the 2023 budget was established with an amount of \$100,000 to cover these services with extensive time period on contract negotiations and arbitrations, the funds are nearly exhausted; and

WHEREAS, the Human Resource Director was granted approval in July 2023 to amend the 2023 Budget to add an additional \$60,000 Budget Appropriations to cover anticipated costs of continuation of negotiations and arbitrations; and

WHEREAS, the Human Resource Director is requesting to amend the 2023 Budget to add an additional \$45,000 Budget Appropriations to cover anticipated costs of continuation of negotiations and arbitrations; now, therefore, be it

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

A1990 Contingent Fund General

(Appropriations)

\$45,000 from 54000 Contractual Expenses

A1430 Human Resource Department

(Appropriations)

\$45,000 to 54486 Union Contracts

RESOLUTION 5-6: AUTHORIZATION TO ENTER IN MEMORANDUM OF AGREEMENT BETWEEN COUNTY OF WAYNE AND CIVIL SERVICE EMPLOYEE ASSOCIATION, INC. CSEA LOCAL 859 GENERAL FOR TUITION REIMBURSEMENT FOR EMPLOYEES ENTERING INTO A MEDICAL FIELD INVOLVING DIRECT PATIENT CARE

Mr. Lasher presented the following:

WHEREAS, The purpose of this agreement between the County of Wayne and CSEA General Unit, Local 859, is to enhance the tuition reimbursement clause of the CSEA general unit Contract for health care professions. This additional benefit would offer growth to employees wishing to pursue a career within the Medical field with direct patient care (i.e. patient care related positions - Nursing, Paramedic) and to provide for stability and retention of staff for the management and the success of County operations during a period of difficult recruitment and retention;

WHEREAS by ensuring the commitment of the County and the Union Representatives to continue to serve diligently in each of their present assignments, have met and reached an agreement to enter into this Memorandum of Agreement that would allow the enhancement to the Tuition Reimbursement agreement to offer growth and retain staff desiring to further his/her career within the medical field that provides direct patient care; and

WHEREAS, it is hereby agreed by and between the County of Wayne and CSEA, General Unit to this Memorandum of Agreement as follows:

Beginning January 1, 2024 - Tuition Reimbursement for Medical Field Professions: Recruitment and retention for positions that fall within a Medical field that provides direct patient care (i.e. patient care related positions - Nursing, Paramedic) The maximum reimbursement to a full-time employee wishing to pursue a career in a Medical Field will be equal to seventy-five (75%) of the actual tuition cost to the employee, to a maximum of five-thousand dollars (\$5,000) in any calendar year.

Actual reimbursement shall be contingent upon the following:

- a) The employee must complete "Health Care Tuition Reimbursement" form, submit to

- Department Head and HR Director Approval prior to start of course work.
- b) Upon course completion, must submit documentation of the tuition cost paid by him/her for the course and proof that the course was successfully completed. Reimbursement processed through County voucher system.
- c) The employee must be full time, actively employed by Wayne County at the time the course is completed.

now, therefore, be it

RESOLVED, The Chairman of the Board of Supervisors shall execute the Memorandum of Agreement (MOA) with CSEA, Local 859 General Unit, the above stated Union agreeing to these provisions outlined within the MOA, upon authorization by Resolution adopted by the full Board of Supervisors.

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

RESOLUTION 6-1: AUTHORIZATION TO ENTER INTO A PROVIDER AGREEMENT WITH MVP HEALTH CARE 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, MVP Health Care (MVP) provides commercial and managed Medicare insurance plans to residents in our area; and

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

WHEREAS, WCNH can accept referrals for persons with MVP insurance, increasing admissions options for residents and the Nursing 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 MVP Health Care, for the Wayne County Nursing Home to provide services related to resident care in a skilled nursing facility and to accept funds from MVP Health Care for approved services, to take effect upon credentialing and approval of MVP Health Care, subject to the approval of the County Attorney as to form and content.

RESOLUTION 6-2: AUTHORIZATION TO SET ANCILLARY CHARGES FOR THE WAYNE COUNTY NURSING HOME

Mr. Robusto presented the following:

WHEREAS, the Wayne County Nursing Home (WCNH) provides many services to residents that fall outside of inclusion in the established daily basic rate, known as ancillary services; and

WHEREAS, the admission packet for WCNH delegates under section C all ancillary services that are not included in the daily basic rate; and

WHEREAS, section C asserts that ancillary charges may be billed by the Facility or the service provider; and

WHEREAS, WCNH bills all eligible services to Medicare Part A and B, Medicaid, and other third-party payers, based on resident census; and

WHEREAS, WCNH is desirous of billing non-covered charges provided by or covered by the Facility to the responsible party to residents who are considered Private Pay; and

WHEREAS, WCNH will utilize current and published rates from Medicare to determine ancillary charges for therapies (occupational, physical, speech) once therapy caps are exhausted; and

WHEREAS, WCNH will utilize current and published rates and procedure codes from Medicaid to determine mileage charged for any transportation services provided; and

WHEREAS, WCNH will utilize current and published rates and procedure codes from Medicaid to determine fees for staff who accompany residents to appointments; and

WHEREAS, WCNH wishes to commence billing for ancillary charges to private pay residents

when not covered by insurance effective January 1, 2024; now, therefore, be it

RESOLVED, that the Board of Supervisors approves the rate schedule for ancillary charges for the Wayne County Nursing Home and additional fees associated with transportation effective January 1, 2024; and, be it further

RESOLVED, that the Wayne County Nursing Home may distribute the approved ancillary rate schedule as Exhibit B in their admissions packet.

RESOLUTION 6-3: AUTHORIZATION TO CONTRACT FOR SOCIAL WORK SERVICES AT THE WAYNE COUNTY NURSING HOME

Mr. Robusto presented the following:

WHEREAS, the Wayne County Nursing Home (WCNH) contracts with a licensed social worker to provide social work consultant services for the facility; and

WHEREAS, Maria Gigliotti is a licensed clinical social worker (LCSW-R), doing business as Crossroads Consulting Services, with an existing contract to provide these services which ends on December 31, 2023; and

WHEREAS, WCNH requested quotes from six other individuals qualified to provide social work services and received no additional responses; and

WHEREAS, WCNH is desirous of renewing the contract with Maria Gigliotti from January 1, 2024 to December 31, 2024, with the option to renew for up to two (2) additional one (1) year periods, at a rate of \$100 per hour; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisors is hereby authorized, on behalf of the Wayne County Nursing Home, to execute an agreement with Maria Gigliotti DBA Crossroads Consulting Services, to provide social work consultant services from January 1, 2024 to December 31, 2024, with the option to renew for up to two additional one year terms, at a rate of \$100 per hour, subject to the approval of the County Attorney as to form and content.

RESOLUTION 6-4: AUTHORIZATION TO ENTER INTO A CONTRACT WITH WELLSKY CORPORATION FOR ACCESS TO RESIDENT REFERRAL PLATFORM FOR THE WAYNE COUNTY NURSING HOME

Mr. Robusto presented the following:

WHEREAS, Wayne County Nursing Home's main referral sources, Newark Wayne Community Hospital and Rochester Regional Health, both utilize CarePort Intake, a patient referral platform provided by WellSky Corporation, for communication, coordination, and patient placement into nursing homes; and

WHEREAS, effective communication and coordination platforms with main referral sources is key to safe and efficient hospital discharges and nursing home admissions; and

WHEREAS, with this platform, Wayne County Nursing Home will have access to the CarePort Intake referral platform for efficient and effective communication and coordination of admissions with the discharging facility; and

WHEREAS, the purchase has been determined to be a single source purchase because, although there are other software programs for referrals on the market, the Nursing Home is limited to using what the Regional Health Care Systems use for efficient referral processing and collaboration regarding patients; now, therefore, be it

RESOLVED, WellSky Corporation be declared a single source vendor; and be it further

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign an agreement with WellSky Corporation, on behalf of the Wayne County Nursing Home, for licensing and use of CarePort Intake, for an amount not to exceed \$5,100, effective January 1, 2024 to December 31, 2024, with automatic annual renewals for successive twelve (12) month terms, at prices not to exceed a 6% increase per year, until such time as the County provides at least sixty (60) days' prior written notice to WellSky Corporation of the County's intent not to renew and to terminate services effective upon the last day of the then current term, subject to the approval of the County Attorney as to form and content.

RESOLUTION 6-5: AUTHORIZATION TO RELEASE BIDS FOR ELECTRONIC MEDICAL RECORDS AND FINANCIAL SOFTWARE SUITE AND EXTEND AGREEMENT WITH POINTCLICKCARE FOR THE WAYNE COUNTY NURSING HOME

Mr. Robusto presented the following:

WHEREAS, the Wayne County Nursing Home (WCNH) utilizes PointClickCare (PCC) as a combined electronic medical records (EMR) and financial software suite; and

WHEREAS, the contract with PCC ends on 12/31/2023; and

WHEREAS, WCNH has been using PCC in this role effectively since 11/1/2019; and

WHEREAS, WCNH must continue to utilize PCC for continued resident care and financial activities; and

WHEREAS, PCC has provided projected pricing for the period of 1/1/2024 through 12/31/2024 of \$93,485.80, reflecting an eight percent increase effective 2/1/2024; and

WHEREAS, WCNH is desirous of reviewing other options for a combined EMR and financial software package to ensure prime resident care and financial capabilities for the Home; and

WHEREAS, WCNH would like to release a request for proposals (RFP) for eligible software packages for projected implementation and full staff use by the end of 2024; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors may execute an agreement with PointClickCare for the period of 1/1/2024 to 12/31/2024 on behalf of the Wayne County Nursing home for a total amount of \$93,485.80, subject to approval of the County Attorney as to form and content; and, be it further

RESOLVED, that the Wayne County Nursing Home is hereby authorized, in collaboration with the Purchasing Department, to seek combined software for electronic medical records and financial software via a Request for Proposals for implementation and full use prior to the end of 2024.

RESOLUTION 6-6: AUTHORIZATION TO ACCEPT THE GOVERNOR'S TRAFFIC SAFETY COMMITTEE CHILD PASSENGER SAFETY PROGRAM AWARD FOR WAYNE COUNTY PUBLIC HEALTH

Mr. Robusto presented the following:

WHEREAS, Wayne County Public Health (WCPH) currently receives funding from the Governor's Traffic Safety Committee to participate in the statewide Child Passenger Safety Program; and

WHEREAS, the state's Child Passenger Safety program requires all awardees to provide the following child car seat programming: be a permanent fitting station, to purchase car seats, hold car seat check events, and provide seat education and distribution to low income individuals who do not own or have an expired child car seat; and

WHEREAS, the Governor's Traffic Safety Committee has selected WCPH to participate in the statewide Child Passenger Safety program, with an award amount of \$6,000 for the period of October 1, 2023 to September 30, 2024; and

WHEREAS, with awards lower than \$10,000, awardees will only receive an award letter and will not receive a contract to execute; now, therefore, be it

RESOLVED, that the Director of Public Health is hereby authorized to accept the Governor's Traffic Safety Committee Child Passenger Safety program award of \$6000 for the period of October 1, 2023 to September 30, 2024.

RESOLUTION 6-7: AUTHORIZATION TO ACCEPT FUNDS FOR THE HEALTH RESEARCH, INC. CDC COVID-19 HEALTH DISPARITIES GRANT

Mr. Robusto presented the following:

WHEREAS, Wayne County Public Health (WCPH) had submitted an application to the New York State Department of Health and Health Research, inc. (HRI) for the CDC COVID-19 Health Disparities Grant: Mobile Health Vehicle RFA #CCH-2023-05; and

WHEREAS, WCPH was notified on October 13, 2023 that the application submitted was selected to receive an award; and

WHEREAS, the awarded amount is up to \$344,859 to purchase a mobile health vehicle to provide health and human services to underserved populations in rural areas of Wayne County; now, therefore be it

RESOLVED, that the Director of Wayne County Public Health is hereby authorized to accept the New York State Department of Health's and HRI CDC COVID-19 Health Disparities Grant: Mobile Health Vehicle RFA #CCH-2023-05 funding up to \$344,859 to purchase a mobile health vehicle to provide health and human services to underserved populations in rural areas of Wayne County; and be it further

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

A4011 Public Health Services

Revenue

\$344,859 to A40110 .44331 MHV Federal Grants

Appropriations

\$344,859 to A40114 .52300 MHV Motor Vehicles

RESOLUTION 6-8: AUTHORIZATION TO AWARD THE REQUEST FOR COMPETITIVE OFFER NO. 031-23 FOR THE PURCHASE OF A MOBILE HEALTH SERVICE VEHICLE

Mr. Robusto presented the following:

WHEREAS, Wayne County Public Health (WCPH) submitted a proposal to the New York State Department of Health's Request for Applications CCH-2023-05 to purchase a multipurpose Mobile Health Vehicle; and

WHEREAS, the vehicle will be utilized within Wayne County communities by WCPH to perform Public Health Services (i.e. immunizations, testing for communicable diseases such as COVID-19, educational events, health fairs, etc); Department of Aging & Youth for intakes, insurance applications, and other services; and the Department of Social Services for SNAP applications, Medicaid applications and renewals, and other services; and

WHEREAS, the use of the vehicle will reduce transportation barriers to the brick and mortar establishments of said departments and improve health equity within the county; and

WHEREAS, the Purchasing Agent has duly advertised for a Request for Competitive Offer (Bid) for the purchase of a Mobile Health Service Vehicle, Bid No. 031-23, and the bids were opened on Wednesday September 28, 2023 at 2:00 pm and five (5) offers were received from the following:

CGS Premier

S64W15586 Commerce Center Parkway

Muskego, WI 53150

Cost: \$323,610.00

Score: 80.51/100

Chef Units, LLC

2501 Karbach Street, Unit C

Houston, TX 77092

Cost: \$232,116.57

Score: 72.25/100

Don Brown Bus Sales, Inc

703 County Hwy 107

Johnstown, NY 12095

Cost: \$267,440.00

Score: 78.52/100

Farber Specialty Vehicles

7052 Americana Parkway

Reynoldsburg, OH 43068

Cost: \$397,349.00

Score: 61.87/100

TESCO Specialty Vehicles LLC

5464 Navarre Avenue

Oregon, OH 43616

Cost: \$245,835.00

Score: 87.57/100

WHEREAS, the offers were reviewed by members of a review committee consisting of 4 members, and the team recommends the award to TESCO Specialty Vehicles LLC, in accordance with the requirements set forth within the request for competitive offer which was deemed to provide the best value to the County; now, therefore be it

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

to enter into an agreement with TESCO Specialty Vehicles LLC, on behalf of Wayne County, for a purchase of a Mobile Health Services Vehicle at a cost of \$245,944.83, subject to the approval of the County Attorney as to form and content.

RESOLUTION 6-9: AUTHORIZATION TO AMEND CONTRACT WITH ICLAIM SYSTEMS CORP, DBA ICENTRAL FOR WAYNE COUNTY PUBLIC HEALTH

Mr. Robusto presented the following:

WHEREAS, Resolution No. 261-21 established a contract with iClaim Systems Corp, dba iCentral, for cloud based Service Coordination documentation and billing for services platform for the Early Intervention Program (EIP) by "piggybacking" off of Tompkins County contract with iCentral; and

WHEREAS, Wayne County Public Health's (WCPH) contract expired on April 30, 2023 and Resolution No. 182-23 extended the contract to December 31, 2023, to align with the Tompkins County's contract; and

WHEREAS, WCPH has utilized the iCentral platform since May 1, 2023 at a cost of \$1,250 per month for ten (10) user licenses; and

WHEREAS, WCPH has recently learned that the Tompkins County contract has expired; and

WHEREAS, WCPH has continued utilization of the iCentral Platform following expiration of the Tompkins County Contract and now owes unpaid invoices for services rendered which cannot be paid due to the expiration of our existing contract with iCentral; and

WHEREAS, WCPH wishes to amend the contract that ended on April 30, 2023 to establish a new end date of December 31, 2023, until a new contract can be established on January 1, 2024, at a cost of \$1,250 per month for ten (10) user licenses and to also pay unpaid invoices; now, therefore, be it

RESOLVED that the Chairman of the Board of Supervisors is hereby authorized to sign a contract amendment with iClaim Systems Corp, dba iCentral, to extend the contract that expired on April 30, 2023 until December 31, 2023 at a rate of \$1,250 for ten (10) user licenses, and to pay unpaid invoices for services rendered, subject to the approval of the County Attorney as to form and content.

RESOLUTION 6-10: AUTHORIZATION TO CONTRACT WITH HEALTH RESEARCH, INC TO PERFORM PUBLIC HEALTH EMERGENCY PREPAREDNESS ACTIVITIES

Mr. Robusto presented the following:

WHEREAS, Wayne County Public Health (WCPH) is required by the New York State Department of Health (NYSDOH) to perform Public Health Emergency Preparedness activities; and

WHEREAS, funding for such activities comes from Health Research, Inc. (HRI); and

WHEREAS, WCPH's current contract with HRI expired on June 30, 2023 and HRI has sent a contract renewal for the period of July 1, 2023 to June 30, 2024 for an amount not to exceed \$81,835; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign a contract, along with any future contract amendments, with Health Research, Inc. for WCPH to perform Public Health Emergency Preparedness activities, for the period of July 1, 2023 to June 30, 2024, for an amount not to exceed \$81,835, subject to the approval of the County Attorney as to form and content.

RESOLUTION 6-11: AUTHORIZATION TO RELEASE REQUEST FOR PROPOSALS FOR AN ELECTRONIC MEDICAL RECORD SYSTEM FOR WAYNE COUNTY PUBLIC HEALTH

Mr. Robusto presented the following:

WHEREAS, Wayne County Public Health (WCPH) currently has a cloud-based electronic medical record system that is basic and does not perform the functions that are needed to operate Public Health Program Services efficiently; and

WHEREAS, the current electronic medical record contract with Isalus expires on 4/30/24; and

WHEREAS, WCPH would like to release a Request for Proposals (RFP) to identify a more comprehensive cloud-based electronic medical record system to integrate clinical workflow, patient

record, patient registration, scheduling, e-prescriptions, external data exchange, electronic posting of insurance claims, data export, reporting, real-time insurance coverage verification, electronic patient statements, and medical billing functions; now, therefore, be it

RESOLVED, that the Director of Public Health is hereby authorized to release a Request for Proposals for a comprehensive cloud-based electronic medical record system.

RESOLUTION 6-12: AUTHORIZATION TO RENEW CONTRACT WITH PATRICIA MCKINNY, LMHC FOR CLINICAL RECORD AUDITING & UTILIZATION REVIEW SERVICES

Mr. Robusto presented the following:

WHEREAS, Wayne Behavioral Health Network (WBHN) wishes to renew the contract with Patricia McKinny, Licensed Mental Health Counselor (LMHC), to provide clinical services for utilization review and for independent medical record auditing services for the 2024 calendar year contract period; and

WHEREAS, WBHN remains in need of these services in order to comply with state regulatory requirements, and as such these services are essential to agency operations; now, therefore be it

RESOLVED, that the Chairman of the Board is authorized to renew the contract with Patricia McKinny, LMHC, for the period of January 1, 2024 to December 31, 2024, to provide Clinical Record Auditing and Utilization Review Services to WBHN for the rate of \$10.00 per medical record reviewed, not to exceed \$17,000 in total for the 2024 county budget year, and said contract will be subject to approval of the 2024 County Budget, and the County Attorney's review as to form and content, and the department will utilize department revenues along with State funding that is provided to WBHN for administrative functions, and the department will maintain the expense associated for this service within the budgeted funds.

RESOLUTION 6-13: AUTHORIZATION TO CONTRACT WITH LICENSED PROFESSIONALS FOR PSYCHOTHERAPY SERVICES IN THE MENTAL HEALTH DEPARTMENT

Mr. Robusto presented the following:

WHEREAS, due to the ongoing need for mental health treatment services, in combination with the workforce shortage situation, and the lack of qualified applicants to permanently fill vacant Mental Health Clinician and/or Sr. Mental Health Clinician positions in the Mental Health Department, the Mental Health Director would like to continue the four temporary per diem independent contractor positions created via Resolution 73-23 in order to provide continued comprehensive psychotherapy services in the mental health department; and

WHEREAS, the funding for these positions is available in the mental health department's 2024 budget due to the current vacancies within the department, as well as these contracted positions will generate sufficient revenue to cover the costs associated with them; now, therefore be it

RESOLVED, that the Chairman of the Board is authorized to establish and sign contracts for up to four individuals who meet County contracting requirements and who are licensed to practice in NYS as either a: Licensed Master Social Worker (LMSW); Licensed Clinical Social Worker (LCSW); or a Licensed Mental Health Counselor (LMHC), to provide comprehensive professional clinical psychotherapy services in the Mental Health Department on a temporary per diem basis through December 31, 2024, at a flat rate of \$80.00 per hour, subject to the review and approval of the County Attorney as to form and content.

RESOLUTION 6-14: AUTHORIZATION TO RENEW ANNUAL CONTRACTS FOR MENTAL HYGIENE RELATED SERVICES WITH COMMUNITY PROVIDER ORGANIZATIONS FOR THE 2024 COUNTY BUDGET YEAR

Mr. Robusto presented the following:

WHEREAS, the Mental Health Department wishes to renew its annual contracts for the 2024 County Budget year with the following organizations for the purposes of the continued provision of mental hygiene related services in Wayne County, and for disbursement of New York State pass through funding and/or any required Wayne County funding in the following amounts:

Association for the Blind and Visually Impaired-Lifeline: \$27,239 (state funds)

Council on Alcoholism and Addictions of the Finger Lakes: \$122,526 (state funds)
DePaul: \$188,115 (state funds)
Lakeview Health Services: \$392,381 (state funds)
Wayne ARC: \$33,518 (state funds)
Finger Lakes Area Counseling and Recovery Agency (FLACRA): \$1,385,699 (state funds),
\$6,602 (county funds)
Wayne County Aging & Youth Dept.: \$46,122 (state funds)
Wayne County Action Program: \$61,313 (state funds)
Aspire Hope-FLPN: \$32,083 (state funds), \$4,000 (county funds)
Unity House: \$160,579 (state funds)
Delphi Rise: \$593,973 (state funds), \$7,750 (county funds)
Catholic Charities Family & Community Services (CFC-Hannick Hall): \$823,977
Wayne county Veterans Services Dept.: \$100,000 (state funds)

now, therefore be it

RESOLVED, that the Chairman of the Board is authorized to sign a renewal contract with the above noted community provider agencies for the provision of mental hygiene services in Wayne County for the period January 1, 2024 to December 31, 2024, not to exceed the listed funding amounts noted above which are in accordance with the 2024 State funding award amounts and the tentative 2024 County Budget, including any county funding as noted, and also any plus/minus adjusted amounts based on any prior year state funding closeout reconciliations or adjustments made to the current year funding amount, and the contracts being approved and subject to the County Attorneys review as to form and content.

RESOLUTION 6-15: AUTHORIZATION FOR WAYNE BEHAVIORAL HEALTH NETWORK TO PARTICIPATE IN BEHAVIORAL HEALTH DATA ANALYTICS COLLABORATIVE INITIATIVE WITH INTEGRITY PARTNERS BEHAVIORAL HEALTH AND UNIVERSITY OF BUFFALO SCHOOL OF SOCIAL WORK

Mr. Robusto presented the following:

WHEREAS, Integrity Partners for Behavioral Health (IPBH) has partnered with the University at Buffalo (UB) to create a data warehouse of a combined limited data set made of health information from IPBH Partners' Electronic Health Record (EHR) systems. The underlining goal is to address NYS priorities that pertain to creating a sophisticated data analytics platform, integrating evidence-based treatment protocols across networks of behavioral health organizations, and reducing the cost of care while improving outcomes for mental health and substance use disorder patients; and

WHEREAS, the initiative has received UB's Institutional Review Board (IRB) approval, which allows participants to provide a limited data set of EHR information to UB, and which is required under HIPAA, as well as written approval by the NYS Office of Mental Health, and is in compliance with the NYS Mental Hygiene Law; and

WHEREAS, WBHN as a principle partner with IPBH, will be able to benefit from participation in the initiative by being able to obtain Quality Improvement Data Reports, which will provide WBHN learning opportunities to improve practice approaches and client outcomes to improve the lives of our clients, reduce costs of care, provide data that can be used in applying for grants, and it will strengthen our position regarding future contracting with managed care organizations for Value Based Payments, just to name several benefits; now, therefore be it

RESOLVED, the Board of Supervisors authorizes Wayne Behavioral Health Network to participate and submit data, which is a limited data set and does not contain client-identifying data, from their Electronic Health Record to Integrity Partners Behavioral Health and the University of Buffalo for the Behavioral Health Data Analytics Collaborative.

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

RESOLUTION 7-1: AUTHORIZATION FOR THE WAYNE COUNTY DEPARTMENT OF SOCIAL SERVICES & WAYNE COUNTY AGING & YOUTH TO ENTER INTO AN AGREEMENT FOR THE FAMILIES AND COMMUNITIES TOGETHER PROGRAM (FACT)

Mr. Donalty presented the following:

WHEREAS, the Wayne County Department of Social Services (WCDSS) is requesting the Wayne County Department of Aging and Youth to provide contracted FACT Intensive Case Management services for families; and

WHEREAS, WCDSS will pay the Wayne County Department of Aging and Youth \$40,000 for the provision of FACT services cited in the Agreement; and

WHEREAS, The Office of Temporary and Disability Assistance (OTDA) approved the language of the agreement between WCDSS and the Department of Aging and Youth for FACT program services on April 26, 2023 and there are no changes to the agreement for 2024; and

WHEREAS, the program year is January 1, 2024 through December 31, 2024; now, therefore, be it

RESOLVED, that the Commissioner of Social Services and the Director of Aging and Youth are hereby authorized and directed to sign an agreement on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, wherein the Wayne County Department of Social Services will purchase services from the Wayne County Department of Aging and Youth in an amount not to exceed \$40,000.00 for the provision of FACT program services for the period of January 1, 2024 to December 31, 2024.

RESOLUTION 7-2: AUTHORIZE AGREEMENT WITH REGIONAL TRANSIT SERVICE/WAYNE AREA TRANSPORTATION SERVICES (RTS-WAYNE) FOR ON-DEMAND TRANSPORTATION

Mr. Donalty presented the following:

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

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

WHEREAS, Wayne County Department of Social Services (DSS) is able to use TANF funds to offset local costs for this service; and

WHEREAS, RTS/WAYNE may be able to use Job Access Reverse Commute (JARC) funds to offset local costs; and

WHEREAS, RTS/WAYNE has provided timely and effective service in the past; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to enter into an agreement with the RTS/WAYNE, subject to review by the County Attorney as to form and content, for the provision of on-demand services to Wayne DSS clients for an amount not to exceed \$210,000 for the time period 1/1/24 – 12/31/24.

RESOLUTION 7-3: AUTHORIZE AGREEMENT WITH WAYNE COUNTY SHERIFF'S OFFICE FOR WELFARE FRAUD INVESTIGATION SERVICES FOR THE WAYNE COUNTY DEPARTMENT OF SOCIAL SERVICES

Mr. Donalty presented the following:

WHEREAS, there is a need to pursue welfare fraud in a diligent manner; and

WHEREAS, it is estimated that the cost of doing so will be offset by cost avoidance; and

WHEREAS, the Wayne County Sheriff's Office is the agency best suited to pursue these investigations; and

WHEREAS, the Wayne County Department of Social Services is desirous of entering into an Agreement for Welfare Fraud Investigation services; now, therefore, be it

RESOLVED, that the Commissioner of Social Services is hereby authorized to enter into an Agreement with the Wayne County Sheriff's Office, subject to review and approval of the County

Attorney as to form and content, for Welfare Fraud Investigation Services in an amount not to exceed \$170,779 for the timeframe 1/1/24-12/31/24.

RESOLUTION 7-4: AUTHORIZATION TO ACCEPT GRANT FUNDS FOR HOME DELIVERED MEALS FOR DEPARMTENT OF AGING AND YOUTH

Mr. Donalty presented the following:

WHEREAS, The Department of Aging and Youth operates a home delivered meals program; and

WHEREAS, a waiting list for home delivered meals was started in the Fall of 2022 in order to reduce the number of meals being served in order to stay within budget; and

WHEREAS, the waiting list grew to over 80 older Wayne County residents so the department reached out to local foundations for additional funding for the program; and

WHEREAS, ESL, the Rochester Area Community Foundation and the Greater Rochester Health Foundation all came together to support Wayne County's home delivered meal program by providing grant funding in the amount of \$107,350.00 to purchase additional meals; and

WHEREAS, the Chairman of the Board is required to sign for the county's acceptance of these funds; now, therefore, be it

RESOLVED, that the Chairman of the Board be authorized to sign for acceptance of these funds and any resulting contracts or agreements between the county and the three funding agencies for receipt of the funding for the home delivered meal program, subject to county attorney's review and approval as to form and content.

RESOLUTION 7-5: URGING STATE AND FEDERAL ELECTED OFFICIALS TO ADVOCATE FOR INCREASED AGING SERVICES FUNDING IN THE FEDERAL AND STATE BUDGETS TO ENABLE AREA AGENCIES ON AGING TO PROVIDE CRITICAL SERVICES THAT SUPPORT OLDER RESIDENTS TO AGE IN PLACE

Mr. Donalty presented the following:

WHEREAS, the Older Americans Act in 1965, and all subsequent reauthorizations, enacted guidelines and allocated federal funding for services for Older Americans and their caregivers across the nation; and

WHEREAS, New York State is home to 4.8 million Older Adults and is currently fourth in the nation in number of residents over 60; and

WHEREAS, over the course of the last 58 years, Area Agencies on Aging, like the Wayne County Department of Aging and Youth, have provided and continue to provide valuable services such as home delivered meals, home care services, transportation, legal services, case management, information and assistance, health promotion, nutrition counseling, health insurance counseling, senior center programming, long term care information and referrals, benefits counseling and advocacy, and public information and outreach to older residents and their families enabling our seniors to stay in their homes and communities for as long as possible; and

WHEREAS, although these programs are mandated by federal and state regulation, federal and state funding has not kept pace with the population growth or the increase in need, and thus the cost burden for these services is placed heavily with the local government; and

WHEREAS, even though Older New Yorkers comprise 43% of the state's Gross Domestic Product (GDP) as well as contributing social and intellectual capital, almost 14 billion per year in volunteer service to their communities, and 32 billion per year in unpaid caregiving services to family, friends and neighbors, the budget for the New York State Office for Aging is less than 1% of the overall state budget; and

WHEREAS, Wayne County is home to over 24,000 adults aged 60 or over, many of whom live near or below poverty status and rely on food stamps or other public assistance to meet basic needs, and are unable to privately afford long term care services that would improve their independence, health, quality of life and ability to remain in their homes; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors urges local state and federal elected officials to advocate for increased funding levels for services for older adults such as the services

provided by the Wayne County Department of Aging and Youth.

RESOLUTION 7-6: AUTHORIZATION TO REMOVE AND REAPPOINT AGING ADVISORY COUNCIL MEMBERS FOR THE DEPARTMENT OF AGING AND YOUTH

Mr. Donalty presented the following:

WHEREAS, the Department of Aging and Youth is required by state and federal regulations to maintain an advisory council to review and make recommendations regarding aging services; and

WHEREAS, David and Susan Nussbaumer, community members, representing the Town of Palmyra have requested to be removed from the Aging Advisory Council due to change in circumstances; and

WHEREAS, Robert Hanson, community member, representing the Town of Arcadia term as a member of the Wayne County Aging Advisory Council is completed, but he is willing to continue his participation; and

WHEREAS, Pat Albrecht, community member, representing the Town of Arcadia and Laurel House, a community organization, term as a member of the Wayne County Aging Advisory Council is completed, but she is willing to continue her participation; and

WHEREAS, Alice Reynolds, community member, representing the Town of Walworth, term as a member of the Wayne County Aging Advisory Council is completed, but she is willing to continue her participation; and

WHEREAS, Jim Switzer, community member, representing the Town of Ontario term as a member of the Wayne County Aging Advisory Council is completed, but he is willing to continue his participation; and

WHEREAS, Pam Taylor, community member, term as a member of the Wayne County Aging Advisory Council is completed and should be removed from membership; and

WHEREAS, William Wigmore, community member, term as a member of the Wayne County Aging Advisory Council is completed and should be removed from membership; and

WHEREAS, Mae Pitts, community member, term as a member of the Wayne County Aging Advisory Council is completed and should be removed from membership; now, therefore, be it

RESOLVED, the Wayne County Board of Supervisors does hereby approve the removal of members David Nussbaumer, Susan Nussbaumer, Pam Taylor, William Wigmore, and Mae Pits and thanks them for their service to the Department; and be it further

RESOLVED, the Wayne County Board of Supervisors does hereby approve and appoint to the Wayne County Aging Advisory Council the following members for a three-year term from December 1, 2023 to November 30, 2026:

Robert Hanson
1259 Whitbeck Rd
Newark, NY 14513

Pat Albrecht
135 Highland Ave
Newark, NY 14513

Alice Reynolds
4676 Ontario Center Rd.
Walworth, NY 14568

Jim Switzer
1291 Centennial Dr.
Ontario, NY 14519

RESOLUTION 7-7: AUTHORIZATION TO REMOVE AND REAPPOINT YOUTH BOARD MEMBERS FOR THE DEPARTMENT OF AGING AND YOUTH

Mr. Donalty presented the following:

WHEREAS, the department of Aging and Youth is required to maintain an advisory board to review and make recommendations regarding youth services; and

WHEREAS, Alysha Kuhn, a youth representing the town of Marion, requests to be removed as a member of the Wayne County Youth Board due to change in circumstances; and

WHEREAS, William Campbell, representing the Palmyra Community Center, requests to be removed due to a change in circumstances; and

WHEREAS, Michael Muscolino, representing Alex Eligh Community Center; term as a member of the Wayne County Youth Board is completed but is willing to continue his participation; and

WHEREAS, Don DiCraсто, Faith Community Representative, Scarlet Thread Ministries; term as a member of the Wayne County Youth Board is completed but is willing to continue his participation; and

WHEREAS, Mary Jones, representing the town of Galen and Glow Up Girls; term as a member of the Wayne County Youth Board is completed, but is willing to continue her participation; and

WHEREAS, Kyra Yon, representing Finger Lakes Community Action, Healthy Families Program; term as a member of the Wayne County Youth Board is completed, but is willing to continue her participation; and

WHEREAS, Julie DeRoo, Sodus Central Junior/Senior High School Psychologist representing the town of Sodus; term as a member of the Wayne County Youth Board is completed, but is willing to continue her participation; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors does hereby reappoint Michael Muscolino, Don DiCraсто, Mary Jones, Kyra Yon, and Julie DeRoo to the Wayne County Youth Board for a term of three years:

Mike Muscolino
696 Filkins Rd.
Newark, NY 14513

Don DiCraсто
6917 Salmon Creek Rd.
Williamson, NY 14589

Mary Jones c/o Glow Up Girls
38 William St.
Lyons, NY 14489

Kyra Yon
28 Canal St.
Lyons, NY 14489

Julie DeRoo
Sodus Jr. Sr. High School
PO Box 220
Sodus, NY 14551

and be it further

RESOLVED, Alysha Kuhn and William Campbell be removed from the Wayne County Youth Board.

OTHER BUSINESS

ANNOUNCEMENTS

The next meeting of the Wayne County Board of Supervisors is scheduled for Tuesday, **December 5th, 2023, 7:00 p.m. in the Emergency Management Department** for the purpose of holding a Public Hearing on the 2024 Tentative Wayne County Budget.

The last regular meeting of 2023 is scheduled for **Tuesday, December 19th, 2023 at 9:00 a.m.**

ADJOURNMENT