

2nd Day
Tuesday, January 17, 2023

Due to the plaster restoration project in the Supervisors Chambers, the regular meeting of the Board of Supervisors was held at the Wayne County Public Safety Building, Emergency Management Division, Operations Room, Chairman Eygnor presiding. County Administrator Richard House and Assistant County Attorney Erin Hammond were also in attendance.

The Pledge of Allegiance was led by Supervisor Bender, followed by Chairman Eygnor giving the invocation.

Upon roll call, all Supervisors were present for this morning's session except for Supervisor Brady.

APPROVAL OF MINUTES:

Mr. Mettler moved, seconded by Mr. Chatfield, to waive the reading of the minutes of the December 20, 2022 and January 3, 2023 meetings. Upon roll call, carried.

COMMUNICATIONS

The County Auditor's Accounts Payable Report for monthly utilities, miscellaneous payments including the December 30, 2022 warrants for accounts payable, totaling \$ 4,307,984.29 was received and filed.

The Sheriff's Office Cash Receipts Report dated December 21, 2022 totaling \$12,165.63 was received and filed.

Mrs. Leonard moved, seconded by Mr. Johnson, to waive the reading of the January, 2023 Communications. Upon roll call, carried.

PUBLIC HEARINGS

Public Hearing for comment on Amending Resolution 245-97: Revising Schedule of Income Eligibility Levels for the County Real Property Tax Exemption for Persons Sixty-Five Years of Age or Older

Prior to the reading of today's scheduled public hearing, Chairman Eygnor read the rules and procedures that are followed for conducting such hearings for this Board.

The Clerk read the following notice of public hearing:

NOTICE IS HEREBY GIVEN THAT the Wayne County Board of Supervisors will conduct a Public Hearing at **9:05 a.m. on Tuesday, January 17, 2023** at the Wayne County Public

January 17, 2023

Safety Building, Emergency Management Division, Operations Room, 7336 Route 31, Suite 2000, Lyons, New York 14489, to consider public comments concerning Section 467 of the Real Property Tax law that affords persons sixty-five years of age or older a tax exemption based on income eligibility.

The amended, recommended update to the income eligibility limits are as follows:

Annual Income Range	Exemption Percentage
\$16,100 or less	50% exemption
More than \$16,100.01 but less than \$17,099.99	45% exemption
\$17,100 or more, but less than \$18,099.99	40% exemption
\$18,100 or more, but less than \$19,099.99	35% exemption
\$19,100 or more, but less than \$19,999.99	30% exemption
\$20,000 or more, but less than \$20,899.99	25% exemption
\$20,900 or more, but less than \$21,799.99	20% exemption
\$21,800 or more, but less than \$22,699.99	15% exemption
\$22,700 or more, but less than \$23,599.99	10% exemption
\$23,600 or more, but less than \$24,499.99	5% exemption

At 9:06 a.m., Chairman Eygnor opened the floor for the public, stating that people interested in making comment regarding the revised schedule of Income Eligibility Levels for the County Real Property Tax Exemption for Persons Sixty-Five Years of Age or Older, should come forward to the podium to address the Board. Further, he requested that they state their name and address for the record. There was no public comment at this time.

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

Mr. Mettler moved, seconded by Mr. Lasher, that the hearing be closed at 9:07 a.m. Upon roll call, carried.

Public Hearing for comment on Local Law Amending Local Law No. 6-2022: A Local Law to Provide a Partial Exemption from County Real Property Taxes to Qualified Resident Applicants Who are Disabled in Conformity with Section 459-C of the NYS Real Property Tax Law and Revision of Annual Income Limits

The Clerk read the following notice of public hearing:

**COUNTY OF WAYNE
NOTICE OF PUBLIC HEARING
A Local Law Amending Local Law No. 6-2022**

NOTICE IS HEREBY GIVEN THAT the Wayne County Board of Supervisors will conduct a Public Hearing at **9:10 a.m. on Tuesday, January 17, 2023** at the Wayne County Public Safety Building, Emergency Management Division, Operations Room, Lyons, New York 14489,

January 17, 2023

to consider public comments concerning partial exemption from county real property taxes to qualified resident-applicants who are disabled in conformity with Section 459-c of the NYS Real Property Tax Law and revising annual income limits.

COUNTY OF WAYNE STATE OF NEW YORK

A local law amending Local Law No. 6-2022 to provide a partial exemption from county real property taxes to qualified resident-applicants who are disabled in conformity with Section 459-c of the NYS Real Property Tax Law and amending annual income limits

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

Section 1: Legislative Intent

The purpose of this local law is to provide partial relief from county real property taxes to qualified resident-applicants who are disabled. It is intended to accomplish this purpose in conformity with NYS Real Property Law Section 459-c, as amended.

Section 2: Legislative Authority

This local law is enacted pursuant to Section 459-c of the Real Property Tax Law.

Section 3: Partial Real Property Tax Exemption.

a. Real property owned by one or more persons with disabilities, or real property owned by husband and wife, or both, or by siblings, at least one of whom has a disability or real property owned by one or more persons, some of whom qualify under this local law and Section 467 of the Real Property Tax Law and whose income, as hereafter defined, is limited by reason of such disability, shall be partially exempt from taxation to the extent provided in the following schedule:

Annual Income	Percentage Assessed Valuation Exempt From Taxation
\$16,100 or less	50 per centum
More than \$16,100, but less than \$17,099.99	45 per centum
\$17,100 or more, but less than \$18,099.99	40 per centum

\$18,100 or more, but less than \$19,099.99	35 per centum
\$19,100 or more, but less than \$19,999.99	30 per centum
\$20,000 or more, but less than \$20,899.99	25 per centum
\$20,900 or more, but less than \$21,799.99	20 per centum
\$21,800 or more, but less than \$22,699.99	15 per centum
\$22,700 or more, but less than \$23,599.99	10 per centum
\$23,600 or more, but less than \$24,499.99	5 per centum
\$24,500 or more	not eligible

b. Any exemption provided herein shall be computed after all other partial exemptions allowed by law excluding the school tax relief (Star) exemption authorized by Section 425 of the Real Property Tax Law have been subtracted from the total amount assessed, provided, however, that no parcel may receive an exemption for the same municipal tax purpose pursuant to this local law and Section 467 of the Real Property Tax Law.

At 9:11 a.m., Chairman Eygnor opened the floor for the public, stating that people interested in making comment regarding Amending Local Law No. 6-2022 A Local Law to Provide a Partial Exemption from County Real Property Taxes to Qualified Resident Applicants Who are Disabled in Conformity with Section 459-C of the NYS Real Property Tax Law and Revision of Annual Income Limits, should come forward to the podium to address the Board. Further, he requested that they state their name and address for the record. There was no public comment at this time.

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

Mrs. Bender moved, seconded by Mr. Groat, that the hearing be closed at 9:11 a.m. Upon

roll call, carried.

SCHEDULED BUSINESS

RESOLUTION 12-23: AUTHORIZATION TO AWARD BID AND EXECUTE CONTRACT FOR THE PURCHASE OF CISCO NETWORK SWITCHES AND APPLICABLE COMPONENTS FOR PUBLIC SAFETY COMMUNICATIONS

Mrs. Leonard presented the following:

WHEREAS, Public Safety Communications has funds budgeted in 2023 for core network routing upgrades, and

WHEREAS, the Wayne County IT Department worked in coordination with the Purchasing Department to solicit a request for bids for Cisco network switches and applicable components, or an equivalent offering; and

WHEREAS, bids were due by January 5, 2022 at 11:00 a.m. and the following bids were received; and

Contractor	Total Cost
Dox Electronics 105 College Ave. Rochester, NY 14607	\$72,128.28
Function5 Technology Group LTD 600 Mile Crossing Blvd., Suite 1A Rochester, NY 14624	\$67,154.00
Mola Group Corporation 450 Park Ave S, FL3 New York, NY 10016	\$63,595.98
MVATION Worldwide, Inc. 70 Glen St. Suite 260 Glen Cove, NY 11542	\$56,806.68
Sunflower Lab, LLC 3974 Brown Park Dr., Suite G Hillard, OH 43026	\$60,519.99
Zones, LLC 1102 15 th Street SW Auburn, WA 98001	\$49,256.76

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WHEREAS, the Purchasing Agent contacted each of the companies to investigate estimated lead times for shipment and delivery; concluding that most provided similar estimates; now, therefore be it

RESOLVED, that the bid received by Zones LLC is hereby accepted in accordance with the bid specifications; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute a contract for the purchase of Cisco Network Switches and applicable components at a cost not to exceed \$49,256.78, subject to the County Attorney's approval as to form and content.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Lasher. Upon roll call, adopted.

RESOLUTION 13-23: AUTHORIZATION TO OPT INTO THE EQUITABLE RETENTION MORTGAGE ASSISTANCE PROGRAM (ERMA) THROUGH THE OFFICE OF THE NEW YORK STATE ATTORNEY GENERAL

Mrs. Leonard presented the following:

WHEREAS, the County received communication from the New York State Attorney General's Office in regards to a program designed to help seniors ages 62 and over with a zero-interest, deferred forgivable loans up to \$25,000 to prevent foreclosure due to mortgage arrears, property tax arrears, homeowner's insurance and other housing costs that could put long-term homeownership at risk; and

WHEREAS, this program would be administered by the Center for NYC Neighborhoods, a nonprofit organization that promotes and protects affordable homeownership in New York State; and

WHEREAS, after discussions with the County Attorney and County Administrator, the County has decided they are desirous of opting into said program as there is zero cost to the County; now therefore be it

RESOLVED, that the County of Wayne hereby opts into the Equitable Retention Mortgage Assistance Program (ERMA), and be it further;

RESOLVED, that the Chairman of the Board of Supervisors is hereby and directed to execute any documentation in regards to said ERMA Program, subject to the County Attorney's approval as to form and content.

Mr. Johnson moved the adoption of the resolution. Seconded by Mrs. Bender. Upon roll call, adopted.

RESOLUTION 14-23: AUTHORIZATION TO GIVE SUPERINTENDENT OF PUBLIC WORKS AUTHORITY TO UTILIZE CONTINGENCIES TOWARDS VEHICLE PURCHASES

Mrs. Leonard presented the following:

WHEREAS, the Wayne County Purchasing Policy requires any purchase of \$20,000 or greater be publicly bid; and

WHEREAS, the current economy has made it exceedingly difficult to purchase vehicles

due to rising costs and a severe lack in supply; and

WHEREAS, oftentimes when vehicles are available, the mini-bid window is only open for a short period of time, and if the bid comes in higher than the originally budgeted amount, there is not sufficient time to appropriate additional funds via board resolution before the window closes; and

WHEREAS, giving the Superintendent of Public Works authority, with approval from the County Administrator and Management Assistant, to request a transfer of no more than \$10,000 per vehicle from contingencies to a department's motor vehicle account, will allow a purchase order to be created before the bid window closes in the event that the bid comes in higher than the original budget; now, therefore be it

RESOLVED, Superintendent of Public Works, with approval from the County Administrator and Management Assistant, is hereby authorized to request a transfer not to exceed \$10,000 per vehicle from contingent funds to a department's motor vehicle account in the event that there are not sufficient funds to create a vehicle purchase order during the open bid window, with said authorization expiring December 31, 2023.

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

RESOLUTION 15-23: AUTHORIZATION TO REQUEST STATE MUNICIPAL HOME RULE LEGISLATION FOR EXTENSION OF ADDITIONAL 1% SALES TAX TO NOVEMBER 30, 2026

Mrs. Leonard presented the following:

WHEREAS, the County of Wayne presently has authority to collect an additional 1% sales tax, but said authority expires as of November 30, 2023; and

WHEREAS, without said additional 1% sales tax, property taxes would be further burdened and would be significantly increased; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors hereby requests State Legislators, Senator Pamela Helming and Assemblymen Brian Manktelow to prepare a municipal Home Rule Statute giving the County of Wayne authority to extend the additional 1% sales tax from December 1, 2023 to November 30, 2026.

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

RESOLUTION 16-23: ADOPTION OF LOCAL LAW TO PROVIDE A PARTIAL EXEMPTION FROM COUNTY REAL PROPERTY TAXES TO QUALIFIED RESIDENT-APPLICANTS WHO ARE DISABLED IN CONFORMITY WITH SECTION 459-C OF THE NYS REAL PROPERTY TAX LAW AND AMENDING ANNUAL INCOME LIMITS

Mrs. Leonard presented the following:

RESOLVED, a proposed local law to provide partial exemption from county real property taxes to qualified resident applications who are disabled in conformity with Section 459-C of the NYS Real Property Tax Law was presented to the Board of Supervisors on

January 3, 2023; and

WHEREAS, a public hearing on the proposed local law was held by the Board of Supervisors on January 17, 2023, in accordance with the notice of hearing duly posted and published in the manner prescribed by law, now, therefore be it

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

COUNTY OF WAYNE STATE OF NEW YORK

A local law amending Local Law No. 6-2022 to provide a partial exemption from county real property taxes to qualified resident-applicants who are disabled in conformity with Section 459-c of the NYS Real Property Tax Law and amending annual income limits

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

Section 1: Legislative Intent

The purpose of this local law is to provide partial relief from county real property taxes to qualified resident-applicants who are disabled. It is intended to accomplish this purpose in conformity with NYS Real Property Law Section 459-c, as amended.

Section 2: Legislative Authority

This local law is enacted pursuant to Section 459-c of the Real Property Tax Law.

Section 3: Partial Real Property Tax Exemption.

a. Real property owned by one or more persons with disabilities, or real property owned by husband and wife, or both, or by siblings, at least one of whom has a disability or real property owned by one or more persons, some of whom qualify under this local law and Section 467 of the Real Property Tax Law and whose income, as hereafter defined, is limited by reason of such disability, shall be partially exempt from taxation to the extent provided in the following schedule:

Annual Income	Percentage Assessed Valuation Exempt From Taxation
\$16,100 or less	50 per centum
More than \$16,100, but less than \$17,099.99	45 per centum

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\$17,100 or more, but less than \$18,099.99	40 per centum
\$18,100 or more, but less than \$19,099.99	35 per centum
\$19,100 or more, but less than \$19,999.99	30 per centum
\$20,000 or more, but less than \$20,899.99	25 per centum
\$20,900 or more, but less than \$21,799.99	20 per centum
\$21,800 or more, but less than \$22,699.99	15 per centum
\$22,700 or more, but less than \$23,599.99	10 per centum
\$23,600 or more, but less than \$24,499.99	5 per centum
\$24,500 or more	not eligible

b. Any exemption provided herein shall be computed after all other partial exemptions allowed by law excluding the school tax relief (Star) exemption authorized by Section 425 of the Real Property Tax Law have been subtracted from the total amount assessed, provided, however, that no parcel may receive an exemption for the same municipal tax purpose pursuant to this local law and Section 467 of the Real Property Tax Law.

Section 4: Sibling Definition

For purpose of this local law "sibling" shall mean a brother or a sister, whether related through half-blood, whole-blood or adoption.

Section 5: Limitation of Exemption.

No exemption shall be granted:

a. If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$24,499.99 as may be provided by local law. Income tax year shall mean the twelve month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not, exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances or monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income:

b. unless the property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section:

c. unless the real property is the legal residence of and is occupied in whole or in part by the disabled person; except where the disabled person is absent from the residence while receiving health related care as an inpatient of a residential health care facility, as defined in Section 2801(3) of the Public Health Law, provided that any income accruing to that person shall be considered income for purposes of this section only to the extent that it exceeds the amount paid by such person or spouse or sibling of such person for care in the facility.

Section 6: Application.

Application for such exemption must be made annually by the owner, or all of the owners of the property, on forms prescribed by the state board and shall be filed in such assessor's office on or before the appropriate taxable status date. Provided, however, proof of a permanent disability need be submitted only in the year exemption pursuant to this local law as first sought or the disability is first determined to be permanent.

Section 7: Continuation; Review.

At least sixty days prior to the appropriate taxable status date, the assessor shall mail to each person who was granted exemption pursuant to this section on the latest completed assessment roll an application form and a notice that such application must be filed on or before the taxable status date and be approved in order for the exemption to continue to be granted. Failure to mail such application form or the failure of such person to receive any of the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

Section 8: Effective Date.

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

Mr. Johnson moved the adoption of the resolution. Seconded by Mr. Mettler. Upon roll call, adopted.

RESOLUTION 17-23: ADOPTING REVISED SCHEDULE OF INCOME ELIGIBILITY LEVELS FOR THE COUNTY REAL PROPERTY TAX EXEMPTION FOR PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER

Mrs. Leonard presented the following:

RESOLVED, pursuant to the provisions of Section 467 of the Real Property Tax Law that the Board of Supervisors has duly held a public hearing on January 17, 2023 on the adoption of the following revised schedule of maximum income eligibility levels for the County Real Property Tax exemption for persons sixty-five (65) years of age or older; and be it further

RESOLVED, pursuant to Section 467 of the Real Property Tax Law, that the following schedule of maximum income exemption eligibility levels is hereby approved and adopted:

Annual Income Range	Exemption Percentage
\$16,100 or less	50% exemption
More than \$16,100.01 but less than \$17,099.99	45% exemption
\$17,100 or more, but less than \$18,099.99	40% exemption
\$18,100 or more, but less than \$19,099.99	35% exemption
\$19,100 or more, but less than \$19,999.99	30% exemption
\$20,000 or more, but less than \$20,899.99	25% exemption
\$20,900 or more, but less than \$21,799.99	20% exemption
\$21,800 or more, but less than \$22,699.99	15% exemption
\$22,700 or more, but less than \$23,599.99	10% exemption
\$23,600 or more, but less than \$24,499.99	5% exemption

and be it further,
RESOLVED, that this resolution shall take effect immediately and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 2023.
Mr. Johnson moved the adoption of the resolution. Seconded by Mrs. Bender. Upon roll call, adopted.

RESOLUTION 18-23: AUTHORIZATION TO CREATE CLERK TYPIST POSITION WITHIN E911 AND AMEND THE 2023 BUDGET

Mr. Verno presented the following:

WHEREAS, due to mandated Criminal Justice Discovery requirements and the lack of available E911 dispatchers, the Deputy Director of Emergency Preparedness is desirous of creating a Clerk Typist to assist in fulfilling these demands, and

WHEREAS, the inability to fulfill the Discovery requirements from E911 could result in the dismissal of criminal cases by the courts and the District Attorney has concerns over the amount of Discovery cases E911 has not been able to fulfill due to the lack of staffing, and

WHEREAS, the Deputy Director of Emergency Preparedness requests such authority to hire Clerk Typist, within the CSEA General Unit, Grade 8; now, therefore be it

RESOLVED, a Clerk Typist position is hereby created in E911; and be it further

RESOLVED, the Wayne County Treasurer is authorized to transfer \$56,857 from Unassigned General Fund Balance and amend the 2023 budget as follows:

A3642 – E911 Communications

(Appropriations)

\$36,130 to 51695 Clerk Typist (8 hour)

\$2,963 to 58100 Retirement

\$2,764 to 58200 FICA

\$15,000 to 58400 Health Insurance

Mr. Mettler moved the adoption of the resolution. Seconded by Mr. Lasher. Upon roll call, adopted.

RESOLUTION 19-23: AUTHORIZATION TO REIMBURSE ONTARIO FIRE DISTRICT FOR TOWER SITE RELATED EXPENSES

Mr. Verno presented the following:

WHEREAS, on August 6, 2021, the County and the Ontario Fire District #1 entered into a cooperative agreement relative to a joint project at the Ontario Fire Station #1 whereby a new communications tower was constructed for joint use by the Ontario Fire Company and the County, and

WHEREAS, the new tower has been constructed, with work at the site nearing successful completion, in that the site is now an operational communications site for the

County's public safety radio communications system, and

WHEREAS, the aforementioned agreement included a provision whereby the County would reimburse the Fire District \$11,445 for certain building modifications and electrical improvements that were necessary for the County's purposes in operating its communications equipment, based upon competitive pricing estimates obtained by the Fire District prior to the start of the project, and

WHEREAS, the electrical contractor performing work at the site encountered additional work that was necessary related to the uninterruptible power supply installation, with the Fire District incurring total charges of \$13,444, or \$1,999 higher than the pre-work estimate specified in the agreement with the County, and

WHEREAS, the County will make an application to the State for reimbursement of said expenses through the State Interoperable Communications grant program; now, therefore, be it

RESOLVED, that the County shall reimburse the Ontario Fire District a total of \$13,444 for structural and mechanical work within the Ontario Fire Station #1 related to the joint communications tower project.

Mrs. Leonard moved the adoption of the resolution. Seconded by Mr. Lasher. Upon roll call, adopted.

RESOLUTION 20-23: AUTHORIZATION TO CONTRACT WITH FINGER LAKES COMMUNICATIONS FOR ZETRON UPGRADE AND AMEND BUDGET

Mr. Verno presented the following:

WHEREAS, there is a need to update the Zetron radio consoles at both the primary and backup 911 centers as well as add two radio dispatch consoles at the backup 911 center at a total cost of approximately \$260,600; and

WHEREAS, there was \$55,296 in funding in the 2022 budget for a project to add the two consoles to the backup center, which did not occur in 2022; and

WHEREAS, the remaining Radio Consoles are scheduled to be updated in 2023; and

WHEREAS, Wayne County intends on using the entire budgeted proceeds of the 2021 Public Safety Answering Point Grant in the amount of \$186,856 along with \$24,500 that is budgeted in 2023 for the Service contract, resulting in a shortfall of \$49,240; and

WHEREAS, this shortfall results in a need to reappropriate the majority of the unused \$55,296 from the 2022 budget into the 911 budget to fund this project; and

WHEREAS, all of the equipment is available on either NYS Contract and/or Sourcewell Contract, and labor is offered at or better than NYS Contract pricing; now, therefore be it

RESOLVED, that, the Director of Disaster Preparedness is authorized to execute a Purchase Order for the addition of two Radio Consoles, the upgrade of the remaining consoles and associated one year service contract to Finger Lakes Communication Company of Auburn, New York, in accordance with Wayne County purchasing policies and NYS grant policies.

Mr. Goat moved the adoption of the resolution. Seconded by Mr. Kolczynski. Upon roll

call, adopted.

RESOLUTION 021-23: ESTABLISHING HOURLY WAGES FOR 2023 SEASONAL POSITIONS IN THE PUBLIC WORKS DEPARTMENT

Mr. Chatfield presented the following:

WHEREAS, the Public Works Department has a need to hire persons to fill several seasonal positions in various titles; and

WHEREAS, the 2023 budget contains funds for these positions; and

WHEREAS, it is necessary for the Board of Supervisors to establish the hourly wage for said positions; now therefore be it

RESOLVED, that the Wayne County Superintendent of Public Works is hereby authorized to compensate the following seasonal positions at the hourly rates stated to take effect January 1, 2023:

- (1) Engineer Technician, Seasonal - \$17.00
- (3) Seasonal Motor Equipment Operator #2 - \$20.13
- (6) Parks Laborer, seasonal - \$15.50
- (2) Parks Foreman, seasonal - \$18.00

Mrs. Bender moved the adoption of the resolution. Seconded by Mrs. Leonard. Upon roll call, adopted.

RESOLUTION 22-23: AUTHORIZATION TO COMPENSATE HIGHWAY EMPLOYEES FOR UNUSED 2022 LEAVE ACCRUALS

Mr. Chatfield presented the following:

WHEREAS, two Highway Department employees had intended to utilize leave time accruals during the last week of December 2022 to keep their leave accruals below the 240 hour threshold, and

WHEREAS, the two employees volunteered to travel to Buffalo from December 27 to December 30 to assist with snow removal efforts, and

WHEREAS, since they were working in Buffalo, they were not able to use their 2022 leave accruals, and

WHEREAS, after discussion with the Payroll Department, it is appropriate to allow for the payment of unused accruals as noted below:

Dennis Krebbeks – roll over 4 hours of unused leave accruals to 2023
Matthew Lee – pay 34 hours of leave time at his 2022 hourly rate

now, therefore be it

RESOLVED, that the Wayne County Board of Supervisors authorizes the compensation of unused 2022 leave accruals to two Highway employees as stated above.

January 17, 2023

Mrs. Leonard moved the adoption of the resolution. Seconded by Mr. Mettler. Upon roll call, adopted.

RESOLUTION 23-23: AUTHORIZATION TO ENTER INTO INDEMNIFICATION AGREEMENT BETWEEN WAYNE COUNTY AND THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR SPECIAL HAULING PERMITS, DIVISIBLE LOAD OVERWEIGHT PERMITS, AND/OR RESTRICTED VEHICLE PERMITS

Mr. Chatfield presented the following:

WHEREAS, that pursuant to the provisions of Part 154, Title 17, Official Compilation of Codes, Rules and Regulations of the State of New York, by and between the People of the State of New York, all municipal subdivisions thereof except the party of the second part, and the Commissioner of the New York State Department of Transportation, the New York State Thruway Authority, the State Bridge Authority and their officials, officers, agents and employees, parties of the first part, acting through and between the Commissioner of Transportation or his designee ("DOT") and the County of Wayne, party of the second part.

WHEREAS, the County of Wayne intends to apply for and receive permits pursuant to subpart 154-1 and/or subpart 154-2 of Title 17 of the official compilation of codes, rules and regulations of the State of New York, from the Department of Transportation for the operation of certain of its vehicles; and

WHEREAS, the Commissioner of Transportation has determined that this agreement will protect the interests of the People of the State of New York to the same extent as protective liability insurance coverage; now therefore, be it

RESOLVED, that the County of Wayne, in lieu of obtaining protective liability insurance coverage with respect to such permits, hereby agrees to assume the risk of, and to release, indemnify, protect, defend and save harmless the parties of the first part and/or all employees of the party of the first part from and against any and all claims, demands, actions, settlements, awards and judgments for such loss, injury, death or damage and any cost or expense in connection therewith caused by or arising out of the issuance and/or use of such permits; and be it further.

RESOLVED, that the party of the second part hereby agrees to indemnify and save harmless the parties of the first part and/or all employees of the parties of the first part from all liability of claims, demands and costs for or arising out of the issuance and/or use of such permits or the acceptance of such permits, whether caused by negligence of the part of the second part or by anyone acting by, through or for the party of the second part or caused by negligence, including omissions and supervisory acts, of the parties of the first part; and be it further

RESOLVED, that any payments required by the foregoing will be guaranteed by the full faith and credit of the party of the second part, or its districts, as applicable, and will be paid out of current budgeted funds, or if insufficient, from its liability and casualty reserve fund or from the proceeds of bonds which current laws permit the party of the second part to issue to pay claims against it.

January 17, 2023

Mrs. Bender moved the adoption of the resolution. Seconded by Mr. Lasher. Upon roll call, adopted.

RESOLUTION 24-23: AUTHORIZATION TO CREATE PROJECTS IN THE HIGHWAY DEPARTMENT

Mr. Chatfield presented the following:

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

23-78 Surface Treating Section A Project	\$325,000
23-79 Surface Treating Section B Project	\$350,000

and a supplemental project statement of proposed work for the following project:

22-62 Lakes Corners Rose Valley Rd Drainage Project	\$160,000
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now, therefore, be it

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

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

D5112 Road Construction

(Appropriations)

\$835,000 from .52600 Highway Construction to the following Chips Projects:

\$325,000 to .52673 23-78 Surface Treating Section A Project

\$350,000 to .52673 23-79 Surface Treating Section B Project

\$160,000 to .52670 22-62 Lakes Corners Rose Valley Rd Drainage Project

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

RESOLUTION 25-23: AUTHORIZATION TO AMEND PARK EQUIPMENT BUDGET

Mr. Chatfield presented the following:

WHEREAS, the Park's 2023 equipment budget included the purchase of a Zero Turn lawn mower; and

WHEREAS, the Deputy Superintendent of Publics Works budgeted \$13,000 for said

purchase; and

WHEREAS, the Deputy Superintendent has received a quote from the Omnia Contract# 252054 totaling \$13,439.00 for the mower, and

WHEREAS, the Deputy Superintendent has identified funds from another equipment line to be used to offset the shortfall of \$439.00 now, therefore be it

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

A7110 Parks

(Appropriations)

\$439	from	.52000	Equipment & Other Cap Outlay
\$439	to	.52500	Other Equipment

Mr. Johnson moved the adoption of the resolution. Seconded by Mr. Lasher. Upon roll call, adopted.

RESOLUTION 26-23: AUTHORIZATION TO OBTAIN PERMANENT EASEMENTS FOR HIGHWAY DRAINAGE PROJECTS

Mr. Chatfield presented the following:

WHEREAS, the Highway Department has a need to obtain easements for drainage projects where work will extend beyond the right-of-way, and

WHEREAS, staff from the Highway Department have met with the residents and have developed maps and descriptions to be filed with the County Clerk's office, and

WHEREAS, the list below identifies the property owners that will require easements:

Paul and Diane Vanbortel, 75110-00-423220, 383 Tyre Rd, Clyde, NY 14433

Michael P. Griffin Jr., 75110-00-297258, 403 Tyre Rd, Clyde, NY 14433

Ronald and Roseanne Demass, 75119-00-866271, 7586 Brown Rd, Wolcott, NY 14590

Eleanor Sears, 75119-16-806250, 7557 East Port Bay Rd, Wolcott, NY 14590

Gary Countryman, 75119-16-817268, 7583 East Port Bay Rd, Wolcott, NY 14590

now, therefore be it

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

Mr. Mettler moved the adoption of the resolution. Seconded by Mr. Lasher. Upon roll call, adopted.

RESOLUTION 27-23: AUTHORIZATION TO OBTAIN PERMANENT EASEMENTS FOR HIGHWAY INTERSECTION IMPROVEMENT PROJECT

Mr. Chatfield presented the following:

WHEREAS, the Highway Department has a need to obtain easements for an intersection improvement project where work will extend beyond the right-of-way, and

WHEREAS, staff from the Highway Department have met with the residents and have developed maps and descriptions to be filed with the County Clerk's office, and

WHEREAS, the list below identifies the property owners that will require easements:

Wayne County Water & Sewer Authority, 61114-19-503078, 3424 West Walworth Rd, Macedon NY 14502

Wayne County Water & Sewer Authority, 61114-19-504087, 3424 West Walworth Rd, Macedon NY 14502

Town of Walworth, 61114-18-376008, 350 Mildahn Rd, Walworth, NY 14568

Melissa A Judd, 61114-18-473033, 565 Crows Nest Ln, Macedon, NY 14502

Kevin V. Pockalny and Karen A. Coyle, 61114-18-443098, 3435 West Walworth Rd, Macedon, NY 14502

Timothy and Jayne Verschage, 61114-19-505052, 6509 Salmon Creek Road, Williamson NY 14589

now, therefore be it

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

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

RESOLUTION 28-23: AUTHORIZATION TO ENTER INTO A LICENSE AGREEMENT WITH TIOGA CONSTRUCTION COMPANY TO STORE MATERIALS AND EQUIPMENT IN A PORTION OF THE ECCC PARKING LOT

Mr. Chatfield presented the following:

WHEREAS, Tioga Construction Company is performing emergency repairs to Lock E-27 in Lyons and has requested to use a portion of the ECCC parking lot to stage materials before

the materials and equipment; and

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

WHEREAS, the Superintendent of Public Works will meet with a representative of Tioga Construction Company prior to the start of the staging to document the existing conditions in the parking lot; and

WHEREAS, Tioga Construction Company will be responsible for restoring the parking lot area to pre-construction condition; now, therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute a license Agreement on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with Tioga Construction Company for the purpose of storing materials and equipment in a portion of the ECCC parking lot in Lyons.

Mr. Lasher moved the adoption of the resolution. Seconded by Mrs. Leonard. Upon roll call, adopted.

RESOLUTION 29-23: AUTHORIZATION TO RE-APPROPRIATE THE COMPREHENSIVE HOUSING STUDY FUNDS

Mr. Johnson presented the following:

WHEREAS, resolution 293-21 approved submission of a 2021 Community Development Block Grant (CDBG) to conduct an updated Comprehensive Housing Needs and Market Study application requesting up to \$50,000 of grant funding with a \$2,500 local match; and

WHEREAS, resolution 331-22 awarded the County Comprehensive Housing Study project to MRB Group for a total cost of \$55,710, and

WHEREAS, this project is continuing in 2023 and the unspent balance of \$28,412.10 needs to be re-appropriated; now therefore be it

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

A8020 Planning Board

(Revenues)

\$28,412.10 to 44091 EDP01 CDBG –Comprehensive Housing Study

(Appropriations)

\$28,412.10 to 54400 EDP01 Contracted Services –Comprehensive Housing Study

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

RESOLUTION 30-23: AUTHORIZATION TO RE-APPROPRIATE THE BUSINESS PARK STRATEGIC PLAN AND FEASIBILITY STUDY FUNDS

January 17, 2023

Mr. Johnson presented the following:

WHEREAS, resolution 295-21 approved submission of an application for a comprehensive business park strategy requesting \$30,000 of grant funding with \$30,000 in matching local funds which was awarded to the County; and

WHEREAS, resolution 615-22 awarded the comprehensive business park strategy project to MRB Group for a total cost of \$59,930, and

WHEREAS, this project is continuing in 2023 and the unspent balance of \$59,930 needs to be re-appropriated; now, therefore be it

RESOLVED, that the Wayne County Treasurer is authorized to transfer \$29,965 from Unassigned General Fund Balance and make the following amendment to the 2023 Wayne CountyBudget:

A8020 Planning Board

(Revenues)

\$29,965 to 43305 EDP02 NYS Grants- Business Park Study

(Appropriations)

\$59,930 to 54400 EDP02 Contracted Services –Business Park Study

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Lasher. Upon roll call, adopted.

RESOLUTION 31-23: AUTHORIZATION TO RE-APPROPRIATE FARMLAND PROTECTION PLAN UPDATE FUNDS

Mr. Johnson presented the following:

WHEREAS, resolution 273-22 accepted a 50% local matching grant of up to \$80,000 for a Farmland Protection Plan Update, and

WHEREAS, resolution 425-22 awarded the plan update project to LaBella Associates for a total cost of \$48,000; and

WHEREAS, this project is continuing in 2023 and the unspent balance of \$48,000 needs to be re-appropriated; now therefore be it

RESOLVED, that the Wayne County Treasurer is authorized to transfer \$24,000 from Unassigned General Fund Balance and make the following amendment to the 2023 Wayne CountyBudget:

A8020 Planning Board

(Revenues)

\$24,000 to 43305 EDP03 NYS Grants –Farmland Protection Plan

(Appropriations)

\$48,000 to 54400 EDP03 Contracted Services –Farmland Protection Plan

Mr. Mettler moved the adoption of the resolution. Seconded by Mrs. Leonard. Upon roll call, adopted.

RESOLUTION 032-23: AUTHORIZATION TO RE-APPROPRIATED LOCAL GOVERNMENT EFFICIENCY GIS SHARED SERVICES PROJECT FUNDS

Mr. Johnson presented the following:

WHEREAS, resolution 326-22 accepted an award of \$450,000 with a \$50,000 local match to develop a unified geospatial database for use by the County, Public Authority, and participating towns; and

WHEREAS, this project is continuing in 2023 and the unspent balance of \$500,000 needs to be re-appropriated; now therefore be it

RESOLVED, that the Wayne County Treasurer is authorized to transfer \$50,000 from Unassigned General Fund Balance and make the following amendment to the 2023 Wayne County Budget:

A8020 Planning Board

(Revenues)

\$450,000 to 43305 EDP06 NYS Grants- GIS Project

(Appropriations)

\$500,000 to 54400 EDP06 Contracted Services- GIS Project

Mrs. Leonard moved the adoption of the resolution. Seconded by Mrs. Bender. Upon roll call, adopted.

RESOLUTION 33-23: AUTHORIZATION TO RE-APPROPRIATE THE BROWNFIELD ASSESSMENT PROGRAM FUNDS

Mr. Johnson presented the following:

WHEREAS, Resolution No. 281-20 authorized acceptance of an EPA 2020 Brownfield Assessment Grant award of \$600,000 and Resolution No. 393-22 appropriated the unspent balance of \$464,153.15 to the 2022 budget, and

WHEREAS, this project is continuing in 2023 and the unspent balance of \$174,011.18 needs to be re-appropriated; now therefore be it

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

A8020 Planning Board

(Revenues)

\$174,011.18 to 44095 EDP08 Federal Brownfield Funding- Brownfield Assessment

(Appropriations)

\$174,011.18 to 54601 EDP08 Brownfield Expenses- Brownfield Assessment

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

RESOLUTION 34-23: AUTHORIZATION TO RE-APPROPRIATE THE SOLID WASTE MANAGEMENT PLAN FUNDS

Mr. Johnson presented the following:

WHEREAS, Resolution 150-22 authorized the release of a Request for Proposals for consultant services for the development of an updated Local Solid Waste Management Plan; and

WHEREAS, resolution 426-22 awarded the project to Barton & Loguidice D.P.C and appropriated funding in the 2022 budget, and

WHEREAS, this project is continuing in 2023 and the unspent balance of \$54,428.05 needs to be re-appropriated; now therefore be it

RESOLVED, that the Wayne County Treasurer is authorized to transfer \$54,428.05 from Unassigned General Fund Balance and make the following amendment to the 2023 Wayne CountyBudget:

A8020 Planning Board

(Appropriations)

\$54,428.05 to 54400 EDP09 Contracted Services- SWMP

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Lasher. Upon roll call, adopted.

RESOLUTION 35-23: AUTHORIZATION TO RE-APPROPRIATE ELECTRIC VEHICLE CHARGING STATION LOCATION PLAN FUNDS

Mr. Johnson presented the following:

WHEREAS, Wayne County Resolution No. 330-22 authorized the release of an RFP for development of an Electric Vehicle Plan to identify the best locations for facilitation of EV charging station deployment and to secure and implement NYSEG Make-Ready Program and DEC Zero Emission Vehicles (ZEV) Program funding for implementation; and,

WHEREAS, Resolution No. 486-22 accepted the NYSERDA Clean Energy Communities grant award of \$5,000 towards this project; and

WHEREAS, Resolution No. 534-22 funded the Electric Vehicle Location Plan and awarded the project to E-3 Energy Advisors for a total cost of \$20,000; and

WHEREAS, this project is continuing in 2023 and the unspent balance of \$20,000 needs to be re-appropriated; now therefore be it

RESOLVED, that the Wayne County Treasurer is authorized to transfer \$15,000 from Unassigned General Fund Balance and make the following amendment to the 2023 Wayne

County

Budget:

A8020 Planning Board

(Revenues)

\$5,000 to 43305 EDP10 NYS Grants- EVSE

(Appropriations)

\$20,000 to 54400 EDP10 Contracted Services- EVSE

Mrs. Bender moved the adoption of the resolution. Seconded by Mr. Chatfield. Upon roll call, adopted.

RESOLUTION 036-23: AUTHORIZATION TO RE-APPROPRIATE BROWNFIELD CONSULTANT BUDGET FUNDS

Mr. Johnson presented the following:

WHEREAS, Resolution No. 488-22 awarded the Brownfield Consultant Assistance services contract to Stantec Consulting Services and appropriated \$1,000 to the 2022 budget for this service; and

WHEREAS, this project is continuing in 2023 and the unspent balance of \$1,000 needs to be re-appropriated; now, therefore be it

RESOLVED, that the Wayne County Treasurer is authorized to appropriate \$1,000 from Unassigned General Fund Balance and make the following amendment to the 2023 Wayne County Budget:

A8020 Planning Board

(Appropriations)

\$1,000 to 54400 EDP11 Contracted Services- Brownfield Application Consulting

Mrs. Leonard moved the adoption of the resolution. Seconded by Mr. Chatfield. Upon roll call, adopted.

RESOLUTION 37-23: AUTHORIZATION TO APPOINT MEMBERS TO THE WAYNE COUNTY IDA BOARD OF DIRECTORS

Mr. Johnson presented the following:

WHEREAS, pursuant to General Municipal Law Section 856(2) the members of the Wayne County

Industrial Development Agency shall serve at the pleasure of the Wayne County Board of Supervisors; and

WHEREAS, pursuant to Resolution No. 471-19 of the Wayne County Board of Supervisors, non-County members of the Board of the Agency shall be subject to term limits of three (3) years, subject to reappointment by the County Board of Supervisors, and

WHEREAS, a member of the IDA Board is completing a 3-year term and is seeking reappointment, and

WHEREAS, a new appointment is seeking approval, and

WHEREAS, in compliance with Section 2825 of the Public Authorities Law, the majority of the Members of the Board shall be Independent Members; therefore be it

RESOLVED, that the Wayne County Board of Supervisors re-appoints Pamela Heald to the IDA Board, and appoints Ken VanFleet, both as Independent members to serve until December 31st, 2025.

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

RESOLUTION 038-23: AUTHORIZATION TO RENEW CONTRACT WITH THE ESI EMPLOYEE ASSISTANCE GROUP (EAP) FOR THE PERIOD JANUARY 1, 2023 THROUGH DECEMBER 31, 2024, AND PAY ANNUAL FEE

Mr. Lasher presented the following:

WHEREAS, ESI Employee Services EAP has provided the County of Wayne with Employee Assistance Program services for the period January 1, 2022 – December 31, 2022; and

WHEREAS, the County of Wayne is desirous of continuing this contract with ESI for the period January 1, 2023 – December 31, 2023 for the provisions of an EAP at the rate of \$24.36 guaranteed through 12/31/2024 per employee (FTE); and

WHEREAS, that the total FTE count for the 2023 contract is 845 FTEs (776 full time and 138 part-time employees (69 FTE), for a total cost of \$20,584.20; 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 ESI for the period January 1, 2023 – December 31, 2023 for the provision of an Employee Assistance Program at a rate of \$24.36 per employee (FTE); and be it further

RESOLVED, that the County Treasurer is authorized to make payment to ESI for 2023 for an amount not to exceed \$20,584.20 and charge individual departments accordingly.

Mrs. Leonard moved the adoption of the resolution. Seconded by Mr. Johnson. Upon roll call, adopted.

RESOLUTION 039-23: AUTHORIZATION TO REVISE COVID PAID SICK LEAVE POLICY

Mr. Lasher presented the following:

WHEREAS, it is necessary for the County Human Resource Department to track Emergency Sick Leave Pay to employees who have testing positive for Covid; and

WHEREAS, the County Board of Supervisors would like to require all staff seeking paid time without the loss of accruals to provide documentation from a Health Care Provider/Facility for tracking purposes and eligibility; now therefore be it

RESOLVED, upon Board Approval the revised Covid Paid Sick Leave policy will be

implemented.

COVID PAID SICK LEAVE POLICY

COVID RAPID ANTIGEN OR PCR TEST REQUIRED: In order to receive COVID Emergency Sick Leave Pay, an employee MUST provide documentation of his/her POSITIVE PCR Test or Rapid Antigen Test performed by a medical provider (pharmacy, Urgent care, etc) and complete the COVID Emergency Paid Sick Leave Form upon return to work. **AT HOME TEST RESULTS WILL NOT BE ACCEPTED**

The Department of Health has adjusted isolation period to five (5) days. Anyone who receives a positive COVID-10 test result is to self-isolate for 5 days from onset of symptoms. If you have no symptoms or your symptoms are resolving after 5 days you can leave your home and return to work but continue to wear a well-fitting mask for an additional 5 calendar days. If your symptoms are not improving, or you have a fever, continue to stay home. After the first 5 days of isolation if you are unable to return to work you will be required to seek medical attention and provide documentation to remain out of work an additional 5 days.

During this public health crisis, employee health and safety is of paramount importance. Therefore, Federal, State, and County governments are working together to slow person-to-person transmission and stop the spread of the COVID virus. The COVID provisions of the New York State Paid Sick Leave Policy temporarily supplement the existing Wayne County leave of absence, sick leave and contractual benefits and accounts for the new state sick leave law. This description addresses County obligations and employee benefits for COVID-19 related isolation leave.

An employee may be entitled to paid leave if: (1) the employee has tested COVID positive; (2) a health care provider has advised the employee to self-isolate due to positive COVID results; or (3) the employee is ill after receiving COVID vaccination and/or boosters shot.

In the event that an employee is not eligible under the New York State EPSL, but has a public health concern, the County will work with a concerned employee to accommodate application of the employee's accrued time or unpaid time under the Family Medical Leave Act and/or Disability as applicable.

THE FOLLOWING DOCUMENTATION MUST BE RETURNED TO YOUR DEPARTMENT HEAD/SUPERVISOR:

- MUST provide documentation for his/her POSITIVE Rapid Antigen or PCR Test that was conducted by a facility (pharmacy, urgent care, etc.) – **HOME TESTS RESULTS WILL NOT BE ACCEPTED. Nursing Home employees tested within the Workplace, results will be accepted.**

- Complete the COVID EPSL Form in its entirety. Any submissions can be done electronically/remotely. Employees should not physically bring forms in if the employee is ill.
- The County may grant leave pending receipt of supporting documentation as necessary.
- Once the documentation supporting the employee request is submitted, the County will review and make a determination granting the request, denying the request due to lack of eligibility, or determining a need for more information/documentation, as soon as possible.
- If the employee exhausts paid sick leave under the state sick leave employee benefits laws, or is ineligible, the employee may use sick and/or leave or other qualifying accruals and may apply for FMLA and Disability benefits if applicable.

NEW YORK EMERGENCY PAID SICK LEAVE ELIGIBILITY & PROCESS

In no event shall an employee qualify for sick leave under New York's COVID-19 sick leave law for more than three orders of isolation from the onset of COVID. **The second and third orders must be based on the employee's positive COVID test in accordance to the guidelines.**

If an employee experiences residual effects from the original COVID infection, the employee would not be eligible for additional paid time off once employee has returned to work, employee will be entitled to use accruals and may be required to present medical documentation. The Public Health Department will be consulted and will determine, after consulting with the NYS Department of Health and with the employee's medical provider, if the reoccurrence of symptoms is a new COVID-19 infection.

If a holiday is within the 5 or 10 day period of isolation the holiday will be coded as holiday but is and will be counted as COVID time.

EMPLOYEE OBLIGATION TO NOTIFY COUNTY OF EXPOSURE AND TEST RESULTS

An employee who receives a positive test result under any circumstances must notify their Department Head/Supervisor and shall not report to work.

Revised: January 17, 2023

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

RESOLUTION 040-23: AUTHORIZATION TO APPOINT DAVE PHILLIPS, DIRECTOR, VETERANS SERVICE AGENCY

Mr. Lasher presented the following:

WHEREAS, the Director, Veterans Service Agency resigned October 12, 2022; and

WHEREAS, the Wayne County Board of Supervisors desires to maintain the operations

January 17, 2023

and integrity of the Veterans Services Office authorized the advertising of the vacancy and the creation of a search committee; and

WHEREAS, the search committee conducted interviews of applicants on December 16, 2022; now therefore be it

RESOLVED, that Davis Phillips is appointed to the position of Director, Veterans Services at an annual salary of \$69,677 within the Managerial confidential salary structure, Grade 6 to begin on January 20, 2023.

Mrs. Bender moved the adoption of the resolution. Seconded by Mr. Robusto. Upon roll call, adopted.

RESOLUTION 41-23: AUTHORIZATION TO AMEND THE COUNTY BOARD OF ELECTIONS 2023 TRAVEL BUDGET

Mr. Lasher presented the following:

WHEREAS, the Wayne County Travel Policy was adopted with resolution No. 504-21; and

WHEREAS, the policy states "All requests for travel that are in excess of the departmental appropriations for such purposes shall require the approval of the Board of Supervisors."; and

WHEREAS, the Board of Elections budget does not include appropriations for travel and conference related expenses in 2023; and

WHEREAS, the Wayne County Board of Elections Commissioners and Deputy Commissioners wish to take advantage of the training and networking opportunities at the 2023 Winter Election Commissioners Conference January 17 through January 20 in Albany; now, therefore be it

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

A1990 Contingent Fund General

\$3200 from 54000 Contractual Expenses

A1450 Board of Elections

\$3200 to 54485 Travel

Mrs. Leonard moved the adoption of the resolution. Seconded by Mr. Johnson. Upon roll call, adopted.

RESOLUTION 42-23: AUTHORIZATION TO RENEW ANNUAL CONTRACTS WITH COMMUNITY PROVIDER ORGANIZATIONS FOR THE 2023 COUNTY BUDGET YEAR

Mr. Robusto presented the following:

WHEREAS, the Mental Health Department wishes to renew its annual contracts for the

2023 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 required Wayne County funding in the following amounts:

Association for the Blind and Visually Impaired-Lifeline: \$26,191 (state funds)
Council on Alcoholism and Addictions of the Finger Lakes: \$117,813 (state funds)
DePaul: \$170,223 (state funds)
Lakeview Health Services: \$318,852 (state funds)
Wayne ARC: \$32,229 (state funds)
Finger Lakes Area Counseling and Recovery Agency (FLACRA): \$1,329,170 (state funds), \$6,602 (county funds)
Wayne County Aging & Youth Dept.: \$44,348 (state funds)
Wayne County Action Program: \$58,955 (state funds)
Aspire Hope-FLPN: \$27,862 (state funds), \$4,000 (county funds)
Unity House: \$133,531 (state funds)
Delphi Rise: \$450,935 (state funds), \$7,750 (county 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, 2023 to December 31, 2023, not to exceed the listed funding amounts noted above which are in accordance with the 2023 State funding award amounts and the 2023 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 subject to the review and approval of County Attorney as to form and content.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Robusto. Upon roll call, adopted.

RESOLUTION 43-23: 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 2023 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, 2023 to December 31, 2023, to provide Clinical Record Auditing and Utilization Review Services to WBHN for the rate of \$10.00 per medical record reviewed, not to exceed \$15,000 in total for the 2023 county budget year, and said contract will be subject to the County Attorney's review and approval as to form and content.

Mr. Johnson moved the adoption of the resolution. Seconded by Mr. Chatfield. Upon roll call, adopted.

RESOLUTION 44-23: AUTHORIZATION TO RENEW CONTRACT AGREEMENT BETWEEN THE WAYNE COUNTY DEPARTMENT OF MENTAL HEALTH-WAYNE BEHAVIORAL HEALTH NETWORK (WBHN) AND THE CHILDREN'S HEALTH HOME OF UPSTATE NEW YORK, LLC (CHHUNY)

Mr. Robusto presented the following:

WHEREAS, the Children's Health Home of Upstate New York, LLC (CHHUNY) has been designated by the State of New York to operate and serve as a regional Health Home for children and as such, CHHUNY will contract with certain provider organizations to provide care management services to support the operation of the Health Home; and

WHEREAS, CHHUNY is a health home serving Wayne County that provides non-clinical consulting, management, and data analysis and care coordination services to support the efforts of behavioral health providers, consumers, and local governments to improve systems of care and service outcomes for children diagnosed with serious mental illness, addictions, and co-occurring medical disorders; and

WHEREAS, CHHUNY & WBHN wish to renew the existing formal relationship and contractual agreement in order for WBHN to provide reimbursable health, behavioral health and care management support services to persons covered by such plans and/or referred by the Health Home to WBHN; and

WHEREAS, the Health Home is required to have a contract with any provider who will bill and receive payments from Medicaid and Medicaid Managed Care insurances for Health Home services provided as a contractor for CHHUNY; now, therefore be it

RESOLVED that the Chairman of the Board of Supervisors, subject to the review and approval of the County Attorney as to form and content, is authorized to sign a renewal contractual agreement between CHHUNY & WBHN effective from September 1, 2022 through August 31, 2025.

Mr. Johnson moved the adoption of the resolution. Seconded by Mrs. Bender. Upon roll call, adopted.

RESOLUTION 45-23: AUTHORIZATION TO ACCEPT GRANT FUNDS FROM THE U.S DEPARTMENT OF HEALTH AND HUMAN SERVICES SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA)

Mr. Robusto presented the following:

WHEREAS, SAMHSA has awarded the Mental Health Department \$250,000 over a two

year period (\$125,000 annually) for the purposes of the provision of mental health first aid training and related mental hygiene services in Wayne County and the surrounding Finger Lakes area; and

WHEREAS, the Mental Health Department has a long standing history of coordinating and providing mental health first aid training to the public, schools, students, law enforcement personnel, and many others, and this grant will allow the department to continue and expand its training opportunities to citizens of Wayne County and our neighboring counties; now, therefore be it

RESOLVED, that the Board of Supervisors authorizes the Mental Health Director to accept this SAMHSA grant award for ongoing and expanded mental health first aid training and related activities.

Mr. Johnson moved the adoption of the resolution. Seconded by Mrs. Bender. Upon roll call, adopted.

RESOLUTION 46-23: AUTHORIZATION FOR THE MENTAL HEALTH DEPARTMENT TO APPLY TO THE NYS OFFICE OF MENTAL HEALTH COMMUNITY MENTAL HEALTH LOAN REPAYMENT PROGRAM (CMHLRP)

Mr. Robusto presented the following:

WHEREAS, the growth in the demand for physicians in New York is outpacing growth in the supply of physicians. One of the greatest gaps statewide is projected in specialties that include psychiatry. The supply of psychiatrists is forecasted to result in a potential shortage of between 1,182 and 2,653 psychiatrists by 2030; and

WHEREAS, In addition to psychiatrists, Psychiatric Nurse Practitioners (NP's) represent critical capacity to assist in the psychiatrist physician shortage; and

WHEREAS, The Office of Mental Health (OMH) has established the OMH Community Mental Health Loan Repayment Program to support community programs in the effort to help recruit and retain psychiatric medical staff. For eligible programs, the CMHLRP is awarding State Aid grants for loan repayment for both existing or newly hired psychiatrists and psychiatric NPs in designated community mental health settings throughout New York State as follows: • For psychiatrists, up to \$120,000 in loan repayment over a three-year period. • For psychiatric NPs, up to \$30,000 in loan repayment over a three-year period; and

WHEREAS, the Mental Health Department's mental health clinic is an eligible licensed community mental health program which is able to apply on behalf of psychiatrists and psychiatric nurse practitioners working in the clinic, and the department can benefit from participating in this program and utilize this funding as a workforce retention strategy given the program and funding is for a 3-year period; NOW THEREFORE, BE IT

RESOLVED, that the Board of Supervisors authorizes the Mental Health Director to apply to the OMH Community Mental Health Loan Repayment Program Grant on behalf of the County and any eligible confidential-management staff psychiatrists and/or psychiatric nurse practitioners, and if awarded funding, the county attorney is authorized to establish loan awardee payment agreements with any employees approved for this award.

Mr. Johnson moved the adoption of the resolution. Seconded by Mr. Mettler. Upon roll call, adopted.

RESOLUTION 47-23: AUTHORIZATION FOR THE MENTAL HEALTH DEPARTMENT TO DEVIATE FROM THE COUNTY PURCHASING POLICY TO MAKE 2022 YEAR-END PAYMENT UTILIZING STATE AID FUNDING

Mr. Robusto presented the following:

WHEREAS, the Mental Health Department (MHD) has received over \$1.5 million dollars in state aid from the Office Mental Health for the 2022 County budget year; and

WHEREAS, due to a significant number of staff vacancies throughout the year, this has led to a situation where the state aid funding in excess of expenses that can be claimed against the funding award; and

WHEREAS, the MHD would like to fully utilize the unclaimed portion of this funding during the 2022 budget year (which has already been received) for additional allowable expenses for items that are needed, and would be purchased regardless in the upcoming budget year, rather than refund the funding back to the state; and

WHEREAS, the Mental Health Director has consulted with the County Administrator, County Treasurer, County Attorney, County Auditor, and the County Fiscal Assistant, on this strategy, and all parties have agreed to this plan; and

WHEREAS, the Mental Health Director recommends that the County make payment for the remaining contract balance due for the departments electronic medical record (Ten-Eleven); and

WHEREAS, this process would require the Board to provide authorization to deviate from the County Purchasing Policy given we would be "pre-paying" the balance due for the last remaining year of the Ten-Eleven contract; NOW THEREFORE BE IT;

RESOLVED, the Board of Supervisors authorizes the deviation from the County Purchasing Policy in order to fully utilize the received state aid award funding to the Mental Health Department for the purposes of pre-payment of the remaining balance due on the current contract with Ten-Eleven, and this expense will be charged to the 2022 budget.

Mrs. Leonard moved the adoption of the resolution. Seconded by Mrs. Bender. Upon roll call, adopted.

RESOLUTION 48-23: AUTHORIZE EXPENDITURE AND SCHEDULING OF EMPLOYEE TRAINING AND EDUCATION FROM THE ADVANCED TRAINING INITIATIVE FUNDS RECEIVED FROM THE DEPARTMENT OF HEALTH FOR THE WAYNE COUNTY NURSING HOME

Mr. Robusto presented the following:

WHEREAS, Wayne County Nursing Home was selected to receive \$155,136 for 2023 through the Advanced Training Initiative (ATI) application to the NYS Department of Health (NYSDOH) and the allocated funds are in the area of training and education for Nursing Home staff; and

WHEREAS, Wayne County Nursing Home already received these State and Federal funds from the NYSDOH and will coordinate training as stated in the training contract through LeadingAge NY ProCare; and

WHEREAS, LeadingAge NY ProCare provided approximate quotes for these training programs for an estimated total cost of \$5,920 plus any applicable travel expenses for trainer(s) for Trauma-informed Care and Recognizing Changes in Residents training program; and now therefore be it

RESOLVED, the Chairman of the Board of Supervisors is authorized to sign an agreement with LeadingAge NY ProCare for training programs stated above for the Wayne County Nursing Home. Agreement is subject to the County Attorney's approval as to form and content.

Mr. Johnson moved the adoption of the resolution. Seconded by Mrs. Leonard. Upon roll call, adopted.

RESOLUTION 49-23: AUTHORIZATION TO ENTER INTO LEASE AGREEMENT WITH ECOLAB, INC. FOR DISH MACHINES AT THE WAYNE COUNTY NURSING HOME

Mr. Robusto presented the following:

WHEREAS, Resolution No. 090-20 authorized approval to lease four (4) dish machines for a term of two (2) years from Ecolab, Inc.; and

WHEREAS, the lease agreements include routine maintenance and repair costs for the four (4) dish machines; and

WHEREAS, the previous lease agreement contained four (4) separate lease agreements; and

WHEREAS, the new lease agreement establishes one lease agreement for all four (4) machines; and

WHEREAS, the previous lease has ended and the Wayne County Nursing Home would like the continued benefit of routine maintenance and repair for the four (4) dish machines, and

WHEREAS, the new lease agreement's rate is \$235 per machine per month for two (2) years, beginning January 2023, and thereafter Ecolab, Inc. may increase rental rate by up to 10% annually with written notice; now, therefore, be it

RESOLVED, to authorize the Chairman of the Board of Supervisors to sign a new lease agreement with Ecolab, Inc. for the four (4) dish machines at the Wayne County Nursing Home for a two (2) year term, effective January 7, 2023 to January 6, 2025, subject to the County Attorney's approval as to form and content.

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

RESOLUTION 50-23: AUTHORIZATION TO CONTRACT WITH ROCHESTER REGIONAL HEALTH SYSTEM'S DEPARTMENT OF PULMONARY MEDICINE TO PROVIDE MEDICAL CONSULTATION FOR THE TUBERCULOSIS PROGRAM

Mr. Robusto presented the following:

WHEREAS, Wayne County Public Health (WCPH) is hereby mandated by the NYSDOH

to ensure tuberculosis diagnostic and treatment services are available for Wayne County residents; and

WHEREAS, WCPH is the main provider of such tuberculosis services in Wayne County and provides this service through an Article 28 clinic; and

WHEREAS, WCPH currently contracts with Rochester Regional Health System's Department of Pulmonary Medicine to provide a NYS Board certified physician to provide medical consultation services; and

WHEREAS, WCPH wishes to renew its professional service contract with the Rochester Regional Health System's Department of Pulmonary Medicine to provide a NYS Board certified physician to provide medical consultant services for the Tuberculosis Program at a cost of \$988.33 per monthly clinic, with a total cost not to exceed \$11,860 for the period of January 1, 2023 to December 31, 2023; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to contract with the Rochester Regional Health System's Department of Pulmonary Medicine, 1425 Portland Avenue, Rochester, NY 14621, and sign any future amendments, as a professional service to provide a NYS Board Certified physician to provide medical consultant services for the WCPH Tuberculosis Program, for the period of January 1, 2023 to December 31, 2023, at a cost of \$988.33 per monthly clinic, with a total cost not to exceed \$11,860, subject to the approval of the County Attorney as to form and content and subject to being in compliance with the County's insurance requirements.

Mrs. Bender moved the adoption of the resolution. Seconded by Mr. Chatfield. Upon roll call, adopted.

RESOLUTION 51-23: AUTHORIZATION FOR THE WAYNE COUNTY PUBLIC HEALTH PROFESSIONAL ADVISORY COMMITTEE TO ANNUALLY APPROVE REQUIRED POLICIES AND PROCEDURES ON BEHALF OF THE GOVERNING ENTITY

Mr. Robusto presented the following:

WHEREAS, Wayne County Public Health (WCPH) is required to maintain specific policy and procedure manuals for PH Law Article 6, Article 28, Article 36, and Article 31 required programs; and

WHEREAS, the local health department is required by each above named article to seek annual approval for any reviewed, revised and new policies and procedures by their internal quality improvement committee and to seek further approval from the governing entity; and

WHEREAS, WCPH holds quarterly quality improvement committee, otherwise known as the Professional Advisory Committee (PAC), meetings that include the process of annually reviewing and approving any revisions made to all agency policies and procedures and for any newly developed single policy; and

WHEREAS, the governing entity had given the PAC the authority to approve of all new and revised policies and procedures and newly developed single policies on their behalf for 2022; and

WHEREAS, WCPH would like approval for the PAC to continue the annual review and

approval of any revisions made to all agency policies and procedures on behalf of the governing entity for 2023; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to give the WCPH Professional Advisory Committee the authority to approve all reviewed and revised WCPH policies and procedures and all newly developed single policies on behalf of the governing entity, for the period of January 1, 2023 to December 31, 2023, with updates reviewed with the Health and Medical Committee by the Director of Public Health as needed.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Lasher. Upon roll call, adopted.

RESOLUTION 52-23: AUTHORIZATION TO CREATE TWO PART-TIME TEMPORARY SOCIAL WELFARE EXAMINER POSITIONS FOR THE DEPARTMENT OF SOCIAL SERVICES AND AMEND THE 2023 BUDGET

Mr. Donalty presented the following:

WHEREAS, the Commissioner of the Wayne County Department of Social Services has accepted the resignation of multiple Social Welfare Examiners in 2022 and the multiple promotions of staff at the Department of Social Services in 2022 resulted in the hiring of 6 new Social Welfare Examiners; and

WHEREAS, currently 50% of the Social Welfare Examiner staff has less than 1 year experience, and

WHEREAS, the DSS Intake, Undercare, and Medicaid units continue to experience a significant increase in applications and emergencies; and

WHEREAS, the increase of new applications and the lack of fully trained staff, both in Food Stamps and Temporary Assistance, are resulting in longer than acceptable waiting periods; and

WHEREAS, the Department of Social Services regularly assesses and adjust staffing patterns to meet the demands of caseloads, but the lack of fully trained staff has made this normal course of business impossible; and

WHEREAS, the Social Welfare staff, across the board, is working overtime in an attempt to keep current and process cases; and

WHEREAS, if fully staffed and trained, any permanent additions to staffing levels are not needed at this time; now, therefore be it

RESOLVED, that the Commissioner of Social Services is hereby authorized to hire two part-time, temporary Social Welfare Examiners at 2023 job rate for a period not to exceed 20 weeks and 20 hours per week; and be it further

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

A1990 Contingent Fund General

(Appropriations)

\$6,983 from 54000 Contractual Expenses

January 17, 2023

A6010 Department of Social Services

(Revenue)

\$4,740 to 43610 Social Services Admin-State

\$11,960 to 44610 Social Services Admin-Federal

A60101 Department of Social Services

(Appropriations)

\$22,000 to 51949 Temp PT SWE

\$1,683 to 58200 Payments to Social Security

Mr. Johnson moved the adoption of the resolution. Seconded by Mr. Lasher. Upon roll call, adopted.

ANNOUNCEMENT:

The 2023 Board of Supervisors picture will be taken at the February 23, 2023 meeting.

ADJOURNMENT:

Chairman Eynor announced the next Meeting on **Thursday, February 23, 2023 at 9:00 a.m. location to be determined** due to the ongoing plaster restoration project in the Supervisors Chambers. On motion of Mr. Chatfield and seconded by Mr. Lasher the Board adjourned the meeting at 9:31 a.m. Carried.

Kelley P. Loveless, Clerk, Wayne County Board of Supervisors
