

6th Day
Tuesday, May 16, 2023

The regular meeting of the Wayne County Board of Supervisors was held in their chambers in the Court House, Chairman Eygnor presiding. County Administrator Richard House and County Attorney Dan Connors 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. Lasher moved, seconded by Mr. Groat, to waive the reading of the minutes of the April 18, 2023 meeting. Upon roll call, carried.

COMMUNICATIONS

The County Auditor's Accounts Payable Report for monthly utilities, miscellaneous payments including the April 28, 2023 warrants for accounts payable, totaling \$7,367,341.42 was received and filed.

The Sheriff's Office Cash Receipts Report dated April 21, 2023 totaling \$17,717.48 was received and filed.

Mr. Lasher motioned to waive the reading of the April, 2023 Communications. Seconded by Mrs. Bender. Upon roll call, carried.

ANNUAL REPORT

Mr. Lasher moved, seconded by Mrs. Bender that the 2022 Annual Report from the Coroner's Office be received and filed. Motion carried.

PROCLAMATIONS

Mr. VanLaeken read proclamations for the Newark Central School District:

- Dominick Wilson, Kayden Hughes, Jayda Solomon & Brianna Wickman-Indoor Track and Field
- Boys Varsity Basketball
- Girls Varsity Bowling
- Boys Varsity Bowling

Mr. Donalty read a Proclamation of Achievement for Brian Mattice, Chef-of-the-Year Award and Older Americans Month – May 2023.

Mr. Verno read proclamations for Correctional Officer's Week – May 7th-13th, 2023, Emergency Medical Services Week – May 21st-27th and Police Officer Week – May 14th-20th.

Sheriff Milby announced that Undersheriff Tammy Ryndock would be receiving the prestigious Woman of Distinction award in Albany today. Congratulations Undersheriff Ryndock.

Mr. Robusto read the proclamation for National Nursing Assistant Week – June 14-20th, 2023.

PUBLIC HEARINGS

- Community Development Block Grant (CDBG) Applications for 2023
- CDBG Farmworker Housing Safety Program

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:

LEGAL NOTICE COUNTY OF WAYNE NOTICE OF PUBLIC HEARING

The Wayne County Board of Supervisors will hold a public hearing on May 16, 2023 at 9:05 a.m. in the Supervisors Chambers, 26 Church Street, Lyons, New York 14489 for the purpose of hearing public

comments on Wayne County's community development needs, and to discuss the possible submission of one or more Community Development Block Grant (CDBG) applications for the 2023 program year. The CDBG program is administered by the New York State Office of Community Renewal (OCR), and will make available to eligible local governments approximately up to \$49 million for the 2023 program year for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefitting low/moderate income persons. The hearing will provide further information about the CDBG program and will allow for citizen participation in the development of any proposed grant applications and/or to provide technical assistance to develop alternate proposals. Comments on the CDBG program or proposed project(s) will be received at this time. The hearing is being conducted pursuant to Section 570.486, Subpart I of the CFR and in compliance with the requirements of the Housing and Community Development Act of 1974, as amended.

26 Church Street, Lyons, New York is accessible to persons with disabilities. If special accommodations are needed for persons with disabilities, those with hearing impairments, or those in need of translation from English, those individuals should contact Kelley Loveless at 315-946-5403, at least one week in advance of the hearing date to allow for necessary arrangements. Written comments may also be submitted to Kelley Loveless, kloveless@co.wayne.ny.us or by mail 26 Church St., Lyons, NY 14489 by Friday May 12, 2023, 4:00 p.m.

At 9:36 a.m., Chairman Eygnor opened the floor for the public, stating that people interested in making comment regarding the Community Development Block Grant (CDBG) applications, 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. Chatfield moved, seconded by Mr. Mettler, that the hearing be closed at 9:37 a.m. Upon roll call, carried.

The Clerk read the following notice for the second public hearing:

**LEGAL NOTICE
COUNTY OF WAYNE
NOTICE OF PUBLIC HEARING**

The Wayne County Board of Supervisors will hold a public hearing on May 16, 2023 at 9:15 a.m. in the Supervisors Chambers, 26 Church Street, Lyons New York 144189 for the purpose of hearing public comments on the current Wayne County Community Development Block Grant (CDBG) project: 1219CVHR-88-22 \$ 1,000,000 Farmworker Housing Safety program.

The CDBG program is administered by the New York State Office of Community Renewal (OCR), and provides resources to eligible local governments for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefitting low/moderate income persons. The hearing will provide further information about the progress of the ongoing CDBG project. Comments related to the effectiveness of administration of the CDBG project will also be received at this time. The hearing is being conducted pursuant to Section 570.486, Subpart I of the CFR and in compliance with the requirements of the Housing and Community Development Act of 1974, as amended.

26 Church Street is accessible to persons with disabilities. If special accommodations are needed for persons with disabilities, those with hearing impairments, or those in need of translation from English, those individuals should contact Kelley Loveless at 315-946-5403, at least one week in advance of the hearing date to allow for necessary arrangements. Written comments may also be submitted to Kelley Loveless, kloveless@co.wayne.ny.us or by mail 26 Church St., Lyons, NY 14489 by Friday May 12, 2023, 4:00 p.m.

At 9:38 a.m., Chairman Eygnor opened the floor for the public, stating that people interested in making comment regarding the Community Development Block Grant Farmworker Housing Safety Program, 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. Robusto moved, seconded by Mr. Lasher, that the hearing be closed at 9:39 a.m. Upon roll call, carried.

PRESENTATION

Laurel House

Hank Hann the President of Laurel House Board of Directors and Chairperson of their 8th Annual 5K Race and Laci Graham, Director of Laurel House spoke to Board members regarding the upcoming fundraiser.

The idea of Laurel House, a volunteer-driven home providing free end-of-life care for Wayne County residents and their families, The facility has been open for comfort care to for the past four years, providing service to over 130 families. The facility is dealing with the need for additional volunteers and members of health care to provide assistance.

On Saturday, June 10th there will be a 5K run/walk with all proceeds benefiting Laurel House Comfort Care Home, 224 Fair Street, Newark NY. There is a \$30 participation fee, and individuals who cannot make it to the event are asked to participate virtually. Frist Car Show to be held in August as another fundraiser.

Brochures regarding the upcoming 5K fundraiser were distributed after the meeting.

PRIVILEGE OF THE FLOOR:

Patti Holdraker, host for the County’s Bicentennial Gala, thanked the Board of Supervisors for supporting and participating in Bicentennial events, including the gala.

SCHEDULED BUSINESS

RESOLUTION 254-23: AUTHORIZATION TO SET PUBLIC HEARING DATE FOR 2024-2028 CAPITAL PLAN FOR WAYNE COUNTY

Mrs. Leonard presented the following:

WHEREAS, the County Administrator submitted the proposed 2024-2028 Capital Plan to the Board of Supervisors on April 18, 2023; and

WHEREAS, department heads who have submitted Capital Plan requests have reviewed their requests with their committees at their regularly scheduled May committee meetings; and

WHEREAS, a summary of the 2024-2028 Capital Plan has been reviewed with the Finance Committee at the May Finance Committee meeting; and

WHEREAS, a copy of the Capital Plan is on file with the Clerk of the Board of Supervisors; and

WHEREAS, the Capital Plan is a planning instrument and not an appropriations or funding commitment; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors has scheduled a public hearing on said plan for Tuesday, June 20, 2023 to be held in the Wayne County Supervisors’ Chambers at 26 Church Street, Lyons, New York, to receive and consider public comments on the Capital Plan for Wayne County for the period 2024-2028.

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

RESOLUTION 255-23: AUTHORIZATION TO AMEND RESOLUTION NO. 247-23 EXECUTE CONTRACTS FOR THE 2023 WAYNE COUNTY FAIR

Mrs. Leonard presented the following:

WHEREAS, several Wayne County Departments have requested to rent booths at the 2023 Wayne County Fair scheduled for August 14-18, 2023; and

WHEREAS, the cost for each booth space is based upon quantity of booths, location, utility hook ups and extra worker passes; and

WHEREAS, the Tourism Department will need 2 booths for the County Fair instead of one; now therefore be it

RESOLVED, that subject to Standing Committee approval, the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute contracts on behalf of the County of Wayne, subject to the County Attorney’s approval as to form and content, with the Union Agricultural Society at Palmyra for rental booths for the following County Departments for the 2023 Wayne County Fair:

DEPARTMENT	QTY/Booth	\$5/Extra Passes	Utilities	TOTAL
WC Tourism	2 Booths (440.00)	6 passes (30.00)	N/A	\$470.00

WC Nursing Home 1 Booth (220.00) 0 \$50/Electric \$270.00
 WC Public Health 2 Booths (440.00) 2 passes (10.00) \$50/Electric \$500.00
 WC Mental Health 2 Booths (440.00) 2 passes (10.00) \$50/Electric \$500.00

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

RESOLUTION 256-23: ADOPTING MORTGAGE TAX REPORT AND AUTHORIZING 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 during October 1, 2022 to March 31, 2023, and recommend payment to the Villages and Towns as apportioned in such report as follows:

TOWN	TOWN SHARE	VILLAGE	VILLAGE SHARE	TOTAL
Arcadia	111,747.40	Newark	45,738.25	148,885.91
Butler	19,109.35	Wolcott	780.44	16,950.13
Galen	22,931.82	Clyde	3,462.90	27,488.80
Huron	25,673.42		0.00	25,673.42
Lyons	25,788.00		0.00	25,788.00
Macedon	224,192.46		0.00	224,192.46
Marion	28,591.56		0.00	28,591.56
Ontario	129,230.25		0.00	129,230.25
Palmyra	78,195.11	Palmyra	10,443.61	44,316.72
Rose	13,031.55		0.00	13,031.55
Savannah	6,255.31		0.00	6,255.31
Sodus	80,165.26	Sodus	5,619.65	48,129.22
		Sodus Pt.	12,555.94	
Walworth	96,236.04		0.00	96,236.04
Williamson	47,044.42			47,044.42
Wolcott	50,472.38	Red Creek	1,864.25	34,659.64
		Wolcott	4,348.17	
TOTAL	\$958,664.33		\$84,813.21	\$916,473.43

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.

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

RESOLUTION 257-23: AUTHORIZATION TO SIGN AN AGREEMENT WITH TOSHIBA BUSINESS SOLUTIONS FOR THE MAINTENANCE OF THE KIP WIDE FORMAT PRINTER SCANNER LOCATED IN THE REAL PROPERTY TAX OFFICE

Mrs. Leonard presented the following:

WHEREAS; a new Kip wide format printer, copier, scanner was purchased and installed in the Real Property Tax office; and

WHEREAS, the device will need maintenance and service going forward; and

WHEREAS, Toshiba Business Solutions can provide maintenance at a cost of \$85 per month including 2000 square feet black and white and 1000 square feet of color printing per year with an excess charge of .020 BW, .030 color per square foot; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to sign an agreement with Toshiba Business Solutions for Kip printer maintenance for a term of one year, for the period of 7/1/23-6/30/24, for a cost not to exceed \$1300, on behalf of the County of Wayne, subject to

approval by the County Attorney as to form and content.

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

RESOLUTION 258-23: AUTHORIZATION TO REFUND ERRONEOUS TAX PAYMENT

Mrs. Leonard presented the following:

WHEREAS, the Treasurer's Office was notified by letter from a woman who owns property located in the Town of Sodus under tax ID# 71119-13-176299 stating that she had erroneously paid a tax payment for another parcel located in the Town of Rose under tax ID#73116-20-788116 in the amount of \$1,275.29; and

WHEREAS, our office has confirmed that there was an erroneous tax payment on tax ID#73116-20-788116 made by the owner of tax ID#71119-13-176299; now therefore be it

RESOLVED, that the Wayne County Board of Supervisors authorizes the County Treasurer to reimburse the owner of tax ID#71119-13-176299 for the erroneous tax payment on tax ID#73116-20-788116 in the amount of \$1,275.29; and be it further

RESOLVED, that the Wayne County Board of Supervisors authorizes the County Treasurer to waive the interest and penalties on tax ID#73116-20-788116 until July 14, 2023 at 5pm to allow the owner of tax ID#73116-20-788116 to come in and make said payment.

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

RESOLUTION 259-23: AUTHORIZATION TO CONTRACT WITH NYSID FOR SCANNING PROJECT FOR THE TREASURER'S OFFICE

Mrs. Leonard presented the following:

WHEREAS, Resolution #650-21 adopted on December 21, 2021 authorized a County scanning project with American Rescue Plan ACT (ARPA) funds; and

WHEREAS, Wayne County received \$1,975,000 in ARPA funding for said project; and

WHEREAS, the Treasurer's Office has numerous bounded books and bounded bundles of various years of tax rolls that need to be scanned into Laserfiche; and

WHEREAS, the Treasurer's Office has received a quote from New York State Industries for Disabled (NYSID), a preferred source vendor, to complete said project; and

WHEREAS, the quote was received as follows:

- Scanning bound books estimated image count of 145,600 at \$.26/image
- Scanning standard paper estimated image count of 174,000 at \$.18/image
- Creation, Migration, Output Laserfiche structure to USB Drive at a price of Eight Hundred and 00/100 Dollars (\$800.00) for a total projected cost not to exceed Sixty Nine Thousand Nine Hundred Seventy Six and 00/100 (\$69,976.00); now therefore be it

RESOLVED, that the Chairman of the Board is authorized to execute a contract with NYSID for a total contract amount not to exceed Sixty Nine Thousand Nine Hundred Seventy Six and 00/100 (\$69,976.00), subject to the County Attorney's approval as to form and content.

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

RESOLUTION 260-23: AUTHORIZATION TO TRANSFER PROPERTY TO THE WAYNE COUNTY REGIONAL LAND BANK CORPORATION

Mrs. Leonard presented the following:

WHEREAS, the County has commenced a real property tax foreclosure proceeding pursuant to Real Property Tax Law Article 11; and

WHEREAS, The Wayne County Regional Land Bank Corporation is requesting the County to transfer ownership of (11) parcels to the Land Bank; and

WHEREAS, the Director of the Wayne County Regional Land Bank Corporation, the County Treasurer, and the County Attorney met on May 1, 2023 and have recommended the following properties be transferred to the Land Bank:

- Seq#2100032-Tax ID#68110-06-426972 - 201 Church Street, Village of Newark
- Seq#2100035-Tax ID#68110-07-537896 - 315 East Myrtle Avenue, Village of Newark
- Seq#2100124-Tax ID#68112-20-910134 - 1864 Welcher Road, Town of Arcadia
- Seq#2100292-Tax ID#72112-00-059140 - 9001 Old Route 31 W, Town of Galen
- Seq#2100372-Tax ID#74112-14-338351 - 19 Columbia Street, Village of Clyde

Seq#2100392-Tax ID#74112-14-432343 - 45 E. Genesee Street, Village of Clyde
Seq#2100552-Tax ID#70112-00-994964 - 2529 Middle Sodus Road, Town of Lyons
Seq#2100626-Tax ID#71111-13-138483 - 22 Shuler Street, Town of Lyons
Seq#2101367-Tax ID#65117-08-962930 - 6500 Lake Avenue, Town of Williamson
Seq#2101411-Tax ID#67117-05-087893 - 6472 East Townline Road, Town of Williamson
Seq#2100178-Tax ID#69112-00-153676 - 2293 Norsen Road, Town of Arcadia

WHEREAS, the Wayne County Regional Land Bank Corporation is desirous of receiving the above cited properties for remediation necessary for the improvement of the community; and

WHEREAS, the County is authorized to transfer the title of the aforesaid real property under Section 1608 of the Not-For-Profit Corporation Law, which authorizes and allows the County to make conveyance of real property owned by the County to a Land Bank established pursuant to Article 16 of the Not-For-Profit Corporation Law of the State of New York; now, therefore be it

RESOLVED, that the Wayne County Board of Supervisors authorizes the County Treasurer and County Attorney to transfer the deeds for the above described properties to the Wayne County Regional Land Bank Corporation.

Mr. Johnson moved the adoption of the resolution. Seconded by Mr. Mettler. Upon roll call, all supervisors voted Aye except Supervisor Brady who was absent.

RESOLUTION 261-23: APPOINTMENT OF WAYNE COUNTY REPRESENTATIVE TO THE WESTERN REGIONAL OFF-TRACK BETTING CORPORATION BOARD

Mrs. Leonard presented the following:

WHEREAS, Wayne County is desirous of having regular representation on the Western Regional Off-Track Betting Corporation Board; and

WHEREAS, the Wayne County Board of Supervisors desires to receive regular reports and updates from its representative on the aforementioned board concerning OTB activities to the Board of Supervisors Finance Committee; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors hereby appoints Kenneth Lauderdale to the position of Director representing Wayne County on the Western Regional Off-Track Betting Corporation.

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

RESOLUTION 262-23: AUTHORIZATION TO AMEND THE 2023 COUNTY BUDGET FOR OPERATING COSTS FOR WAYNE COUNTY EMERGENCY MEDICAL SERVICES

Mr. Verno presented the following:

WHEREAS, Wayne County Emergency Medical Services (EMS) is scheduled to begin operation on July 1, 2023; and

WHEREAS, operational and personnel expenses will be incurred beginning in June 2023 in preparation for the start of the service, with the expenses and revenue having been calculated for the remainder of 2023, as detailed herein; and

WHEREAS, for the remainder of 2023, all personnel related expenses are shifted to the A3625 Emergency Medical Services cost center, whereas operational expenses and revenue for both the transport EMS initiative and the ALS Paramedic fly car initiative will continue to be shown in the A3644 ALS Services cost center; now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized to transfer \$909,695 from Unassigned General Fund Balance to make the following amendments to the 2023 County budget for the purpose of operating Wayne County Emergency Medical Services for the remainder of 2023:

A3625 Emergency Medical Services

(Appropriations)

\$7,280 to .51828 Emergency Svcs Medical Director

\$176,810 to .51904 Overtime

\$326,240 to .51951 Paramedic

\$17,500 to .51952 Paramedic Sub

\$250,383 to .51953 EMT

\$70,000 to .51954 EMT Sub

\$21,836 to .51955 EMS Supervisor

\$63,912 to .58100 Payments to NYS Retirement System

\$9,937 to .58200 Payments to Social Security
\$122,500 to .58400 Hospitalization

A3644 ALS Services

(Revenue)

\$243,750 to .41615 Other Third Party Payer

(Appropriations)

\$19,440 to .54100 Supplies and Materials

\$18,282 to .54114 Car Expense

\$20,020 to .54187 Uniforms

\$3,000 to .54200 Utilities

\$3,000 to .54210 Gas

\$480 to .54230 Telephone

\$200 to .54240 Water

\$1,000 to .54425 Equipment – Maint and Repair

\$2,000 to .54425 Maintenance / Repairs

\$600 to .54437 Lease

\$4,400 to .54460 Promotion

\$14,625 to .54500 Fees for Services – Non Employee

and be it further

RESOLVED, that, following the completion of all payroll entries for the payroll period ending on May 25, 2023, the County Treasurer is hereby authorized to transfer all remaining funding in the following object codes in the A3644 ALS Services budget to the corresponding object codes within the A3625 Emergency Medical Services budget, such that all personnel related costs will be exclusively from the A3625 budget for the remainder of 2023:

.51122 Account Clerk

.51561 ALS Director

.51828 Emergency Svs Medical Director

.51904 Overtime

.58100 Payments to NYS Retirement System

.58200 Payments to Social Security

.58400 Hospitalization

.58901 Employee Assistance Program

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

RESOLUTION 263-23: AUTHORIZATION TO PURCHASE RADIO EQUIPMENT FOR WAYNE COUNTY EMS

Mr. Verno presented the following:

WHEREAS, portable radios and pagers will be needed for the ambulances and personnel of Wayne County EMS; and

WHEREAS, State contract pricing has been obtained for the standard model of portable radio and pagers currently utilized within the County system; now, therefore, be it

RESOLVED, that the ALS Director shall be authorized to make the following radio purchases in support of Wayne County EMS, from Motorola Solutions, in care of Flower City Communications, utilizing New York State OGS purchasing contract PT68722:

4 – Motorola APX 4000 portable at \$2213.89 each

4 - Motorola Minitor VI pager at \$339.95 each

for a total not to exceed \$10,216, with said purchase to be funded from the A4902, CWEMS project account.

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

RESOLUTION 264-23: AUTHORIZATION TO CREATE AND FILL POSITIONS FOR WAYNE COUNTY EMERGENCY MEDICAL SERVICES

Mr. Verno presented the following:

WHEREAS, Board of Supervisors resolution 119-23 authorized the classification of positions of EMT, EMT Substitute, Paramedic, Paramedic Substitute, and EMS Supervisor within Wayne County EMS, and moved existing personnel and previously authorized positions within ALS Services to the newly created

position titles within Wayne County EMS; and

WHEREAS, the additional positions detailed herein are needed to support the ambulance component of Wayne County EMS prior to the start of operations on July 1, 2023; now, therefore, be it

RESOLVED, that the following positions are hereby created within Wayne County Emergency Medical Services, with the ALS (EMS) Director hereby authorized to fill said positions from candidates approved by the Human Resources Department:

Paramedic (Full Time) – four positions
EMT (Full Time) – twelve positions
EMT Substitute – six positions
EMS Supervisor – one position

Mr. Donalty moved the adoption of the resolution. Seconded by Mr. Groat. Upon roll call, all supervisors voted Aye except Supervisor Brady who was absent.

RESOLUTION 265-23: AUTHORIZATION TO AMEND A CAPITAL PROJECT ACCOUNT BUDGET FOR PUBLIC SAFETY RADIO PROJECT USE

Mr. Verno presented the following:

WHEREAS, for several consecutive years, the County has received grant funding from the State Interoperable Communications (SIC) Grant Program, through the New York State Department of Homeland Security and Emergency Services, for the purpose of making improvements to the public safety radio infrastructure; and

WHEREAS, said SIC grant funds have been utilized to construct the two most recent communications towers, one in the Town of Wolcott, and one in the Town of Ontario; and

WHEREAS, continued improvements are necessary by adding additional communications tower sites in areas where coverage improvements are needed, with the goal of adding transmitter sites at four additional locations in the coming years; and

WHEREAS, though the majority of costs associated with radio infrastructure projects are eligible for funding reimbursement through the SIC grant program, there are certain relatively minor costs which are commonly not SIC program eligible, with current examples including licensing coordination fees for new sites, and \$13,444 for building modifications at Ontario Fire Station #1; and

WHEREAS, County funds utilized for these non-grant purposes have been depleted, with the current project account having an available balance of \$3355; now, therefore, be it

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

H19342 Radio Interoperability Project

(Appropriations)

\$50,000 to 52000 COCST, Equipment and Other Capital Outlay

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

RESOLUTION 266-23: AUTHORIZATION TO EXECUTE AN AGREEMENT FOR EMS BILLING SERVICES

Mr. Verno presented the following:

WHEREAS, since its inception, Wayne County Advanced Life Support has utilized the services of MedEx Billing, Inc. of LeRoy, NY to accomplish its EMS billing for services, through an auto-renewing agreement with MedEx; and

WHEREAS, in an effort to end the practice of utilizing auto-renewing contracts, an RFP was issued in 2022 seeking a contract with a billing firm without the auto-renewal provisions; and

WHEREAS, in association with Board of Supervisors resolution 569-22, a final extension of the agreement with MedEx Billing was authorized, until such time as a new RFP (Request for Proposals) could be released, with all responses evaluated; and

WHEREAS, the Wayne County Purchasing Department has released a revised RFP, and has received responses listed and scored as detailed below, with said proposals having been reviewed by a committee of evaluators, including input from the EMS Project Implementer from Fitch and Associates:

EMS Management and Consultants 2540 Empire Dr., Suite 100 Winston-Salem, NC 27103	8.0% commission 3326/4000 points \$9.50 Medicaid
MedEx Billing, Inc. 8020 E. Main Rd. LeRoy, NY 14482	6.0% commission 2560/4000 points \$20 Medicaid
MultiMed Ambulance Billing Services PO Box 535 Baldwinsville, NY 13027	9.0% commission 2569/4000 points \$19.50 Medicaid
Quick Med Claims, LLC 1400 Lebanon Church Rd. Pittsburgh, PA 15236	5.95% commission 3230/4000 points \$10 Medicaid

now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors shall be authorized to execute an agreement with EMS Management and Consultants, of Winston-Salem, NC, for the medical billing services for Wayne County Advanced Life Support / Wayne County Emergency Medical Services, for a period of four years, with said agreement subject to the approval of the County Attorney as to form and content.

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

RESOLUTION 267-23: AUTHORIZATION TO ACCEPT THE 2021 STATE HOMELAND SECURITY PROGRAM (SHSP) GRANT, AMEND THE BUDGET AND EXPEND FUNDS FOR THE WAYNE COUNTY EMERGENCY MANAGEMENT OFFICE

Mr. Verno presented the following:

WHEREAS, Resolution 020-21 authorized application for the 2021 SHSP; and

WHEREAS, Wayne County has been advised that it has received a 2021 Homeland Security Grant in the amount of \$108,829 with no local match required; and

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

WHEREAS, the \$87,246 balance of this grant will be utilized to purchase cyber security appliances, software licenses, installation support and maintenance; and

WHEREAS, it is necessary to accept the grant and create the Project Account budget to accomplish these purchases; now, therefore, be it

RESOLVED, that the County of Wayne accept the 2021 State Homeland Security Grant in the amount of \$108,829; and be it further

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

RESOLVED, that the Purchasing Agent, in cooperation with the Director of Emergency Management or his designee is authorized to purchase said cyber security appliances, software licenses, installation support and maintenance; in accordance with Wayne County Purchasing Policy; and be it further

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

A36400 Emergency Management

(Revenue)

Amount	Object#	Project ID	Object Name	Project Name
\$87,246 to	44302	SHS21	Homeland Security-Federal	Homeland Security Grant

(Appropriations)

Amount	Object#	Project ID	Object Name	Project Name
\$51,117 to	54400	SHS21	Contracted Services	Homeland Security Grant
\$36,129 to	54475	SHS21	Software	Homeland Security Grant

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

RESOLUTION 268-23: AUTHORIZATION TO ACCEPT THE 2022 STATE HOMELAND SECURITY PROGRAM (SHSP) GRANT

Mr. Verno presented the following:

WHEREAS, Resolution 359-22 authorized application for the 2022 SHSP; and

WHEREAS, Wayne County has been advised that it has received a 2022 Homeland Security Grant in the amount of \$145,106 with no local match required; and

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

RESOLVED, that the County of Wayne accept the 2022 State Homeland Security Grant in the amount of \$145,106; and be it further

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

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

RESOLUTION 269-23: AUTHORIZATION TO APPLY FOR PUBLIC SAFETY GRANT PROGRAMS

Mr. Verno presented the following:

WHEREAS, Wayne County is eligible to apply for funding annually under the following grant programs for the Office of Emergency Management Services:

- Cyber Security Grant Program – no local match
- Critical Infrastructure Grant Program – no local match
- Statewide Interoperable Communication Grant – no local match
- State Homeland Security Grant – no local match
- Hazmat Grant – no local match
- Public Safety Answering Point Grant – no local match
- Emergency Management Performance Grant (LEMPG) – 50% match (defers Director of EM salary cost); and

WHEREAS, after notification of availability, NYS has historically provided lead times of less than four weeks for grant application, resulting in the need for late submissions to Committee, Rule 14 or Other Business Resolutions; and

WHEREAS, Wayne County Emergency Management has historically participated in the above mentioned grant programs; and

WHEREAS, these grant programs help minimize local taxpayer impact; and

WHEREAS, approval by the Wayne County Board of Supervisors continues to be required for acceptance of said grants and expenditure of funds; now, therefore, be it

RESOLVED, the Director of Emergency Management or his designee is hereby authorized to apply for the above mentioned grant programs as the opportunities are presented during the year 2023, contingent upon match requirements remaining as stated above.

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

RESOLUTION 270-23: AUTHORIZATION TO ESTABLISH RELATIONSHIP BETWEEN WAYNE COUNTY ADVANCED LIFE SUPPORT SERVICES AND WAYNE COUNTY EMERGENCY MEDICAL SERVICES

Mr. Verno presented the following:

WHEREAS, the County of Wayne holds valid operating authority for its advanced life support first response service, known as Wayne County Advanced Life Support Services, operating under New York State Department of Health (DOH) EMS agency code 0731 since 2002; and

WHEREAS, as per Board of Supervisors resolution 144-23, notification will be made to the NYS Department of Health that the County of Wayne has made its municipal declaration of need, indicating that it will also be operating an ambulance service within Wayne County, which will result in the issuance of a

second agency code by the DOH, with the issuance of the transporting agency code not replacing the initial ALS first response agency code; and

WHEREAS, it would be advantageous if uniformity could be achieved over time by utilizing one name for the entirety of the EMS operations by the County whenever possible, as activities and operation of Wayne County Advanced Life Support and Wayne County Emergency Medical Services will function as a single entity, despite the existence of two separate DOH agency codes; now, therefore, be it

RESOLVED, that henceforth, operational naming of Wayne County Advanced Life Support, when possible, will be directly associated with, and transitioned to, utilize the name of Wayne County Emergency Medical Services, with such association and transition to include, but not be limited to, policies, procedures, vehicle lettering, and department naming.

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

RESOLUTION 271-23: AUTHORIZATION FOR THE POSITIONS WITHIN THE TITLE OF PART TIME CORRECTIONS OFFICER TO ALLOW STEP INCREASES BASED ON EXPERIENCE

Mr. Verno presented the following:

WHEREAS, the purpose of this request is to support the ability to fill jobs, attract higher quality candidates, reduce employee turnover, and improve productivity and stability among staff to further the success of the Sheriff's Office and County operations during a period of substantial change; and

WHEREAS, by ensuring the commitment of the Sheriff's Office and the County, it is requested that the position of part time Corrections Officer be hired at a higher hire rate based upon experience within that specific title; and

WHEREAS, permitting part time Corrections Officer employees the ability to move up to higher steps within the pay grade at each anniversary date, in a manner equivalent to full time employees, would be of significant benefit for retention of non-full time staff; and

WHEREAS, the implementation of certain provisions aimed at improving the County's ability to recruit and retain staff by permitting advanced placement with the specified pay grades for the below listed position based on experience; now therefore be it

RESOLVED, that the Wayne County Board of Supervisors and the Chairman of the Board of Supervisors, is hereby authorized to implement step increases based on previous experience to include the following provisions, to be effective beginning on June 9, 2023 in regards to step placement within the bargaining agreement; and be it further

RESOLVED, that newly hired and current employees' rates will be adjusted based upon experience within specified titles to be effective June 9, 2023 as follows:

Part Time Corrections Officer/Trainee, as per Schedule B of the Corrections CBA signed and dated July 19, 2022

- Three (3) years of previous CO/PT experience at time of appointment shall start at step (4) rate.
- Two (2) years of previous CO/PT experience at time of appointment shall start at step (3) rate.
- One (1) years of previous CO/PT experience at time of appointment shall start step (2) hire rate.
- Newly appointed CO/PT Trainee shall start at the step (1) hire rate.

Mr. Kolczynski moved the adoption of the resolution. Seconded by Mr. Mettler. Upon roll call, all supervisors voted Aye except Supervisor Brady who was absent.

RESOLUTION 272-23: AUTHORIZATION FOR THE POSITIONS WITHIN THE TITLE OF PART TIME DEPUTY SHERIFF TO ALLOW STEP INCREASES BASED ON EXPERIENCE

Mr. Verno presented the following:

WHEREAS, The purpose of this request is to support the ability to fill jobs, attract higher quality candidates, reduce employee turnover, and improve productivity and stability among staff to further the success of the Sheriff's Office and County operations during a period of substantial change; and

WHEREAS, by ensuring the commitment of the Sheriff's Office and the County, it is requested that the position of part time Deputy Sheriff be hired at a higher hire rate based upon experience within that specific title; and

WHEREAS, permitting part time Deputy Sheriff employees the ability to move up to higher steps within the pay grade at each anniversary date, in a manner equivalent to full time employees, would be of significant benefit for retention of non-full time staff; and

WHEREAS, the implementation of certain provisions aimed at improving the County's ability to recruit

and retain staff by permitting advanced placement with the specified pay grades for the below listed position based on experience; now therefore be it

RESOLVED, that the Wayne County Board of Supervisors and the Chairman of the Board of Supervisors, is hereby authorized to implement step increases based on previous experience to include the following provisions, to be effective beginning on June 9, 2023 in regards to step placement within the bargaining agreement; and be it further

RESOLVED, that newly hired and current employees' rates will be adjusted based upon experience within specified titles to be effective June 9, 2023 as follows:

Part Time Deputy Sheriff/Trainee

- Four (4) years of previous RP/PT experience at time appointment shall start at Step (5) job rate.
- Three (3) years of previous RP/PT experience at time of appointment shall start at step (4) rate.
- Two (2) years of previous RP/PT experience at time of appointment shall start at step (3) rate.
- One (1) years of previous RP/PT experience at time of appointment shall start step (2) hire rate.
- Newly appointed RP/PT Trainee shall start at the step (1) hire rate.

Mr. Kolczynski moved the adoption of the resolution. Seconded by Mr. Johnson. Upon roll call, all supervisors voted Aye except Supervisor Brady who was absent.

RESOLUTION 273-23: AUTHORIZATION TO AMEND THE 2023 SHERIFF'S OFFICE BUDGET FOR UNANTICIPATED TRAINING EXPENSES

Mr. Verno presented the following:

WHEREAS, the 2023 Wayne County Budget includes contingency appropriations for funding needs that were unanticipated at the time of budget formulation; and

WHEREAS, the Wayne County Sheriff's Office has higher than anticipated training expenses due to major cost increases for new hire academy training; and

WHEREAS, Finger Lakes Law Enforcement academy increased the tuition from \$3,000.00 to \$4,000.00 per recruit, and the cost to send (3) new recruits to the Monroe County Law Enforcement Academy is approximately \$9,800.00 per recruit; and

WHEREAS, the Wayne County Sheriff is requesting the 2023 budget be amended to include appropriations to cover the unanticipated training cost; now, therefore, be it

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

A1990 Contingency Fund General

(Appropriations)

\$37,400.00 from 54000 Contractual Expenses

A3114 Sheriff Road Patrol

(Appropriations)

\$37,400.00 to 54483 Training

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

RESOLUTION 274-23: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH NEWARK - WAYNE COMMUNITY HOSPITAL FOR FACILITY USE TO TRAIN LAW ENFORCEMENT

Mr. Verno presented the following:

WHEREAS, the Sheriff has needs for training facilities other than Wayne County owned properties; and

WHEREAS, the Sheriff trains his employees and offers collaborative training to other law enforcement agencies that work in Wayne County and for government; and

WHEREAS, Newark - Wayne Community Hospital, 1200 Driving Park Avenue, Newark owns the facility at 6692 Middle Road, Sodus which is the old Myers Community Hospital; and

WHEREAS, the Sheriff and Newark - Wayne Community Hospital desire to enter into an agreement for the Sheriff to use the 6692 Middle Road, Sodus facility for training purposes when needed and appropriate at no cost to the county; now, therefore, be it

RESOLVED, that the Sheriff is authorized to enter into an agreement with Newark - Wayne Community Hospital to use the 6692 Middle Road, Sodus facility for training purposes when needed and appropriate

at no cost to the county, for the period of 5/16/23 - 5/15/24, and extended in additional 1 year increments until or unless ended with written 30 day notice by either party; and be it further

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

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

RESOLUTION 275-23: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH OAK PARK MARINA FOR FREE BOAT SPACE RENTAL FOR THE SHERIFF'S OFFICE

Mr. Verno presented the following:

WHEREAS, historically the Sheriff's Office has docked and staged the Sheriff's Office Marine Patrol vessels in Sodus Point, NY at Krenzer's Marina and the U.S. Coast Guard Station, Sodus Point and since 2017 at Oak Park Marina, 6483 Catchpole Shore Road, North Rose, NY 14516 in the Town of Huron; and

WHEREAS, to better respond throughout the 2023 boating season the Sheriff desires to continue boat space rental at Oak Park Marina in the Town of Huron; and

WHEREAS, the Sheriff has been offered donated boat space dockage for the Sheriff's Marina Patrol's 22' Zodiac, 33" Safe Boat and other vessels of the Sheriff's Office as needed for the 2023 boating season by Oak Park Marina, owned and operated by Kim Nash; and

WHEREAS, the Sheriff is requesting permission to enter into an agreement with Oak Park Marina in the Town of Huron for donated boat space dockage for the Sheriff's Marine Patrol as needed for the 2023 boating season from April 1, 2023 through November 30, 2023 as needed, at no cost to County taxpayers; now, therefore, be it

RESOLVED, that the Sheriff is hereby authorized to enter into an agreement with Oak Park Marina, at 6483 Catchpole Shore Road, North Rose, NY 14516 in the Town of Huron for donated boat space dockage for the Sheriff's Marine Patrol as needed for the 2023 boating season from April 1, 2023 through November 30, 2023, at no cost to County taxpayers; and be it further

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

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

RESOLUTION 276-23: AUTHORIZATION TO DECLARE VEHICLES AND EQUIPMENT SURPLUS IN THE PUBLIC WORKS DEPARTMENT

Mr. Chatfield presented the following:

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

2010 Chevrolet Impala (SO)	VIN 2G1WA5EN5A1201092	SCRAP
2014 Ford Taurus (CG)	VIN 1FAHP2MK6EG175377	AUCTION
2000 Karavan snowmobile trailer (SO)	VIN 5KTSC1418YF023134	AUCTION
OMC 150HP Boat motor (SO)		AUCTION
(2) Sets of 18" truck tires		AUCTION
Powermax Gas Water Booster Heater PM200 (BG)		AUCTION

now, therefore be it

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

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

RESOLUTION 277-23: AUTHORIZATION TO ENTER INTO AGREEMENT WITH ALL WAYS CONCRETE PUMPING

Mr. Chatfield presented the following:

WHEREAS, the Wayne County Highway Department performed maintenance on a large culvert on Ridge Road in Ontario by sliplining the existing culvert; and

WHEREAS, to complete the project, the Highway Department needs the services of a contractor to place concrete at each end of the culvert to seal the void between the two culverts; and

WHEREAS, a local vendor, All Ways Concrete Pumping has provided a price of \$5000 to perform the

work to seal the ends of the culvert; 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 All Ways Concrete Pumping for the services associated with a culvert in Ontario.

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

RESOLUTION 278-23: AUTHORIZATION TO ENTER INTO AGREEMENT WITH STIMM ASSOCIATES INC FOR GROUTING SERVICES

Mr. Chatfield presented the following:

WHEREAS, the Wayne County Highway Department performed maintenance on a large culvert on Ridge Road in Ontario by sliplining the existing culvert; and

WHEREAS, to complete the project, the Highway Department needs the services of a contractor to place a grout material in the void between the two culverts; and

WHEREAS, the following price proposals were obtained by local vendors:

Stimm Associates, Inc	\$19,218
CP Ward	\$34,750

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 Stimm Associates, Inc for the grouting services associated with a culvert in Ontario.

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

RESOLUTION 279-23: AUTHORIZATION TO ENTER INTO AGREEMENT WITH LU ENGINEERS FOR ENVIRONMENTAL REMEDIATION SERVICES

Mr. Chatfield presented the following:

WHEREAS, in the Fall of 2022, the Wayne County Highway Department discovered three underground tanks and an area of contaminated soil at the east end of the Highway facility at 7227 Route 31 in Lyons; and

WHEREAS, Lu Engineers from the County pre-approved On-Demand A&E firms was contracted to assist with the initial environmental assessment and to provide a remediation plan; and

WHEREAS, the NYSDEC has now requested additional sampling, testing and oversight to prepare a report that is acceptable to NYSDEC; and

WHEREAS, Lu Engineers has provided a proposal in the amount of \$19,142.88 to complete these tasks; 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 Lu Engineers for the environmental services associated with the underground tanks and contaminated soils.

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

RESOLUTION 280-23: AUTHORIZATION TO SIGN PROPOSAL WITH LU ENGINEERS FOR DESIGN SERVICES FOR FIRE TRAINING PROPANE PROP INSTALLATION

Mr. Chatfield presented the following:

WHEREAS, the 2023 Buildings and Grounds Budget includes funds to retrofit a propane fire simulator into the Fire Training Drill Tower building, and

WHEREAS, design services are needed to make minor modifications to the building to install this prop; and

WHEREAS, the Deputy Superintendent has contacted Lu Engineers from the County pre-approved On-Demand A&E firms for a proposal; and

WHEREAS, Lu Engineers has provided a proposal not to exceed \$37,470.00; and

WHEREAS, this proposed cost is over the amount of \$20,000.00 that the Superintendent of Public Works is allowed to approve and requires Board approval; now, therefore be it

RESOLVED, the Chairman of the Board of Supervisors is hereby authorized to sign the proposal with Lu Engineers subject to the County Attorney's review as to form and content, for design services relating to the Fire Training Drill Tower propane prop installation at a cost not to exceed \$37,470.00.

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

RESOLUTION 281-23: AUTHORIZATION TO EXECUTE AGREEMENT WITH CUMMINS INC. FOR EMERGENCY GENERATOR MAINTENANCE SERVICES

Mr. Chatfield presented the following:

WHEREAS, Wayne County has a total of 21 Onan/Cummins Emergency Generators located throughout the county that provide critical services to the County in the event of a power failure; and

WHEREAS, our current emergency generator maintenance service contract will be terminated on May 31, 2023; and

WHEREAS, the following price proposals were received by Thursday April 20 at 2:30pm and reviewed by the Deputy Superintendent of Public Works:

<u>Vendor</u>	<u>1st Year</u>	<u>2nd Year</u>	<u>3rd Year</u>	<u>Total</u>
Commercial Power Systems	\$16,570.50	\$16,750.50	\$16,750.50	\$49,711.50
Emergency Power Systems LLC	\$19,805	\$19,805	\$20,800	\$60,410.00
Cummins, Inc	\$14,676.95	\$14,767.95	\$14,767.95	\$44,030.85
Curtis Power Solutions	\$15,426	\$15,426	\$15,426	\$46,278.00
Penn Power Group, LLC	\$15,220	\$15,200	\$15,750	\$46,190.00

; and

WHEREAS, the Deputy Superintendent recommends awarding the generator maintenance service contract to Cummins Inc for a total of three (3) years at a total cost of \$44,030.85; 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 Cummins, Inc for generator maintenance at a total base contract cost of \$44,030.85 for the period of June 1, 2023-May 31, 2026; and be it further

RESOLVED, any additional repairs or services shall be performed at the hourly rate provided within the bid plus the cost of materials.

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

RESOLUTION 282-23 AUTHORIZATION TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH LABELLA ASSOCIATES FOR ADDITIONAL WORK ON THE COUNTY WIDE EMS PROJECT

Mr. Chatfield presented the following:

WHEREAS, The Board of Supervisors approved resolution 549-22 authorizing an agreement with LaBella Associates for the design services related to the two County-Wide EMS ambulances bases; and

WHEREAS, through the design development and environmental review process at the Sodus site, additional design and permitting services are needed that were not part of the original scope of services; and

WHEREAS, LaBella Associates has identified the following additional services required to finish the design work related to the project and provided them to the County for review;

- Stormwater Pollution Protection Plan
 - Sanitary Sewer Extension, Pump Station and Easements
 - Wetlands Delineation and Permitting
 - Site redesign
- and,

WHEREAS, the Deputy Superintendent of Public Works has reviewed and negotiated an additional fee of \$66,100 with LaBella Associates to perform these tasks; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute a supplemental agreement on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with LaBella Associates for the continued design services associated with the County-Wide EMS project.

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

RESOLUTION 283-23: AUTHORIZATION TO TRANSFER H FUND PROJECT ACCOUNTS BALANCES AND CLOSE PROJECTS

Mr. Chatfield presented the following:

WHEREAS, a periodic review of H Fund Capital Project accounts was done to determine the status of current projects and available funding; and

WHEREAS, it was found that the following projects have been completed and the project accounts can be closed; now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized to close the following project accounts by transferring \$143,301.00 in cash from the H fund to the General Fund as follows:

H1933 - Building 3 Renovation (B3REV)

(appropriations)

\$121,388.41 from .59100 B3REV Transfers – General Fund

H1924 - Count Courthouse Roof (B1ROF)

(appropriations)

\$21,912.59 from .59100 B1ROF Transfers – General Fund

A9999-Other

(revenue)

\$143,301.00 to .45031 Interfund Transfers

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

RESOLUTION 284-23: SEQR DETERMINATION FOR GANANDA PARKWAY INTERSECTION IMPROVEMENTS PROJECT

Mr. Chatfield presented the following:

WHEREAS, the Highway Department is in the process of a safety improvement project at the intersection of Gananda Parkway and West Walworth Road in Walworth; and

WHEREAS, the design consultant has studied several options and has suggested a roundabout as the most feasible alternative; and

WHEREAS, the design consultant has prepared a Short Environmental Assessment Form to document any potential environmental impacts caused by the project; and

WHEREAS, the SEQR Regulation (6 NYCRR §617.5 (a)) declares Type II Actions to be actions that have no significant impact on the environment and require no further review under SEQR; now, therefore, be it

RESOLVED, that Wayne County, acting as Lead Agency, has determined that the Gananda Parkway intersection improvement project fits within the parameters of the Type II criteria, and therefore, no further SEQRA processing is required.

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

RESOLUTION 285-23: MAKING A DETERMINATION UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR JAIL ANNEX REPURPOSING PROJECT

Mr. Chatfield presented the following:

WHEREAS, Resolution No. 608-22 established the Wayne County Jail Annex Repurposing Project; and

WHEREAS, the Project is subject to classification under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of SEQR Regulations is classified as Type II under the Department of Environmental Conservation SEQR Regulations (6 NYCRR §617.5(c)(18); and

WHEREAS, the SEQR Regulation (6 NYCRR §617.5 (a)) declares Type II Actions to be actions that have no significant impact on the environment and requires no further review under SEQR; now, therefore, be it

RESOLVED, that Wayne County, acting as Lead Agency, has determined that the jail annex

repurposing project fits within the parameters of the Type II criteria, and therefore, no further SEQRA processing is required.

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

RESOLUTION 286-23: SETTING DATE FOR PUBLIC HEARING ON A LOCAL LAW REPEALING LOCAL LAW NO. 3-2016 AND FOR THE CREATION OF THE OFFICE OF THE WAYNE COUNTY CODE ENFORCEMENT OFFICER AND FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODES

Mr. Chatfield presented the following:

WHEREAS, the proposed local law establishing the Office of the Wayne County Code Enforcement Officer and for the administration and enforcement of the New York State Uniform Fire Prevention and Building Codes has been duly presented to the Board of Supervisors; now, therefore, be it

RESOLVED, pursuant to Section 20 of the Municipal Home Rule Law of the State of New York, that a public hearing on the proposed local law shall be held by the Board of Supervisors on **Tuesday, June 20, 2023 at 9:05 a.m.** in the Supervisors' Chambers in the County Court House, 26 Church Street, Lyons, New York, on the following proposed local law:

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

A Local Law for the creation of the Office of the Wayne County Code Enforcement Officer and for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) by the Wayne County Code Enforcement Officer for all buildings and facilities owned by the County of Wayne only.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WAYNE, State of New York, as follows:

SECTION 1. PURPOSE AND INTENT

This local law provides for the creation of the Office of the Wayne County Code Enforcement Officer and for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) by the Wayne County Code Enforcement Officer for all buildings and facilities owned by the County of Wayne only. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, the Energy Code other state law, or other section of this local law, all buildings, structures, and premises owned by the County of Wayne, regardless of use or occupancy, are subject to the provisions this local law.

SECTION 2. DEFINITIONS

In this local law, the following terms shall have the meanings shown in this section:

"Assembly Area" shall mean an area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

"Building Permit" shall mean a building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term "Building Permit" shall also include a Building Permit which is renewed, amended, or extended pursuant to any provision of this local law.

"Certificate of Compliance" shall mean a document issued by the **Wayne County Code Enforcement Officer** stating that work was done in compliance with approved construction documents and the Codes.

"Certificate of Occupancy" shall mean a document issued by the **Wayne County Code Enforcement Officer** certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the **Wayne County Code Enforcement Officer** and indicating that the building or structure, or portion thereof, is in a condition

suitable for occupancy.

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law.

“Code Enforcement Personnel” shall include the Code Enforcement Officer and all Inspectors.

“Codes” shall mean the Uniform Code and Energy Code.

“County” shall mean the Wayne County, New York,

“Energy Code” shall mean the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

“FCNYS” shall mean the 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

“Fire Safety and Property Maintenance Inspection” shall mean an inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

“Hazardous Production Materials” shall mean a solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

“Inspector” shall mean an inspector appointed pursuant to subdivision (d) of section 3 of this local law.

“Mobile Food Preparation Vehicles” shall mean vehicles that contain cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

“Operating Permit” shall mean a permit issued pursuant to section 10 of this local law. The term “Operating Permit” shall also include an Operating Permit which is renewed, amended, or extended pursuant to any provision of this local law.

“Order to Remedy” shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 17 of this local law.

“Permit Holder” shall mean the Person to whom a Building Permit has been issued.

“Person” shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

“PMCNY” shall mean the 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

“RCNYS” shall mean the 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

“Repair” shall mean the reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

“Stop Work Order” shall mean an order issued pursuant to section 6 of this local law.

“Sugarhouse” shall mean a building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

“Temporary Certificate of Occupancy” shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS

(a) The Office of Code Enforcement Officer of the County of Wayne is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and this local law with respect to all buildings, structure and premises owned by the County of Wayne only. The Code Enforcement Officer shall have the following powers and duties:

(1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and the plans, specifications, and construction documents submitted with such applications with respect to all buildings, structure and premises owned by the County of Wayne only.;

(2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and to include in terms and conditions as the Code Enforcement Officer may determine to be appropriate in any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate of Occupancy, and Operating Permit such terms and conditions as the Code Enforcement Officer may determine to be appropriate with respect to buildings, structures and premises owned by the County of Wayne.;

(3) to conduct construction inspections; inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this local law with respect to all buildings, structure and premises owned by the County of Wayne only.;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

(6) to issue orders pursuant to subdivision (a) of section 17 (Violations) of this local law;

(7) to maintain records;

(8) to collect fees as set by the **Wayne County Board of Supervisors** ;

(9) to pursue administrative enforcement actions and proceedings;

(10) in consultation with the Wayne County Attorney , to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this local law; and

(11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.

(b) The Code Enforcement Officer shall be appointed by a majority vote of the Wayne County Board of Supervisors . The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

(c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, another individual shall be appointed by Wayne County Board of Supervisors to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

(d) One or more Inspectors may be appointed by the Wayne County Board of Supervisors to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

(e) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Wayne County Board of Supervisors.

(f)

SECTION 4. BUILDING PERMITS.

(a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney, or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the **Wayne County Code Enforcement Officer**

(b) Exemptions. No Building Permit shall be required for work in any of the following categories:

- (1) construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses), which are used for tool and storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 144 square feet;

- (2) construction of temporary sets and scenery associated with motion picture, television, and theater uses;
- (3) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (4) installation of partitions or movable cases less than 5'-9" in height;
- (5) painting, wallpapering, tiling, carpeting, or other similar finish work;
- (6) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- (7) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
- (8) repairs, provided that the work does not have an impact on fire and life safety, such as (i) any part of the structural system; (ii) the required means of egress; or (iii) the fire protection system or the removal from service of any part of the fire protection system for any period of time.

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

- (1) a description of the location, nature, extent, and scope of the proposed work;
- (2) the tax map number and the street address of any affected building or structure;
- (3) the occupancy classification of any affected building or structure;
- (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
- (5) at least 2 sets of construction documents (drawings and/or specifications) which (i) describe the location, nature, extent, and scope of the proposed work; (ii) show that the proposed work will conform to the applicable provisions of the Codes; (iii) show the location, construction, size, and character of all portions of the means of egress; (iv) show a representation of the building thermal envelope; (v) show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information; (vi) show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building; (vii) include a written statement indicating compliance with the Energy Code; (viii) include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and (ix) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.

(e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp, or in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel.

However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

(f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

(g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

(h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within **6** months following the date of issuance. Building Permits shall expire **12** months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

(j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate, or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

(k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

SECTION 5. CONSTRUCTION INSPECTIONS.

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.

(b) Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:

(1) work site prior to the issuance of a Building Permit;

(2) footing and foundation;

(3) preparation for concrete slab;

(4) framing;

(5) structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;

(6) fire resistant construction;

(7) fire resistant penetrations;

(8) solid fuel burning heating appliances, chimneys, flues, or gas vents;

(9) inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;

(10) installation, connection, and assembly of factor manufactured buildings and manufactured homes; and

(11) a final inspection after all work authorized by the Building Permit has been completed.

(c) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

(d) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

(e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

(f)

SECTION 6. STOP WORK ORDERS.

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

(1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by **[registered mail / certified mail]**; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

(d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder, and any other Person performing, taking part in, or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order, other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing the Stop Work Order.

(e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 17 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

SECTION 7. CERTIFICATES OF OCCUPANCY AND CERTIFICATES OF COMPLIANCE

(a) Certificates of Occupancy and Certificates of Compliance required. A Certificate of Occupancy or

Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or sub classification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy or Certificate of Compliance.

(b) Issuance of Certificates of Occupancy and Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy or Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or sub classification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure, or work prior to the issuance of a Certificate of Occupancy or Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy or Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections,
- (2) flood hazard certifications,
- (3) a written statement of the results of tests performed to show compliance with the Energy Code, and
- (4) where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

(c) Contents of Certificates of Occupancy and Certificates of Compliance. A Certificate of Occupancy or Certificate of Compliance shall contain the following information:

- (1) the Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name (if any), address and tax map number of the property;
- (4) if the Certificate of Occupancy or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy or Certificate of Compliance is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the occupant load of the assembly areas in the structure, if any;
- (8) any special conditions imposed in connection with the issuance of the Building Permit; and
- (9) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.

(d) Temporary Certificate of Occupancy. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate of Occupancy allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate of Occupancy unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy, may be occupied safely, (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and (3) that all required means of egress from the structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a period of time, not to exceed 6 months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

(e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy, Certification of Compliance, or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of

the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

(f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy, Certificate of Compliance, or for Temporary Certificate of Occupancy.

SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.

The chief of any fire department providing firefighting services for a property owned by Wayne County shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

SECTION 9. UNSAFE BUILDINGS, STRUCTURES, AND EQUIPMENT AND CONDITIONS OF IMMINENT DANGER

ALTERNATIVE 2: Unsafe buildings, structures, and equipment owned by the County of Wayne and conditions of imminent danger relating to buildings, structures, and equipment owned by the County of Wayne shall be identified and addressed in accordance with the following procedures **Declaration of nuisance; abatement required.**

It shall be unlawful to maintain or permit the existence of any building or structure which, for any cause, endangers the health, safety or welfare of the public. It shall also be unlawful to maintain or permit the prolonged existence of any building or structure which is unfit for occupancy. All such buildings or structures are hereby declared to be illegal and a nuisance and shall be abated by repair or removal in accordance with the procedure set forth in this Local Law .

Examination of buildings or structures reported dangerous or unfit for occupancy.

The Code Enforcement Officer shall inspect every building or structure reported to be dangerous to the health, safety or welfare of the public or which is unfit for occupancy.

Report of inspection.

Whenever the Code Enforcement Officer shall be of the opinion that any building or structure is, for any cause, dangerous to the health, safety or welfare of the public or is unfit for occupancy, a written report of such findings shall be filed with the Board of Supervisors.

Service of notice of condition (If Applicable).

After receipt of the report of condition, as provided, the Board of Supervisors, if applicable, shall thereupon cause written notice thereof to be served upon the County owner, and all other persons having an interest in such property or structure, either personally or by registered mail, addressed to the last known address as shown by the records and if such service be made by registered mail, by the posting of a copy of such notice on the premises.

Contents of notice.

The notice provided shall contain the following:

A. A statement that the building or structure has been declared to be dangerous to the health, safety or welfare of the public; or unfit for occupancy;

B. A statement of the particulars in which said building or structure is unsafe or dangerous, or unfit for occupancy;

C. An order of the Code Enforcement Officer requiring that such particulars be repaired or removed;

D. A notice containing the time and place at which a hearing will be held before the Code Enforcement Officer for all interested parties to be heard and give evidence regarding the determination of said Code Enforcement Officer. Such hearing shall be held not less than two (2) days nor more than five (5) days after the service of said notice;

E. The time within which the County owner so served shall commence the repair or removal of such building or structure; and

F. The time within which the County owner so served shall complete the repair or removal of such building or structure.

Noncompliance with notice regarding dangerous building or structure.

In the event that the County owner or other interested party fails, neglects or refuses to comply with a notice to repair or remove a dangerous building or structure within the time limits specified in the notice provided for herein, the Code Enforcement Officer shall, upon order of the Board of Supervisors, promptly cause the affected building or structure to be repaired or removed. For this purpose, the Code Enforcement Officer may at once enter such building or structure and with such assistance and at such cost as may be necessary.

Noncompliance with notice regarding building or structure unfit for occupancy.

A. In the event that the County owner or other interested party fails, neglects or refuses to comply with a notice to repair or remove a building or structure which is unfit for occupancy within the time limits specified in the notice provided for herein, the Code Enforcement Officer shall order that, within 10 days, all of the openings in said building or structure be boarded up or otherwise protected from the weather and the intrusion of trespassers. In the event that the building or structure is not secured as ordered hereinabove, the Code Enforcement Officer shall, upon order of the Board of Supervisors, promptly cause the affected building or structure to be so secured. For this purpose, the Code Enforcement Officer may at once enter such building or structure and with such assistance and at such cost as may be necessary.

B. Upon securing the building or structure as ordered hereinabove, the County owner shall present to the Code Enforcement Officer, within six (6) months, a plan for rehabilitation and suitability for occupancy, which plan shall detail the work to be performed and a time table for its completion, which time table shall not exceed twelve (12) months. In the event that the County owner fails to file such a plan, the Code Enforcement Officer shall, upon order of the Board of Supervisors and upon ten (10) days' notice, cause the affected building or structure to be removed. For this purpose, the Code Enforcement Officer may at once enter such building or structure and with such assistance and at such cost as may be necessary.

C. In the event that the County owner shall file a plan pursuant to Subsection **B** supra and fail thereafter to obtain a building permit within sixty (60) days of filing such a plan or having obtained a building permit and having failed to commence the rehabilitation of the building or structure, the Code Enforcement Officer shall, upon order of the Board of Supervisors and upon ten (10) days' notice to the County owner, cause the affected building or structure to be removed. For this purpose, the Code Enforcement Officer may also at once enter such building or structure and with such assistance and at such cost as may be necessary.

Emergency posing imminent danger.

In the event that the condition of a building or structure is so dangerous as to constitute an emergency which in the opinion of the Code Enforcement Officer involves imminent danger to the health, safety or welfare of the public, the Code Enforcement Officer may, upon order of the Board of Supervisors, immediately cause the affected building or structure to be made safe or removed without notice or hearing. For this purpose, the Code Enforcement Officer may at once enter said structure or land on which it stands, or abutting land or structure, with such assistance and at such cost as may be necessary. The Code Enforcement Officer may vacate adjacent structures and protect the public by appropriate barricades or such other means as may be necessary, and for this purpose may close a public or private way.

Recovery of costs and expenses.

All costs and expenses incurred by the County in connection with proceedings to repair or remove a building or structure, as provided in this chapter, including the cost of actually repairing or removing the same, shall be assessed against the land on which said building or structure is located and shall be collected by the County of Wayne.

SECTION 10. OPERATING PERMITS.

(a) Operation Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:

- (1) manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;
- (2) buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:
 - (i) Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;
 - (ii) Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;
 - (iii) Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;
 - (iv) Chapter 26, "Fumigation and Insecticidal Fogging." Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;
 - (v) Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;
 - (vi) Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;
 - (vii) Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;
 - (viii) Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;
 - (ix) Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;
 - (x) Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;
 - (xi) Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;
 - (xii) Section 308, "Open Flames." Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and
 - (xiii) Section 319, "Mobile Food Preparation Vehicles."

(3) energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS.

- (4) buildings containing one or more assembly areas;
- (5) outdoor events where the planned attendance exceeds 1,000 persons;
- (6) facilities that store, handle or use hazardous production materials;
- (7) parking garages as defined in subdivision (a) of section 13 of this local law;
- (8) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Wayne County Board of Supervisors ; and
- (9) other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Wayne County Board of Supervisors .

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision

(a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify

conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

(c) Exemptions. Operating permits shall not be required for processes or activities, or the buildings, structures, or facilities listed in paragraphs (1) through (7) of subdivision (a) of this section, provided that the use is expressly authorized by a certificate of occupancy or certificate of compliance, fire safety and property maintenance

inspections are performed in accordance with section 11 (Fire Safety and Property Maintenance Inspections) of this local law, and condition assessments are performed in compliance with section 13 (Condition Assessments of Parking Garages) of this local law, as applicable.]

(d) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Wayne County Code Enforcement Officer sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

(e) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in their discretion, issue a single Operating Permit to apply to all such activities.

(f) Duration of Operating Permits. Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:

- (1) **180** days for tents, special event structures, and other membrane structures;
- (2) **60** days for alternative activities at a sugarhouse;
- (3) **3** years for the activities, structures, and operations determined per paragraph (9) of subdivision (a) of this section, and
- (4) **1** year for all other activities, structures, and operations identified in subdivision (a) of this section.

The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

(g) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

(h) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

- (1) at least once every **twelve (12)** months for buildings which contain an assembly area;
- (2) at least once every **twelve (12)** months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and
- (3) at least once every **thirty 36** months for multiple dwellings and all nonresidential occupancies.

(b) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

(1) (c) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector authorized to perform fire safety and property maintenance inspections at any time upon; the request of the owner of the property to be inspected or an authorized agent of such owner;

(2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

(3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(d) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator or other authorized entity under Executive Law section 156-e and Education Law section 807-b.

Notwithstanding any other provision of this section to the contrary, the Code Enforcement Officer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to sections 807-a and 807-b of the Education Law and/or section 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Code Enforcement Officer or by an Inspector, provided that:

(1) the Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e);

(2) the Code Enforcement Officer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;

(3) such inspections are performed no less frequently than once a year;

(4) a true and complete copy of the report of each such inspection is provided to the Code Enforcement Officer; and

(5) upon receipt of each such report, the Code Enforcement Officer takes the appropriate action prescribed by section 17 (Violations) of this local law.]

(e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

SECTION 12. COMPLAINTS

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

(a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

(b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 17 (Violations) of this local law;

(c) if appropriate, issuing a Stop Work Order;

(d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

SECTION 13. CONDITION ASSESSMENTS OF PARKING GARAGES. (a) Definitions.

For the purposes of this section:

(1) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;

(2) the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;

(3) the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:

- (i) buildings in which the only level used for parking or storage of motor vehicles is on grade;
- (ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
- (iii) a townhouse unit with attached parking exclusively for such unit;

(4) the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;

(5) the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.

(6) the term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and

(7) the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(b) Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (c) of this section, periodic condition assessments as described in subdivision (d) of this section, and such additional condition assessments as may be required under subdivision (e) of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Wayne County Board of Supervisors in accordance with the requirements of subdivision (f) of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

(c) Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:

(1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.

(2) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:

- (i) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;
- (ii) if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and

(iii) if originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.

(3) Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to December 31st 2023

(d) Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed (3) years

(e) Additional Condition Assessments.

(1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

(2) If the County of Wayne becomes aware of any new or increased deterioration which, in the judgment of the County indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the County to be appropriate.

(f) Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the County of Wayne within 30 days. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

(1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;

(2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;

(3) an evaluation and description of the unsafe conditions;

(4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;

(5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;

(6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;

(7) the responsible professional engineer's recommendation regarding preventative maintenance;

(8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and

(9) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.

(g) Review Condition Assessment Reports. The County of Wayne shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the County shall, by Order to Remedy or such other

means of enforcement as the County may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the County to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

(h) The County of Wayne shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the County with a written statement attesting to the fact that he or she has been so engaged, the **County** shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The **County** shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

(i) This section shall not limit or impair the right or the obligation of the County of Wayne:

- (1) to perform such construction inspections as are required by section 5 (Construction Inspections) of this local law;
- (2) to perform such periodic fire safety and property maintenance inspections as are required by section 11 (Fire Safety and Property Maintenance Inspections) of this local law; and/or
- (3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the **County** by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

SECTION 14. CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.

(a) The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed by Wayne County as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:

- (1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;
- (2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and
- (3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:
 - (i) the accompanying Flood Insurance Rate Map (FIRM);
 - (ii) Flood Boundary and Floodway Map (FBFM); and
 - (iii) related supporting data along with any revisions thereto.

(b) The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

SECTION 15. RECORD KEEPING.

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

- (1) all applications received, reviewed and approved or denied;
- (2) all plans, specifications and construction documents approved;
- (3) all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
- (4) all inspections and tests performed;
- (5) all statements and reports issued;

- (6) all complaints received;
- (7) all investigations conducted;
- (8) all condition assessment reports received;
- (9) all fees charged and collected; and
- (11) all other features and activities specified in or contemplated by sections 4 through 14, inclusive, of this local law.

(b) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

SECTION 16. PROGRAM REVIEW AND REPORTING

(a) The Code Enforcement Officer shall annually submit to the Wayne County Board of Supervisor a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 14 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

(b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of the County of Wayne on a form prescribed by the Secretary of State, a report of the activities of Wayne County **relative** to administration and enforcement of the Uniform Code.

The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials Wayne County is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

SECTION 17: VIOLATIONS

(a) Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

“The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by _____ [*specify date*], which is thirty (30) days after the date of this Order to Remedy.”

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

(b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

(c) Penalties. In addition to such other penalties as may be prescribed by State law,

(1) any Person who violates any provision of this local law or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be punishable by a fine of not more than **\$250** per day of violation, or imprisonment not exceeding thirty (30) days , or both; and

(2) any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to pay a civil penalty of not more than **[specify amount] \$250** for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of the County of Wayne

(d) Injunctive Relief. An action or proceeding may be instituted in the name of the County of Wayne in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of the County of Wayne in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Wayne County Board of Supervisors

(e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

SECTION 18: FEES

A fee schedule shall be established by resolution of the Wayne County Board of Supervisors. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

SECTION 19. INTERMUNICIPAL AGREEMENTS

The Wayne County Board of Supervisors may, by resolution, authorize the Code Enforcement Officer of the County of Wayne to enter into an agreement, in the name of the County of Wayne, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

SECTION 20. PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 21. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

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

RESOLUTION 287-23: AUTHORIZATION TO ACCEPT BID AND SIGN CONTRACT FOR 2023 TRAVEL GUIDE PRINTING

Mr. Johnson presented the following:

WHEREAS, In accordance with the Wayne County Purchasing Policy, a competitive bid was issued for printing of the 2023 Wayne County Travel Guide, and

WHEREAS, the Purchasing Department duly advertised for bid and responses were opened on Tuesday May, 25, 2023 at 2:00pm with the following bids received:

Dual Print and Mail
340 Nagel Drive, Cheektowaga, NY 14225
\$18,286.96

Courier Printing Corp
24 Laurel Bank Ave, Deposit, NY 13754
\$18,512.00

Eastwood Litho
4020 New Court Ave., Syracuse, NY 13206
\$22,332.00

Indiana Printing and Publishing Company
775 Indian Springs Road, Indiana, PA 15701
\$58,091.27

Star Press of Pearl River
45 S Main St, Pearl River, NY 10965
\$26,000.00

;and

WHEREAS, the bids were reviewed by the Wayne County Director of Tourism and Promotion and the Economic Development and Planning Standing Committee of the Wayne County Board of Supervisors: now, therefore, be it

RESOLVED, that the bid submitted by Dual Print and Mail, for 40,000 units at a price of \$18,286.96, is hereby accepted in accordance with specifications; 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 Dual Print and Mail.

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

RESOLUTION 288-23: AUTHORIZATION TO CREATE AND FILL A TEMPORARY PART TIME SECRETARY POSITION AT THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING

Mr. Johnson presented the following:

WHEREAS, the Secretary I at Economic Development and Planning has tendered her resignation effective May 23, 2023; and

WHEREAS, the individual has agreed to stay on in a part time temporary basis to assist with ongoing administrative improvements and other transition services; and

WHEREAS, the Department is currently shorthanded and needs the availability of the transitional

services; now, therefore, be it

RESOLVED, that the position of temporary part time Secretary I is created for a period of 6 months beginning May 26, 2023 thru November 26, 2023, CSEA Grade 13 at \$19.30 an hour.

A8020- Planning (Appropriations)

\$10,000.00 from .51631 Secretary 1

\$10,000.00 to .51631 Secretary 1 Consultant

Mrs. Leonard moved the adoption of the resolution. Seconded by Mr. Lasher. Upon roll call, all supervisors voted Aye except Supervisor Brady who was absent.

RESOLUTION 289-23: AUTHORIZATION TO ABOLISH A SENIOR PLANNER POSITION AND CREATE PLANNER POSITION IN THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING

Mr. Johnson presented the following:

WHEREAS, the Planning Department has posted Planner and Senior Planner positions in order to widen the applicant pool for two Senior Planner open positions in the Department; and

WHEREAS, the Department has a candidate to fill a Planner position in the Department; and

WHEREAS, it is necessary to abolish a Senior Planner position and create a Planner position to meet the candidate's qualifications and fill an open position; now, therefore be it

RESOLVED, that the position of Planner is hereby created at a starting hourly rate of \$28.59; and be it further

RESOLVED, that a position of Senior Planner is hereby abolished upon hire of the Planner; and be it further

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

A8020 Planning Board

(Appropriations)

\$27,000 from 51342 Senior Planner

\$27,000 to 51320 Planner

Mr. Mettler moved the adoption of the resolution. Seconded by Mr. Lasher. Upon roll call, all supervisors voted Aye except Supervisor Brady who was absent.

RESOLUTION 290-23: AUTHORIZATION TO ISSUE REQUEST FOR PROPOSALS FOR QUALIFIED ENVIRONMENTAL FIRM

Mr. Johnson presented the following:

WHEREAS, the County of Wayne has been awarded a \$1,000,000 FY 2022 United States Environmental Protection Agency (U.S. EPA) Revolving Loan Fund (RLF) grant; and

WHEREAS, the County has an agreement to utilize the Wayne Economic Development Corporation (WEDC) for marketing, promotion, underwriting, and other administrative functions of managing the RLF; and

WHEREAS, the U.S. EPA requires the utilization of a Qualified Environmental Professional (QEP) for review of Assessment reports and other EPA program requirements; and

WHEREAS, the Wayne County Land Bank and the County Economic Development and Planning Department anticipate a need to utilize a QEP for additional work under other brownfield initiatives; and

WHEREAS, joint procurement of a QEP would assist in consistency across agencies and programs aimed at addressing environmentally challenged sites through cooperative efforts between the County, WEDC, and the Land Bank; now, therefore, be it

RESOLVED, the Board of Supervisors authorizes the release of an RFP for QEP services and assistance in meeting other EPA program requirements under the direction of the Purchasing Department, in cooperation with the WEDC and Land Bank, with separate agreements by each agency for QEP program assistance.

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

RESOLUTION 291-23: AUTHORIZATION TO EXPAND THE BUSINESS PARK FEASIBILITY STUDY

TO INCLUDE THE FORMER BUTLER PRISON SITE UTILIZING FUNDS FROM THE INDUSTRIAL DEVELOPMENT AGENCY

Mr. Johnson presented the following:

WHEREAS, County representatives and staff have been discussing redevelopment strategies with the New York State Prison Redevelopment Commission and New York State Empire State Development; and
WHEREAS, The Wayne County Business Park Feasibility Study was originally budgeted for \$60,000; and

WHEREAS, the County has been awarded an additional \$30,000 in state funding, contingent upon a \$30,000 local match, under the Empire State Development Strategic Planning and Feasibility Study Program to be reimbursed at completion of the project to expand the Business Park Feasibility Study for market analysis of the Former Butler Prison Site; and

WHEREAS, the Wayne County Industrial Development Agency will provide matching funds for the addition to the study; now, therefore, be it

RESOLVED, that the Board of Supervisors authorizes acceptance of the award, and be it further

RESOLVED, the work will be completed under the direction of the County Economic Development and Planning Department.

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

RESOLUTION 292-23: AUTHORIZATION TO RESCIND RESOLUTION 217-23 AND SET SECOND PUBLIC HEARING FOR WAYNE COUNTY COMPREHENSIVE HOUSING PLAN

Mr. Johnson presented the following:

WHEREAS, Wayne County received funding from the Office of Community Renewal under the 2021 Community Development Block Grant (CDBG) program known as the Wayne County Comprehensive Housing Plan; and

WHEREAS, Wayne County is required under 24 CFR570.486 and NYS's Citizen Participation Plan to schedule and conduct an advertised public hearing prior to the completion of the project to give the public the opportunity to provide comments on the Wayne County Comprehensive Housing Study project (Grant # 1219P2-21) and input as to the County's effectiveness of administration for this project; now, therefore, be it

RESOLVED, that the hearing be set for June 20, 2023 at 9:10 A.M. in the Supervisors' Chambers at 26 Church Street, Lyons, New York; and be it further

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

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

RESOLUTION 293-23: AUTHORIZATION TO ESTABLISH PAY RATES FOR EARLY VOTING ELECTION POLL WORKERS ON PRIMARY AND GENERAL ELECTION DAYS

Mr. Lasher presented the following:

WHEREAS Resolution No. 037-17 previously approved the pay structure for Elections Inspectors; and

WHEREAS, Election Inspectors are a key part of the election process; and

WHEREAS, changes in the pay structure are needed to help increase recruitment of new inspectors and adopted changes that have been made over the years; i.e. early voting; now, therefore, be it

RESOLVED, that the Wayne County Board of Elections is authorized, commencing March 22, 2023, to pay the following amounts to election inspectors:

- *Early Voting Poll Worker \$20.00 hourly
- * Early voting elections office assistant \$15.00 hourly
- * Primary/General Election Poll Worker ~~\$15.00~~ \$20.00 hourly
- * Early Voter Chairman \$25.00 hourly
- * Poll Worker Class/General Election \$25.00 each
- *Election Day Chair/Co-Chair Stipend \$75.00

Mrs. Leonard moved to put the resolution on the floor, seconded by Mr. Chatfield. Upon roll call, carried.

Mr. Kolczynski motioned to amend the resolution for the Primary/General Poll Worker from \$15.00/hour to \$20.00/hour the same as the Early Voting Poll Worker.

Mr. Verno motioned to table the resolution. Seconded by Mr. Groat. Upon roll call, all supervisors voted Nay except Supervisors Groat, Miller, Lasher and Verno who voted Aye. Motion to table the

resolution was defeated.

Mr. Kolczynski motioned to amend the resolution to specify that the Primary/General Election Poll Worker pay rate should be raised from \$15.00/hour to \$20.00 hour Seconded by Mrs. Leonard. Upon roll call, all supervisors voted Aye except Groat, Brady and Miller who voted Nay. The Chairman declared the resolution adopted.

RESOLUTION 294-23: AUTHORIZATION TO ADOPT SEXUAL HARASSMENT PREVENTION POLICY 2023 AND RESCIND PRIOR POLICY RESOLUTION 524-18

Mr. Lasher presented the following:

WHEREAS, New York State has recently signed into law several amendments to the Sexual Harassment Prevention Policy which is required by New York State employers to adopt a sexual harassment prevention policy and associated annual trainings; and

WHEREAS, the law requires employers to adopt the state model policy or establish a policy that meets or exceeds the state model policy; and

WHEREAS, the existing County Sexual Harassment Prevention Policy was authorized by Resolution 624-18; now therefore be it

RESOLVED, that the Wayne County Board of Supervisors hereby adopts the New York State model policy to use as the Wayne County Sexual Harassment Prevention Policy; and be it further

RESOLVED, that the Wayne County Board of Supervisors hereby rescinds Resolution No. 624-18; and be it further

RESOLVED, that the Director of Human Resources is authorized to prepare training materials and implement annual training programs for all Wayne County employees.

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

RESOLUTION 295-23: AUTHORIZATION TO CREATE WAYNE COUNTY HIPAA VIOLATIONS SANCTIONS POLICY

Mr. Lasher presented the following:

WHEREAS, Federal and State law requires the adoption of a policy and procedures that articulates language addressing employee sanctions associated with the improper disclosure of Protected Health Information (PHI); and

WHEREAS, it is the county's desire to protect private health information of those it serves, and

WHEREAS, Wayne County strives to remain in compliance with Federal and State law and to prevent potential consequences for failing to meet its requirements; now, therefore be it

RESOLVED, that the Wayne County Board of Supervisors adopts the policy as Wayne County HIPAA Violations Sanctions Policy.

WAYNE COUNTY HIPAA VIOLATION SANCTIONS POLICY

SCOPE OF POLICY

This policy applies to all Wayne County employees and Wayne County contractors who are directly involved in the deliverance of health care services as well as students, interns, fellows, volunteers and consultants.

STATEMENT OF POLICY

Wayne County is committed to ensure the confidentiality and integrity of current and former patients and residents protected health information (PHI) as required by law. The Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires that covered entities have and apply appropriate sanctions against those who fail to comply with the agency HIPAA policies and procedures. This policy establishes standards for performance expectations in carrying out the provisions of HIPAA and the corrective action(s) that may be imposed to address violations. Disciplinary action will consider the severity, intent and impact of the violation as well as overall employment history or contract history for those entities engaging in a contractual relationship with Wayne County.

Definition:

Privacy Officer- The Director of the Information Technology (IT) Department serves as the County's

primary Privacy Officer. In addition, each department that routinely handles protected health information in the course of its business will have a designated department level privacy officer.

IMPLEMENTATION OF POLICY

Listed below are the types of violations that require sanctions to be applied. They are stated at levels 1, 2, and 3 depending on the seriousness of the violation. When appropriate, progressive disciplinary steps shall be followed allowing the employee to correct the behavior which caused the disciplinary action. Depending on the severity of the violation, any single act may result in disciplinary action up to and including termination of employment or contract with Wayne County

Level 1: Improper and/or unintentional disclosure of PHI or records.

This level of breach occurs when an employee or contractor unintentionally or carelessly accesses, modifies, destroys or discloses to another person, an individual's PHI without a legitimate need-to-know. Examples include but are not limited to:

- Accessing information that you do not need to know to do your job;
- Sharing your computer access codes (user name & password);
- Leaving your computer unattended while you are logged into a PHI program;
- Sharing PHI with another employee without authorization;
- Copying PHI without authorization;
- Changing PHI without authorization;
- Leaving a copy of an individual's PHI in a public area;
- Discussing confidential information in a public area or in an area where the public could overhear the conversation;
- Discussing confidential information with an unauthorized person; or
- Failure to cooperate with privacy officer.

Level 2: Intentional and unauthorized accessing of PHI

This level of violation occurs when an employee or contractor intentionally accesses or discloses PHI for purposes other than for scheduling, treatment, billing or other authorized purpose. Examples include but are not limited to:

- Accessing and reviewing a participant's record out of curiosity or concern;
- Reviewing a public personality's record;
- Using another person's computer access codes (user name & password);
- Accessing the record of a friend, relative or coworker without proper authorization; or
- Failure to comply with a corrective action or recommendation.

Level 3: Intentional and unauthorized disclosure or destruction of PHI

This level of breach occurs when an employee or contractor accesses, discloses or destroys PHI for personal gain or with malicious intent or without required authorization. Examples include but are not limited to:

- Discussing an individual's PHI at social gathering without authorization from the individual;
- Delivering any portion of an individual's record to a third party without authorization;
- Introducing viruses within Wayne County's information systems with malicious intent;
- Obtaining PHI under false pretenses; or
- Using and/or disclosing PHI for commercial advantage, personal gain or malicious harm e.g. compiling a mailing list for personal use or to be sold.

VIOLATIONS OF THIS POLICY

Wayne County's Privacy Officer has general responsibility for implementation of this policy. Wayne County employees who violate this policy will be subject to disciplinary action up to and including termination of employment.

Contractors who are in violation of the Wayne County Information Security and Accountability Policy will be at risk of termination of their Wayne County contract.

Anyone who knows or has reason to believe or suspect that another person has violated this policy must report the matter promptly to his or her supervisor or to the Wayne County Privacy Officer. A county incident report must be completed and submitted to the County Privacy Officer. All reported matters will be

investigated, and, where appropriate, steps will be taken to remedy the situation. Where possible, Wayne County will make every effort to handle the reported matter confidentially. Any attempt to retaliate against a person for reporting a violation of this policy will itself be considered a violation of this policy that may result in disciplinary action up to and including termination of employment with Wayne County or termination of contract with Wayne County.

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

RESOLUTION 296-23: AUTHORIZATION TO WRITE OFF UNCOLLECTABLE ACCOUNTS FOR THE WAYNE COUNTY NURSING HOME FOR YEAR ENDING 12/31/2022

Mr. Robusto presented the following:

WHEREAS, The Wayne County Nursing Home (WCNH) has an Allowance for Uncollectable Accounts; and

WHEREAS, after thorough review of the fiscal year ending December 31, 2022, as well as collection efforts and review with Bonadio, there is an outstanding Medicaid balance for the years-end of 2019, 2020, 2021; through February 2022; and

WHEREAS, the uncollectable Medicaid balances in total were \$1,558,223.00 for the years-end of 2019 through February 2022:

\$8,712.00 for year-end 2019
\$33,955.00 for year-end 2020
\$1,042,234.00 for year-end 2021
\$473,322.00 for January-February 2022

WHEREAS, the WCNH has determined that the remaining balances from Medicaid are deemed uncollectable; now, therefore, be it

RESOLVED, that the Board of Supervisors authorizes the Wayne County Nursing Home to write off Medicaid unpaid balances totaling \$1,558,223.00 effective December 31st, 2022.

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

RESOLUTION 297-23: AUTHORIZATION TO ABOLISH THE TELEPHONE OPERATOR POSITION AND CREATE A RECEPTIONIST POSITION FOR THE WAYNE COUNTY NURSING HOME

Mr. Robusto presented the following:

WHEREAS, the Wayne County Nursing Home's full-time Telephone Operator will be retiring June 24, 2023; and

WHEREAS, the duties performed fall more in line with the duties of a Receptionist; and

WHEREAS, both positions fall within Grade 8 of the CSEA General Unit contract, the Wayne County Nursing Home wishes to abolish said full time Telephone Operator position and create a full time Receptionist position; now, therefore be it

RESOLVED, that the full time Telephone Operator position is abolished effective June 24, 2023; and further be it

RESOLVED, that a full time Receptionist position be created effective June 24, 2023 at an hourly rate in accordance with the CSEA Bargaining agreement.

Mr. Kolczynski moved the adoption of the resolution. Seconded by Mrs. Leonard. Upon roll call, all supervisors voted Aye except Supervisor Brady who was absent.

RESOLUTION 298-23: AUTHORIZATION FOR EMERGENT REPAIRS FOR ACTIVE REFRIGERANT LEAK IN THE NURSING HOME COOLING SYSTEM

Mr. Robusto presented the following:

WHEREAS, Resolution No. 180-23 authorized the replacement of the Variable Speed Drive (VFD) in the chiller system to be performed by Daikin Applied Americas, Inc. (Daikin) and its designated subcontractors; and

WHEREAS, during this replacement, Daikin notified the Wayne County Nursing Home (WCNH) of an active refrigerant leak that required immediate action to correct; and

WHEREAS, Daikin is able to provide repair services to address this issue and provided a quote for services in the amount of Seven Thousand, Four Hundred Ninety Eight dollars and Zero cents (\$7,498.00);

and

WHEREAS, WCNH is required to provide its residents with consistent temperature controls which are impacted by this leak; and

WHEREAS, WCNH received emergency authorization from the County Administrator to authorize the agreement with Daikin for this emergency repair in accordance with the requirements of the county purchasing policy; and

WHEREAS, this repair is not budgeted in the 2023 budget; now, therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to approve the emergency repair to the Wayne County Nursing Home's cooling system at a fee of \$7,498.00 based on the terms and conditions set forth in the Daikin Service & Repair quote provided, subject to the County Attorney's approval as to form and content, upon declaration that an emergency repair is required to be made to the chiller as required by the county purchasing policy; and be it further

RESOLVED, that the Wayne County Treasurer is hereby authorized to make the following amendments to the 2023 budget for the Wayne County Nursing Home:

E6000 - Nursing Home Combined

(Appropriations)

\$7,498 to .52000.E8410 - Equipment & Other Cap Outlay

E1990- Contingent Fund

(Appropriations)

\$7,498 from .54000 - Contractual Expenses

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

RESOLUTION 299-23: AUTHORIZATION TO CONTRACT WITH HEALTH RESEARCH, INC. FOR FUNDING TO STRENGTHEN PUBLIC HEALTH WORKFORCE AND FOUNDATIONAL CAPABILITIES

Mr. Robusto presented the following:

WHEREAS, the New York State Department of Health (NYSDOH) has been awarded \$43.1M to strengthen public health workforce and foundational capabilities from a Center for Disease Control (CDC) sponsored grant titled Strengthening U.S. Public Health Infrastructure, Workforce and Data Systems. CFDA # 93.967; and

WHEREAS, the NYSDOH is required to share 40% of the CDC grant award with local health departments within New York State; and

WHEREAS, Wayne County Public Health (WCPH) will receive \$129,427 annually, under a five (5) year contract period beginning on December 1, 2022 to November 30, 2027, with a total amount not to exceed \$647,135; now, therefore, be it

RESOLVED, that the Director of Public Health is hereby authorized to submit a Year 1 budget to Health Research, Inc for approval; and, be it further

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign a contract, and any future amendments, with Health Research, Inc for Wayne County Public Health to receive Strengthening Public Health Infrastructure, Workforce, and Data Capabilities funding, for a five (5) year contract period of December 1, 2022 to November 30, 2027, for an annual amount of \$129,427, with a total amount not to exceed \$647,135, subject to the approval of the County Attorney as to form and content.

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

RESOLUTION 300-23: AUTHORIZATION TO RENEW CONTRACT WITH LITURGICAL PUBLICATIONS FOR PRINTING OF QUARTERLY NEWSLETTER FOR DEPARTMENT OF AGING AND YOUTH

Mr. Donalty presented the following:

WHEREAS, The Department of Aging and Youth produces a quarterly newsletter that is mailed to over 3000 individuals as well as passed out to others around the county; and

WHEREAS, The department has had a contract with Liturgical Publications (LPi) for the printing of these newsletters at no cost to the department because LPi supported the cost of printing through ad revenue; and

WHEREAS, LPi has been unable to support the costs of printing through ad revenue generated in this area and has requested that in this next contract, the department pay \$3,000 per year to support the printing

of the quarterly newsletter; and

WHEREAS, the \$3,000 paid to LPi will be for ad space in the newsletter for the department to run ads about upcoming events or programs; now, therefore, be it

RESOLVED, the Chairman of the 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 Liturgical Publications for the period October 1, 2023 through September 30, 2026 for printing of the newsletter; and be it further

RESOLVED that the County Treasurer is authorized to make the following changes to the department's 2023 budget:

A6772 Department of Aging

(Appropriations)

\$3,000 from 54891 Other Direct Expenses

\$3,000 to 54402 Advertising

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

RESOLUTION 301-23: AUTHORIZATION TO CONTRACT WITH THE ARC WAYNE TO PROVIDE HOME ENERGY ASSISTANCE PROGRAM (HEAP) OUTREACH SERVICES

Mr. Donalty presented the following:

WHEREAS, the Wayne County Department of Social Services (DSS) is required to contract with an alternate certifier to provide HEAP outreach services, especially to non-temporary assistance low-income households where elderly and/or disabled individuals reside; and

WHEREAS, such services must comply with New York State Social Services Law and the rules and regulations of Title 18 NYCRR; and

WHEREAS, in accordance with the Wayne County Purchasing Policy, an RFP was issued for the provision of HEAP outreach services; and

WHEREAS, proposals were due on April 6th, 2023, and two proposals were received from the following firms:

Proposer	Year 1 (2023-2024)	Optional Renewal 1 (2024-2025)	Optional Renewal 2 (2025-2026)	Cumulative Score
The ARC Wayne 150 VanBuren Street Newark, NY 14513	Annual Administrative Fee: \$25,000.00 Application Fee: \$18.00	Annual Administrative Fee: \$25,750.00 Application Fee: \$18.55	Annual Administrative Fee: \$26,523.00 Application Fee: \$19.10	2378 / 3000
Wayne County Department of Aging and Youth 1519 Nye Road Suite 300 Lyons, NY 14489	Annual Administrative Fee: \$8,000.00 Application Fee: \$30.00	Annual Administrative Fee: \$8,200.00 Application Fee: \$31.00	Annual Administrative Fee: \$8,450.00 Application Fee: \$32.00	1965 / 3000

now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to enter into a contract with The Arc Wayne, subject to the approval of the County Attorney as to form and content, to provide HEAP outreach services for an amount not to exceed \$39,400.00 for the period of 5/1/2023 – 04/30/2024, with a possible two (2) year renewal at an amount not to exceed \$40,590.00 for contract year 5/1/2024 – 04/30/2025 and \$41,803.00 for contract year 5/1/2025 – 04/30/2026 respectively.

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

RESOLUTION 302-23: AUTHORIZATION TO PURCHASE CHAIRS FOR THE NEWLY RENOVATED MULTI-PURPOSE MEETING ROOM FOR THE DEPARTMENT OF SOCIAL SERVICES

Mr. Donalty presented the following:

WHEREAS, the Department of Social Services (DSS) 2023 Office Supplies budget included the purchase of 18 new tables and 120 chairs as part of the renovation of a large capacity, multi-purpose meeting room; and

WHEREAS, per the County Purchasing Policy, the proposed purchase was reviewed and approved by the Deputy Superintendent of Public Works and falls within the County standards; and

WHEREAS, the DSS budgeted \$15,000 for said purchase; and

WHEREAS, the DSS has received a quote from the Intivity per Contracts # PC68367 and #PC68432 totaling \$13,513.08 for the 18 tables and \$35,596.80 for the 120 chairs; and

WHEREAS, DSS has identified funds from another 2023 Office Supplies budgeted line item for \$10,000 for which the purchase can be postponed; now, therefore be it

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

A1990 Contingent Fund General

(Appropriations)

\$6,027 from 54000 Contractual Expenses

A6010 Department of Social Services

(Revenue)

\$12,055 to 44610 Social Services Administration Federal

\$6,028 to 43610 Social Services Administration State

(Appropriations)

\$24,110 to 54150 Office Supplies

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

RESOLUTION 303-23: AUTHORIZATION TO AMEND RESOLUTION 198-23 AND REMOVE BUDGET MODIFICATION

Mr. Donalby presented the following:

WHEREAS, Resolution 198-23 was approved by the Board of Supervisors on March 21, 2023 to authorize the hiring of an Assistant Social Services Attorney at salary grade 8, step 20; and

WHEREAS, Resolution 198-23 included a budget amendment due to the approved salary being higher than the original budgeted amount; and

WHEREAS, the position has been vacant in 2023; and

WHEREAS, the prorated salary amount that will need to be paid this year can be covered by the existing budget; and

WHEREAS, no budget amendment is needed to pay the salary in 2023; now, therefore, be it

RESOLVED, that Resolution 198-23 is amended to remove the budget modification.

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

RULE 14 RESOLUTION:

RESOLUTION 304-23: WAYNE COUNTY OPPOSITION TO CHANGES AS PROPOSED IN FUNDING FOR NUCLEAR POWER PLANT EMERGENCY PREPAREDNESS

Mr. Verno presented the following:

WHEREAS, Senate Bill S1172 and Assembly Bill A3592 propose significant changes in funding for the distribution of nuclear power plant funds for the purpose of emergency management due to the decommissioning of the Indian Point II and III Nuclear Power Plants; and

WHEREAS, the emergency planning zone for Indian Point should have been reduced to property boundary in the first quarter of 2023 but has been delayed by the NRC, and should be now reduced to property boundary when all fuel is transferred there by the end of 2023; and

WHEREAS, this reduction in the emergency planning zone will eliminate the need for Orange County, Putnam County and Rockland County to maintain a radiological emergency response plan, train emergency workers beyond normal hazmat training, and participate in NYS or FEMA evaluated 10 mile emergency

planning zone exercises; and

WHEREAS, Westchester County, as host of the dry cask storage area will have minimal risk and also no longer need to maintain a radiological emergency response plan, train emergency workers beyond normal hazmat training, and participate in NYS or FEMA evaluated exercises; and

WHEREAS, it is vital for Oswego, Monroe and Wayne Counties that continue to host active nuclear electric generating reactor sites to be kept whole financially to ensure continued protection of the public; and

WHEREAS, this proposed legislation, as written, would unfairly reduce funding to Oswego, Wayne and Monroe Counties that continue to be at-risk, i.e., those with active nuclear electric generating reactor sites while maintaining funding to counties that no longer are in an emergency planning zone; now, therefore be it

RESOLVED, that the Wayne County Board of Supervisors opposes Senate Bill S1172 and Assembly Bill A3592 as written and urges changes be made so that the at-risk counties of Oswego, Monroe and Wayne Counties that continue to host active nuclear electric generating reactor sites be kept whole financially to ensure continued protection of the public; and be it further

RESOLVED, that the Wayne County Board of Supervisors hereby directs the Secretary of the Board of Supervisors to forward copies of this resolution to Governor Hochul's Office, the Governor's Regional Representative, Senator Helming's Office and Assemblyman Manktelow's Office, urging their opposition to Senate Bill S1172 and Assembly Bill A3592 as written.

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

OTHER BUSINESS:

Mr. Johnson moved, seconded by Mr. Chatfield that one (1) resolution be allowed on the floor under Other Business. Upon roll call, all Supervisors voted aye except for Supervisor Brady who was absent. Motion Carried.

RESOLUTION 305-23: AUTHORIZATION TO AMEND RESOLUTION 131-23 REQUESTING NEW YORK STATE LEGISLATURE TO ENACT SENATE BILL S3444-A AND ASSEMBLY BILL A3679-A TO IMPOSE A HOTEL OR MOTEL OR SEASONAL RENTAL OCCUPANCY TAX FOR THE COUNTY OF WAYNE

Mrs. Leonard presented the following:

WHEREAS, several counties throughout New York State presently impose an occupancy tax; and

WHEREAS, the Board of Supervisors has requested this same authority for the County of Wayne; and

WHEREAS, proceeds of said tax would be used to promote the general welfare of the residents of Wayne County and fund county operations; and

WHEREAS, in support of Wayne County's request, Senator Pamela Helming has introduced bill S3444-A in the New York State Senate and Assemblyman Brian Manktelow has introduced bill A3679-A in the New York State Assembly; now therefore be it

RESOLVED, that the Wayne County Board of Supervisors requests the State Legislature adopt bills S3444-A and A3679-A authorizing the County of Wayne to impose a hotel or motel or seasonal rental occupancy tax in the amount of 5%(five percent) through December 31, 2025; and be it further

RESOLVED, that the Clerk of the Board is hereby directed to forward copies of this resolution to Governor Kathy Hochul, Senator Pamela Helming, Assemblyman Brian Manktelow; and all those deemed necessary and proper.

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

ANNOUNCEMENT

The Chairman announced the next meeting of the Wayne County Board of Supervisors for June 20, 2023 at 9 a.m. in the Supervisors Chambers.

ADJOURNMENT

Mr. Lasher motioned to adjourn at 10:14 a.m. Mr. Chatfield second. Carried.

Kelley P. Loveless, Clerk

Wayne County Board of Supervisors
