

8th Day
Tuesday, June 20, 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 Supervisors VanLaeken, Leonard and Miller who were absent.

APPROVAL OF MINUTES

Mr. Lasher moved, seconded by Mr. Donalty, to waive the reading of the minutes of the May 16 and June 6, 2023 meetings. Upon roll call, carried.

COMMUNICATIONS

The County Auditor's Accounts Payable Report for monthly utilities, miscellaneous payments including the May 31, 2023 warrants for accounts payable, totaling \$5,203,138.36 was received and filed.

The Sheriff's Office Cash Receipts Report dated May 19, 2023 totaling \$12,718.64 was received and filed.

A Thank You card was received from the staff at Wayne County Soil & Water Conservation District thanking the Board for their contribution to the 2023 Envirothon.

The New York Public Service Commission confirmed receipt of Wayne County Board Resolution No. 215-23: Asking Governor Hochul and the NYS Public Service Commission to Dismiss NYSEG and RG&E Rate Hike Requests and to Correct the Billing Problems Before Rate Hikes are Considered.

A list of Certified 2023 State Equalization Rates was received from the NYS Department of Taxation and Finance.

The New York State Department of Health acknowledged receipt of Wayne County Board Resolution 144-23 in regards to the County's declaration to establish an ambulance service in accordance with Article 30 of Public Health Law, Section 3008 (7) (a).

Mr. Mettler motioned to waive the reading of the June, 2023 Communications. Seconded by Mr. Chatfield. Upon roll call, carried.

PUBLIC HEARINGS

- 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
- 2024-2028 Capital Plan for Wayne County
- Wayne County Comprehensive Housing Plan (Community Development Block Grant) #1219P2-21

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:

COUNTY OF WAYNE NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Wayne County Board of Supervisors will hold a public hearing on Tuesday, June 20, 2023, at 9:05 a.m. in the Supervisors Chambers in the Court House, 26 Church Street, Lyons, New York, on the following proposed local law "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."

The proposed local law is available to view by contacting the Clerk of the Board at 315-946-5403 or by email: kloveless@co.wayne.ny.us and has also been published on the Wayne County website.

At 9:08 a.m., Chairman Eynor opened the floor for the public, stating that people interested in making comment regarding the 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, 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 Eynor asked for a motion to close the hearing.

Mr. Mettler moved, seconded by Mr. Chatfield, that the hearing be closed at 9:09 a.m. Upon roll call, carried.

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

COUNTY OF WAYNE
NOTICE OF PUBLIC HEARING
2024-2028 CAPITAL PLAN FOR WAYNE COUNTY

NOTICE IS HEREBY GIVEN THAT the Wayne County Board of Supervisors will conduct a Public Hearing at June 20, 2023 at 9:05 a.m. 26 Church Street, Lyons, New York 14489 in the Supervisors' Chambers, to consider public comments concerning revisions to the capital plan for Wayne County.

The proposed Capital Plan is a planning instrument and not an appropriations or funding commitment.

Copies of the proposed Capital Plan are on file with the Clerk of the Board and may be inspected at the County Court House during normal business hours. All interested parties are invited to attend the public hearing or to provide written comments to the Clerk of the Board, which will be considered at the hearing.

The Wayne County Courthouse is in compliance with accessibility standards under the Americans with Disabilities Act. Hearing disabled persons who wish to attend should call Kelley or Debbie at 315-946-5400 at least 48 hours prior to the hearing to make arrangements for an interpreter.

At 9:09 a.m., Chairman Eynor opened the floor for the public, stating that people interested in making comment regarding the 2024-2028 Capital Plan for Wayne County, 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 Eynor asked for a motion to close the hearing.

Mr. Kolczynski moved, seconded by Mr. Chatfield, that the hearing be closed at 9:09 a.m. Upon roll call, carried.

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

LEGAL NOTICE
COUNTY OF WAYNE
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Wayne County Board of Supervisors will hold a public hearing on June 20, 2023 at 9:05 a.m. in the Supervisors Chambers, 26 Church Street, Lyons New York 14489 for the purpose of hearing public hearing public comments on the current Community Development Block Grant (CDBG) project: Wayne County Comprehensive Housing Plan Grant #1219P2-21. 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, Clerk of the Board, 26 Church Street Lyons, NY 14489.

At 9:11 a.m., Chairman Eygnor opened the floor for the public, stating that people interested in making comment regarding the Wayne County Comprehensive Housing Plan (Community Development Block Grant) #1219P2-21, 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. Donalty moved, seconded by Mr. Lasher, that the hearing be closed at 9:11 a.m. Upon roll call, carried.

PROCLAMATIONS

- Mr. Johnson acknowledged the Sodus Varsity Baseball Team for their achievements in Co-Championing the Wayne County Baseball League title and being named Class C1 Champions.
- Patrick Schmitt recognized Katie Cahoon, 1st Deputy Treasurer of the Wayne County Treasurer's Office on her much deserved retirement. Katie will be leaving the County after 40 years of service between the Sheriff and Treasurer's Offices.
- Mr. Donalty read the proclamation for Elder Abuse Prevention Awareness Month – June 2023.

PRESENTATIONS

Wayne County Housing Plan

A presentation on Wayne County Housing Needs Assessment was given by Wayne County Economic Development/Planning Director, Brian Pincelli, and MRB Group Representatives Tracy Verrier and Matt Horn.

Mr. Pincelli said a Community Development Block Grant funded this study. The information presented today is an overview; the complete report will be provided to all municipalities. His Office will be accepting comments regarding the draft.

The plan looked at actionable strategies and strategies the County can work with and grow on. Overall, there is housing growth in the County; however, this is in the western area, more specifically in Newark and Ontario. The Plan includes individual housing strategies for each township. Home prices in the County remain high and the number of sales and housing stock low. There is an older housing stock, especially in eastern Wayne County; this has resulted in a reduction in the quality of housing. Supervisor Groat questioned a statement regarding seniors not taking good care of their property. He said in the Town of Galen, Senior Citizens are the demographic that take best care of their properties.

Wayne County Bicentennial

Gene Bavis addressed the Board regarding continued activities for the County's Bicentennial. Both the Bicentennial Kick-Off and Gala were a huge success. The Heritage Music Series kicked off last week and will continue throughout the summer. More runners are needed for the 200 –mile torch relay. Family Fun Days will be held at the County Fair on August 19th, allowing all children into the Fair for free. Mr. Bavis noted over \$200,000 has been spent on Bicentennial events; about one-quarter of these monies were from public funds, the remainder from donations, sponsorship and sale of items.

PRIVILEGE OF THE FLOOR:

There was no interest for Privilege of the Floor.

SCHEDULED BUSINESS

RESOLUTION 307-23: AUTHORIZATION TO ACCEPT FUNDING AND EXECUTE A CONTRACT WITH SODUS BAY JUNIOR SAILING ASSOCIATION, INC. FOR THE PROVISION OF YOUTH SPORTS DEVELOPMENT PROGRAMMING FOR THE WAYNE COUNTY DEPARTMENT OF AGING AND YOUTH

Mr. Robusto presented the following:

WHEREAS, the NY State Office for Children and Family Services (OCFS) issues funding for each county to provide Youth Sports Development Programming; and

WHEREAS, the 2023 Youth Bureau budget reflects an amount of \$8,127 for youth sports programming based on last year's allocations; and

WHEREAS, OCFS has allocated \$22,100 thus far for 2023 for youth sports programming; and

WHEREAS, the Clerk of the Board of Supervisors has duly advertised a request for proposals from providers of sports programming for youth in Wayne County and the proposals were received and officially opened on Friday, May 26th; and

WHEREAS, One response was received and reviewed for a contract for youth sports programming from January 1, 2023 through September 30, 2023; and

WHEREAS, the following proposals were received:

Wayne County Proposal Results for Youth Sports Development Program

Contractor	Sodus Bay Junior Sailing Association, Inc.
Requested Amount	\$13,685
Program Provided	Sailing camp scholarships and leader training/certification

now, therefore be it

RESOLVED, that the Wayne County Department of Aging and Youth is authorized to accept the additional funding from OCFS for Youth Sports Development Programming; and be it further

RESOLVED, that the proposal submitted by Sodus Bay Junior Sailing Association, Inc., in accordance with the specifications, is hereby accepted; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute a contract on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with Sodus Bay Junior Sailing Association, Inc. in accordance with the proposal for the provision of youth sports development programming for the Wayne County Department of Aging and Youth in the amount indicated in the above chart, for the contract period January 1, 2023 through September 30, 2023; and be it further

RESOLVED, that the County Treasurer is authorized to make the following changes to the Youth Bureau Budget:

A7310 Youth Bureau

(revenue)

\$13,973 to 43836 – Youth Bureau/YDPP

(expense)

\$13,973 to 54400 Contracted Services

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

RESOLUTION 308-23: AUTHORIZATION TO RENEW CONTRACT WITH WAYNE COUNTY ACTION PROGRAM FOR 2023 TO SUPPORT THEIR RSVP SENIOR TRANSPORTATION PROGRAM

Mr. Donalty presented the following:

WHEREAS, the Department of Aging and Youth receives funding for unmet needs for seniors in the county; and

WHEREAS, Wayne County Action Program operates a voluntary free driving program for seniors to medical appointments in and out of the county; and

WHEREAS, The department wishes to maintain this relationship to allow Wayne County Action Program to reimburse their drivers' mileage and to advertise and recruit additional drivers for the program; now, therefore be it

RESOLVED, that 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 Wayne County Action Program, in an amount not to exceed \$11,581 for the period of January 1, 2023 through December 31, 2023, to support costs associated with the RSVP Volunteer Driving Program.

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

RESOLUTION 309-23: AUTHORIZATION FOR THE WAYNE COUNTY DEPARTMENT OF SOCIAL

SERVICES & WAYNE COUNTY AGING & YOUTH TO ENTER INTO AN AGREEMENT FOR THE FAMILIES AND COMMUNITIES TOGETHER PROGRAM (FACT)

Mr. Donalty presented the following:

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

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

WHEREAS, The Office of Temporary and Disability Assistance (OTDA) approved the language of the agreement between WCDSS and the Department of Aging and Youth for FACT program services on April 26, 2023; and

WHEREAS, the program year is January 1, 2023 through December 31, 2023; therefore be it

RESOLVED, that the Commissioner of Social Services and the Director of Aging and Youth are hereby authorized and directed to sign an agreement on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, wherein the Wayne County Department of Social Services will purchase services from the Wayne County Department of Aging and Youth in an amount not to exceed \$40,000.00 for the provision of FACT program services for the period of January 1, 2023 to December 31, 2023.

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

RESOLUTION 310-23: AUTHORIZATION OF THREE (3) MONTH EXTENSION OF CONTRACT BETWEEN CATHOLIC CHARITIES OF THE FINGER LAKES AND THE DEPARTMENT OF SOCIAL SERVICES FOR EARLY CRISIS INTERVENTION SERVICES

Mr. Donalty presented the following:

WHEREAS, the Wayne County Department of Social Services has contracted with the Catholic Charities of the Finger Lakes program for early crisis intervention services designed to provide intensive support and counseling to children, primarily in grades K-2, as identified and referred by their school district of residence; and

WHEREAS, the contract for this program ends on 6/30/2023; and

WHEREAS, the Wayne County Department of Social Services (DSS) is reevaluating the scope of service historically provided through the early crisis intervention program which will result in the initiation of a new formal Request for Proposal process; and

WHEREAS, the Wayne County Department of Social Services (DSS) is desirous of continuing to have clinical mental and behavioral health services available to children in their school environment to continue past the expiration date of 6/30/2023; and

WHEREAS, it is anticipated that the solicitation, evaluation and award process will be completed for the contract by 9/30/2023; and

WHEREAS, a three (3) month contract extension is needed to ensure that there is no break in the provision of service; now therefore be it

RESOLVED, that the present contract with Catholic Charities of the Finger Lakes is hereby extended from 6/30/23 to 9/30/2023, subject to the County Attorney's review and approval as to form and content.

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

RESOLUTION 311-23: AUTHORIZATION TO APPLY FOR THE USDA SNAP FFY 2023 PROCESS AND TECHNOLOGY IMPROVEMENT GRANT

Mr. Donalty presented the following:

WHEREAS, the Wayne County Department of Social Services strives to utilize technology to ensure efficient and effective delivery of services; and

WHEREAS, the USDA has issued a grant competition for Process and Technology Improvements and its' desire is to make the SNAP application process easier and more efficient for applicants and participants; and

WHEREAS, the goals of this grant align with the goals of Wayne County DSS; now, therefore be it

RESOLVED, the Chairman of the Board authorizes the application to the USDA for this grant opportunity to update technology in pursuit of efficient and effective application processing and service delivery.

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

RESOLUTION 312-23: AUTHORIZATION TO EXECUTE AN AFFILIATION AGREEMENT WITH SUNY PLATTSBURGH COLLEGE FOR A STUDENT INTERN FOR THE DEPARTMENT OF SOCIAL SERVICES

Mr. Donalty presented the following:

WHEREAS, the Wayne County Department of Social Services periodically agrees to have both undergraduate and graduate students participate in unpaid internships through various educational institutions; and

WHEREAS, the Department of Social Services has agreed to have Kris Joslyn, an undergraduate student working on obtaining a Bachelor's in Social Work at SUNY Plattsburgh, 101 Broad St. Plattsburgh, New York 12901, participate in an internship program with the Wayne County Department of Social Services; and

WHEREAS, the typical internship of this nature consists of 450 hours of work during two semesters of college, therefore, the approximate dates said intern would be working with the Department of Social Services would be from August 14, 2023 through May 18, 2024, supervised by Kathy Schneider, Department of Social Services APS Case Supervisor and Penny McQuinn SUNY Plattsburgh Director of Field Education; and

WHEREAS, said internship is dependent upon an Affiliation Agreement between the County of Wayne and SUNY Plattsburgh College; and

WHEREAS, the Department of Social Services is requesting an Affiliation Agreement between the County of Wayne and SUNY Plattsburgh College be executed and will provide such agreement; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute an Affiliation Agreement for an undergraduate student internship with SUNY Plattsburgh, 101 Broad St. Plattsburgh, New York 12901, subject to the County Attorney's approval as to form and content.

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

RESOLUTION 313-23: AUTHORIZATION TO AMEND THE 2023 CONTRACT WITH DELPHI RISE AND AMEND THE 2023 COUNTY BUDGET

Mr. Robusto presented the following:

WHEREAS, the Mental Health Department wishes to amend its annual contract With Delphi Rise for the 2023 County budget year for the purposes of disbursing additional funding for the provision of mental hygiene related services and delivering Mental Health First Aid Training:

Delphi Rise
Up to an additional \$125,000 (Federal)
TOTAL CONTRACT AMOUNT: \$583,685

now, therefore be it

RESOLVED, that the Chairman of the Board is authorized to amend the contract with Delphi Rise for the provision of mental hygiene services for the 2023 County budget year 1/1/23-12/31/23, not to exceed the listed funding amount total of \$583,685 in accordance with the 2023 State & Federal funding award amounts, including any county funding, and also any plus/minus adjusted amounts based on prior year state funding closeout reconciliations, and the contract being subject to the County Attorney's review as to form and content, and to amend the 2023 County budget as follows:

A4322 Community Providers

Revenues
\$125,000 to A43220.43494

Contractual Expenses
\$125,000 to A43324.54607

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

RESOLUTION 314-23: AUTHORIZATION TO APPLY FOR DEPARTMENT OF HEALTH AND HUMAN SERVICES SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA) COMMUNITY BEHAVIORAL HEALTH CLINIC EXPANSION GRANT FOR THE MENTAL HEALTH DEPARTMENT AND WAYNE BEHAVIORAL HEALTH NETWORK

Mr. Robusto presented the following:

WHEREAS, the Mental Health Department & Wayne Behavioral Health Network (WBHN) is eligible to apply for grant funding from SAMHSA for expanded mental health and substance program services which are offered by WBHN; and

WHEREAS, the purpose of this program is to extend and continue WBHN's Certified Community Behavioral Health Clinic (CCBHC) initiative for ongoing access to and improve the quality of community mental health and substance use disorder treatment services through the expansion of certified community behavioral health clinics that will provide a variety of integrated services to individuals, families, adults and children; and

WHEREAS, the maximum potential funding amount associated with each grant awarded will be up to \$1 Million dollars annually, each year for a two year period (\$2 Million dollars total); now, therefore be it

RESOLVED, that the Director of Community Services or his designee is hereby authorized to submit an application to SAMHSA for the continued Community Behavioral Health Clinic Expansion Grant.

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

RESOLUTION 315-23: AUTHORIZATION TO RENEW CONTRACT WITH CATHOLIC FAMILY CENTER FOR THE MENTAL HEALTH DEPARTMENT

Mr. Robusto presented the following:

WHEREAS, the Mental Health Department wishes to renew its annual contract for the 2023 County Budget year with the following organization for the purposes of the continued provision of mental hygiene related services in Wayne County, and for disbursement of New York State pass through funding and/or and required Wayne County funding in the following amounts:

Catholic Family Center-Hannick Hall: \$792,285 (state funds)

now therefore, be it

RESOLVED, that the Chairman of the Board is authorized to sign a renewal contract with Catholic Family Center for the provision of mental hygiene services in Wayne County for the period January 1, 2023 to December 31, 2023, not to exceed the listed funding amounts noted above which are in accordance with the 2023 State funding award amounts, including any county funding as noted, and also any plus/minus adjusted amounts based on any prior year state funding closeout reconciliations or adjustments made to the current year funding amount, and the contracts being approved and subject to the County Attorney's review as to form and content.

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

RESOLUTION 316-23: AUTHORIZATION FOR OUT-OF-TITLE PAY TO ASSISTANT DIRECTOR OF NURSING AT THE WAYNE COUNTY NURSING HOME

Mr. Robusto presented the following:

WHEREAS, the duties of the Director of Nursing (DON) are essential and necessary for the proper functioning of the Wayne County Nursing Home (WCNH); and

WHEREAS, the DON position will become vacant effective June 9, 2023; and

WHEREAS, the current Assistant Director of Nursing (ADON), Patty Bullock, will be fulfilling the duties of the DON temporarily, effective on June 9, 2023; and

WHEREAS, WCNH must pay out-of-title pay for the duration of this temporary assignment; now, therefore be it

RESOLVED, that the current ADON be compensated with a 10% increase of current wages effective June 9, 2023, for performing the duties required of the Director of Nursing while the position is vacant. This amount will be issued as a stipend at the bi-weekly rate of \$336. Rate of pay for the Assistant Director of Nursing will return to the regular rate upon the appointment and onboarding of a new Director of Nursing.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Johnson. Upon roll call, all Supervisors voted Aye except VanLaeken, Leonard and Miller who were absent. The Chairman declared

the resolution adopted.

RESOLUTION 317-23: AUTHORIZATION TO OBTAIN MEDICARE CLAIMS INTERFACE SOFTWARE FOR THE WAYNE COUNTY NURSING HOME

Mr. Robusto presented the following:

WHEREAS, the Wayne County Nursing Home (WCNH) currently uses the "Choice Medicare Claims" platform from Ability/Inovalon to electronically submit Medicare claims to the Centers for Medicare & Medicaid Services (CMS); and

WHEREAS, resubmission of rejected or returned Medicare Part A claims require electronic submission to CMS, through the FISS/DDE system, which is provided by CMS; and

WHEREAS, the FISS/DDE system does not interface with normal Windows based computing; and

WHEREAS, Ability/Inovalon offers the EASE Medicare software that actively interfaces with the Choice Medicare Claims service already in use and the FISS/DDE platform to perform electronic claim corrections and submissions; and

WHEREAS, WCNH would like to obtain the EASE Medicare software platform to use with its existing Medicare claim submission software at a rate of \$395 per month, with a one-time setup fee of \$200; and

WHEREAS, there is not another software that will interface with both the Choice Medicare Claims platform and the FISS/DDE platform; and

WHEREAS, hundreds of thousands of dollars per year in Medicare Part A revenue are potentially lost from uncorrected Medicare claims at WCNH; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign an agreement with Ability/Inovalon, on behalf of the Wayne County Nursing Home, for a one-year subscription to the EASE Medicare software, at an amount not to exceed \$4,940, effective July 1, 2023 to June 30, 2024, with the option to renew for up to two (2) additional one (1) year periods, subject to the approval of the County Attorney as to form and content.

\$2,570 from E60004.54937.E8350 – NYS Assessment

\$2,570 to E60004.54908.E8310 – Data Processing

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

RESOLUTION 318-23: AUTHORIZATION TO CONTRACT WITH ULTRAMOBILE IMAGING, INC. FOR MOBILE DIAGNOSTIC SERVICES AT THE WAYNE COUNTY NURSING HOME

Mr. Robusto presented the following:

WHEREAS, the current agreement with UltraMobile Imaging, Inc (UMI), to provide mobile diagnostic services at the Wayne County Nursing Home (WCNH) expires on June 30, 2023; and

WHEREAS, WCNH, in accordance with the Purchasing Policy, attempted to obtain 3 quotes to provide the required mobile diagnostic imaging services, and of the vendors solicited, UMI was the only entity that responded that is able to meet the needs of WCNH and is able to serve our area; and

WHEREAS, UMI has provided an updated Medicare Physician Rate schedule and will be reimbursed for services rendered based on said schedule; and

WHEREAS, UMI has increased the discount on pricing from 15% to 20% for the new contract period; and

WHEREAS, WCNH is desirous to continue the partnership with UMI for the provision of mobile imaging services for the period of July 1, 2023 to June 30, 2026; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized to enter into an agreement on behalf of the Wayne County Nursing Home with UltraMobile Imaging, Inc., for the provision of mobile diagnostic services, at a fee based on the terms and conditions as set forth in the contract, which shall not reflect the published Medicare fee schedule, subject to the approval of the County Attorney as to form and content.

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

RESOLUTION 319-23 AUTHORIZATION TO CONTRACT WITH WAYNE-FINGER LAKES BOCES FOR TRANSPORTATION FOR THE EARLY INTERVENTION AND PRE-K PROGRAMS

Mr. Robusto presented the following:

WHEREAS, pursuant to Education Law, Section 4410, Subdivision 8, "the municipality in which a preschool child resides shall, beginning with the first day of service, provide either directly or by contract for suitable transportation;" and

WHEREAS, Wayne County School Districts provide in-county transportation for children in the Early Intervention and Pre-K programs; and

WHEREAS, the County currently contracts with Wayne-Finger Lakes BOCES to manage invoicing and payment for services, as a pass through entity, between the Districts and the County; and

WHEREAS, transportation is required for the following sites: Wayne County Chapter ARC facility located in Newark, programs at the Red Creek Central School and Williamson Central School, and within Wayne County for Childcare; and

WHEREAS, the Director of Public Health is desirous of entering into a new contract with Wayne Finger Lakes BOCES to facilitate such service within Wayne County beginning on July 1, 2023 to June 30, 2024, with the option to renew contract for two (2) additional one (1) year periods, upon mutual agreement, the transportation rate will be \$48.00 per child per day with a minimum charge of \$144.00 when transporting fewer than three children on any particular route; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute a contract, and sign any amendments to this contract, with the Wayne - Finger Lakes BOCES to invoice the County and distribute payment to the Districts for the transportation of children in the Early Intervention and Pre – K programs to the Wayne County Chapter ARC facility in Newark, programs at the Red Creek Central School and Williamson Central School, and within Wayne County for childcare, beginning on July 1, 2023 to June 30, 2024, with the option to renew contract for two (2) additional one (1) year periods, upon mutual agreement, for the amount of \$48.00 per child per day with a minimum charge of \$144.00 when transporting fewer than three children on any particular route, subject to the approval of the County Attorney as to form and content and meeting insurance requirements.

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

RESOLUTION 320-23: AUTHORIZATION TO EXECUTE CONTRACT WITH LISA STONE TO PROVIDE RELATED SERVICES TO PRESCHOOL CHILDREN WITH HANDICAPPING CONDITIONS FOR WAYNE COUNTY PUBLIC HEALTH

Mr. Robusto presented the following:

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

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

WHEREAS, Wayne County Public Health wishes to contract with Ms. Stone for the provision of Related Services for the period of May 1, 2023 to June 30, 2024 for the following services and rates:

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

now, therefore, be it

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

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

RESOLUTION 321-23: AUTHORIZATION TO CREATE ONE FULL-TIME PUBLIC HEALTH PROGRAM COORDINATOR AND ABOLISH ONE VACANT FULL-TIME PUBLIC HEALTH EDUCATOR POSITION AND AMEND THE 2023 BUDGET FOR THE PUBLIC HEALTH DEPARTMENT

Mr. Robusto presented the following:

WHEREAS, Wayne County Public Health (WCPH) has need of a full-time position to coordinate the following programs/activities: Re-Accreditation, data collection, agency quality improvement and quality assurance, and prevention of chronic diseases as outlined in the Community Health Improvement Plan; and

WHEREAS, currently these activities have been coordinated by the Public Health Director and Deputy Director and due to the current demands of the agency, such oversight has not been consistent and thorough; and

WHEREAS, the reassigning of these activities will provide better oversight and continuous efforts applied to each program which will improve agency efficiencies and maintain our national PHAB Accreditation designation; and

WHEREAS, the Director of Public Health would like to create one full-time Public Health Program Coordinator, Grade 30 of the CSEA General Unit contract, with the sufficient available funds as a result of abolishing one vacant full-time Public Health Educator position; and

WHEREAS, the County Administrator and Human Resource Director have reviewed and approved this proposal; now, therefore, be it

RESOLVED, that the Board of Supervisors authorizes the abolishment of one vacant full-time Public Health Educator and the creation of one full-time Public Health Program Coordinator for the Public Health Department, and that the Director of Public Health is authorized to fill said position effective July 1, 2023; and be it further

RESOLVED, the Treasurer is authorized to make the following 2023 budget amendments which will be sufficient to fund the position for the remainder of 2023.

A4018 Public Health Education

(Appropriations)

\$35,391 from 51486 Public Health Educator

A4010 Public Health

(Appropriations)

\$25,370 to 51961 Public Health Program Coordinator

\$1,941 to 58200 Social Security

\$2,080 to 58100 NYS Retirement

\$6,000 to 58400 Hospitalization

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Groat. Upon roll call, all Supervisors voted Aye except VanLaeken, Leonard and Miller who were absent. The Chairman declared the resolution adopted.

RESOLUTION 322-23: AUTHORIZATION TO CREATE AND FILL ONE EARLY INTERVENTION SERVICE COORDINATOR AND ONE PUBLIC HEALTH PROGRAM COORDINATOR FOR THE PUBLIC HEALTH DEPARTMENT AND AMEND THE 2023 BUDGET

Mr. Robusto presented the following:

WHEREAS, the New York State Department of Health (NYSDOH) has received federal funding to strengthen the state's public health (PH) infrastructure, of which requires the NYSDOH to share 40% of the federal funding with the local health departments within the state; and

WHEREAS, the NYSDOH PH Infrastructure, Workforce & Data Systems funding opportunity addresses long-standing weaknesses due to chronic underinvestment in New York's public health system and strengthens preparedness to address new challenges and future public health emergencies; and

WHEREAS, the NYSDOH PH Infrastructure, Workforce & Data Systems grant may be used to strengthen the public health workforce through hiring of public health positions, supporting retention of current staff, making upgrades to the workplace to increase employee satisfaction, providing public health training and providing public health support services to the public health department; and

WHEREAS, the NYSDOH PH Infrastructure, Workforce & Data Systems grant will award Wayne County Public Health (WCPH) \$129,427 annually for five (5) years, for the period of December 1, 2022 to November 30, 2027; and

WHEREAS, WCPH has requested to use the grant funding to create and fill one full time Early Intervention Service Coordinator and one full time Public Health Program Coordinator, which would allow the health department to improve efficiencies, to increase program capacity, to decrease the case loads of current employees, and to provide quality services to the residents of Wayne County; and

WHEREAS, the NYSDOH PH Infrastructure, Workforce & Data Systems grant funding will cover the salary and fringe benefits of each requested position; and

WHEREAS, the County Administrator and the Human Resource Director have reviewed and approved this proposal; now, therefore, be it

RESOLVED, that one full time Early Intervention Service Coordinator and one full time Public Health Program Coordinator be created within the Public Health Department and the Director of Public Health is authorized to fill said positions as of July 1, 2023; and be it further

RESOLVED, that in the event the funding supporting these positions is not extended past the five year grant period, these positions will be abolished unless extended further by Board resolution or new funding is identified; and, be it further

RESOLVED, that the Wayne County Treasurer is authorized to make the following amendments to the 2023 Public Health budget

A4011 Public Health Service

(Revenue)

\$35,391 to 51xxx PH Infrastructure

(Appropriations)

\$25,370 to 51961 PH Program Coordinator

\$1,941 to 58200 Social Security

\$2,080 to 58100 NYS Retirement

\$6,000 to 58400 Hospitalization

A4016 Early Intervention

(Revenue)

\$30,895 to 51xxx PH Infrastructure

(Appropriations)

\$21,489 to 51521 Early Intervention Coordinator

\$1,644 to 58200 Social Security

\$1,762 to 58100 NYS Retirement

\$6,000 to 58400 Hospitalization

Mr. Brady moved the adoption of the resolution. Seconded by Mr. Chatfield. Upon roll call, all Supervisors voted Aye except VanLaeken, Leonard and Miller who were absent. The Chairman declared the resolution adopted.

RESOLUTION 323-23: AUTHORIZATION TO EXECUTE A CONTRACT WITH OSWEGO CITI BOCES FOR THE PROVISION OF VISION THERAPY SERVICES FOR CHILDREN WITH HANDICAPPING CONDITIONS FOR WAYNE COUNTY PUBLIC HEALTH DEPARTMENT

Mr. Robusto presented the following:

WHEREAS, pursuant to Section 4410 of the Education Law, Wayne County Public Health (WCPH) is required to contract with providers of Related Services for children with handicapping conditions; and

WHEREAS, WCPH wishes to contract with Oswego CiTi BOCES for the provision of Vision Therapy Services for the period of July 1, 2023 to June 30, 2024 at the following rates:

- Vision Therapy - \$146 / .5 hour
- Consultation - \$295 / consult
- Evaluation - \$535 / evaluation

now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute a contract with Oswego County BOCES, and sign any future contract amendments, for the period of July 1, 2023 to June 30, 2024 for the provision of Vision Therapy services at \$146 / .5 hour session, Consultation - \$295 / consult, and Evaluation - \$535 / evaluation, subject to the approval of the County Attorney as to form and content and meeting insurance requirements.

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

RESOLUTION 324-23: AUTHORIZATION TO SIGN AN AFFILIATION AGREEMENT WITH UNIVERSITY OF PHOENIX

Mr. Robusto presented the following:

WHEREAS, Wayne County Public Health (WCPH) has an employee seeking their Bachelor Degree from the University of Phoenix; and

WHEREAS, the employee, as a student, is required to conduct community outreach and education specifically on communicable diseases and nutrition, during off hours, and WCPH has been approved as a site; and

WHEREAS, after review by the County Attorney, it has been decided an Affiliation Agreement will need to be executed between WCPH and the University of Phoenix; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign an Affiliation Agreement with the University of Phoenix, on behalf of WCPH, for the period of April 25, 2023 to April 24, 2028, subject to the approval of the County Attorney as to form and content.

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

RESOLUTION 325-23: AUTHORIZATION TO SET DATE FOR PUBLIC HEARING ON LOCAL LAW RELATING TO A LOCAL LAW SUPERSEDING COUNTY LAW SECTION 214(2) REGARDING PUBLICATION OF LOCAL LAWS

Mr. Lasher presented the following:

NOTICE IS HEREBY GIVEN, that the Wayne County Board of Supervisors will conduct a public hearing on July 18, 2023 at 9:05 a.m. at the Wayne County Court House, 26 Church St. Lyons NY 14489 in the Supervisors Chambers to consider public comments on the following proposed local law:

A Local Law Superseding County Law Section 214 (2) Regarding Publication of Local Laws
COUNTY OF WAYNE – STATE OF NEW YORK
LOCAL LAW NO.6 FOR THE YEAR 2023

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

SECTION I.

LEGISLATIVE INTENT

The Board of Supervisors hereby states the intent of this local law is to supersede the provisions of County Law Section 214 (2), which requires that a true copy of each local law be published in the official newspaper at least once a week for two successive weeks. In order to reduce cost, this Board desires that the publication of the full text of each local law be discontinued, and replaced with only that detail necessary to insure that the public remains fully informed. This local law is adopted pursuant to Article IX of the Constitution of the State of New York, as interpreted in op.atty.gen (inf.) No 92-1 and op.atty.gen.(Inf.) No. 97-12.

SECTION II.

PUBLICATION REQUIREMENTS

Upon the adoption of each local law of the County of Wayne, the Clerk of the Board shall cause the publication once in the official newspaper(s) of the County of the notice of the adoption of said local law and an abstract of the provisions thereof. Said notice shall include the location and availability of a copy of the actual text of each local law. This publication shall be in lieu of that required by County Law Section 214 (2), which is hereby expressly superseded by this local law.

SECTION III.

EFFECTIVE DATE

This local law shall take effect immediately.

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

RESOLUTION 326-23: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH COMMUNITY DEVELOPMENT SOLUTIONS, (FORMERLY GENERAL CODE) FOR DIGITAL ENHANCEMENTS FOR

THE COUNTY CLERK'S OFFICE

Mr. Lasher presented the following:

WHEREAS, the Office of the County Clerk has determined that it is very much in the interest of the People of Wayne County to enhance and expand digital shared services for Wayne County and interested municipalities; and

WHEREAS, the County Clerk's Office has received a proposal from Community Development Solutions (formerly General Code) to enhance and expand the existing laserfische document software system; and

WHEREAS, this expansion will restore the public availability of the Historian's Database and provide digital indexing and shared services opportunities; and

WHEREAS, the County Clerk is satisfied that Community Development Solutions has the necessary skills and expertise to provide this service; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to execute a contract addendum for software and digital imaging services on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with Community Development Solutions (formerly General Code) for a total project cost of \$33,300; and be it further

RESOLVED, that there shall be an annual maintenance on the agreed upon software modules of \$4,850 per year; and be it further

RESOLVED, that said agreement shall commence on September 1, 2023 and run continuous with the already established Community Development Solutions (General Code) agreement.

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

RESOLUTION 327-23: AUTHORIZATION TO APPOINT WAYNE COUNTY HISTORIAN

Mr. Lasher presented the following:

WHEREAS, the position of Wayne County Historian is now vacant and the Board of Supervisors would like to ensure that the work of this important Office continues; and

WHEREAS, this position is Managerial Confidential, Grade 4; now, therefore be it

RESOLVED, that the Wayne County Board of Supervisors hereby appoints Jane Milem as part time Wayne County Historian.

Mr. Kolczynski moved the adoption of the resolution. Seconded by Mr. Brady. Upon roll call, all Supervisors voted Aye except VanLaeken, Leonard and Miller who were absent. The Chairman declared the resolution adopted.

RESOLUTION 328-23: AUTHORIZATION FOR PURCHASING DEPARTMENT TO CONDUCT COMPETITIVE SOLICITATION FOR ELECTRONIC POLL BOOKS FOR BOARD OF ELECTIONS

Mr. Lasher presented the following:

WHEREAS, the Wayne County Board of Elections (BOE) is in the process of replacing hand written poll books with electronic poll books; and

WHEREAS, New York State Board of Elections is encouraging electronic polling; and

WHEREAS, electronic poll books are now in use in 60 of the 62 New York State counties and offer savings in supplies, poll worker time, accuracy, and most of all post-election reporting; and

WHEREAS, funds for the system will be appropriated from the non-motorized equipment reserve fund, and supplemented by BOE available Poll Book grant funds of \$25,916.68; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors authorizes the Purchasing Department to conduct a competitive solicitation for the purchase of 188 electronic polling devices, board of elections certified polling software, peripherals and services.

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

RESOLUTION 329-23: AUTHORIZATION TO TRANSFER FUNDS FROM RESERVE FUND TO PURCHASE 28 VOTING MACHINES ON BEHALF OF THE WAYNE COUNTY BOARD OF ELECTIONS

Mr. Lasher presented the following:

WHEREAS, the Wayne County Board of Elections is in the process of replacing voting machines purchased in 2008 and is desirous of purchasing twenty-eight new machines to complete the upgrade that began in 2021; and

WHEREAS, the Board of Elections office has obtained a quote from Dominion, under the New York

State Office of Voting Systems Corporation General Services (OGS) Contract PC69385, with the total expenditure being \$317,705.00 for the twenty-eight voting machines; and

WHEREAS, resolution 435-20 established a Capital Reserve Fund for the purchase of non-motorized equipment; now therefore be it

RESOLVED, that the Board of Elections Office is authorized to purchase twenty-eight new voting machines via OGS Contract; and be it further

RESOLVED, that the Wayne County Treasurer is authorized to transfer \$317,705.00 from the Non-Motorized Equipment Reserve and make the following budget amendment:

A1450 Board of Elections

(Appropriations)

\$317,705.00 to .52000 Equipment and Capital Outlay

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

RESOLUTION 330-23: AUTHORIZATION TO SUBMIT SMART GROWTH COMMUNITY PLANNING AND ZONING GRANT FOR A STRATEGIC COMPREHENSIVE PLAN

Mr. Johnson presented the following:

WHEREAS, Wayne County continues to promote quality of life and economic opportunity for its residents and workforce; and

WHEREAS, Wayne County wishes to continue to protect the rural character, while embracing needed growth and expansion of the residential, commercial, and industrial tax base; and;

WHEREAS, New York State provides funding through the Regional Economic Development Council (REDC) application for the Department of State (DOS) 2023 Smart Growth Community Planning and Zoning Grant Program for completion of a County Strategic comprehensive Plan to communities for implementation of smart-growth strategies that reduce impacts on agricultural lands; and

WHEREAS, Wayne County and the Wayne County Industrial Development Agency (WCIDA) partner on grant programs related to economic development and planning; and

WHEREAS, a strategic plan will provide Wayne County and the WCIDA a guide to protect the rural character of the County while accommodating investment and economic development within our communities; now, therefore be it

RESOLVED, that the Board of Supervisors hereby authorizes the submission of a Department of State (DOS) 2023 Smart Growth Community Planning and Zoning Grant Program application requesting \$100,000, with \$100,000 in WCIDA matching funds be allocated from the 2023 County budgeted Project Planning funds; and be it further

RESOLVED, that said application shall be prepared and filed under the direction and supervision of the County Economic Development and Planning Office.

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

RESOLUTION 331-23: AUTHORIZATION TO AWARD RFP FOR THE FORMER BUTLER PRISON SITE MARKET STUDY AND REQUEST FOR EXPRESSION OF INTEREST

Mr. Johnson presented the following:

WHEREAS, Resolution 169-23 authorized the release of an RFP to solicit proposals from qualified consultants to assist in market study and Request for Expression of Interest (REOI) for the Former Butler Prison Site; and

WHEREAS, Resolution 291-23 authorizes the Board of Supervisors to accept an additional \$30,000 in state funding, 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 of \$37,000 for the addition to the study; and

WHEREAS, a proposal was received from the following firm:

MRB Group Engineering, Architecture & Surveying, D.P.C.
145 Culver Road, Suite 160

Rochester, NY 14620
Cost \$67,000.00

and

WHEREAS, the proposal has been reviewed by an evaluation team consisting of members of the Economic Development and Planning staff who individually completed scoring criteria forms for each proposal, with said scoring form including evaluation of total price (completed by Purchasing), timely implementation, understanding of project goals and objectives, experience providing similar services based on previous clients, experience with agriculture planning and applicable standards, and proposed work plan; and

WHEREAS, the Proposal was reviewed by the committee and it was determined to meet the department's needs, now, therefore be it

RESOLVED, that the Board of Supervisors hereby authorizes selection of MRB for completion of the Former Butler Prison Site Market Study and REOI at a cost of \$67,000 and be it further

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

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

A8020 Planning

(Revenue)

\$30,000 to 43305 EDP02 NYS Grants – Business Park Study

(Appropriations)

\$30,000 to 54400 EDP02 Contracted Services – Business Park Study

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

RESOLUTION 332-23: AUTHORIZATION TO SIGN PROJECT AMENDMENTS WITH TRANE U.S. ASSOCIATED WITH THE HALL OF JUSTICE HVAC REPLACEMENT PROJECT

Mr. Chatfield presented the following:

WHEREAS, resolution 340-22 established the Hall of Justice HVAC replacement project and approved a contract with Trane U.S. Inc; and

WHEREAS, the project is currently in progress; and

WHEREAS, Trane has provided the Deputy Superintendent of Public Works with two project amendments, one clarification to the project scope of work and the second to propose an alternative rooftop dedicated outside air system (DOAS); and

WHEREAS, the alternative DOAS unit is being provided in lieu of significant structural roof changes as originally proposed; and

WHEREAS, Trane was carrying a \$50,000 contingency in their original project proposal for structural roof modifications which will now be used to cover the increased cost of the substitute DOAS unit; and

WHEREAS, the Deputy Superintendent has reviewed both amendments, the new DOAS submittal and supporting documentation on the additional cost associated with it and recommends signing both amendments at no additional cost to the County; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign project amendment #1 and #2 with Trane U.S. Inc relating to the HVAC system replacement at the Hall of Justice located at 54 Broad Street, Lyons, NY, subject to the 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 333-23: AUTHORIZATION TO SIGN PROPOSAL WITH TRANE U.S. FOR INSTALLATION OF DUCTWORK REHEAT COILS

Mr. Chatfield presented the following:

WHEREAS, additional heating is needed in Parks Office and Wayne RTS areas located at the Wayne County Highway Building at 7227 Route 31. Lyons, NY to provide better heating control; and

WHEREAS, Trane U.S. has reviewed the existing system and recommends adding two electric reheat coils to the existing ductwork to better manage these spaces; and

WHEREAS, Trane U.S. has provided a proposal to supply, install and commission these units under

the Omnia Partners contract # 3341 for a cost of \$11,470.00; and

WHEREAS, to help keep the overall cost down, Buildings and Grounds staff will assist Trane with this installation; now, therefore be it

RESOLVED, the Chairman of the Board of Supervisors is hereby authorized to execute an agreement with Trane U.S. Inc subject to the approval of the County Attorney as to form and content, to provide and install two reheat coils at a cost not to exceed \$11,470.00.

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

RESOLUTION 334-23: AUTHORIZATION TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH BERGMANN FOR DETAILED DESIGN AND CONSTRUCTION DOCUMENTS

Mr. Chatfield presented the following:

WHEREAS, Bergmann has provided a conceptual design and a feasibility study for the new Wayne County Highway Patrol Barn located at 13834 Messner Road in Savannah, NY; and

WHEREAS, after review of the concepts and the study, the Superintendent of Public Works recommends proceeding with the detailed design and construction documents for the Savannah Highway Patrol Barn replacement project; and

WHEREAS, Bergmann has provided a cost proposal for detailed design through bidding documents at a cost of \$108,500; now therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to sign a supplemental agreement on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content with Bergmann, for the cost not to exceed of \$108,500.00

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

RESOLUTION 335-23: AUTHORIZATION TO DECLARE VEHICLES AND EQUIPMENT SURPLUS IN THE PUBLIC WORKS DEPARTMENT

Mr. Chatfield presented the following:

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

2008 Ford E350 Van (SO)	VIN 1FTSE34L78DA04034	AUCTION
2013 Ford E350 Bus (VET)	VIN 1FDEE3FL9DDB30363	AUCTION
2010 Roanoke brush mower (HW)	VIN R5582010015	AUCTION
ONAN Generator (HW)	VIN 0573643135	AUCTION
Miscellaneous new obsolete parts from Central Garage		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. Mettler moved the adoption of the resolution. Seconded by Mr. Groat. Upon roll call, adopted.

RESOLUTION 336-23: AUTHORIZATION TO PARTNER WITH THE GENESEE TRANSPORTATION COUNCIL (GTC) AS A CO-APPLICANT ON A SAFE STREETS AND ROADS FOR ALL GRANT

Mr. Chatfield presented the following:

WHEREAS, the US Department of Transportation has a significant amount of funds available in a Safe Streets and Roads for All (SS4A) program; and

WHEREAS, the Genesee Transportation Council intends to be the applicant on a grant request to develop a Safe Streets and Roads for all study within the seven Counties in Region 4; and

WHEREAS it is anticipated that the project will develop a safety action plan that will identify safety concerns in each County and will identify strategies on how to address them; and

WHEREAS, the grant request for the entire project is intended to be approximately \$2.1M, and if awarded, it is anticipated that the project will be completed over four years; and

WHEREAS, the Wayne County local match is expected to be \$12,800; now, therefore be it

RESOLVED, that the Board of Supervisors authorizes the co-application on this US Department of Transportation grant with a local contribution, if successful, of up to \$12,800.

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

RESOLUTION 337-23: AUTHORIZATION TO AMEND 2023 COUNTY ROADS BUDGET FOR ADDITIONAL CHIPS FUNDING

Mr. Chatfield presented the following:

WHEREAS, the New York State Department of Transportation has approved and allocated additional CHIPS Funds for the 2023-2024 Fiscal Year; and

WHEREAS the CHIPS Funds allocated by the State is \$3,660,277 for the NYS fiscal year 2023-2024 with an additional \$926,741 in the PAVE NY program, an additional \$595,995 for the EWR program, and an additional \$617,827 for the POP program for a total of \$5,800,840; and

WHEREAS, the county originally budgeted \$3,400,000 for 2023; now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized and directed to amend the 2023 D County Roads Fund Budget as follows:

D51112 Road Construction

(Appropriations)

\$2,400,840 to .52600 Highway Construction

D99990 – Other

(Revenues)

\$2,400,840 to .43501 Consolidated Highway Aid

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

RESOLUTION 338-23: AUTHORIZATION TO CREATE PROJECTS IN THE HIGHWAY DEPARTMENT

Mr. Chatfield presented the following:

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

23-94	Tyre Road Paving Project	\$280,000
23-95	Lake Bluff Road Surface Seal Project	\$110,000
23-96	Guiderail Replacement Project	\$ 35,000

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

23-92	Kelsey Road Project	\$120,000
23-90	Lake Bluff Road Paving Project	\$50,000
22-64	Lakes Corners Rose Valley Rd Paving Project	\$140,000

now, therefore, be it

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

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

D51122 Road Construction

(Appropriations)

\$735,000 from .52600 Highway Construction to the following CHIPS Projects

\$280,000 to .52673 23-94 Tyre Road Paving Project

\$110,000 to .52673 23-95 Lake Bluff Road Surface Seal Project

\$ 35,000 to .52673 23-96 Guidrail Replacement Project

\$120,000 to .52673 23-92 Kelsey Road Project

\$ 50,000 to .52673 23-90 Lake Bluff Road Paving Project

\$140,000 to .52670 22-64 Lakes Corners Rose Valley Road Paving Project

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

RESOLUTION 339-23: MAKING A DETERMINATION UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR WAYNE COUNTY EMERGENCY MEDICAL SERVICES PROJECT LYONS LOCATION

Mr. Chatfield presented the following:

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQRA Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State, being 6 NYCRR Part 617, as amended (the "Regulations"), the Wayne County Board of Supervisors (the "Board") desires to determine whether the following action may have a "significant effect on the environment" (as said quoted term is defined in the SEQRA Act and the Regulations) and therefore require the preparation of an environmental impact statement for the construction of a 10,600 S.F +/- Ambulance bay and EMS Headquarter at 1527 Nye Rd, on the Wayne County Campus in the Town of Lyons, NY (the "Project"); and

WHEREAS, to aid the Board in determining whether the Project may have a significant effect on the environment, the architect, LaBella Associates has caused to be prepared a SEQR Short Environmental Assessment Form, a copy of which is on file with the Clerk of the Board of Supervisors; and

WHEREAS, the County has examined the Short EAF in order to make a determination as to the potential environmental significance of the Project; now, therefore, be it

RESOLVED, as follows:

1. Based upon examination of the Short EAF, and based further upon the Board's knowledge of the area surrounding the Project and such further investigation of the Project and its environmental effects as the County has deemed appropriate, the Board acting as the Lead Agency makes the following findings with respect to the Project:

(a) the Project consists of those components described in the first "Whereas" clause of this resolution; and

(b) there are no known potentially significant impacts on the environment other than those noted in and addressed and/or mitigated by the County as set forth in the SEAF.

2. Based upon the foregoing investigation of the potential environmental impacts of the Project and considering both the magnitude and importance of each environmental impact therein indicated, the Board makes the following findings and determinations with respect to the Project:

(a) The Project constitutes an Unlisted Action (as defined in the Regulations); and

3. The Project will not result in any large and important impacts and, therefore, is one which will not have a significant effect on the environment, and the Board will not require an environmental impact statement with respect to the Project; and

4. This determination constitutes a negative declaration for the purposes of the SEQR Act..

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

RESOLUTION 340-23: AUTHORIZATION TO RESCIND RESOLUTIONS 691-09 AND 36-13 AND ADOPT A STANDARDIZATION FOR BUILDING MANAGEMENT SYSTEM IN WAYNE COUNTY BUILDINGS

Mr. Chatfield presented the following:

WHEREAS, Resolution No 691-09 authorized a standardization of HVAC controls in County Buildings; and

WHEREAS, Resolution No 39-13 amended resolution 691-09 to allow for "as equal" for the 2013 Energy Performance Contract (ESCO) related to energy improvements in eleven (11) County owned buildings; and

WHEREAS, the Trane Building Management System (BMS) was installed in five (5) of the County owned buildings during the ESCO project; and

WHEREAS, Since the ESCO project the Trane BMS has been installed in two (2) additional County owned buildings; and

WHEREAS, subdivision 5 of § 103 of the General Municipal Law of the State of New York provides that, upon adoption of a standardization resolution by a vote of at least three-fifths of all members of the governing board of a political subdivision, purchase contracts for a particular type or kind of equipment, materials or supplies may be awarded after competitive bidding; and

WHEREAS, in addition, the resolution must provide that for reasons of efficiency or economy, there is a need for standardization and that a full explanation for such standardization follows; and

WHEREAS, State procurement regulations require the County to consider "equivalent" brands of equipment unless a standardization resolution has been passed by the Board of Supervisors; and

WHEREAS, Standardization upon one particular building management system will have a significant

positive impact upon efficiency and economy within the County in terms of:

1. Lower software acquisition and building control maintenance cost
2. Elimination of incompatibility of system among County buildings
3. Single point of monitoring and controls across all buildings
4. Reduce training cost and time when additional locations are added

; now, therefore be it

RESOLVED, that resolution 691-09 and 36-13 are hereby rescinded; and be it further

RESOLVED, that the Board of Supervisors hereby adopts for reason of efficiency and economy that the Trane Building Management System (BMS) and associated equipment be used in its buildings for the purpose of building energy controls; and be it further

RESOLVED; that this resolution shall take effect immediately.

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

RESOLUTION 341-23: AUTHORIZATION TO STANDARDIZE GENERATORS FOR WAYNE COUNTY FACILITIES

Mr. Chatfield presented the following:

WHEREAS, subdivision 5 of § 103 of the General Municipal Law of the State of New York provides that, upon adoption of a standardization resolution by a vote of at least three-fifths of all members of the governing board of a political subdivision, purchase contracts for a particular type or kind of equipment, materials or supplies may be awarded after competitive bidding; and

WHEREAS, in addition, the resolution must provide that for reasons of efficiency or economy, there is a need for standardization and that a full explanation for such standardization follows; and

WHEREAS, State procurement regulations require the County to consider "equivalent" brands of equipment unless a standardization resolution has been passed by the Board of Supervisors; and

WHEREAS, the County currently owns and maintains twenty three (23) generators across the County; and

WHEREAS, twenty one (21) of these generators are Onan-Cummins generators; and

WHEREAS, Standardization upon one particular generator manufacture will have a significant positive impact upon efficiency and economy within the County in terms of:

1. Simplifying operational and troubleshooting by County employees
2. Consistent equipment quality
3. Reduce maintenance and repair cost as only one certified vendor is needed to diagnose and repair multiple units
4. Reduce training cost and time when additional generator are installed

; now, therefore be it

RESOLVED, that the Board of Supervisors hereby adopts for reason of efficiency and economy that Onan-Cummins generator and associated equipment be used for County facilities for the purpose of backup power generation; and be it further

RESOLVED; that this resolution shall take effect immediately

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

RESOLUTION 342-23: AUTHORIZATION TO STANDARDIZE FIRE ALARM SYSTEMS FOR WAYNE COUNTY FACILITIES

Mr. Chatfield presented the following:

WHEREAS, subdivision 5 of § 103 of the General Municipal Law of the State of New York provides that, upon adoption of a standardization resolution by a vote of at least three-fifths of all members of the governing board of a political subdivision, purchase contracts for a particular type or kind of equipment, materials or supplies may be awarded after competitive bidding; and

WHEREAS, in addition, the resolution must provide that for reasons of efficiency or economy, there is a need for standardization and that a full explanation for such standardization follows; and

WHEREAS, State procurement regulations require the County to consider "equivalent" brands of equipment unless a standardization resolution has been passed by the Board of Supervisors; and

WHEREAS, twelve (12) out of the fourteen (14) fire alarm systems across the County are manufactured by Simplex/Johnson Controls; and

WHEREAS, Standardization upon one particular fire alarm system manufacturer will have a significant positive impact upon efficiency and economy within the County in terms of:

- 1.Simplifying operational and troubleshooting by County employees
 - 2.Reduction in on hand replacement parts
 - 3.Consistent equipment quality
 - 4.Reduce maintenance and repair cost as only one certified vendor is needed to diagnose and repair program units
 - 5.Reduce training cost and time when additional systems are installed
- ; now, therefore be it

RESOLVED, that the Board of Supervisors hereby adopts for reason of efficiency and economy that Simplex/Johnson Controls fire alarm panels and associated equipment be used for County facilities for the purpose of fire detection and notification; and be it further

RESOLVED; that this resolution shall take effect immediately

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

RESOLUTION 343-23: ADOPTION OF 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, a 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 was duly presented to the Board of Supervisors on May 16th, 2023; and

WHEREAS, a public hearing on the proposed local law was held by the Board of Supervisors on Tuesday, June 20, 2023 at 9:05 a.m. in accordance with the notice of hearing duly posted and published in the manner prescribed by law; now, therefore be it

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

**COUNTY OF WAYNE - STATE OF NEW YORK
LOCAL LAW NO. 5 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.

"PMCNYS" 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 factory 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.

Mr. Johnson moved the adoption of the resolution. Seconded by Mr. Lasher. Upon roll call, all Supervisors voted Aye except VanLaeken, Leonard and Miller who were absent. The Chairman declared the resolution adopted.

RESOLUTION 344-23: AUTHORIZATION TO COMPLETE THE USACOE PERMIT VALIDATION PROCESS FOR THE CRESCENT BEACH REDI PROJECT

Mr. Chatfield presented the following:

WHEREAS, the US Army Corps of Engineers (USACOE) has issued an unvalidated permit to Wayne County for the construction of the Crescent Beach REDI project; and

WHEREAS, before any work can commence, the permit must be validated by Wayne County; and

WHEREAS, a validated permit contains the signature of a representative of Wayne County and thus agrees to the terms and conditions of the permit; now, therefore be it

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

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

RESOLUTION 345-23: AUTHORIZATION TO ISSUE REQUEST FOR QUOTES FOR PROFESSIONAL SERVICES TO UPGRADE WEBEOC

Mr. Verno presented the following:

WHEREAS, WebEOC is the Crisis Information Management Software System utilized by Emergency Management; and

WHEREAS, Wayne County is currently running Version 8.10 of WebEOC; and

WHEREAS, the current version of WebEOC is 9.16.2; and

WHEREAS, the upgrade from version 8 to version 9 requires a significant amount of updating to the "boards" that are currently utilized within WebEOC; and

WHEREAS, Oswego and Monroe Counties both also utilize WebEOC and Wayne County is desirous of standardizing boards between counties as much as practical; now, therefore be it

RESOLVED, that the Wayne County Purchasing Department is authorized to issue a Request for Quote for Professional Services to update WebEOC for the Department of Emergency Management.

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

RESOLUTION 346-23: AUTHORIZATION TO EXECUTE AN AGREEMENT WITH FOAMFRAT FOR CONTINUING EDUCATION LEARNING MANAGEMENT SYSTEM

Mr. Verno presented the following:

WHEREAS, it is necessary for EMS personnel to have access to a continuing education learning management system to allow for State Department of Health recertification, which is required of EMTs and Paramedics every three years; and

WHEREAS, Wayne County EMS personnel have reviewed the offerings and applicability of the current

system utilized by Wayne County Advanced Life Support, as compared with a new system offered by FoamFrat, and have found that the FoamFrat system offers several advantages over the current system by Cypherworx, including several types of national credentialing, and a much more robust means of creating internal trainings that can be posted for employees and tracked for the entire department; and

WHEREAS, based on the system reviews, the current agreement with Cypherworx would be terminated following the successful implementation of the FoamFrat system; now, therefore, be it

RESOLVED, that the Chairman of the Board of Board of Supervisors shall be authorized to execute an agreement with FoamFrat of Hockessin, DE, for continuing medical education software for use by Wayne County EMS, for a contract term of three years, at an annual cost of \$4999.50 for up to 50 users, scalable in the event that the number of users exceeds 50 during the contract term, with the agreement subject to the review and 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 347-23: AUTHORIZATION TO RELEASE AND AWARD AMBULANCE BID AND TRANSFER FUNDS FOR THE WAYNE COUNTY EMS

Mr. Verno presented the following:

WHEREAS, there are currently two ambulances on order from Gorman Enterprises of Elma, NY, for use in the Countywide EMS project; and

WHEREAS, timely delivery of ambulances continues to be an issue nationwide, due primarily to limitations in chassis availability, as delivery of new ambulances ordered continues to sometimes not occur for more than one year after an order is placed; and

WHEREAS, as a result of this known, continuing issue, the EMS Project Oversight Committee has discussed the appropriateness of placing the County's order for the next two ambulances in the near future, with the committee voting unanimously to recommend the initiation of the selection and purchase process for two ambulances as soon as possible; now, therefore, be it

RESOLVED, that the County Highway Superintendent is hereby authorized to utilize the mini bid process to advertise and award the purchase of two type III ambulances, with the intent that the ambulances to be purchased are similar to those currently on order; and be it further

RESOLVED, that the County Treasurer is hereby authorized to transfer \$450,000.00 from Unassigned General Fund Balance to allow for the purchase of two ambulances for Wayne County Emergency Medical Services, as follows:

A9950 Transfer to Capital Fund Projects

(Appropriations)

\$450,000.00 to 59711 CWEMS

H4902 ARPA

(Revenue)

\$450,000.00 to 45031 CWEMS Interfund Transfer

(Appropriations)

\$450,000.00 to .52300 CWEMS Motor Vehicles

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

RESOLUTION 348-23: AUTHORIZATION FOR DISTRICT ATTORNEY TO RENEW CONTRACT WITH THOMPSON REUTERS FOR ACCESS TO WESTLAW LEGAL RESEARCH SERVICE

Mr. Verno presented the following:

WHEREAS, the Wayne County District Attorney (DA) has requested and reviewed a new proposed three year contract with Thompson Reuters for Westlaw Legal Research, which provides the most beneficial and cost-effective resources for legal research; and

WHEREAS, it is essential that the District Attorney's Office, its Attorneys and staff have the ability to conduct necessary legal research in order to promote and protect public safety; and

WHEREAS, said contract renewal begins July 1, 2023; and

WHEREAS, the yearly cost of the contract is \$ 20,359.44 as budgeted in account A11654.54472; and

WHEREAS, the DA is hereby requesting approval to enter into a new three year contract with Thompson Reuters for said electronic research services and various legal books and publications in order to continue to receive such services without interruption to the existing research services; now, therefore, be it

RESOLVED, that the Wayne County Chairman of the Board of Supervisors is hereby authorized to execute the three year Contract with Thompson Reuters for Westlaw Legal Research, from July 1, 2023 to June 30, 2026, subject to the approval of the County Attorney as to form and content.

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

RESOLUTION 349-23: AUTHORIZATION TO CREATE AND SET SALARY FOR PART-TIME ASSISTANT DISTRICT ATTORNEY

Mr. Verno presented the following:

WHEREAS, the demands of the office of the District Attorney have increased significantly and the current staff's workload is at maximum capacity; and

WHEREAS, beginning in August there will be a temporary vacancy of 2 ADA positions; and

WHEREAS, The District Attorney is desirous of adding an additional part-time assistant district attorney to the staff to help meet these demands going forward; and

WHEREAS, the DA's office is currently handling approximately 1343 active cases with an average of 149 cases for Court assigned ADA's; and

WHEREAS, the new Discovery Law creates an overwhelming burden on time especially for Part Time ADA's; and

WHEREAS, the position would create a stronger and more efficient DA office to manage the increased work load; and

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) has approved and, in June of 2022, provided \$279,456.00 in funding to assist the County and District Attorney's Office with expenses related to the new Discovery and Bail Laws; and

WHEREAS, the Wayne County Board of Supervisors by and through Chairman Phillip Eygnor having approved said funding by adopting Resolution 34-22; and

WHEREAS, there is \$52,701.00 of Discovery funding for various identified purposes that remains unexpended and will be appropriated to this new position in 2023; and

WHEREAS, in the event that funding is no longer available, the position will be abolished unless extended by Board resolution; now, therefore be it

RESOLVED, that the District Attorney's Office is authorized to create and fill a part time ADA position and set salary at up to \$ 47,612 and the District Attorney is authorized to hire and fill this position commencing no sooner than July 21,2023; and be it further

RESOLVED, that the County Treasurer is authorized to transfer \$28,962 from Unassigned General Fund Balance and adjust the 2023 budget as follows:

A1165 District Attorney

\$25,000 to 51026 Assistant District Attorney

\$1,912 to 58200 Payments to Social Security

\$2,050 to 58100 Payments to NYS Retirement

Mr. Chatfield motioned to amend the resolution to change the hire date from August 1, 2023 to July 21, 2023. Seconded by Mr. Groat. Upon roll call, amended.

Mr. Kolczynski moved the adoption of the resolution. Seconded by Mr. Mettler. Upon roll call, all Supervisors voted Aye except VanLaeken, Leonard and Miller who were absent. The Chairman declared the resolution adopted.

RESOLUTION 350-23: AUTHORIZATION TO FILL AND SET SALARY FOR FULL TIME ASSISTANT DISTRICT ATTORNEY POSITION

Mr. Verno presented the following:

WHEREAS, this Position requires an experienced and talented felony prosecutor with proven leadership and supervisory experience, and

WHEREAS, this full-time position is necessary to handle both County and Justice Court case load; and

WHEREAS, this position # 51931 formerly held by Tracey Fox has been vacant since December 31, 2022; and

WHEREAS, this position has been reviewed and approved by the County's Pay Plan Advisory Committee; now, therefore be it

RESOLVED, that Chairman of the Wayne County Board of Supervisors is hereby authorized to approve and set the salary for a full time Assistant District Attorney's position # 51931 salary at \$ 92,196.00 commencing July 7, 2023.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Mettler. Upon roll call, all Supervisors voted Aye except VanLaeken, Leonard and Miller who were absent. The Chairman declared the resolution adopted.

RESOLUTION 351-23: AUTHORIZATION TO ACCEPT NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES GRANT, CONTRACT FOR FOURTH COUNSEL AT FIRST APPEARANCE (CAFA4), CONTRACT NUMBER CAFA454, AND AMEND 2023 BUDGET

Mr. Verno presented the following:

WHEREAS, New York State Office of Indigent Legal Services has advised the Wayne County Public Defender of the availability of a continuing single source grant for the purpose of providing counsel at first appearance in the Centralized Arraignment Part; and

WHEREAS, the Public Defender's Office applied for aforesaid competitive grant and has received notification the sum of \$317,250 has been awarded; and

WHEREAS, the term of said grant is for three years, January 1, 2023 through December 31, 2025, beginning immediately; and

WHEREAS, the grant will fund Interpreter Services (Language Line), on an as-needed basis during counsel at first appearances in justice courts; and

WHEREAS, the grant will fund expansion of contract lawyer fees for services funding the Centralized Arraignment Program (CAP) stipends paid to various attorneys providing counsel at CAP arraignments; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is authorized to accept said grant for a three-year term from January 1, 2023 through December 31, 2025, and to sign the required contract, subject to the review and approval by the Wayne County Attorney as to form and content; and be it further

RESOLVED, that the Wayne County Public Defender is authorized to pay contract attorneys for services rendered at first appearances (CAP) from this grant; and be it further

RESOLVED, that the Wayne County Public Defender is authorized to pay language interpreters (Language Line) for services rendered during counsel at first appearance in justice court from said grant; and be it further

RESOLVED, that the Wayne County Treasurer is authorized to make the 2023 budget adjustments listed below:

A1170 PUBLIC DEFENDER

(Revenue)

Amount	Object #	Project ID	Object Name	Description
\$50,250 to	43024	CAFA4	Indigent Legal Services	Counsel at First Appearance

(Appropriations)

Amount

\$50,000 to	54400	CAFA4	CAFA Contracted Services	Attorney contractual services CAP Arraignment Stipends
\$250 to	54500	CAFA4	CAFA4 Fees for Services	Interpreter Services

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

RESOLUTION 352-23: AUTHORIZATION TO CREATE (6) PART-TIME DEPUTY SHERIFF ROAD PATROL POSITIONS

Mr. Verno presented the following:

WHEREAS, in 2019, the COVID pandemic contributed to the reduction of work needed to be performed by part-time deputies, thereby reducing the number of part time deputies that were employed by the Sheriff's Office in successive years; and

WHEREAS, now that government operations in Wayne County have been fully restored; and
WHEREAS, there is a need for part-time deputies to perform no less than an average of 80 hours weekly; and

WHEREAS, there are currently (4) part-time deputies assigned to the Road Patrol Division. In 2022 the part-time Deputy Sheriff staff worked an average of 58hrs weekly; and

WHEREAS, the Sheriff is desirous of creating a larger pool of part-time candidates to conduct needed work consistently and efficiently; and

WHEREAS, The duties of a part-time Deputy Sheriff include pistol permit processing, transports, recreation safety, paper service, sex offender registry management, and county building security checks; and

WHEREAS, to ensure the duties of a part-time Deputy Sheriff are completed thoroughly and efficiently, the Sheriff is desirous of creating (6) Deputy Sheriff Road Patrol part-time positions; and

WHEREAS, there is currently sufficient funding in the Road Patrol Deputy Sheriff budget to cover the cost of the additional (6) part-time Deputy Sheriff Road Patrol positions; now, therefore, be it

RESOLVED, that (6) part-time Deputy Sheriff Road Patrol positions be created effective immediately to meet increased part-time Deputy Sheriff Road Patrol demands, and the Sheriff is authorized to hire and fill these positions.

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

RESOLUTION 353-23: AUTHORIZATION TO CREATE A NEW SERGEANT POSITION WITH USE OF THE 2022 DOMESTIC TERRORISM PREVENTION PROGRAM FUNDS AND AMEND THE WAYNE COUNTY SHERIFF'S DETECTIVE DIVISION 2023 BUDGET

Mr. Verno presented the following:

WHEREAS, the Wayne County Sheriff's Office has accepted a no match grant (RES# 594-22) from the Department of Homeland Security and Emergency Services under the 2022 Domestic Terrorism Prevention Program (FY2022 DTP22), in the amount of \$172,413.00; and

WHEREAS, the Sheriff is desirous of expending funds to create a Sergeant position to assist with the creation and supervision of the threat assessment monitoring team (TAM), to ensure proper training of (TAM) team members, and training all law enforcement in response to domestic terrorism incidents; and

WHEREAS, the Sheriff is requesting authorization to create a Sergeant position with the use of the FY2022 DTP22 grant funds; and

WHEREAS, in the event that the grant funding for the position was to become unavailable, that the Sheriff's Office will abolish this position; now, therefore, be it

RESOLVED, that a Sergeant position be created for the domestic terrorism prevention program effective July 7, 2023; and be it further

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

A3115 Sheriff- Detective Unit

(Revenue)

\$60,787 to 44306 DTP22 Homeland Security

(Appropriations)

\$39,946.00 to 51503 Sergeant

\$6,229.00 to 58100 Payment to Retirement

\$11,492.00 to 58400 Payment to Health Insurance

\$3,120 to 58200 Payment to FICA

Mr. Lasher moved the adoption of the resolution. Seconded by Mr. Donalty. Upon roll call, all Supervisors voted Aye except VanLaeken, Leonard and Miller who were absent. The Chairman declared the resolution adopted.

RESOLUTION 354-23: AUTHORIZATION TO SIGN AN AGREEMENT WITH THE WAYNE CENTRAL SCHOOL DISTRICT FOR TWO DEPUTY SHERIFF SCHOOL RESOURCE OFFICERS

Mr. Verno presented the following:

WHEREAS, the Wayne Central School District, hereinafter referred to as the District, is desirous to

enter into an agreement with the County of Wayne and Wayne County Sheriff to provide the District two (2) full-time Deputy Sheriff School Resource Officers (SROs), funded by the District, which shall include salary, fringe benefits, vehicle expenses, uniforms, training, administrative charge and other related expenses for 12 months of the school year; and

WHEREAS, the District is requesting an agreement with the County and Sheriff for such SROs commencing on July 1, 2023 through June 30, 2024; and

WHEREAS, such agreements shall contain a clause stating that if funding for the SROs position ceases the position shall be eliminated by attrition; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors and Sheriff are hereby authorized to sign an agreement with the Wayne Central School District for two (2) full-time Deputy Sheriff SROs, for the time period of July 1, 2023 through June 30, 2024 and upon review and approval of the County Attorney.

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

RESOLUTION 355-23: AUTHORIZATION TO SIGN AN AGREEMENT WITH THE WAYNE FINGER LAKES BOCES CENTRAL SCHOOL DISTRICT FOR DEPUTY SHERIFF SCHOOL RESOURCE OFFICER

Mr. Verno presented the following:

WHEREAS, Wayne Finger Lakes BOCES, hereinafter referred to as BOCES, is desirous to enter into an agreement with the County of Wayne and Wayne County Sheriff to provide one (1) full-time Deputy Sheriff School Resource Officer (SRO), funded by BOCES, which shall include salary, fringe benefits, vehicle expenses, uniforms, training, administrative charge and other related expenses for 12 months of the school year; and

WHEREAS, BOCES is requesting an agreement with the County and Sheriff for such SRO commencing on July 1 st, 2023 through June 30th, 2024; and

WHEREAS, such agreements shall contain a clause stating that if funding for the SRO position ceases, the position shall be eliminated by attrition; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors and Sheriff are hereby authorized to sign an agreement with Wayne Finger Lakes BOCES for one (1) full-time Deputy Sheriff SRO, for the time period of July 1st, 2023 through June 30th, 2024 and upon review and approval of the County Attorney as to form and content.

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

RESOLUTION 356-23: AUTHORIZATION TO AMEND RESOLUTION 147-23 TO CARRY OVER THE 2022 REMAINING BALANCE FOR THE 2019 STATE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM (SLETPP) AND AMEND THE 2023 BUDGET

Mr. Verno presented the following:

WHEREAS, Resolution #147-23 authorized the Wayne County Treasurer to amend the Sheriff's Office 2023 budget and to carry over the remaining SLETPP 2019 grant funds in the amount of \$4,813.00; and

WHEREAS, the actual remaining balance of \$42,488.00 to complete the SLETPP 2019 project was available as of December 31, 2022 and fell to the General Fund Balance; and

WHEREAS, the current resolution needs to be amended to reflect the correct remaining balance of \$42,488.00 in the SLETPP 2019 grant project; and

WHEREAS, the Sheriff requests the authorization to amend the 2023 Sheriff's Office budget and carry over the SLETPP 2019 remaining balance of \$42,488.00; now, therefore, be it

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

A3114 Sheriff Road Patrol

Amount Object Code & Name Project Code and Name
(Revenues)

\$42,488.00.00 44306 Homeland Security LET19 SLETPP19

(Appropriations)

\$42,488.00 52300 Motor Vehicle LET19 SLETPP19

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

RESOLUTION 357-23: AUTHORIZING PUBLIC AUCTION SALE OF REAL PROPERTY ACQUIRED BY THE COUNTY FOR DELINQUENT TAXES AND AMENDING DATE TO COMPLETE PURCHASE CONTRACTS AND ADDENDUMS

Mrs. Bender presented the following:

WHEREAS, pursuant to the provisions of Article Eleven (11) of the Real Property Tax Law of the State of New York pertaining to the enforcement of the collection of delinquent taxes, the County of Wayne may acquire title to the real property as shown on Appendix A (attached hereto and incorporated herein by reference) and is entitled to acquire title by Court Order to the properties from 2020 listed on Appendix A; and

WHEREAS, pursuant to the provisions of Article Eleven (11) of the Real Property Tax Law, real property acquired by tax deed or Court Order may be disposed of by the County at such times and upon such terms as shall be determined by the Board of Supervisors; now, therefore, be it

RESOLVED, in accordance with Article Eleven (11) of the Real Property Tax Law;

FIRST: The enforcing officer (Treasurer) is hereby authorized and directed to take appropriate action regarding removal of property from the auction list after the filing of the Summary Judgment motion in connection with the Petition of Foreclosure and up to the time of the auction.

SECOND: The Director of Real Property Tax Services is hereby authorized, empowered and directed to conduct an on-line auction sale of the properties listed on Appendix A at COLLARCITYAUCTIONSONLINE.COM on June 23, 2023 beginning at 10 AM.

THIRD: The Director of Real Property Tax Services is hereby authorized and directed to advertise the auction in such manner as she deems suitable for obtaining the greatest public participation in the sale and to charge the advertising cost to Account No. A1364.54000 (Expenses on Property Acquired for – Advertising).

FOURTH: Each parcel of property shall be offered and sold at the public auction sale subject to the following terms and conditions of sale:

COUNTY OF WAYNE REAL PROPERTY AUCTION SALE
ON-LINE FORMAT

JUNE 23, 2023 @ 10 am EST

REGISTRATION AND PREVIEW OF ALL PROPERTIES ON-LINE JUNE 1, 2022 – JUNE 22, 2022

TERMS AND CONDITIONS OF SALE

Addendum A

COUNTY OF WAYNE, NY REAL ESTATE AUCTION
PARTIAL AUCTION TERMS - SEE BIDDER APPLICATION AND WEBSITE
FOR ADDITIONAL DOCUMENTS AND INFORMATION

By electronically or manually signing this certification and submitting along with all documents related to the Online Bidder Application, in exchange for bidding privileges, I hereby certify under penalty of perjury the following:

This contract and all related documents should be reviewed by your counsel prior to bidding as it contains terms and requirements which are not subject to modification, bid withdrawal, or bid cancellation. By bidding on any property being offered for auction, you acknowledge that you have either: (1). reviewed

the contract with your attorney or, (2). waived right of attorney review. Further note that failure of purchaser to secure financing prior to date of transfer does not constitute grounds for an extension or return of the Down Payment and Buyer's Premium. You also acknowledge that you are eighteen years or older.

1. The property(s) offered for sale has/have been acquired by the County of Wayne (hereinafter referred to as the "County") by Court Order pursuant to the provisions of Title 3, Article 11 of the Real Property Tax Law of the State of New York.

2. **All potential Bidders/Buyers must BECOME A MEMBER WITH COLLAR CITY AUCTIONS (hereinafter referred to as the "Auction Company") @ WWW.COLLARCITYAUCTIONSONLINE.COM.**

3. All Bidders/Buyers must register for this auction and submit all required Bidder Application documents and then will be manually approved to bid once Bidder Application has been received, reviewed, and approved by the Auction Company. LATE REGISTRATIONS WILL NOT BE APPROVED.

4. Former owners will not be allowed to bid on their properties. No third parties shall be allowed to bid on behalf of a former owner.

5. By acknowledging and executing these terms and conditions, the purchaser certifies that he/she is not representing the former owner(s) of the property against whom the county foreclosed tax liens and has no intent to defraud the county of the unpaid taxes, assessment, penalties, and charges which have been levied against the property. The purchaser agrees that neither he/she nor his/her assigns shall convey, transfer, or assign the property to the former owner(s) against whom the county foreclosed within 24 months subsequent to the auction date. If such conveyance occurs, the purchaser understands that he/she will be found to have committed fraud, and/or intent to defraud, and will be liable for any deficiency between the purchase price at auction and such sums as were owed to the county for unpaid taxes prior to the tax lien foreclosure on the property and consents to immediate judgment by the county for said amounts in addition to reasonable attorney's fees and expenses.

6. NO PERSON OR ORGANIZATION CAN BID ON PROPERTIES AT THE AUCTION IF THEY, OR A CORPORATION OR COMPANY THEY ARE AFFILIATED WITH, OWE PROPERTY TAXES (CURRENT YEAR OR PRIOR YEAR) TO THE COUNTY. ALL SUCH TAX LIABILITIES MUST BE PAID PRIOR TO THE AUCTION IN ORDER TO BID AT THE AUCTION. Previously defaulting parties (i.e. parties who have a property tax installment contract or have failed to pay taxes for prior tax years) are not allowed to bid until 18 months after the default is cured. Failure to comply with this provision will be grounds for default and forfeiture of any deposits paid without exceptions.

7. The property will be conveyed by the county to the purchaser by quit-claim deed, containing a description of the property known as tax map number and as it appeared on the tax roll for the year upon which the county acquired title or as corrected up to date of deed. The deed will be recorded by the County upon payment in full of the purchase price and all closing fees/costs. **POSSESSION OF PROPERTY IS FORBIDDEN UNTIL THE DEED IS RECORDED WITH THE WAYNE COUNTY CLERK CONVEYING TITLE TO THE PURCHASER. TITLE VESTS AT THE RECORDING OF THE DEED.** It is agreed between the county and the purchaser that delivery and acceptance of the deed occurs upon recording of the deed, which shall constitute the transfer of legal title of the premises to the buyer.

8. Deeds shall convey title only to the person identified as the successful bidder whose bid has been accepted by the Board of Supervisors, along with the successful bidder's spouse, if so desired. No deed shall be executed to convey title in the name of anyone other than the successful bidder, and bidder's spouse, if so desired.

9. The county will not furnish an abstract of title or an instrument survey map.

10. The county does not make any representations or warranties, expressed or implied, (a) concerning: the quality or the condition of the title to the property, the validity or marketability of such title, the ownership of any improvements on the property, the condition of the property and any improvements thereon or its fitness for any use, or the accuracy of the property description on the tax roll or in the notice of sale or any other advertisement of sale furnished by the county; or (b) that the property or any improvements thereon presently comply with building or zoning codes, or with any state or local laws or regulations. Any information concerning the property furnished by the county or any of its officers, employees, or agents shall not be deemed to include any such representations or warranties. Any promotional tools such as photographic slides, tax maps, written or verbal descriptions, etc. are for informational purposes only.

11. **Any successful bidder, who fails to tender the deposit as outlined, will be forbidden to**

participate in this or any other auction for a time period of 18 months. Any parcels where the deposit was not received at the close of the auction contract completion date will be considered defaulted. If a purchaser fails to close on the parcel(s) that he/she bids on at the auction, he/she will be prohibited from participating at future auctions held for the County of Wayne for a time period of 18 months.

12. I acknowledge that I have received a complete bidder packet and will not be approved to bid until the Auction Company has received my fully completed Online Bidder Application.

13. As specified in the "Online Bidder Application," I unconditionally acknowledge, agree, and authorize the Auction Company to place a \$1,000.00 hold on my credit or debit card **(NO PREPAID CARDS OR AMERICAN EXPRESS ACCEPTED)** or you may include an official bank check made payable to COLLAR CITY AUCTIONS, INC. PERSONAL AND/OR BUSINESS CHECKS WILL NOT BE ACCEPTED. Credit card hold released upon completion of the purchase and sale contracts for winning bidders, and within 10 business days for non-winning bidders. If your credit card hold is not released, you must contact your credit card company as we auto release them post auction. ANY HOLD UP IS DUE TO YOUR CREDIT CARD COMPANY. The hold is required to be approved to obtain bidding privileges and will only be converted to a fully executable charge and retained if the successful high bidder does not perform and complete the required purchase contracts and addendums by appointment on **July 6, 2023**, at the Wayne County Office Building located at 16 Williams Street, Lyons, NY14489. I further unconditionally pre-authorize and grant permission to the Auction Company to charge my credit or debit card in full or part for all amounts, plus a \$750.00 default fee, if I default in any contractual obligations herein and forever forgo any and all rights to place a chargeback or dispute on any charge placed on my credit card related to my obligations agreed to herein as well as contained in the Online Bidder Application Credit/Debit Card Agreement and/or other auction related documents. If I attempt or do place any chargeback, file a dispute, rescind or claim of any kind, or attempt to cancel any hold or charge of fees due now or in the future, I unconditionally grant the Auction Company pre-authorized permission to charge all monies due in full or increments as available. I further acknowledge, pre-authorize, and instruct my credit card company that if I file a dispute, chargeback, or any claim to block, reverse, or cancel any charge or hold placed by the Auction Company or the County that it is not valid. I further instruct and grant unconditional authorization and permission to my credit card company to void my chargeback, dispute, or requests of any kind now and forever. Additionally, I grant the Auction Company permission to charge my credit card now or at any time in the future an additional recovery fee, in full or increments, the amount of \$750.00 to cover their time involved with answering any chargeback, dispute, or claim now or in the future. **I acknowledge that my credit card information provided on my Bidder Registration Application is valid and provided for manual keyed input regardless of if it is a chipped card.** I also acknowledge and agree to reimburse the Auction Company and County all time, legal expenses, attorney fees incurred if I cause litigation or any claim that would cause these types of fees to be incurred. I further agree not to close or block any credit card in an attempt to prevent fees due from being charged to my credit card. I unconditionally acknowledge and agree that upon registering and entering my name and credit card information into the Auction Company's registration process that I am electronically signing and guaranteeing that I have read, fully understand, and agree to abide by and be bound by all related terms and related auction documents. I agree to be fully responsible for all associated costs involved with the resale, remarketing, and any deficiency if I default and the Auction Company and county must resell any property(s) due to my default. I agree that if I bid on multiple properties, these terms and all fees apply individually to each separate parcel.

14. I have read and agree to be bound by all terms herein as well as contained in the County of Wayne, NY Tax Property Online Bidder Application and fully and unconditionally understand and agree to abide by and be bound to them without exception.

15. By registering, I acknowledge I have sufficient funds to meet all requirements as called for by the terms within the Online Bidder Application as well as purchase agreement post auction. I agree to be fully responsible for all collection costs, plus reasonable attorney fees related to any and all collection costs incurred by the County or Auction Company. If I default I fully understand that litigation between the county and any bidder or buyer will only be brought forth in Wayne County Supreme Court and any litigation between the Auction Company and any bidder or buyer shall only be brought forth in Schenectady County Supreme Court or the bidder as purchaser unconditionally acknowledges the Auction Company may bring action in small claims court in Schenectady County, NY for monies due the Auction Company as well.

16. Upon being declared the high bidder on a parcel, the Bidder as Purchaser will be contacted by

the Auction Company to schedule an appointment which will take place at the Wayne County Office Building, 16 Williams Street, Lyons, NY 14489, **Thursday July 6, 2023 from 10:00 am to 4:00 pm**. At that time, the buyer will be required to execute the Contract of Sale Packet and remit the required Down Payment of 10% of the bid price and Buyer's Premium (Buyer's Premium percentage is based on payment method, 6% if paying by cash or bank check and 10% if paying by credit card), per property, based on the total on bid amount. In addition, a 1.5% advertising fee shall apply to all purchases. If a bid price is \$1,000.00 or less, plus buyer's premium and all other required fees/costs, if any described herein, shall be the total purchase price and must be paid in full at time of contract completion. **Bidder is encouraged to pay the entire bid price at Contract of Sale execution. All monies must be made in CASH or Cashier's Check, Visa, Mastercard or Discover. No American Express or Pre-paid Credit Cards. Cashier's Checks must be payable to the Collar City Auctions, Inc. Escrow and drawn on banks insured by the Federal Deposit Insurance Corporation (FDIC) or National Credit Union Association (NCUA). No exceptions.**

17. The property will be sold as advertised and "AS IS" with absolutely no warranty or guaranty, expressed or implied. I agree to accept the property in, "AS IS" condition with all faults as defined in the Auction Rules and Sales Contract. No representations of any kind are or have been made by the Auction Company, County of Wayne or their agents as to the title or physical condition of the property or as to the existence of any improvements thereon including water/well and sewer/septic systems. The sale of these properties is pursuant to a purchase contract. Failure of purchaser to secure financing prior to date of transfer does not constitute grounds for an extension or return of the down payment or buyer's premium. All information contained in the Auction Brochure and contained within the website of Collar City Auctions, Inc. and contained in the Online Bidder Application is supplied for informational purposes only and not guaranteed. Prospective purchasers are urged to fully research any property prior to bidding at auction. Furthermore, all parties agree to hold harmless the County, Auction Company and their agents from any errors and/or omissions, injury and/or other matters that may arise now or in the future.

18. I am an eligible buyer as defined in the Auction Terms, Online Bidder Application and Sales Contract Packet.

19. (a) I am not the prior owner of any of the properties being offered for auction;

(b) I am not an immediate family member of a prior owner:

(c) I am not in any way acting on behalf of, as an agent of, or as a representative of the prior owner;

(d) I am not acting as an agent of any officer, stockholder of a Corporation or general or limited partner of a partnership which owns any of the properties being offered for sale;

(e) I do not own property in the County of Wayne, either individually, jointly with another, through a corporation or partnership, which **has delinquent taxes**;

(f) I am not acting on behalf of, as an agent of, or a representative of any of the persons or entities set forth herein or above;

(g) In accordance with the requirements and prohibitions set forth in Article 18 of the General Municipal Law, sitting members of the Wayne County Board of Supervisors are precluded from bidding on any parcels included in the auction. Members of Town Boards for each Town in the County of Wayne are precluded from bidding on any parcels located in their respective Towns. I am not an elected or appointed official, (nor the spouse, minor child or dependent, thereof) involved in the assessment, tax levy, budget making, or tax rate setting process in any municipality in the County of Wayne, including but not limited to Assessors, Board of Review Members, Town Board Members, Town Supervisors, Village Trustees, Village Mayor, County Bureau of Finance, County Attorney, County Legislators, County Clerk, or County Real Property Tax Director;

(h) that I have not defaulted from the prior **TWO** years' County of Wayne Delinquent Auctions. That by submission of a bid, each bidder and each person signing in person or electronically on behalf of any bidder certifies, and in the case of a joint bid, each party thereto certifies that to the best of their knowledge and belief: The prices in a bid have been arrived at independently without collusion, consultation, communication, or agreement for the purpose of restricting competition as to any matter relating to such prices with any other bidder or with any competitor.

20. I understand that in the event that I refuse or fail to complete my contractual obligations as a successful high bidder or if I fail to consummate purchase of any parcel at an auction, the second highest bidder of that parcel, at the discretion of the County of Wayne, NY, shall be offered the opportunity to purchase the parcel at the amount of the second highest bid plus the buyer's premium, closing costs/fees,

and such other amounts as are due under these terms and conditions of sale. Secondary sale is not grounds for any refund or release of performance obligations to initial bidder as purchaser.

21. I understand and agree that if at any time prior to the recording of the deed, the County of Wayne determines that the Buyer is one of the persons set forth in paragraph 4, 5 and 6 herein or in violation of paragraph 8 herein, the County of Wayne at its sole option shall declare the public online auction sales contract breached and the County of Wayne shall retain any and all down payments made, and the Buyer shall forfeit all buyer's premium to the Auction Company paid or due and owing. I understand that if I am an elected official bidding on tax property within the local government jurisdiction that I serve, knowingly entering into a purchase contract is in violation of state law and may subject me to criminal and/or civil penalties including but not limited to: forfeiture of deposits, purchase price, buyer's premium, and title to the subject property.

22. I agree to hold the Auction Company, County of Wayne and their agents and or principals to the extent permitted by law, harmless from any claims based on environmental hazards that may be present on any property I purchase. No representations have been made or will be made by the County of Wayne as to the environmental condition or zoning compliance of the property.

23. I have received a copy of the pamphlet Protect Your Family From Lead in Your Home and I waive the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead based paint hazards.

24. I understand that only bids made by clearly using my user identification/user screen name will be accepted and that the bidding process will be recorded.

25. All parcels purchased by a Buyer must be paid for in full. Selective closings are not permitted. Failure to remit full payment on all parcels purchased at the auction will result in a forfeiture of all monies paid, which will be retained by the county and Auction Company as liquidated damages, and the cancellation of all sales to the Buyer.

26. All tax properties sold at auction are being sold subject to:

- a) Rights of the public and others in and to any part of the premises that lies within the bounds of any street, alley, or highway.
- b) Manufactured home, mobile home or trailer liens, if any.
- c) All covenants, leases, easements, and restrictions of record affecting said premises, if any.
- d) Any state of facts that an accurate, currently dated survey might disclose.
- e) Environmental conditions of property.
- f) All New York State and Federal tax liens, if any.
- g) All taxes due as applicable and disclosed on the date of the auction. It is understood that these taxes may not be exact and owing
- h) Village tax liens, if any.
- i) Back delinquent taxes are forgiven, and the Buyer shall not be liable for any previous taxes owed by the former owner.

27. The premises being sold may be subject to tenancies and/or leases affecting the said premises. Buyer is to determine the existence and status of such interests and the applicable legal rights there to. Evictions, if necessary, are solely the responsibility of the Buyer after the recording and receipt of the deed.

28. The total Bid Price is the combination of the high bid, the buyer's premium, and all applicable fees. The buyer shall enter into the required non-contingent purchase and sale agreement. All sales shall be final, absolute and without recourse, and in no event shall the county be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, its heirs, successors or assigns, against the county arising from this sale.

29. Notice is hereby given that the premises being sold may lie within an Agricultural District as designated upon the tax map. It is the sole responsibility of any bidder to ascertain which specific parcel(s) is so designated and thereby sold subject to the provisions of law applicable thereto.

30. All bids are subject to acceptance by the Wayne County Board of Supervisors. The purchaser's bid will be submitted to the Board of Supervisors on July 18, 2023. It shall be the purchaser's responsibility on **July 19, 2023** to determine whether the bid was accepted or rejected by the Board of Supervisors **by calling our office at 888-222-1522.**

31. The purchaser must pay the balance of the purchase price (**paid in cash, certified check, bank check, money order, credit card payable to the Wayne County Treasurer**) together with the necessary recording taxes and fees (**paid in cash or check payable to the Wayne County Clerk**) no later than 2:00

PM on AUGUST 4, 2023. Upon receipt of such payments, the deed will be recorded in the County Clerk's Office and mailed to the purchaser upon completion of the recording process. The purchaser may not assign his/her right to complete the sale. ALL DEEDS SHALL BE EXECUTED SOLELY IN THE NAME OF THE BIDDER (AND SPOUSE, IF REQUESTED) AS REGISTERED AT THE AUCTION. If the purchaser fails to make such payments on or before AUGUST 4, 2023, the sale shall be deemed cancelled, the County shall not be obligated to convey the property to the purchaser and the purchaser's deposit shall be retained by the County as liquidated damages.

IF THE BALANCE DUE FROM BUYER(S) PLUS ANY ADDITIONAL CHARGES ON EACH PROPERTY PURCHASED AT AUCTION IS NOT RECEIVED IN FULL ON OR BEFORE **FRIDAY AUGUST 4, 2023**, BY 2:00 P.M. at the County of Wayne Treasurer's Office, 16 Williams Street, Lyons, NY 14489, THE BUYER(S) SHALL IMMEDIATELY FORFEIT THEIR DOWN PAYMENT OR ANY PAYMENTS MADE WITHOUT RECOURSE AND THE PURCHASE AND SALE AGREEMENT SHALL BECOME NULL AND VOID FOR ANY OBLIGATION THE COUNTY AND AUCTION COMPANY HAD TO PURCHASER. Purchaser agrees and understands that the buyer's premium is deemed earned by Auction Company upon approval or acceptance of bid by the county and is non-refundable. This means when you become the successful high bidder through bidding. A sample purchase and sale agreement is available online at www.CollarCityAuctionsOnline.com or call our office at 518-895-8150 x 3003 to request a sample be sent via USPS if you do not have internet access. No internet accessibility? You may also place a bid utilizing our "Absentee Bid Form" contained within the "Online Bidder Application". Persons defaulting from prior year's auctions are disqualified for eighteen months from participating in delinquent property tax auctions or acquiring title through such process.

32. The transfer costs/fees which the purchaser shall be required to pay, in addition to bid price, shall consist of:

- a) Filing fee for the Real Property Transfer Report (RP-5217) of \$125.00 if the property is classified as agricultural, a 1-3 family dwelling, an apartment, or condominium, and \$250.00 if the property is otherwise classified (vacant, commercial, entertainment, community service, industrial, public service, forest, etc.)
- b) Filing fee for combined Capital Gains Transfer Tax Affidavit \$5.00
- c) Preparing, recording, and filing of the deed, \$55.00
- d) Capital Gains Transfer Tax, \$4.00 per \$1,000.00 of bid price

33. **Property Inspections: DRIVE BY ONLY. DO NOT ENTER PROPERTIES!**

34. Purchasers are not responsible for payment of any delinquent county property taxes which were due prior to the foreclosure. Purchasers will, however, be responsible for the current year 2023 Village property tax bill and any relevy amounts. If the property tax payment for any village parcels that include a relevy are not received, the purchaser will be responsible for the full amount of the Village bill to include all relevy amounts. Any 2023 Village property tax bills not paid must be paid directly to the Village as instructed on the bill. The county will convey the property free and clear of county tax liens accrued on or before January 1, 2023.

35. In order to avoid future delinquent charges, the new owner should immediately advise all tax collectors of the new ownership, and the address where future tax bills are to be mailed.

36. All bids are subject to and contingent upon approval and acceptance by the Wayne County Board of Supervisors. The county reserves the right to sell to the second highest bidder if Purchaser defaults.

37. The Board of Supervisors reserves the right to accept or reject any or all bids, or to withdraw any parcel from the sale at any time prior to delivery of the deed to the purchaser.

38. In the event that a sale is cancelled by Court Order or judgment or by the Wayne County Board of Supervisors, the successful bidder shall be entitled only to a refund of the purchase money. Purchaser shall not be entitled to special or consequential damages, attorney fees, reimbursement for any expenses incurred as a result of ownership or improvements of the property, nor for taxes paid during the period of ownership.

39. No personal property is included in the sale of any property and/or parcel(s) owned by the County of Wayne. The disposition of any personal property located on, in, under or on the property or parcel sold shall be the sole responsibility of the purchaser upon transfer of title.

40. Notice to Real Estate Brokers/Agents: The Auction Company is acting in the capacity of a Real Estate Broker/Auctioneer and NOT as a Realtor on the auction of the properties contained herein. The Auction Company is NOT offering any cooperating brokerage fee to any outside brokerage company or

agent for producing a bidder or purchaser at this auction. It is recommended that Brokers and/or Agents structure some type of compensation from the buyer they are representing.

I, the Bidder, acknowledge that I, read, write and fully understand the English language and further agree and acknowledge that I have fully read and, if felt necessary, reviewed all terms/bidder registration documents related to bidding and purchasing with my counsel. I further acknowledge that all information is true and accurate under penalty of law.

_____	_____
Print Name	Print Name
_____	_____
Signature	Signature
_____	_____
Date	Date

Mr. Robusto moved the adoption of the resolution. Seconded by Mr. Kolczynski. Upon roll call, all Supervisors voted Aye except VanLaeken, Leonard and Miller who were absent. The Chairman declared the resolution adopted.

RESOLUTION 358-23: AUTHORIZATION TO APPROVE TAX ENFORCEMENT FEES FOR CALENDAR YEARS 2024, 2025 AND 2026

Mrs. Bender presented the following:

WHEREAS, New York State Law allows the County Treasurer to charge a tax enforcement fee of \$150 or more on each parcel in the property tax foreclosure process; and

WHEREAS, this fee is to offset the costs involved with foreclosure; and

WHEREAS, the County has always had a low fee due to retaining proceeds from the tax Foreclosure Auction; and

WHEREAS, changes to the tax foreclosure process will no longer allow the County to retain anything above the taxes owed and administrative cost; now therefore be it

RESOLVED, that the Tax Enforcement Fee to be added by the County Treasurer is

2024 Calendar Year - \$350

2025 Calendar Year - \$350

2026 Calendar Year - \$350

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

RESOLUTION 359-23: AUTHORIZATION TO RESCIND RESOLUTION #343-18

Mrs. Bender presented the following:

WHEREAS, that pursuant to a decision from the United States Supreme Court Case dated May 25, 2023 for a case of Tyler v. Hennepin County, Minnesota, et al, it was ruled that the County can't keep the excessive funds it collects from said parcels, which was sited to be a violation of the Fifth Amendment's Takings Clause; and

WHEREAS, Resolution #343-18 was duly adopted by the Wayne County Board of Supervisors on June 19, 2018; and

WHEREAS, said resolution authorized the County to transfer the profits from the annual property tax foreclosure to address the derelict properties within Wayne County Regional LandBank; now, therefore be it

RESOLVED, that resolution #343-18 is hereby rescinded in its entirety.

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

RESOLUTION 360-23: ADOPTION OF THE 2024-2028 CAPITAL PLAN FOR WAYNE COUNTY

Mrs. Bender presented the following:

WHEREAS, the County Administrator submitted the proposed 2024-2028 Capital Plan to the Board of Supervisors on April 17, 2023; and

WHEREAS, Department Heads who have submitted Capital Plan requests have reviewed their requests at their regularly scheduled May committee meetings; and

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

WHEREAS, a Public Hearing on the 2024-2028 Capital Plan was conducted on June 20, 2023; 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 hereby adopts the 2024-2028 Capital Plan filed with the Clerk of the Board.

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

RESOLUTION 361-23: AUTHORIZATION TO AMEND THE 2023 BUDGET TO ALLOCATE COURT SECURITY CONTRACT INCREASES

Mrs. Bender presented the following:

WHEREAS, the Wayne County 2023 Adopted Budget includes a contingency budget for the financial impact of Court Security salary and associated fringe increases anticipated to take place in 2023; and

WHEREAS, the Wayne County Court Security Officers received salary increases with the adoption of Resolution 727-22 ratifying the 2023-2025 collective bargaining agreement with the Wayne County Sheriff's Court Officers' Association; now, therefore be it

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

A1990 Contingent Fund General

(Appropriations)

\$22,020.00 from 54000 Contractual Expenses

A3116 Sheriff – Court Security

(Appropriations)

\$2,547.00 to 51499 Court Security Supervisor

\$15,284.00 to 51503 Court Security Officer

\$1,525.00 to 58100 NYS Retirement

\$2,664.00 to 58200 Payments to Social Security

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

RESOLUTION 362-23: AUTHORIZATION TO AMEND RESOLUTION 256-23, ADOPT MORTGAGE TAX REPORT AND AUTHORIZE COUNTY TREASURER TO MAKE PAYMENT TO TOWNS AND VILLAGES

Mrs. Bender presented the following:

WHEREAS, Resolution 256-23 included numerical errors in the town and village mortgage tax shares; and

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	105,645.26	Newark	43,240.65	148,885.91
Butler	16,285.03	Wolcott	665.10	16,950.13
Galen	23,882.36	Clyde	3,606.44	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	39,095.22	Palmyra	5,221.50	44,316.72
Rose	13,031.55		0.00	13,031.55

Savannah	6,255.31		0.00	6,255.31
Sodus	39,233.86	Sodus	2,750.33	48,129.22
		Sodus Pt.	6,145.03	
Walworth	96,236.04		0.00	96,236.04
Williamson	47,044.42		0.00	47,044.42
Wolcott	30,861.09	Red Creek	1,139.89	34,659.64
		Wolcott	2,658.67	
TOTAL	\$851,045.84		\$65,427.59	\$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. Groat moved the adoption of the resolution. Seconded by Mr. Mettler. Upon roll call, adopted.

RESOLUTION 363-23: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH INTERNATIONAL DATA BASE CORP DBA BIDNET FOR BID/RFP EVALUATION SOFTWARE AND AMEND THE 2023 BUDGET FOR THE PURCHASING DEPARTMENT

Mrs. Bender presented the following:

WHEREAS, Resolution 118-22 authorized the County to join the Empire State Purchasing Group on the BidNet Platform and accept bids, RFPs, and RFQs in an electronic format; and

WHEREAS, the use of the BidNet platform has increased the County's vendor outreach, resulting in greater competition and more bids and proposals to review; and

WHEREAS, the current review process relies heavily on the manual creation of scoring matrixes, tabulation of scores, and following up with evaluators to ensure that deadlines are met and an overall consensus is achieved which is time-consuming and inefficient; and

WHEREAS, BidNet offers a module that integrates currently with the bidding platform that allows for bids and proposals to be automatically pulled into the evaluation module and provides them to the evaluators without additional steps, also providing a secure process for ranking vendor proposals where deadlines and automated reminders can be set, in addition to the features above the module provides for a clearer audit trail which is valuable in case of audit or litigation; and

WHEREAS, the Purchasing Department in conjunction with several other users attended a demonstration of the software and determined that it would be a benefit for the Bid/RFP process for the County; and

WHEREAS, BidNet has provided Wayne County with a quote for a term of 3 years for a total cost of \$10,818.15, payable annually Year 1: \$3,500.00, Year 2: \$3,605.00, Year 3: \$3,713.15; now therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is authorized to sign an agreement for a period of up to three years, commencing on the date the agreement is fully executed, with BidNet, subject to review and approval of the County Attorney as to form and content; and be it further

RESOLVED, that the County Treasurer is authorized to amend the 2023 Purchasing Department budget as follows:

A1990 Contingent Fund General

(Appropriations)

\$3,500 from 54000 Contractual Expenses

A1345 Purchasing Department

(Appropriations)

\$3,500 to 54475 Software

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

RULE 14 RESOLUTIONS

RESOLUTION 364-23: AUTHORIZATION TO AMEND RESOLUTION 403-22 CONTRACT WITH

TRANSPO BUS SERVICES, LLC CONTRACT NO.WC22208

Mr. Robusto presented the following:

WHEREAS, Wayne County Public Health (WCPH) is required to pay for out of county transportation services for those children ages 0-5 years of age with developmental and physically handicapping conditions approved for Related Services not offered within the county. Currently WCPH contracts with Transpo Bus Services, LLC for the provision of out of county transportation for Wayne County children; and

WHEREAS, The current transportation expenses for children ages 0-5 have exceeded the \$500,000 threshold for the current contract year. WCPH would like to increase the total contracted amount from \$500,000 to \$730,000 for the remainder of this contract year ending on August 31, 2023; and

WHEREAS, no changes in our budget are required as there is sufficient dollars available and allocated in our 2023 budget; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute and sign an amendment with Transpo Bus Services, LLC to increase the allowable expense for out of county transportation, contract #WC22208, from \$500,000 to \$730,000 for the current contract ending on August 31, 2023, 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 365-23: AUTHORIZATION TO AMEND RESOLUTION 247-23 EXECUTE CONTRACTS FOR THE 2023 WAYNE COUNTY FAIR

Mr. Donalty 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;

now, therefore be it

RESOLVED, that 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:

<u>DEPARTMENT</u>	<u>QTY/Booth</u>	<u>\$5/Extra Passes</u>	<u>Utilities</u>	<u>TOTAL</u>
WC DSS	1 Booth (220.00)	0	N/A	\$220.00
WC Veterans	1 Booth (220.00)	2 passes (10.00)	\$50/Electric	\$280.00

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

ANNOUNCEMENT

The Chairman announced the next meeting of the Wayne County Board of Supervisors for July 18, 2023 at 9 a.m. in the Supervisors Chambers.

ADJOURNMENT

Mr. Groat motioned to adjourn at 10:13 a.m. Mr. Verno second. Carried.

Kelley P. Loveless, Clerk
Wayne County Board of Supervisors
