

4th Day
Tuesday, March 19, 2019
9:00 a.m.

The regular meeting of the Board of Supervisors was held in their chambers in the Court House, Chairman LeRoy presiding.

The Pledge of Allegiance was led by Supervisor Spickerman, followed by Chairman LeRoy giving the invocation.

Upon roll call, all Supervisors were present, except Supervisors Miller and Kolczynski who were absent today.

County Administrator Richard House and County Attorney Daniel Connors were also present.

APPROVAL OF MINUTES:

Mrs. Crane moved, seconded by Mr. Robusto, to waive the reading of the minutes of the previous meeting and approve them as distributed. Upon roll call, carried.

COMMUNICATIONS:

The Chairman requested a motion to waive the reading of the following communications received and to approve them as listed below:

Copies of the Sheriff's Office Cash Receipts Reports dated February 21, 2019 totaling \$15,189.34 as received.

A copy of an Application for Real Property Tax Exemption on Form RP-412-a with attached PILOT agreement was received from Harris Beach, PLLC and the Wayne County Industrial Development Agency for the **Solar Advocate Development LLC Project**, dated February 27, 2019, for property located within the Town of Williamson.

A copy of an Application for Real Property Tax Exemption on Form RP-412-a with attached PILOT agreement was received from Harris Beach, PLLC and the Wayne County Industrial Development Agency for the **Solar Advocate Development LLC Project**, dated February 27, 2019, for property located within the Town of Macedon.

A copy of an Application for Real Property Tax Exemption on Form RP-412-a with attached PILOT agreement was received from Harris Beach, PLLC and the Wayne County Industrial Development Agency for the **1000 Silver Hill LV LLC Project**, dated February 27, 2019, for property located within the Town of Arcadia.

A letter was received from the NYS Canal Corporation with regards to extending the closing time of the locks at Mays Point, Clyde, Lyons, Newark, Palmyra and Macedon to 7 pm during the summer months.

A letter was received from Christine Natale, Chair of the Victim Resource Center of the Finger Lakes Board of Directors, announcing the appointment of Amy Pauley, as Executive Director of the Victim Resource Center.

A thank you note was received from the students of the Wayne County 4-H Youth Development Program, thanking Board members and staff for courtesies extended to them during last year's 4-H Supervisor for a Day Program in December.

A copy of the County Auditor's accounts payable report for monthly utilities, miscellaneous payments including the February 2019 warrants for accounts payables, totaling \$4,456,572.85 was received and filed.

Mr. Verkey, seconded by Mrs. Pagano. Motion carried.

ANNUAL REPORTS:

Aging and Youth
Audit Department
District Attorney

Economic Development and Planning
Board of Elections
Emergency Management Services
Human Resources

Information Technology
Nursing Home and Rehab Center
Probation and Correctional Alternatives
Public Defender
Public Health
Public Works

Sheriff's Office
Social Services
Tourism
Treasurer's Office
Veterans Services Agency
Wayne Behavioral Health Network

Chairman LeRoy noted that many County Departments and agencies had submitted their 2018 Annual Reports to their appropriate standing committees, as required.

Mrs. Jacobs moved, seconded by Mrs. Crane that the 2018 Annual Reports be received and filed. Motion carried.

APPOINTMENTS

- Chairman LeRoy announced that Supervisor Lynn Chatfield has been appointed to serve on the Wayne County Action Program Board of Directors
- Supervisor Jake Emmel has been appointed to serve as the Chairman of the County Building use Committee

PROCLAMATIONS

Supervisor Baldrige, Chairman of the Health and Medical Services Committee and Diane Devlin, Director of Public Health read a proclamation recognizing National Public Health Week – April 1-7, 2019.

Supervisor Laurie Crane, read the proclamation congratulating Ryan King, North Rose-Wolcott Varsity Cross County - Most Valuable Player.

Supervisor Lynn Chatfield, read the proclamation congratulating the Red Creek Varsity Girls Cross Country Team for becoming 2018 Sectional Champions.

Supervisor Cassandra Pagano called on students to come forth and individually read the following proclamations:

- Palmyra-Macedon Central School District – Diving Sectional Winner – Alex Brychey
- Palmyra-Macedon Central School District Section V Class C 4 x 800 Indoor Track Champions
- Palmyra-Macedon Central School District Section V Class BBB Team Wrestling Team
- Palmyra-Macedon Central School District Section V Class BBB Team Wrestling Title – Ethan Ferro
- Palmyra-Macedon Central School Varsity Cheerleading Team – Section V Division II A Small Squad

Chairman LeRoy introduced and welcomed Thomas Crowley and the Newark High School Government Class to this morning's meeting.

PRIVILEGE OF THE FLOOR:

Chairman LeRoy opened the floor at this time for members of the public to address the Board of Supervisors regarding items listed on the agenda for action.

There was no public comment for agenda items this morning.

UNFINISHED BUSINESS

Mr. Verno moved seconded by Mr. Verkey to remove Resolution No. 098-19 from the Table, entitled "Adoption of Wayne County New Position and Existing Vacancy Review Policy for 2019 (TABLED 2/19/19)". Motion carried.

Mrs. Crane requested to withdraw said resolution.

Mr. Baldrige requested a reason for this withdraw. County Administrator Rick House responded to say that this resolution was changed in committee and the revised version is

listed on today's agenda for presentation. Carried.

SCHEDULED PUBLIC HEARINGS:

- 9:05 a.m. Proposed Local Law for Amendment of Local Law 2-1995 which Provided for the Installment Payment of Eligible Delinquent Real Property Tax
- 9:10 a.m. Proposed Local Law Amending the Mortgage Recording Tax within the County of Wayne

Prior to the opening of the public hearings scheduled for this morning, Chairman LeRoy read the rules and procedures that are followed for conducting such hearings for the Board.

The Clerk read the introduction of the Notice of Public Hearing regarding a proposed Local Law for Amendment of Local Law 2-1995 which provided for the Installment Payment of Eligible Delinquent Real Property Tax, as follows:

**COUNTY OF WAYNE
NOTICE OF PUBLIC HEARING ON PROPOSED LOCAL LAW**

NOTICE IS HEREBY GIVEN that the Wayne County Board of Supervisors will hold a public hearing on **Tuesday, March 19, 2019 at 9:05 a.m.** in the Supervisors' Chambers in the County Court House, 26 Church Street, Lyons, New York, on the following proposed local law:

**COUNTY OF WAYNE - STATE OF NEW YORK
INTRO NO. 2/LOCAL LAW NO. ___ FOR THE YEAR 2019**

A Local Law to Amend Local Law No. 2 of 1995 to Provide for the Installment Payment of Eligible Delinquent Taxes Pursuant to Real Property Tax Law Section 1184.

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

SECTION 1. PURPOSE

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

SECTION 2. DEFINITIONS

As used in this Section:

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

SECTION 3. AUTHORIZATION

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

signing of an installment agreement between the County Treasurer and the eligible owner. The agreement shall be kept on file in the office of the County Treasurer.

SECTION 4. PROPERTIES

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

SECTION 5. ELIGIBILITY DATE

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

SECTION 6. INSTALLMENT AGREEMENT PROVISIONS

Such installment agreement shall provide:

- (a) The maximum term of an installment agreement, which shall not exceed twenty-four months;
- (b) The payment schedule which shall be monthly;
- (c) A required minimum initial down payment, which shall be \$175.00 or ten percent of the eligible delinquent taxes whichever is greater, but not exceed 25% of the eligible delinquent taxes, although an eligible owner may make larger initial down payment if the eligible owner so chooses.

SECTION 7. RESTRICTIONS

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

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

SECTION 8. AMOUNT DUE

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

SECTION 9. INTEREST AND PENALTIES.

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

- (b) Waiver of interest and penalties for certain eligible deployed military members. The County Treasurer is authorized to waive interest and penalties, provided that:
 - (i) The financial hardship was caused in substantial part by the eligible owner's having been ordered to active military duty in the United States armed forces including the reserve components of such armed forces.
 - (ii) The deployment lasted for at least six contiguous months, or the owner was killed in action during such activation; and
 - (iii) The owner or estate must provide satisfactory written evidence to the County Treasurer prior to foreclosure including documentation from the armed forces showing the eligible owner meets criteria (ii) above.

SECTION 10. DEFAULT

- (a) The eligible owner shall be deemed to be in default of the installment agreement upon:
 - (i) Non-payment of any installment within thirty days from the payment due date;
 - (ii) Non-payment of any tax, special ad valorem levy or special assessment which is levied subsequent to the signing of the agreement by the County, and which is not paid prior to the expiration of the warrant of the collecting officer, or
 - (iii) Default of the eligible owner on another agreement made and executed pursuant to this local law.
- (b) In the event of a default, the County Treasurer shall have the right to require the entire unpaid balance, with interest and late charges, to be paid in full. The County shall also have the right to enforce the collection of the delinquent tax lien pursuant to the applicable sections of the law.
- (c) Where the eligible owner is in default and the County Treasurer does not either require the eligible owner to pay in full the balance of the delinquent taxes or elect to institute foreclosure proceedings, the County shall not be deemed to have waived the right to do so.

SECTION 11. NOTIFICATION OF POTENTIAL ELIGIBLE OWNERS.

- (a) Within forty-five days after receiving the return of the unpaid taxes from the collecting officer, or as soon thereafter as is practicable, the County Treasurer shall notify, by first class mail, all potential eligible owners of their possible eligibility to make installment payments on such tax delinquencies. The County Treasurer shall add one dollar to the amount of the tax lien for such mailing.
- (b) The failure to mail any such notice, or the failure of the addressee to receive the same, shall not in any way affect the validity of taxes or interest prescribed by law with respect thereto.
- (c) The County Treasurer shall not be required to notify the eligible owner when an installment is due.

SECTION 12. TAX LIEN

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

SECTION 13. EFFECTIVE DATE

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

The Chairman opened the floor for public comment on the proposed amendment to this local law for the opportunity for citizens to express their views on the subject.

After allowing time for the opportunity for comments on the proposed Local Law for Amendment of Local Law 2-1995 which provided for the Installment Payment of Eligible Delinquent Real Property Tax, Chairman LeRoy requested a motion to close the hearing.

At 9:32 a.m., Mr. Chatfield moved, seconded by Mrs. Pagano, that the hearing be closed. Upon roll call, carried.

The Clerk of the Board read the introduction of the Notice of Public Hearing regarding a proposed Local Law amending the Mortgage Recording Tax within the County of Wayne, as follows:

**COUNTY OF WAYNE
NOTICE OF PUBLIC HEARING ON PROPOSED LOCAL LAW**

NOTICE IS HEREBY GIVEN that the Wayne County Board of Supervisors will hold a public hearing on **Tuesday, March 19, 2019 at 9:10 a.m.** in the Supervisors' Chambers in the County Court House, 26 Church Street, Lyons, New York, on the following proposed local law:

**COUNTY OF WAYNE - STATE OF NEW YORK
INTRO NO. 3/LOCAL LAW NO. ____ FOR THE YEAR 2019**

A local law amending Local Law No. 4-2005, as amended by Local Law No. 4-2008, as amended by Local Law No. 1 – 2011, as amended by Local Law 1-2014, and amended by Local Law 2-2016 entitled "Adoption of Local Law to Impose a Mortgage Recording Tax within the County of Wayne."

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

SECTION 1

Section 1 of Local Law 4-2005, as amended by Local Law No. 4-2008 and by Local Law No. 1 -2011, and by Local Law No. 1-2014 and by Local Law no. 2-2016 entitled "Adoption of Local Law to Impose a Mortgage Recording Tax within the County of Wayne" is hereby amended to read as follows:

Section 1. Imposition of Tax

Pursuant to Chapter 164 of the Laws of 2005, for the period beginning December 1, 2019 and ending three (3) years from the date of enactment thereof, there is hereby imposed, in the county of Wayne, a tax of \$0.25 for each \$100.00, and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within the county of Wayne and recorded on or after December 1, 2019 and a tax of \$0.25 on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than \$100.00.

SECTION 2

Section 7 of Local Law No. 04-2005 as amended by Local Laws Nos. 4-2008, No. 1 – 2011, No. 1-2014 and No. 2-2016, entitled "Adoption of Local Law to Impose a Mortgage Recording Tax within the County of Wayne" is hereby amended to read as follows:

Section 7. Effective Date

This local law shall take effect on the first day of December 2019, provided a certified copy thereof is mailed by registered or certified mail to the New York State Commissioner of Taxation and Finance at least 30 days prior to such date. Certified copies of this local law shall also be filed with the Wayne County Clerk, the Secretary of State, and the State Comptroller within five days after the date it is duly enacted.

After the introduction was read, the Chairman opened the floor for the public, restating that people interested in making comment should come forward to address the Board.

There was no public comment at this time.

After a second request for comment was made, Chairman LeRoy requested for a motion to close the hearing.

Mrs. Crane moved, seconded by Mrs. Pagano, that the hearing be closed at 9:34 a.m. Upon roll call, motion carried.

RESOLUTION NO. 149-19: AUTHORIZATION TO EXECUTE A CONTRACT WITH THREE+ONE ADVISORS INVESTMENT SERVICES

Mrs. Pagano presented the following:

WHEREAS, the County Treasurer's Office has historically utilized Three+One Advisors for providing cash flow management advisory services, to assist and advise on interest rate negotiations and general banking advisory services; and

WHEREAS, the new County Treasurer would like to continue to utilize Three+One's services through December 31, 2019, these services were budgeted into the 2019 County Treasurer's budget; now, therefore, be it

RESOLVED, that the Chairman of the Board is hereby authorized to sign a contractor agreement, subject to the County Attorney's approval of form and content, with Three+One Advisors for an amount not to exceed \$30,000 for the period January 1, 2019 and terminate on December 31, 2019.

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

RESOLUTION NO. 150-19: AUTHORIZATION TO PURCHASE LASERFICHE RIO USER LICENSE, SCANNER, AND AMEND COUNTY TREASURER BUDGET

Mrs. Pagano presented the following:

WHEREAS, a pipe burst in the basement of County Treasurer's Office on February 4, 2019 which damaged permanent records of the County Treasurer's Office, and

WHEREAS, the County Information Technology Department in conjunction with the County Clerk started digital document imaging project which purchased Laserfiche software from General Code by resolution 244-18, and

WHEREAS, the County Treasurer finds it necessary to start scanning permanent records into digital format eliminating the need to retain the paper copy, safe guarding it from future damage, and

WHEREAS, the County Information Technology Department has provided a quote for the necessary software license and hardware necessary for the County Treasurer's Office to start scanning records internally, now therefore be it

RESOLVED, that the County Information Technology Department and County Treasurer are authorized to purchase the Laserfiche Rio System software and license necessary to scan document at a cost not to exceed \$2,825.00, and be it further

RESOLVED, that the County Information Technology Department is authorized to purchase the necessary scanner at a cost not to exceed \$5,675.00 in accordance with the County Procurement Policy, and be it further

RESOLVED that the County Treasurer is authorized to amend the 2019 County Budget as follows:

A1325 COUNTY TREASURER

(Appropriations)

\$2,825.00 to .54475 Software

\$5,675.00 to .52201 Computer Equipment

A1990 CONTINGENT FUND

(Appropriations)

\$8,500.00 from .54000 Contractual Expense

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

RESOLUTION NO. 151-19: AUTHORIZATION TO SIGN AGREEMENT WITH CBIZ VALUATION GROUP FOR CAPITAL ASSET INVENTORY AND INSURANCE VALUATION SERVICES

Mrs. Pagano presented the following:

WHEREAS, the County has numerous capital assets and buildings that require tracking and valuation for accounting GASB-34 and insurance purposes; and

WHEREAS, the County Treasurer's Office has historically hired a consultant to do the inventory tracking and valuation services; and

WHEREAS, the County Treasurer's Office has a full physical inventory update done by a consultant every five years, while providing updates to the document between each full physical count; and

WHEREAS, the County Treasurer' office has solicited quotes for these services and received the following quotes:

Inventory & Asset Count	Annual Update
CBIZ Valuation Group	\$17,300.00
\$1,200.00	
Industrial Appraisals Company	\$17,890.00
\$3,400.00	

WHEREAS, the County Treasurer recommends using CBIZ Valuation Group for the 2019 Capital Asset inventory and insurance valuation services; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisor is authorized to sign a contract with CBIZ Valuation Group for Capital Asset Inventory and Insurance Valuation services for calendar year 2019, subject to the County Attorneys approval for a cost not to exceed \$17,300.00.

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

RESOLUTION NO. 152-19: ADOPTION OF LOCAL LAW FOR AMENDMENT OF LOCAL LAW 2-1995 WHICH PROVIDED FOR THE INSTALLMENT PAYMENT OF ELIGIBLE DELINQUENT REAL PROPERTY TAX

Mrs. Pagano presented the following:

WHEREAS, a proposed local law amending local law 2-1995 was presented to the Board of Supervisors on March 19, 2019, and

WHEREAS, a public hearing on the proposed local law was held on **March 19, 2019 at 9:05 am** in the Supervisor's Chambers in the County Courthouse, 26 Church Street, Lyons, New York 14489, in accordance with the notice of hearing duly posted and published in the manner prescribed by law, now, therefore be it

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

**COUNTY OF WAYNE - STATE OF NEW YORK
LOCAL LAW NO. 2 FOR THE YEAR 2019**

A Local Law to Amend Local Law No. 2 of 1995 to Provide for the Installment Payment of Eligible Delinquent Taxes Pursuant to Real Property Tax Law Section 1184.

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

SECTION 1. PURPOSE

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

SECTION 2. DEFINITIONS

As used in this Section:

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

SECTION 3. AUTHORIZATION

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

SECTION 4. PROPERTIES

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

SECTION 5. ELIGIBILITY DATE

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

SECTION 6. INSTALLMENT AGREEMENT PROVISIONS

Such installment agreement shall provide:

- (d) The maximum term of an installment agreement, which shall not exceed twenty-four months;
- (e) The payment schedule which shall be monthly;
- (f) A required minimum initial down payment, which shall be \$175.00 or ten percent of the eligible delinquent taxes whichever is greater, but not exceed 25% of the eligible delinquent taxes, although an eligible owner may make larger initial down payment if the eligible owner so chooses.

SECTION 7. RESTRICTIONS

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

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

SECTION 8. AMOUNT DUE

The amount due under an installment agreement shall be eligible delinquent taxes plus the interest that is to accrue on each installment payment up to and including the date on which each payment is to be made. The agreement shall provide that the amount due shall be paid,

as nearly as possible, in equal amounts on each payment due date. Each installment payment shall be due on the last day of the month in which it is to be paid. Such payments shall be applied first to interest, penalties, and other charges, then to principal. As used herein, the term "principal" shall mean the amount of the delinquent tax excluding all interest, penalties, and other charges.

SECTION 9. INTEREST AND PENALTIES.

- (c) Interest on the total amount of eligible delinquent taxes, less the amount of the down payment made by the eligible owner, shall be that amount as determined pursuant to Section 924-a of the Real Property Tax Law. The rate of interest in effect on the date the agreement is signed shall remain constant during the period of the agreement. If an installment is not paid on or before the date it is due, interest shall be added at the rate prescribed by Section 924-a of the Real Property Tax Law for each month or portion thereof until paid. In addition, if an installment is not paid by the end of the fifteenth calendar day after the payment due date, a late charge of five percent of the overdue payment shall be added.
- (d) Waiver of interest and penalties for certain eligible deployed military members. The County Treasurer is authorized to waive interest and penalties, provided that:
 - (iv) The financial hardship was caused in substantial part by the eligible owner's having been ordered to active military duty in the United States armed forces including the reserve components of such armed forces.
 - (v) The deployment lasted for at least six contiguous months, or the owner was killed in action during such activation; and
 - (vi) The owner or estate must provide satisfactory written evidence to the County Treasurer prior to foreclosure including documentation from the armed forces showing the eligible owner meets criteria (ii) above.

SECTION 10. DEFAULT

- (d) The eligible owner shall be deemed to be in default of the installment agreement upon:
 - (iv) Non-payment of any installment within thirty days from the payment due date;
 - (v) Non-payment of any tax, special ad valorem levy or special assessment which is levied subsequent to the signing of the agreement by the County, and which is not paid prior to the expiration of the warrant of the collecting officer, or
 - (vi) Default of the eligible owner on another agreement made and executed pursuant to this local law.
- (e) In the event of a default, the County Treasurer shall have the right to require the entire unpaid balance, with interest and late charges, to be paid in full. The County shall also have the right to enforce the collection of the delinquent tax lien pursuant to the applicable sections of the law.
- (f) Where the eligible owner is in default and the County Treasurer does not either require the eligible owner to pay in full the balance of the delinquent taxes or elect to institute foreclosure proceedings, the County shall not be deemed to have waived the right to do so.

SECTION 11. NOTIFICATION OF POTENTIAL ELIGIBLE OWNERS.

- (d) Within forty-five days after receiving the return of the unpaid taxes from the collecting officer, or as soon thereafter as is practicable, the County Treasurer shall notify, by first class mail, all potential eligible owners of their possible eligibility to make installment payments on such tax delinquencies. The County Treasurer shall add one dollar to the amount of the tax lien for such mailing.
- (e) The failure to mail any such notice, or the failure of the addressee to receive the same, shall not in any way affect the validity of taxes or interest prescribed by law with respect thereto.
- (f) The County Treasurer shall not be required to notify the eligible owner when an installment is due.

SECTION 12. TAX LIEN

The provisions of this local law shall not affect the tax lien against the property except that

the lien shall be reduced by the payments made under an installment agreement, and that the lien shall not be foreclosed during the period of installment payments provided that such installment payments are not in default.

SECTION 13. EFFECTIVE DATE

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

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

RESOLUTION NO. 153-19: TAX REFUND – ERROR ON TAX ROLL

Mrs. Pagano presented the following:

WHEREAS, applications for refund of real property tax claimed to be attributable to an error on the tax roll has duly been filed with the Director of Real Property Tax Services (“Director”) for the properties listed below, pursuant to the provisions of Article Five, Title 3 of the Real Property Tax Law; and

WHEREAS, the Director investigated the circumstances of the claimed errors and has submitted a report recommending the applications be approved; now, therefore, be it

RESOLVED, pursuant to Article 5, Title 3 of the Real Property Tax Law that the following applications are hereby approved and the County Treasurer is hereby authorized and directed to pay the refunds:

TOWN OF WOLCOTT

2019 Tax Roll
Account No. 72118-06-272798
Assessed to: Hartsen, Kim M
Total Tax Difference \$ 1,186.62 Total County Tax Difference: \$ 0
Corrected Total Tax: \$ 984.72

2019 Tax Roll
Account No. 75119-00-866271
Assessed to: DeMass, Ronald & Roseanne
Total Tax Difference \$ 386.22 Total County Tax Difference: \$ 0
Corrected Total Tax: \$ 1,411.21

2018 Tax Roll
Account No. 75119-00-866271
Assessed to: DeMass, Ronald & Roseanne
Total Tax Difference \$ 206.82 Total County Tax Difference: \$ 0
Corrected Total Tax: \$ 1,273.80

TOWN OF LYONS

2019 Tax Roll
Account No. 71111-09-057668
Assessed to: Wayne County Regional Land Bank, Inc.
Total Tax Difference \$ 545.47 Total County Tax Difference: \$ 261.51
Corrected Total Tax: \$ 0

TOWN OF PALMYRA

2019 Tax Roll
Account No. 65111-05-091888
Assessed to: Wayne County Regional Land Bank, Inc.
Total Tax Difference \$ 634.92 Total County Tax Difference: \$ 342.64
Corrected Total Tax: \$ 0

TOWN OF SODUS

2019 Tax Roll
Account No. 71117-19-522046
Assessed to: Wayne County Regional Land Bank, Inc.
Total Tax Difference \$ 145.75 Total County Tax Difference: \$ 83.67
Corrected Total Tax: \$ 0

TOWN OF ARCADIA

2019 Tax Roll
Account No. 68114-00-424065
Assessed to: MRFF Properties, LLC.
Total Tax Difference \$ 441.07 Total County Tax Difference: \$ 249.87
Corrected Total Tax: \$ 3,224.32

and be it further

RESOLVED, that the County Treasurer is hereby authorized and directed to charge back the Refunds in the manner prescribed by Section 556 of the Real Property Tax Law.

Mrs. Crane moved the adoption of the resolution. Seconded by Mr. Deming. Upon roll call, adopted.

RESOLUTION NO. 154-19: AUTHORIZING PUBLIC AUCTION SALE OF REAL PROPERTY ACQUIRED BY THE COUNTY FOR DELINQUENT TAXES

Mrs. Pagano 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 has or will 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 2017 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 County Attorney is hereby authorized and directed to take appropriate action regarding removal of property from the auction list after the filing of the Summary Judgment of 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 a public auction sale of the properties listed on Appendix A at the Lyons High School Auditorium, 10 Clyde Rd., Lyons, New York, on June 12, 2019, commencing at 6:00 p.m.

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
Lyons High School Auditorium, 10 Clyde Rd., Lyons, NY
June 12, 2019 at 6:00 p.m.**

TERMS AND CONDITIONS OF SALE

1. The property offered for sale has 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 provide acceptable photo identification for issuance of a bid number.
3. All Bidders/Buyers must register for this auction and hold a bid number.
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 & 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 attorneys 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. 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.
8. The auctioneer's decision regarding any disputes is final, and the auctioneer reserves the right to reject any bid that is not an appreciable advancement over the preceding bid.
9. The property will be conveyed by the County to the purchaser by quit-claim deed, containing a description of the property 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.
10. 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.
11. The County will not furnish an abstract of title or an instrument survey map.
12. **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, or 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.

13. Any successful bidder, who fails to tender the deposit to the Treasurer at the end of the auction, will be forbidden to participate in this or any other auction for a time period of 18 months. Any parcels which the County of Wayne Treasurer did not receive deposits for by the end of the auction 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.
14. The purchaser shall accept the property and any improvements thereon in "as is" condition with the understanding that the County makes no representation as to ownership or responsibility for any personal property located on the real property. The disposition of any personal property located on any parcel sold at auction shall be the sole responsibility of the successful purchaser following the closing of sale.
15. Evictions, if necessary, are solely the responsibility of the successful bidder after closing and recording of the deed.
16. The sale of the property is made **subject to** (a) Village, Town, New York State and Federal claims for taxes, liens or other encumbrances, and (b) all easements or rights-of-way which were in existence at the time of the levy of the tax the non-payment of which resulted in the tax deed to the County.
17. The County will convey the property free and clear of **County** tax liens accrued on or before January 1, 2019.
18. **The purchaser will pay all of the following taxes and charges, including all interest and penalties if applicable:**
 - **2019 Village Tax; current water, sewer, other special district charges, demolition charges, and any service charges levied and/or relieved against property by a Municipality - INCLUDING ANY APPLICABLE INTEREST AND PENALTIES**
 - **Federal and/or State taxes, liens and encumbrances of record**
 - **2019-2020 School Tax**
 - **2020 Town Tax & County Tax which may include re-levied village or school taxes**
 - **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.**
19. 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.
20. 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.
21. 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.

22. The purchaser shall pay full payment immediately at "Knockdown" (when the Auctioneer says "sold") for any properties sold in the amount of \$2,000 or less.
23. Regarding any properties sold for more than \$2,000, the amount of \$2,000 plus 10% of the amount over \$2,000 must be paid immediately at "Knockdown". All successful bidders must have the requisite funds ready and available to them at the time of "Knockdown" at the conclusion of the auction. County staff will not wait for funds to be delivered to successful bidders to conclude settlement at the end of the auction.
24. 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.
25. 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.
26. 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 JUNE 18, 2019. IT SHALL BE THE PURCHASER'S RESPONSIBILITY TO CONTACT THE COUNTY REAL PROPERTY TAX SERVICE AGENCY (315-946-5927) ON OR AFTER JUNE 18, 2019 TO DETERMINE WHETHER THE BID WAS ACCEPTED OR REJECTED BY THE BOARD OF SUPERVISORS.**
27. A personal check or cash may be used the night of the auction for down payment.
28. **The purchaser must pay the balance of the purchase price (paid in cash or by certified check, bank check or money order 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) to the County Attorneys office not later than 3PM on July 18, 2019. 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 JULY 18, 2019, 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.**
29. The purchaser shall execute a Memorandum of Purchase at the time and place of the auction sale agreeing to purchase the property subject to the terms and conditions of sale prescribed by the County.

MEMORANDUM OF PURCHASE

I, _____, agree to purchase the property identified as
(print name)

Tax Map # _____,

Town of _____, subject to the terms and conditions of sale set forth

above for the purchase price of \$ _____.

Dated: June 12, 2019

Name: _____ (Signature)
 Social Security No.: _____
 Telephone: _____
 Residence Address: _____
 Mailing Address: _____

GRANTEE DESIGNATION IN DEED:

 Name Soc. Security #
 Residence Address

 Name Soc. Security #
 Residence Address: _____

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

RESOLUTION NO. 155-19: APPROVING APPLICATIONS FOR CORRECTED TAX ROLLS

Mrs. Pagano presented the following:
 WHEREAS, applications for correction of tax rolls in relation to parcels of property identified below have been filed with the Director of Real Property Tax Services ("Director"); and
 and
 WHEREAS, the Director investigated the circumstances of the claimed errors on the tax rolls and recommends that the applications be approved; now, therefore, be it
 RESOLVED, pursuant to Article 5, Title 3 of the Real Property Tax Law, the applications are approved and the officers having jurisdiction of the tax rolls are hereby authorized to make the following corrections:

TOWN OF WALWORTH
 2019 Tax Roll
 Account No. 61114-00-022875
 Assessed to: Lewis, Bertram
 Total Tax Difference \$ 728.34 Total County Tax Difference: \$ 491.78
 Corrected Total Tax: \$ 78.39

Mrs. Crane moved the adoption of the resolution. Seconded by Mr. Emmel. Upon roll call, adopted.

RESOLUTION NO. 156-19: ADOPTION OF LOCAL LAW AMENDING THE MORTGAGE RECORDING TAX WITHIN THE COUNTY OF WAYNE

Mrs. Pagano presented the following:
 WHEREAS, a proposed local law for amending the mortgage recording tax within the County of Wayne was presented to the Board of Supervisors on February 19, 2019; and
 WHEREAS, a public hearing on the proposed local law was held on March 19, 2019 at 9:10 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. 3 FOR THE YEAR 2019**

A local law amending Local Law No. 4-2005, as amended by Local Law No. 4-2008, as amended by Local Law No. 1 – 2011, as amended by Local Law 1-2014, and amended by Local Law 2-2016 entitled “Adoption of Local Law to Impose a Mortgage Recording Tax within the County of Wayne.”

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

SECTION 1

Section 1 of Local Law 4-2005, as amended by Local Law No. 4-2008 and by Local Law No. 1 -2011, and by Local Law No. 1-2014 and by Local Law no. 2-2016 entitled “Adoption of Local Law to Impose a Mortgage Recording Tax within the County of Wayne” is hereby amended to read as follows:

Section 1. Imposition of Tax

Pursuant to Chapter 164 of the Laws of 2005, for the period beginning December 1, 2019 and ending three (3) years from the date of enactment thereof, there is hereby imposed, in the county of Wayne, a tax of \$0.25 for each \$100.00, and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within the county of Wayne and recorded on or after December 1, 2019 and a tax of \$0.25 on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than \$100.00.

SECTION 2

Section 7 of Local Law No. 04-2005 as amended by Local Laws Nos. 4-2008, No. 1 – 2011, No. 1-2014 and No. 2-2016, entitled “Adoption of Local Law to Impose a Mortgage Recording Tax within the County of Wayne” is hereby amended to read as follows:

Section 7. Effective Date

This local law shall take effect on the first day of December 2019, provided a certified copy thereof is mailed by registered or certified mail to the New York State Commissioner of Taxation and Finance at least 30 days prior to such date. Certified copies of this local law shall also be filed with the Wayne County Clerk, the Secretary of State, and the State Comptroller within five days after the date it is duly enacted.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Emmel. Upon roll call, all Supervisors voted Aye, except Supervisor Baldrige who voted Nay. Absent – Supervisors Miller and Kolczynski. The Chairman declared the Resolution adopted.

RESOLUTION NO. 157-19: AUTHORIZATION TO PAY ACCRUED LEAVE TO MICHAEL JANKOWSKI

Mrs. Pagano presented the following:

WHEREAS, Michael Jankowski was elected to the public office of County Clerk for an initial Term commencing 01/01/2006; and

WHEREAS, prior to his election as County Clerk Mr. Jankowski had been an employee of the County of Wayne, as the term “Employee” is defined under the Fair Labor Standards Act (29 U.S.C., Chapter 8, §203), and he ceased being an “Employee” upon the assumption of his elected duties on 01/01/2006; and

WHEREAS, immediately prior to his election as County Clerk, Mr. Jankowski held the position of 2nd Deputy Treasurer in the managerial Civil Service classification at a pay rate of \$21.34 per hour, and then Interim Appointed County Clerk, at a pay rate of \$33.97 per hour; and

WHEREAS, pursuant to Wayne County Board of Supervisors' Resolution # 92 of 1976 county employees who serve as appointed deputies of elected officials and those in the managerial classification of the Civil Service are entitled to earn annual leave accruals and be paid fringe benefits in accordance with the requirements of the Collective Bargaining Agreements; and

WHEREAS, at the time Mr. Jankowski severed his "Employee" relationship with the County of Wayne upon assuming his elective duties on 01/01/2006 he had accumulated a total of 202.50 hours of unused annual leave time, and said unused annual leave pay has not yet been paid out to him; and

WHEREAS, the CSEA Collective Bargaining Agreement in effect through December 31, 2005 provides in Article 4. "Annual Leave", Section 3, as follows:

"Upon voluntary severance from the County where a prior twenty (20) calendar day notice has been given by the employee to the County in writing an employee shall be entitled to unused annual leave pay due at time of severance. Said unused annual leave pay shall be paid to the employee in a lump sum. The rate of annual leave pay shall be the employee's regular straight time hourly rate of pay in effect for the employee's regular job on the last work day of the employee's employment."

and

WHEREAS, based upon Mr. Jankowski's rate of pay of \$33.97 on 12/31/2005, his last day of employment as Appointed Interim County Clerk before assuming the duties of his elected position of County Clerk, he is owed the sum of \$6,878.93 for unused annual leave time; and

WHEREAS, this unused annual leave time should have been paid out to Mr. Jankowski at the time he severed his employment relationship with the County of Wayne and assumed his duties as elective County Clerk on 01/01/2006, but was not paid out to him at that time; now, therefore, be it

RESOLVED, that Wayne County Clerk Michael Jankowski be paid a lump sum payment of \$6,878.93 to be issued on the next regularly scheduled pay date following the adoption of this Resolution by the Wayne County Board of Supervisors; and be it further

RESOLVED, that this payment shall resolve all claims for unpaid benefits or wages, including all claims for accrued but unused annual leave, resulting from the prior employment of Mr. Jankowski as 2nd Deputy County Treasurer and/or Appointed Interim County Clerk.

Mr. Spickerman moved the adoption of the resolution. Seconded by Mr. Emmel.

Mr. Baldrige asked why a request for payment was being considered now for a matter dating back to 2006; and further, asked if there were other cases with unused annual leave pay that had not yet been paid out.

County Administrator Rick House responded that the Human Resources Department recently brought this matter to the Government Operations Committee with a request of getting the accounts in order and to consider processing a payment to do so.

Mrs. Pagano concluded that there were no other payments for unused annual leave pay pending.

Upon roll call, adopted.

RESOLUTION NO. 158-19: AUTHORIZATION TO ACCEPT NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES CONTRACT FOR STATEWIDE EXPANSION OF HURRELL-HARRING REFORM – WAYNE, CONTRACT NUMBER CTWIDEHH50, TO AMEND THE PUBLIC DEFENDER'S 2019 WAYNE COUNTY BUDGET AND TO AUTHORIZE HIRING FOR NEW POSITIONS

Mr. Verkey presented the following:

WHEREAS, New York State Office of Indigent Legal Services has advised the County Administrator of a 5-year Contract for Statewide Expansion of Hurrell-Harring Reform,

CTWIDEHH50 – Wayne, is available for review and approval by Wayne County; and such contract has been provided to the County Attorney for review; and

WHEREAS, this contract funding shall be used for three written plans consisting of counsel at arraignment, quality improvement and caseload relief, pursuant to the 2017 amendment to County Law Section 772-e and enactment of Executive Law Section 832(4), "Statewide Expansion of Hurrell-Harring Reform"; and

WHEREAS, Wayne County has received notification that the overall contract is in the sum of \$4,931,158.44, carrying a five year term running from April 1, 2018 through March 31, 2023, together with extensions available for up to a 24 month period and provides financial support for mandated improvements to both the Public Defender's Office and the Assigned Counsel Program; and

WHEREAS, the proposed Contract Number CSTWIDEHH50 includes the first year Budget and Work Plan for the Public Defender's Office, Wayne County, with a term of April 1, 2018 through March 31, 2019, in the sum of \$264,615.66; and

WHEREAS, the first year Budget and Work Plan for Wayne County, term of April 1, 2018 through March 31, 2019, is set out in full description and detail in Contract Number CSTWIDEHH50, Budget Attachment B-1 which includes expenditures for both the Public Defender and the Assigned Counsel Program; and

WHEREAS, the first year of the five-year Statewide Expansion of Hurrell-Harring Reform-Wayne, Contract Number CTWIDEHH50, will be hereinafter referred to ILSHH and;

WHEREAS, the ILSHH first year Public Defender funding shall be used for the following to work toward the various State mandates the Public Defender must comply with by 2023:

Creating an entirely new full time Assistant Public Defender position,
Augmenting an existing and vacant Part-Time Attorney position to become full time,
Cover all associated costs for these positions, including fringe benefits and equipment,

Increase the budget for appellate work,
Increase the budget for expert services,
Increase the budget for trainings for all staff,
Augment our ability to access legal research,
Support membership in various professional organizations,
Support our plan to provide Counsel at First Appearance

now, therefore, be it

RESOLVED, that the County Administrator is authorized to accept New York State Office of Indigent Legal Services 5 year Contract and funding for Statewide Expansion of Hurrell-Harring Reform – Wayne, Contract Number CTWIDEHH50; and the Chairman of the Wayne County Board of Supervisors is authorized to sign the required contract, subject to the review and approval by the Wayne County Attorney of said Indigent Legal Services Contract; and further be it

RESOLVED, that the present part time Asst Public Defender 2nd (position 51044) is hereby abolished, and that two full time Asst Public Defender Grade 8 positions are hereby created with salaries of \$66,000 each; and further be it

RESOLVED, that in the event that funding for the two newly created positions was to cease, that the Public Defender's Office will present a resolution to abolish said positions and revert back to the present part time Asst Public Defender 2nd position; and further be it

RESOLVED, that the County Treasurer is authorized to amend the Public Defender's 2019 Budget as follows:

A1170 Public Defender

(Revenues)

\$211,756.66 to 43024 Org Name - ILSHH

(Appropriations)

Consistent with Budget Attachment B-1 of the Hurrell-Harring Contract Number CTWIDEHH50;

\$50,769.00 from 51044 Asst Public Defender 2nd (Abolished)

\$9,951.00 from 58100 Retirement

\$3,884.00 from 58200 Social Security

\$154.00 from	58600 Disability
\$22.00 from	58901 EAP
\$49,500.00 to	51719 ILSHH Asst Public Defender
\$49,500.00 to	51720 ILSHH Asst Public Defender
\$12,870.00 to	58100 ILSHH Retirement
\$7,574.00 to	58200 ILSHH Social Security
\$27,544.00 to	58400 ILSHH Hospital
\$231.00 to	58600 ILSHH Disability
\$33.00 to	58901 ILSHH EAP
\$4,000.00 to	54502 ILSHH Appeal Service
\$23,006.92 to	54500 ILSHH Fees for Services- Non-employ
\$21,000.00 to	54483 ILSHH Training-Seminars and Schools
\$2,000.00 to	54424 ILSHH Equipment Maint Contract
\$2,020.00 to	52201 ILSHH Computer Equipment
\$4,173.08 to	52100 ILSHH Furniture and furnishings
\$200.00 to	54475 ILSHH Software
\$7,873.44 to	54472 ILSHH Subscriptions [Legal Research]
\$5,000.00 to	54472 ILSHH Subscriptions [Professional memberships]
\$60,011.22 to	54400 ILSHH Counsel at First Appearance Funding

and be it further

RESOLVED, that the Public Defender has authority to hire for the two created Grade 8 Asst Public Defender Positions as described.

Mr. Verno moved the adoption of the resolution. Seconded by Mr. Deming. Upon roll call, all Supervisors voted Aye. Absent – Supervisors Miller and Kolczynski. The Chairman declared the Resolution adopted.

RESOLUTION NO. 159-19: AUTHORIZATION TO RENEW AND PAY FOR THE ANNUAL PUBLIC DEFENSE CASE MANAGEMENT MAINTENANCE AND SUPPORT AGREEMENT (PDCMS) BETWEEN THE WAYNE COUNTY PUBLIC DEFENDER'S OFFICE AND THE NEW YORK STATE DEFENDERS ASSOCIATION, INC.

Mr. Verkey presented the following:

WHEREAS, the Wayne County Public Defender's Office uses the Public Defense Case Management System (PDCMS) in their office for the management of data; and

WHEREAS, the New York State Defenders Association, Inc. and the Wayne County Public Defender's Office have entered into an annual agreement for the support and maintenance of said program which includes software maintenance, bug fixes, new software releases and unlimited telephone support; and

WHEREAS, the annual payment for the maintenance and support agreement is \$ 2,500; and

WHEREAS, the renewal term of the maintenance and support agreement is from March 7, 2019 through March 6, 2020; now, therefore, be it

RESOLVED, that upon the review and approval by the Wayne County Attorney of the PDCMS annual contract, the Wayne County Chairman of the Board is hereby authorized to execute said contract; and be it further

RESOLVED, that the Wayne County Public Defender's Office is hereby authorized to pay to the New York State Defenders Association, Inc., the sum of \$2,500 for the annual support and maintenance of the Public Defense Case Management System (PDCMS) and that said sum shall be paid from line number 54424 as justified in the Wayne County Public Defender's 2019 budget.

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

RESOLUTION NO. 160-19: AUTHORIZATION TO APPLY FOR VICTIM AND WITNESS ASSISTANCE GRANT PROGRAM

Mr. Verkey presented the following:

WHEREAS, on January 16, 2019 the State of New York Office of Victim Services issued a request for applications for Victims of Crime Act (VOCA) Victim and Witness Assistance Grant Program beginning October 1, 2019 through September 30, 2022; and

WHEREAS, OVS representatives have announced an application due date of April 3, 2019, 2pm; and

WHEREAS, the VOCA Victim and Witness Assistance Grant requires a 20% county match; and

WHEREAS, Wayne County currently receives VOCA funding for the Wayne County Office of Victim/Witness Services and has accepted said funds for over 30 years; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute an application in response to the request for application for continued VOCA Victim and Witness Assistance Grant Program funding on behalf of the County of Wayne, District Attorney's Office of Victim/Witness Services; and be it further

RESOLVED, that upon acceptance of the proposal by the New York State Office of Victim Services for the renewal of Wayne County's Office of Victim/Witness Services program each annual contract will be subject to the County Attorney's approval as to form and content.

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

RESOLUTION NO. 161-19: AUTHORIZE MEMORANDUM OF UNDERSTANDING WITH WAYNE COUNTY ACTION PROGRAM, RETIRED SENIOR VOLUNTEER PROGRAM, COORDINATED BY THE WAYNE COUNTY OFFICE OF VICTIM/WITNESS SERVICES

Mr. Verkey presented the following:

WHEREAS, the New York State Office of Victim Services requires that grantees utilize volunteers to provide services to victims of crime; and

WHEREAS, the memorandum of understanding makes certain benefits available to the Office of Victim/Witness Services and its volunteers such as; volunteer recruitment, orientation, national volunteer clearance, and supplemental senior volunteer Accident and Liability Insurance; now, therefore, be it

RESOLVED, that the Coordinator of the Wayne County Office of Victim/Witness Services is hereby authorized to sign a Memorandum of Understanding between the Retired Senior Volunteer Program of Wayne County Action Program and the Wayne County Office of Victim/Witness Services for the time period 4/1/2019 to 3/31/2022.

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

RESOLUTION NO. 162-19: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICES SERVICES FOR USE AND DISSEMINATION AGREEMENT FOR THE WAYNE COUNTY SHERIFF'S OFFICE

Mr. Verkey presented the following:

WHEREAS, Pursuant to Article 837(6) and/or 837(8-a) of the New York State Executive L, the New York State Division of Criminal Justice Services (DCJS) agrees to allow the Wayne County Sheriff's Office access to criminal history and wanted and/or missing person data as may be contained in DCJS and, if applicable, federal Criminal Justice Information Services (CJIS) data files and other state repository files, as available through the Interstate Identification Index; and

WHEREAS, a use and dissemination agreement between the Wayne County Sheriff's Office and the Division of Criminal Justices Services needs to be in place for any member of the Wayne County Sheriff's Office to access criminal history and wanted and/or missing person data as may be contained in DCJS and, if applicable, federal Criminal Justice Information Services (CJIS) data files and other state repository files, as available through the Interstate Identification Index; and

WHEREAS, there is no cost to the County for such agreement to be established; and
WHEREAS, the Sheriff is hereby requesting to enter into a Use and Dissemination Agreement with the New York State Division of Criminal Justice Services so members of the Wayne County Sheriff's Office can access criminal history and wanted and/or missing person data as may be contained in DCJS and, if applicable, federal Criminal Justice Information Services (CJIS) data files and other state repository files, as available through the Interstate Identification Index as authorized by law and at no cost to County taxpayers; now, therefore, be it

RESOLVED, that the Sheriff is hereby authorized to enter into a Use and Dissemination Agreement with the New York State Division of Criminal Justice Services so members of the Wayne County Sheriff's Office can access criminal history and wanted and/or missing person data as may be contained in DCJS and, if applicable, federal Criminal Justice Information Services (CJIS) data files and other state repository files, as available through the Interstate Identification Index as authorized by law and at no cost to County taxpayers, upon review and approval of the County Attorney.

Mrs. Crane moved the adoption of the resolution. Seconded by Mrs. Pagano. Upon roll call, adopted.

RESOLUTION NO. 163-19: AUTHORIZATION TO ENTER INTO AN AFFILIATION RENEWAL AGREEMENT WITH THE SENECA WATERWAYS COUNCIL FOR THE WAYNE COUNTY SHERIFF'S OFFICE EXPLORER POST

Mr. Verkey presented the following:

WHEREAS, the Wayne County Sheriff's Office has an affiliation with the Boy Scouts of America Seneca Waterway Council, located at 2320 Brighton-Henrietta Townline Road, Rochester, New York 1462 for an Explorer Post; and

WHEREAS, Exploring provides youth with career probing activities and mentoring to get youth interested in pursuing a careers in law enforcement, and

WHEREAS, Exploring provides exciting youth activities, one-on-one mentorship and assists our community events with parking, handicap escorts and event daily activities; and

WHEREAS, the Wayne County Sheriff's Office Explorer Post currently has 15 youth members; and

WHEREAS, the 2019 annual renewal for the Wayne County Sheriff's Office Explorer Post is \$820.00, and

WHEREAS, the 2019 fee will be paid for from the Federal Drugs Asset Seizure Account (TE2037) at no cost to County taxpayers; and

WHEREAS, the Sheriff is requesting to enter in an affiliation renewal agreement for 2019 with the Boy Scouts of America Seneca Waterways Council for an Explorer Post at the Wayne County Sheriff's Office, at a cost not to exceed \$820.00, to be paid from the Federal Drug Assets Seizure Account (TE2037), at no expense to County taxpayers; now therefore, be it

RESOLVED, that the Wayne County Sheriff is hereby authorized to enter in an affiliation renewal agreement for 2018 with the Boy Scouts of America Seneca Waterways Council for an Explorer Post at the Wayne County Sheriff's Office, at a cost not to exceed \$820.00, to be paid from the Federal Drug Assets Seizure Account (TE2037), at no expense to County taxpayers, and subject to the County Attorney's approval as to form and content.

Mr. Deming moved the adoption of the resolution. Seconded by Mrs. Crane. Upon roll call, adopted.

RESOLUTION NO. 164-19: AUTHORIZATION TO APPOINT MEMBERS TO THE WAYNE COUNTY EMERGENCY MEDICAL SERVICES (EMS) ADVISORY BOARD

Mr. Verkey presented the following:

WHEREAS, the terms of the office of the members of the Wayne County EMS Advisory Board expired on December 31, 2018; and

WHEREAS, the new term of office for the Wayne County EMS Advisory Board ends on December 31, 2019; and

WHEREAS, Resolution 605-18 made the original appointments; now, therefore, be it
RESOLVED, that the Wayne County Board of Supervisors appoints the following
additional individuals to the Wayne County EMS Advisory Board for a term of office
commencing March 19, 2019 and ending December 31, 2020:

Arcadia: Gary VerStraete

Ontario: Timothy Brower

Mrs. Crane moved the adoption of the resolution. Seconded by Mrs. Pagano. Upon roll
call, adopted.

**RESOLUTION NO. 165-19: AUTHORIZATION TO APPOINT MEMBERS TO THE WAYNE
COUNTY FIRE ADVISORY BOARD**

Mr. Verkey presented the following:

WHEREAS, the current Town of Arcadia appointee to the Fire Advisory Board has
resigned effective immediately; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors appoints the following
individual to the Wayne County Fire Advisory Board for a term of office commencing March 19,
2019 and ending December 31, 2020:

Arcadia: Doug Hares

Mrs. Crane moved the adoption of the resolution. Seconded by Mrs. Pagano. Upon roll
call, adopted.

**RESOLUTION NO. 166-19: AUTHORIZE TECHNICAL DECONTAMINATION AND HAZARD
ASSESSMENT TEAM APPOINTMENTS**

Mr. Verkey presented the following:

WHEREAS, the Technical Decontamination and Assessment Team was established
pursuant to Resolution No. 490-06; and

WHEREAS, at this time it is necessary to add a member to the Team; now, therefore, be
it

RESOLVED, that the following individual is hereby appointed to the Technical
Decontamination and Assessment Team:

Gary VerStraete, Marbletown Fire Department.

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

**RESOLUTION NO. 167-19: AUTHORIZATION TO AMEND CONTRACT WITH JOHNSON
CONTROLS FOR FIRE SPRINKLER INSPECTIONS**

Mr. Spickerman presented the following:

WHEREAS, the County currently has an agreement with Johnson Controls, formally
Simplex Grinnell, for quarterly fire sprinkler inspections; and

WHEREAS, the County is required per NFPA Code 25 to perform an internal pipe exam
every five years; and

WHEREAS, Johnson Controls has informed the County that all six of their sprinkler
systems are due for this required inspection; and

WHEREAS, Johnson Controls has provided a proposed cost of \$5,677.00 to perform
these inspections and service; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisors is hereby authorized to amend the
current contract with Johnson Control subject to the County Attorney's review and approval as
to form and content for internal pipe exam on all six fire sprinkler systems at a cost not to
exceed \$5,677.00.

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

**RESOLUTION NO. 168-19: AUTHORIZATION TO ENTER INTO AGREEMENT WITH CHASE
ENTERPRISES FOR ROADSIDE SPRAYING SERVICES**

Mr. Spickerman presented the following:

WHEREAS, the Highway Department has previously hired a contractor to perform roadside spraying on County Roadways, and

WHEREAS, the Superintendent of Public Works has solicited for price quotes to provide roadside spraying services on County roadways and on several County properties, and

WHEREAS, the following price quotes were obtained based on the proposed scope of work:

DBI services	\$8,009.00
Chase Enterprises	\$7,697.00

now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized to sign an agreement with Chase Enterprises, subject to the County Attorney's approval, for the not-to-exceed amount of \$7,697.00.

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

RESOLUTION NO. 169-19: AUTHORIZATION TO ENTER AGREEMENT WITH THE TOWNS OF MARION, ONTARIO, WILLIAMSON, AND PALMYRA FOR ROADSIDE MOWING

Mr. Spickerman presented the following:

WHEREAS, the Towns of Marion, Ontario, Williamson, and Palmyra have expressed interest in providing roadside mowing services on county roadways in the Towns of Marion, Ontario, Williamson, and Palmyra as they have done in the past several years; and

WHEREAS, the roadside mowing in Marion, Ontario, Williamson, and Palmyra benefits the towns and county; and

WHEREAS, the Town of Marion will do a minimum of three complete mowings on Wayne County roads within the Town of Marion with a total of 22.4 miles; and

WHEREAS, the Town of Ontario will do a minimum of three complete mowings on Wayne County roads within the Town of Ontario with a total of 25.5 miles; and

WHEREAS, the Town of Williamson will do a minimum of three complete mowings on Wayne County roads within the Town of Williamson with a total 29.0 miles; and

WHEREAS, the Town of Palmyra will do a minimum of three complete mowings on Wayne County roads within the Town of Palmyra with a total of 23.8 miles; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute a contract on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with the Towns of Marion, Ontario, Williamson, and Palmyra for mowing county roadsides located in the towns at a rate of \$240.00 per mile for the 2019 season.

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

RESOLUTION NO. 170-19: AUTHORIZATION TO OBTAIN PERMANENT EASEMENTS FOR HIGHWAY PROJECT

Mr. Spickerman presented the following:

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

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

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

Shawn Kirker, 72114-00-492870, 9321 Wayne Center-Rose Road, Lyons

Wilbur Gorley, 72114-00-475717, 9290 Wayne Center- Rose Rd, Lyons

John Stringer, Sr., 72114-00-534985, 9357 Wayne Center-Rose Rd, Lyons

now, therefore be it

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

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

RESOLUTION NO. 171-19: AUTHORIZATION TO ENTER INTO AGREEMENT WITH HOME MEAL SERVICE, INC TO LEASE OFFICE SPACE AT THE HEALTH SERVICES BUILDING

Mr. Spickerman presented the following:

WHEREAS, the Home Meal Service, Inc (Meals-on-Wheels) has expressed interest in leasing vacant office space for its operations in the Health Services Building; and

WHEREAS, the County has leased office space to other local not-for-profit organizations in the past; and

WHEREAS, the Deputy Superintendent of Public Works has calculated the annual lease costs based on actual maintenance and utility costs as follows:

- Maintenance Cost = \$5.01/sqft
- Utilities Cost = \$1.39/sqft
- Mortgage Payment = \$8.28/sqft
- Total Lease Cost = \$14.68/sqft

WHEREAS, the office space being requested by Home Meal Service, Inc is a total of 550 sqft; for an annual lease cost of \$8,074.00 or \$672.83 per month; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized to sign a one year lease agreement with the option to renew, subject to the County Attorney's approval as to form and content, with Home Meal Service, Inc. for \$8,074.00 adjusted annually; and be it further

RESOLVED, that this lease is to commence on April 1, 2019.

Mr. Verno moved the adoption of the resolution. Seconded by Mr. Chatfield. Upon roll call, all Supervisors voted Aye, except Supervisor Crane who voted Nay. Absent – Supervisors Miller and Kolczynski. The Chairman declared the Resolution adopted.

RESOLUTION NO. 172-19: AUTHORIZATION TO PREPARE A SUPPLEMENTAL AGREEMENT WITH TY LIN FOR THE FINAL DESIGN PHASE OF THE RIDGE ROAD BRIDGE PROJECT IN SODUS

Mr. Spickerman presented the following:

WHEREAS, this project (PIN 4WA0.01) is federally funded and included on the current Transportation Improvement Plan; and

WHEREAS, the project shares will be 80% federal and 20% Local funds, but the project may receive State Marchiselli funds (15%) which will make the Local share only 5%; and

WHEREAS, the design approval has been issued for this project and it is ready to start the Final Design phase; and

WHEREAS, TY Lin has proposed a fee of \$98,000, which has been approved by the NYS DOT, for the Final Design tasks; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute a supplemental agreement on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with TY Lin for the design services associated with the rehabilitation of the Ridge Road Bridge over the Salmon Creek in the Town of Sodus.

Mr. Verkey moved the adoption of the resolution. Seconded by Mr. Deming. Upon roll call, adopted.

RESOLUTION NO. 173-19: AUTHORIZATION TO CREATE PROJECTS IN THE HIGHWAY DEPARTMENT

Mr. Spickerman 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:

19-01	Culvert Replacement Project	\$170,000
19-02	Atlantic Avenue Guiderail Replacement Project	\$90,000

19-06	Buerman Road Project	\$290,000
19-07	Limekiln Road Project	\$215,000
19-08	Quaker Road Project	\$150,000

And a supplemental project statement of proposed work for the following project:
14-46 County House Road Project \$300,000

now, therefore, be it

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

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

\$1,215,000 from D51122.52600	Highway Construction
\$170,000 to D51122.52601	Culvert Replacement Project
\$90,000 to D51122.52602	Atlantic Avenue Guiderail Replacement Project
\$290,000 to D51122.52606	Buerman Road Project
\$215,000 to D51122.52607	Limekiln Road Project
\$150,000 to D51122.52608	Quaker Road Project
\$300,000 to D51122.52646	County House Road Project

Mr. Verkey moved the adoption of the resolution. Seconded by Mr. Emmel. Upon roll call, adopted.

RESOLUTION NO. 174-19: AUTHORIZING TO AMEND CONTRACT WITH PASCO BUILDING AUTOMATION SYSTEM

Mr. Spickerman presented the following:

WHEREAS, PASCO Building Automation Systems provides critical quarterly testing, repair and inspections, technical support, and software services for the Energy Management and Control System located at the Wayne County Hall of Justice, the Public Safety Building and the Wayne County Nursing Home; and

WHEREAS, the Nursing Home was on a separate contract with different terms and cost schedule than the other two County locations; and

WHEREAS, The Nursing Home contract has expired; and

WHEREAS, it would be advantageous for the County to manage these services under one contract instead of two separate ones; and

WHEREAS, Pasco has provided a proposal to add the Nursing Home to the existing County Contract at the same contacts terms as the Hall of Justice and Public Safety Building; and

WHEREAS, the proposal is for the same annual cost of \$5,670.00 to add the Nursing Home and is guaranteed not to increase for the remainder of the existing contract that expires 9/30/2021; and

WHEREAS, this has been budgeted for by the Nursing Home in the 2019 Budget; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisors is authorized to amend the agreement with PASCO Building Automation Systems, subject to the County Attorney review and approval as to form and content to include building system services at the Wayne County Nursing at an annual cost of \$5,670.00.

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

RESOLUTION NO. 175-19: AUTHORIZATION TO ACCEPT FUNDS, MODIFY BUDGET AND SOLICIT FOR PROPOSALS FOR WAYNE COUNTY HIGH ACCIDENT RATE

INTERSECTION STUDY

Mr. Spickerman presented the following:

WHEREAS, the County Highway Department has identified the need to accurately identify the County intersections with high accident rates; and

WHEREAS, the County has submitted a proposed project to the Genesee Transportation Council (GTC) for consideration; and

WHEREAS, the GTC has approved and authorized funding for a project entitled "High Accident Rate Study on Wayne County Intersections". The project has a proposed budget of \$55,000 of which \$50,000 will be Federal Funds and \$5,000 will be a local in-kind match; and

WHEREAS, this new project will require a modification to the 2019 budget; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to enter into an agreement with the GTC to accept the funds from the GTC; and be it further

RESOLVED, that the Treasurer is hereby directed to create project D51122.52609 Intersection Accident Study, transfer \$5,000 from the D Fund Balance, and revise the budget as follows:

D5112 Road Construction

(Appropriations)

\$55,000 to 52609 Intersection Accident Study

D9999 Other

(Revenues)

\$50,000 to 44511 Federal Aid, Marchiselli

Mr. Deming moved the adoption of the resolution. Seconded by Mr. Emmel. Upon roll call, adopted.

RESOLUTION NO. 176-19: AUTHORIZATION FOR THE WAYNE COUNTY WATER AND SOIL CONSERVATION DISTRICT TO PURCHASE 2019 WEED HARVESTER

Mr. Spickerman presented the following:

WHEREAS, the Board of Supervisors authorized the Wayne County Soil & Water Conservation District to dedicate funding out of each contract year to go toward equipment replacement based on remaining funding in each contract year; and

WHEREAS, through planning and active retention, the Soil and Water Conservation District has saved enough funds through multiple lines of funding (i.e. income from the County Contract, FLOWPA program, grant funding and earned incomes); and

WHEREAS, the District has been able to reserve enough funds in the Harvester Equipment Reserve Savings for purchase of new equipment for the 2019 season; and

WHEREAS, appropriate procurement procedures have been followed in securing adequate information to purchase the equipment and approved for by the Districts Board of Directors; and

WHEREAS, the Board of Supervisors approved purchase of new equipment per resolution 858-11, that established a capital reserve for weed harvesting equipment; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors supports the Wayne County Soil & Water Conservation District to finalize procurement of the AQUARIUS Systems, HM 420 Series 2019 Weed Harvester with use of WCSWCD Harvester Equipment Reserve Savings funds.

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

RESOLUTION NO. 177-19: RESOLUTION AUTHORIZING SALE OF LOAN PORTFOLIO FROM THE INDUSTRIAL DEVELOPMENT AGENCY BY THE WAYNE COUNTY ECONOMIC DEVELOPMENT CORPORATION

Mr. Spickerman presented the following:

WHEREAS, the County has capitalized several loan funds, being administered by the

Industrial Development Agency, over several years through the NYS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, and

WHEREAS, the NYS Office of Community renewal has initiated a recall of all CDBG funds as they are repaid, and

WHEREAS, the Wayne County Economic Development Corporation has an interest in purchasing the portfolio from the IDA keeping CDBG funds in the County, therefore let it be

RESOLVED, that Wayne County authorizes the purchase of the existing portfolio from the IDA by the WEDC and authorizes the Chairman to approve all necessary agreements to complete the transaction.

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

RESOLUTION NO. 178-19: RESOLUTION AUTHORIZING TRANSFER OF CDBG FUNDS TO THE WAYNE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Mr. Spickerman presented the following:

WHEREAS, the County has capitalized several loan funds, being administered by the Wayne Economic Development Corporation, over several years through the NYS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, and

WHEREAS, The Wayne County Industrial Development Agency has a total Small Cities CDBG cash fund balance of approximately \$6,721.68 WCIDA is administering on behalf of the County, and

WHEREAS, the NYS Office of Community renewal has initiated a recall of all uncommitted CDBG funds by March 31st, 2019, and

WHEREAS, the County has identified a project meeting the goals of the NYS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM by helping to identify properties that present a serious and immediate threat to the health and safety of the community, and

WHEREAS, the Wayne County Industrial Development Agency (IDA) has been awarded a \$20,000 grant to perform an inventory analysis of brownfield properties in the County, with a goal of reducing health and safety hazards to County residents, and

WHEREAS, the County and the Wayne County Industrial Development Agency (IDA) have an existing CDBG Agreement dated August 23, 2013, and

WHEREAS, the County has an interest in utilizing the IDA to apply Program Income funds to addressing CDBG program objectives by being utilized as a source of matching funds for the Empire State Development grant to the IDA, therefore let it be

RESOLVED, Wayne County hereby commits \$6,721.68 of funds to the WCIDA for use in the above mentioned project, and be it further

RESOLVED, the Chairman is authorized to amend the existing agreement with the WCIDA, signed August 23, 2013 to enable the WCIDA to use this Program Income for the aforementioned purposes, pending approval by the County Attorney as to form and content.

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

RESOLUTION NO. 179-19: SETTING SECOND PUBLIC HEARING FOR CDBG WAYNE COUNTY LAKE FLOODING REIMBURSEMENT PROJECT

Mr. Spickerman presented the following:

WHEREAS, Wayne County received funding from the Office of Community Renewal under the Community Development Block Grant (CDBG) program for reimbursement of cost related to lakeshore flooding in 2017; and

WHEREAS, Wayne County is required under 24 CFR570.486 and NYS's Citizen Participation Plan to schedule and conduct an advertised public hearing prior to the completion of the project to give the public the opportunity to provide comments on the project (Grant # 1219IT209-17) and input as to the County's effectiveness of administration for this project; now, therefore, be it

RESOLVED, that the hearing be set for April 16, 2019 at 9:05 a.m. in the Supervisors Chambers at 26 Church Street, Lyons, New York; and be it further

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

Mrs. Crane moved the adoption of the resolution. Seconded by Mr. Verkey. Upon roll call, adopted.

RESOLUTION NO. 180-19: SETTING SECOND PUBLIC HEARING FOR WAYNE COUNTY DERELICT PROPERTY NEEDS ASSESSMENT CDBG 1219CP-86-17

Mr. Spickerman presented the following:

WHEREAS, Wayne County received funding from the Office of Community Renewal under the 2017 Community Development Block Grant (CDBG) program known as the Wayne County Derelict Properties Community Needs Assessment; and

WHEREAS, Wayne County is required under 24 CFR570.486 and NYS's Citizen Participation Plan to schedule and conduct an advertised public hearing prior to the completion of the project to give the public the opportunity to provide comments on the Wayne County Derelict Properties Community Needs Assessment project (Grant # 1219CP-86-17) and input as to the County's effectiveness of administration for this project; now, therefore, be it

RESOLVED, that the hearing be set for April 16, 2019 at 9:10 a.m. in the Supervisors Chambers at 26 Church Street, Lyons, New York; and be it further

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

Mr. Emmel moved the adoption of the resolution. Seconded by Mrs. Crane. Upon roll call, adopted.

RESOLUTION NO. 181-19: AUTHORIZATION TO ADOPT A NEW POSITION AND EXISTING VACANCY REVIEW POLICY AND RESCIND RESOLUTION NO. 76-06

Mrs. Crane presented the following:

WHEREAS, The County Administrator is desirous of establishing a more comprehensive policy for the establishment of new positions and the filling of existing vacant positions within the County workforce; and

WHEREAS, The County Administrator strongly feels that enacting a more comprehensive policy for the creation of new positions and the filling of existing, vacant positions will result in a savings to Wayne County taxpayers; now therefore, be it

RESOLVED, that the current policy regarding the filling of new and existing vacant positions (Resolution No. 76-06) is hereby rescinded; and be it further

RESOLVED, that the following Wayne County New Positions and Vacancy Policy is hereby adopted:

WAYNE COUNTY NEW POSITIONS AND VACANCY POLICY

I. PURPOSE

The purpose of this policy is to establish stronger criteria for the establishment of new positions and the filling of existing, vacant positions within Wayne County departments. The policy will help ensure that new positions within County departments are fully funded with other than County funds. The policy will also ensure that any existing vacant positions are absolutely necessary for efficient and effective operations of a County department, with the ultimate goal of savings to Wayne County taxpayers.

II. APPLICABILITY

This policy applies to all Wayne County department heads, elected officials and appointed officials.

III. GENERAL PROVISIONS

1. No new positions will be created unless they are permanent fully funded with other than County funds. This provision may be overridden by the Board of Supervisors in critical situations.
2. Any new positions, after approval by the standing committee, will be subject to a 2/3 majority vote of the full Board of Supervisors.
3. Positions currently vacant or that become vacant will be subject to at least a 90 day freeze.
4. If a department head believes that hiring for the position cannot be delayed, the department head may contact the County Administrator in writing for approval for exemption from this policy. Only positions that meet one or more of the following criteria will be considered for exemption:
 - a. Positions that provide critical direct-care or services
 - b. Positions essential to revenue collection
 - c. Positions that are grant-funded and required to maintain compliance with the grant
 - d. Positions required to provide mandated services and if left unfilled would result in fines or other sanctions
 - e. Positions that if left unfilled would result in significant overtime costs for the specific department totaling more than if the positions were refilled
 - f. Supervisory positions that if left unfilled would create potential liability issues from employees not being adequately supervised
5. Temporary positions will not be created to refill the positions of those employees on extended leaves (disability, workers' compensation, FMLA and other leaves) unless one or more of the criteria in 3 above can be met. Military leaves may be exempt from this provision.
6. All approved requests for reclassification of a position must be funded through existing appropriations in the current County budget.
7. The following information will be requested in writing to refill any vacancy and positions will be refilled subject to the County Administrator's review of this information:
 - a. Is this position absolutely necessary?
 - b. When did the position become vacant?
 - c. Is the position required to meet direct care, public health and or public safety requirements? If so briefly describe.
 - d. How have the duties of the position been covered since the vacancy occurred?
 - e. Can coverage continue this manner?
 - f. Can the duties of the position be performed in some other manner? Technology? Other?
 - g. How long can the performance of the position's duties be deferred?
8. What is the impact of not filling the position? Is it more cost effective to fill the position than to provide coverage by some other means? Provide specific cost analysis.

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

RESOLUTION NO. 182-19: AUTHORIZATION TO AMEND THE 2019 BUDGET TO CARRY OVER THE 2018 REMAINING BALANCE FOR THE HOFFMAN FOUNDATION GRANT

Mrs. Crane presented the following:

WHEREAS, that funds have been received by Wayne County from the Hoffman Foundation Grant to provide funding for necessary Historical projects; and

WHEREAS, that a balance of \$7,504.04 in the Hoffman Foundation grant is available as

of December 31, 2015 to complete the projects; now, therefore, be it

RESOLVED, that the County Treasurer is hereby directed to transfer \$7,504.04 from the unassigned General Fund balance to the following account:

A7510 – Historian

(Appropriations)

\$7,504.04 from 54484 Hoffman Foundation

Mrs. Pagano moved the adoption of the resolution. Seconded by Mr. Emmel. Upon roll call, adopted.

RESOLUTION NO. 183-19: AUTHORIZATION TO APPLY FOR EXTENSION OF GRANT FUNDS FOR THE WAYNE COUNTY BOARD OF ELECTIONS

Mrs. Crane presented the following:

WHEREAS, that Wayne County has contracts with the New York State Board of Elections for Voter Education/Poll Worker Training (T002696) with a balance of \$206.70 and New York State Poll Site Access Improvement (C002580) with a balance of \$999.66, which will end on March 31, 2019 unless otherwise extended; and

WHEREAS, that the New York State Board of Elections is working to extend said contracts for another year from April 1, 2019 to March 31, 2020; and

WHEREAS, that Wayne County must file for a contract extension with the New York State Board of Elections in order to extend said contract; and

WHEREAS, that Wayne County is desirous in extending said grant contract; now, therefore be it

RESOLVED, that the Chairman of the Wayne County of Supervisors is authorized to execute a request for extension through March 31, 2020 with the New York State Board of Elections for the Voter Education/Poll Worker Training and the New York State Poll Site Access Improvement grant contracts.

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

RESOLUTION NO. 184-19: AUTHORIZATION TO RENEW CONTRACT AGREEMENT BETWEEN THE WAYNE COUNTY DEPARTMENT OF MENTAL HEALTH-WAYNE BEHAVIORAL HEALTH NETWORK (WBHN) AND THE CHILDREN'S HEALTH HOME OF UPSTATE NEW YORK, LLC (CHHUNY)

Mr. Baldrige presented the following:

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

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

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

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

RESOLVED that the Chairman of the Board of Supervisors, pending approval of the County Attorney as to form and content, is authorized to sign a renewal contractual agreement between CCHHUNY & WBHN effective from January 1, 2019 through December 31, 2019 and will automatically renew thereafter.

Mrs. Jacobs moved the adoption of the resolution. Seconded by Mrs. Crane. Upon roll call, adopted.

RESOLUTION NO. 185-19: AUTHORIZATION FOR THE MENTAL HEALTH DEPARTMENT TO RENEW ITS ANNUAL CONTRACT WITH DELPHI RISE (FORMERLY DELPHI DRUG & ALCOHOL COUNCIL)

Mr. Baldrige presented the following:

WHEREAS, the Mental Health Department wishes to renew its annual contract for the 2019 budget year with the following organization for the purposes of the continued provision of mental hygiene related services and for disbursement of New York State and/or Wayne County funding in the following amount:

Delphi Rise \$417,253 (State) \$7,750 (County) TOTAL: \$425,003
now, therefore, be it

RESOLVED, that the Chairman of the Board is authorized to contract with the above noted provider for the provision of mental hygiene services effective January 1, 2019 – December 31, 2019, not to exceed the listed funding amount in accordance with the 2019 State funding award amount, including any county funding as noted, and also any plus/minus adjusted amount based on prior year state funding closeout reconciliations, and the contract being subject to the County Attorneys review as to form and content.

Mrs. Crane moved the adoption of the resolution. Seconded by Mrs. Jacobs. Upon roll call, adopted.

RESOLUTION NO. 186-19: AUTHORIZATION TO CONTRACT WITH RUSSELL PHILLIPS & ASSOCIATES FOR FIRE SAFETY TRAINING FOR THE WAYNE COUNTY NURSING HOME

Mr. Baldrige presented the following:

WHEREAS, Wayne County Nursing Home requires to train all employees annually in fire safety; and

WHEREAS, staff training requires offering multiple sessions across the three (3) shifts for four (4) days each year; and

WHEREAS, Russell Phillips & Associates has expertise in fire and emergency management for health care facilities and has provided this training to the Nursing Home staff for many years; and

WHEREAS; the fee for such service is \$4,648.00 for year 2019; \$4,881.00 for year 2020; and \$5,125.00 for year 2021; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors be authorized to execute an agreement with Russell Phillips & Associates for the provision of fire safety training, subject to the County Attorney's approval as to form and content, for the period June 1, 2019 – December 31, 2021 at a fee of \$ is \$4,648.00 for year 2019; \$4,881.00 for year 2020; and \$5,125.00 for year 2021.

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

RESOLUTION NO. 187-19: AUTHORIZE AGREEMENT BETWEEN WAYNE COUNTY NURSING HOME AND GROUP WORKCAMP FOUNDATION – 2019 WEEK OF HOPE PARTNER ORGANIZATION

Mr. Baldrige presented the following:

WHEREAS, the Group Workcamps Foundation Week of Hope Partner Organization has been providing volunteers for service projects; and

WHEREAS, Wayne County Nursing Home desires to renew the agreement with Group Workcamps Foundation for volunteering services; and

WHEREAS, the Wayne County Nursing Home residents enjoy the interaction with the young volunteers from around the country that participate in this program; and

WHEREAS, the Wayne County Nursing Home desires to utilize volunteers for gardening and landscape projects for the summer of 2019; now, therefore, be it

RESOLVED, to authorize the Chairman of the Board of Supervisors to sign said Agreement with Group Workcamps Foundation Week of Hope Partner Organization for the purpose of providing volunteers for service project during the summer of 2019, subject to the County Attorney's approval as to form and content.

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

RESOLUTION NO. 188-19: AUTHORIZE AGREEMENT TO EXERCISE A CONTRACT RENEWAL OPTION BETWEEN COUNTY OF WAYNE AND SODEXO OPERATIONS, LLC FOR THE WAYNE COUNTY NURSING HOME

Mr. Baldrige presented the following:

WHEREAS, the contract with Sodexo Operations, LLC became effective July 1, 2016 and terminating on June 30, 2019 with the option to renew for two (2) additional one (1) year periods by mutual agreement between the parties; and

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

RESOLVED, that the Chairman of the Wayne County Board of Supervisor be authorized and directed to execute a renewal letter on behalf of the Wayne County Nursing Home, subject to the County Attorney's approval as to form and content for the period July 1, 2019 – June 30, 2020 pursuant to section 49 of the contract specifications.

Mrs. Crane moved the adoption of the resolution. Seconded by Mrs. Pagano. Upon roll call, adopted.

RESOLUTION NO. 189-19: AUTHORIZATION TO ADVERTISE CHRONIC DISEASE PREVENTION, CHILDREN WITH SPECIAL HEALTH CARE NEEDS AND FIGHT THE BITE HEALTH EDUCATION AT COLBURN PARK DURING THE NEWARK PILOTS 2019 BASEBALL SEASON

Mr. Baldrige presented the following:

WHEREAS, Wayne County Public Health's (WCPH) Community Health Improvement Plan (CHIP) identifies activities to promote healthier lifestyles to prevent chronic diseases by reducing obesity and reducing smoking rates; and

WHEREAS, WCPH is also required by funding sources to promote the Children with Special Healthcare Needs (CSHN) program; and

WHEREAS, WCPH will be conducting a mass Fight the Bite health education campaign this mosquito and tick season; and

WHEREAS, WCPH would like to advertise at Colburn Park during the 2019 Newark Pilot Baseball season for each of these areas; and

WHEREAS, WCPH would like to purchase:

- Obesity Prevention – bleacher top sign at entrance @ \$750
- Tobacco Prevention- bleacher top sign at entrance and Gameday board @ \$1,150
- WCPH – outfield wall banner @ \$1,400
- Fight the Bite - outfield dominating banner @ \$2,200
- CSHN – outfield wall banner @ 1,400

for a total not to exceed \$6,900.00; now, therefore, be it

RESOLVED that the Director of Public Health is hereby authorized to purchase the above signs and banners at Coburn Park during the Newark Pilots 2019 baseball season, at a cost not to exceed \$6,900.

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

RESOLUTION NO. 190-19: AUTHORIZATION FOR 2019 CONTRACT RENEWAL WITH SELF DIRECT INC. FOR THE PROVISION OF A PERSONAL EMERGENCY RESPONSE SYSTEM FOR THE DEPARTMENT OF AGING AND YOUTH

Mr. Verno presented the following:

WHEREAS, The Department of Aging and Youth provides Personal Emergency Response (PERS) Units for frail eligible seniors as a health and safety prevention measure; and

WHEREAS, the Department contracts with Self-Direct Inc. for the provision of Personal Emergency Response units and monitoring services at the rate of \$17.50 per unit per month, per participant; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute a contract on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with Self Direct, Inc. in accordance with the bid acceptance for the installation of 160 units and monitoring services for the Wayne County Department of Aging and Youth in the amount of \$17.50 per unit per month, effective January 1, 2019 through December 31, 2019.

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

RESOLUTION NO. 191-19: AUTHORIZATION TO RENEW 2019 CONGREGATE NUTRITION SITE CONTRACT WITH THE TOWN OF ONTARIO FOR THE DEPARTMENT OF AGING AND YOUTH

Mr. Verno presented the following:

WHEREAS, the Department of Aging and Youth provides congregate meals in five senior centers in Wayne County and is requesting renewal of the congregate meal contract for the Town of Ontario, and

WHEREAS, the terms of the contract remain the same as 2018; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to execute a congregate meal site contract with the Town of Ontario in the amount not to exceed \$6,200 on behalf of Wayne County for the period of January 1, 2019 through December 31, 2019, subject to the County Attorney's approval as to form and content.

Mrs. Crane moved the adoption of the resolution. Seconded by Mr. Robusto.

Mr. Robusto noted his recent visit to the Town of Ontario's Lunch Club 60 program. He enjoyed his meal and plans to return soon.

Upon roll call, adopted.

RESOLUTION NO. 192-19: AUTHORIZATION TO RENEW THE NEWARK HOUSING AUTHORITY MEMORANDUM OF UNDERSTANDING (MOU) FOR AGING SERVICES FOR THE DEPARTMENT OF AGING AND YOUTH

Mr. Verno presented the following:

WHEREAS, The Newark Housing Authority has requested Wayne County Department of Aging and Youth provide information, referral and application assistance services for the senior residents of the Newark high-rise apartments; and

WHEREAS, The Newark Housing Authority will provide funding in the amount of \$14,598 to the Department of Aging and Youth for 10 hours (per week) of direct services for the period covering April 1, 2019 through March 31, 2020; and

WHEREAS, the funding has already been included in the 2019 County budget; and

WHEREAS, a signed MOU between the Newark Housing Authority and the Department of Aging and Youth is required in order to provide these services; now, therefore, be it

RESOLVED, the Board of Supervisors hereby authorizes the Director of the Department of Aging and Youth to sign a Memorandum of Understanding with the Newark Housing Authority to procure PT information, referral and application assistance services in the amount of \$14,598 from April 1, 2019 through March 31, 2020.

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

RESOLUTION NO. 193-19: AUTHORIZATION FOR 2019 CONTRACT RENEWAL WITH GENESEE REGION HOME CARE OF ONTARIO COUNTY, INC. FOR THE DEPARTMENT OF AGING AND YOUTH

Mr. Verno presented the following:

WHEREAS, the Department of Aging and Youth contracts with Genesee Region Home Care of Ontario County, Inc. for the provision of non-medical, in-home services and non-institutional respite services for clients assessed eligible by the department; 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 Genesee Region Home Care of Ontario County, Inc., for the period of January 1, 2019 through December 31, 2019, for non-medical, in-home services and non-institutional respite services; and be it further

RESOLVED, that the terms and conditions of this contract remain the same as in 2018, except will reflect the 2019 rates for services of Personal Care Aide (PCA) level I be 24.75 and PCA level II be \$24.74.

Mrs. Crane moved the adoption of the resolution. Seconded by Mrs. Jacobs. Upon roll call, adopted.

RESOLUTION NO. 194-19: AUTHORIZE APPOINTMENT TO THE FINGER LAKES WORKFORCE INVESTMENT BOARD

Mr. Verno presented the following:

WHEREAS, the Wayne County Board of Supervisors has authorized the creation of the Finger Lakes Workforce Development Board for the Counties of Wayne, Yates, Seneca, and Ontario in compliance with the Workforce Development Innovation and Opportunity Act of 2014 (replacing the 1998 WIA Act); and

WHEREAS, the Workforce Investment Board members must be appointed by the respective Legislative Boards; and

WHEREAS, Cheryl Hess who was previously appointed to the Finger Lakes Workforce Development Board is no longer a member of the WIB Board, and her position on the WIB Board must be replaced; and

WHEREAS, the Executive Director has solicited nominations in accordance with the law and the following individual has been nominated for representation and appointment to the WIB Board to fill the unexpired term of Cheryl Hess through 6/30/19 and a new three-year term 7/1/19-6/30/22:

Eric Biletzky Baldwin Richardson Foods Vice President of Finance

RESOLVED, that the above named individual is hereby appointed to the unexpired term of Cheryl Hess and a new three-year term as defined above; and be it further

RESOLVED, that certified copies of this resolution be sent to Seneca, Yates, and Ontario Counties, and to the Workforce Investment Board.

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

RESOLUTION NO. 195-19: AUTHORIZE CONTRACT WITH VICTIM RESOURCE CENTER OF THE FINGER LAKES, INC. FOR NON-RESIDENTIAL DOMESTIC VIOLENCE SERVICES FOR THE WAYNE COUNTY DEPARTMENT OF SOCIAL SERVICES

Mr. Verno presented the following:

WHEREAS, Wayne County Department of Social Services is required to provide services to victims of Domestic Violence; and

WHEREAS, Victim Resource Center of the Finger Lakes, Inc. is a certified Domestic Violence agency that has provided both residential and non-residential services to Domestic Violence victims for a number of years in Wayne County; and

WHEREAS, Wayne DSS receives reimbursement from NY State for such services; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute an agreement with Victim Resource Center of the Finger Lakes, Inc., subject to the County Attorney's approval as to form and content, for the provision of Non-Residential Domestic Violence Services during the period 1/1/19 - 12/31/19 subject to a maximum contract amount of \$22,716.

Mrs. Crane moved the adoption of the resolution. Seconded by Mr. Deming. Upon roll call, adopted.

RESOLUTION NO. 196-19: AUTHORIZE CONTRACT WITH VICTIM RESOURCE CENTER OF THE FINGER LAKES, INC. FOR THE PROVISION OF DOMESTIC VIOLENCE RESIDENTIAL SERVICES FOR THE WAYNE COUNTY DEPARTMENT OF SOCIAL SERVICES

Mr. Verno presented the following:

WHEREAS, Wayne County Department of Social Services (DSS) is responsible for ensuring a safe place is available for victims of Domestic Violence; and

WHEREAS, Victim Resource Center of the Finger Lakes, Inc., (VRC) is certified to provide residential services in Wayne County; and

WHEREAS, VRC has provided such residential services in a competent manner in the past; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute a contract with the Victim Resource Center of the Finger Lakes, Inc., subject to the County Attorney's approval as to form and content, for the provision of Residential Domestic Violence Services in accordance with 18 NYCRR 408. The term of the contract will be 1/1/19 through 12/31/19 at a cost not to exceed \$70,000.

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

RESOLUTION NO. 197-19: AUTHORIZATION TO DECLARE CHAIRS SURPLUS AT THE WAYNE COUNTY DEPARTMENT OF SOCIAL SERVICES

Mr. Verno presented the following:

WHEREAS, the Wayne County Department of Social Services (DSS) has included funding in its 2019 budget to replace chairs in its meeting rooms; and

WHEREAS, the age & condition of the current chairs have rendered them undesirable for continued use; now, therefore, be it

RESOLVED, that the Superintendent of Public Works is hereby authorized to declare the chairs being replaced as surplus and shall dispose of them in accordance with the Wayne County Surplus Equipment Disposition Policy.

Mrs. Crane moved the adoption of the resolution. Seconded by Mr. Emmel. Upon roll call, adopted.

RESOLUTION NO. 198-19: AUTHORIZE AGREEMENT WITH CENTER FOR DISABILITY RIGHTS FOR THE WAYNE COUNTY DEPARTMENT OF SOCIAL SERVICES

Mr. Verno presented the following:

WHEREAS, disabled individuals have the right to direct their own care, if so desired; and

WHEREAS, the Center for Disability Rights provides oversight of this service in the Wayne County area; now, therefore, be it

RESOLVED, that the Commissioner of the Wayne County Department of Social Services is hereby authorized to sign an Agreement with the Center for Disability Rights, Inc. subject to the approval of the County Attorney, for provision of the Consumer Directed Personal Assistance Program (CDPAP) for the timeframe 1/1/19-12/31/21.

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

RESOLUTION NO. 199-19: AUTHORIZE CONTRACT WITH FINGER LAKES AREA

COUNSELING AND RECOVERY AGENCY, INC. (FLACRA) FOR CO-LOCATED ALCOHOL AND OTHER DRUG (AOD) SERVICES FOR THE WAYNE COUNTY DEPARTMENT OF SOCIAL SERVICES

Mr. Verno presented the following:

WHEREAS, the Child Welfare caseload often includes families with alcohol and/or other drug problems; and

WHEREAS, there is need to continue Alcohol and Other Drug (AOD) services; and

WHEREAS, Wayne County DSS has monies available through the Flexible Fund for Family Services; and

WHEREAS, AOD services are expected to help stabilize families who will then be able to properly care for their children; and

WHEREAS, AOD services will help prevent out of the home placements of children and/or promote the earlier return of children to their families from foster care placement; and

WHEREAS, FLACRA has experience and expertise in these areas; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute a contract on behalf of the Wayne County Department of Social Services, subject to the County Attorney's review as to form and content, with Finger Lakes Area Counseling and Recovery Agency, Inc. for the provision of Alcohol and Other Drug services during 1/1/19–12/31/19 timeframe at a cost not to exceed \$75,848; and be it further

RESOLVED, that there are no county monies included in the cost of this contract.

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

RESOLUTION NO. 200-19: AUTHORIZATION TO EXECUTE MODIFICATION AGREEMENT WITH NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES (OCFS) IN RELATION TO CHILD CARE DEVELOPMENT BLOCK GRANT FUNDS FOR THE WAYNE COUNTY DEPARTMENT OF SOCIAL SERVICES

Mr. Verno presented the following:

WHEREAS, the New York State Office of Children and Family Services (OCFS) is authorized to register and inspect child day care programs or to contract for this service; and

WHEREAS, local departments of Social Services (LDSS) are qualified to fulfill the required responsibilities; and

WHEREAS, NYS OCFS provides Child Care and Development Block Grant (CCDBG) funds to Wayne County Department of Social Services to subcontract for these services; now, therefore, be it

RESOLVED that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute a Modification Agreement on behalf of the Wayne County Department of Social Services, subject to the County Attorney's approval as to form and content, with the New York State Office of Children and Family Services regarding the receipt and use of federal funds under the Child Care Development Block Grant in the amount of \$123,662 for the period 1/1/19 to 12/31/19.

Mrs. Jacobs moved the adoption of the resolution. Seconded by Mr. Emmel. Upon roll call, adopted.

RESOLUTION NO. 201-19: AUTHORIZATION TO SIGN AGREEMENT WITH CHILD CARING INSTITUTION – CHILDREN'S HOME OF JEFFERSON COUNTY FOR THE WAYNE COUNTY DEPARTMENT OF SOCIAL SERVICES

Mr. Verno presented the following:

WHEREAS, the Wayne County Department of Social Services (DSS) needs to place children in child caring institutions, at times, to promote their health and safety; and

WHEREAS, these child caring institutions, at times, need to be used as a Raise the Age placement facility; and

WHEREAS, payment for these services is not determined by the county but is dictated by New York State; and

WHEREAS, the Wayne County Department of Social Services needs to have in place an agreement with various Raise the Age placement facilities to effectuate a child's placement on a timely basis; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute an agreement with Children's Home of Jefferson County for the timeframe 10/1/18-9/30/21 subject to the County Attorney's approval as to form and content for an amount not to exceed \$275,000.

Mrs. Crane moved the adoption of the resolution. Seconded by Mr. Deming. Upon roll call, adopted.

RESOLUTION NO. 202-19: AUTHORIZATION TO SIGN AMENDED AGREEMENT WITH CHILD CARING INSTITUTION – CAYUGA HOME FOR CHILDREN d/b/a CAYUGA CENTERS FOR THE WAYNE COUNTY DEPARTMENT OF SOCIAL SERVICES

Mr. Verno presented the following:

WHEREAS, Resolution No. 438-18 authorized an Agreement with the Child Caring Institution – Cayuga Home for Children, for the period of 7/1/18-6/30/21; and

WHEREAS, the wording of such Agreements between local Departments of Social Services and Child Caring Institutions is dictated by the NY State Office of Children and Family Services (NYS OCFS); and

WHEREAS, the NYS OCFS notified the Wayne County Department of Social Services that the Agreements needed to be amended to reflect modifications required by the Federal Family First Prevention Services Act; and

WHEREAS, NYS OCFS has directed that this amended agreement language must be retroactive to the contract start date of 7/1/18, necessitating the use of this amended agreement language for the above agreement; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute an amended agreement with Cayuga Home for Children subject to the County Attorney's approval for the timeframe 7/1/18-6/30/21.

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

RESOLUTION NO. 203-19: AUTHORIZATION TO ACCEPT A ONE YEAR AWARD FROM NYS OCFS IN THE AMOUNT OF \$70,000 TO BE USED TO CONTRACT FOR A CO-LOCATED BEHAVIORAL HEALTH SPECIALIST IN WAYNE COUNTY FOR THE WAYNE COUNTY DEPARTMENT OF SOCIAL SERVICES

Mr. Verno presented the following:

WHEREAS, a number of infants born to Wayne County parents are identified as being affected by prenatal parental substance abuse, as evidenced by withdrawal symptoms and/or Fetal Alcohol Spectrum Disorder; and

WHEREAS, the Wayne County Department of Social Services (WCDSS) has been notified by the NY State Office of Children and Family Services (NYS OCFS), per 18-OCFS-LCM-19, that a Plan of Safe Care must be completed for each such infant; and

WHEREAS, the behavioral health specialist must be co-located with the Child Protective team, with this specialist responsible for the development, composing and monitoring of all such Plans of Safe Care required for Wayne County infants; and

WHEREAS, NYS OCFS has made available an amount of \$70,000 to be used by WCDSS to contract for a behavioral health specialist and will perform the above required work; and

WHEREAS, there is no local match required to access this \$70,000 of funding, therefore be it

RESOLVED, that the Commissioner of the Wayne County Department of Social Services is hereby authorized to accept the OCFS funding for the timeframe 12/1/18-10/30/19 in the

amount of \$70,000 to be used to contract for a co-located Behavioral Health specialist at an amount not to exceed the contract funding amount of \$70,000; and be it further

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

A6010 Department of Social Services

(Revenue)

\$70,000 to 43610 Social Services Administration

(Appropriations)

\$70,000 to 54500 Fees for Services Non-employed

Mrs. Jacobs moved the adoption of the resolution. Seconded by Mr. Emmel. Upon roll call, adopted.

OTHER BUSINESS

Mrs. Crane moved, seconded by Mr. Verkey that one (1) resolution be allowed on the floor under Other Business. Upon roll call, all Supervisors voted aye. Absent – Supervisors Miller and Kolczynski. Motion Carried.

RESOLUTION NO. 204-19: AUTHORIZATION TO ADVERTISE FOR SEALED BIDS FOR SALE OF COUNTY PROPERTY – TOWN OF WILLIAMSON

Mrs. Pagano presented the following:

WHEREAS, the property located at 7098 Fisher Road in Williamson was acquired by the County of Wayne by tax deed on May 3, 2017; and

WHEREAS, this property was not sold at auction due to legal challenges; and

WHEREAS, all legal challenges have been settled and the County's foreclosure was found to be valid; and

WHEREAS, the County wishes to sell this property via sealed bid effective April 3, 2019; now, therefore, be it

RESOLVED, that the Wayne County Treasurer is hereby authorized to advertise for sealed bid the following property:

<u>SEQ#</u>	<u>TOWN</u>	<u>TAX ID#</u>	<u>LOCATION</u>
1401499	Williamson	64118-00-211678	7098 Fisher Road

and be it further

RESOLVED, that all terms and conditions adopted by Board Resolution 134-18 for the conduct of the 2018 Tax Auction will apply to these sealed bids; and be it further

RESOLVED, that the advertising shall run two times in the Times of Wayne County and the Sun and Record and be in the same style and format as customarily utilized for the tax foreclosure auction process; and be it further

RESOLVED, that the minimum acceptable bid shall be \$30,000.00 and the County reserves the right to reject all bids; and be it further

RESOLVED, all bids and deposits must be submitted with Wayne County's bid forms, which are available at the County Treasurer's office or on the Wayne County Website on April 3, 2019 and all bid deposits and bid forms must be submitted to the Wayne County Treasurer's Office, 76 William St, Lyons, NY 14489, no later than April 26, 2019 at 2:00 pm, at which time they will be opened and read aloud.

Mr. Emmel moved the adoption of the resolution. Seconded by Mr. Deming. Upon roll call, adopted.

RECESS:

Prior to the Board of Supervisors convening as a **Committee of the Whole**, Chairman LeRoy requested a 10 minute recess at 10:04 a.m. to allow for set up time for scheduled presentations.

REGULAR SESSION

The board resumed regular session at 10:13 a.m.

COMMITTEE OF THE WHOLE

Mr. Deming moved, seconded by Mr. Chatfield to convene as a Committee of the Whole at 10:13 a.m. Motion carried.

Mr. Baldrige addressed the full Board stating a Committee of the Whole session was requested to provide information on concerns with the shortage of providers for the Early Intervention Program and legalization of marijuana.

Early Intervention Program

Wayne County Public Health, Diane Devlin, stated the Early Intervention Program, administered through her department, serves children age birth through three years old that meet certain criteria. Counties throughout the State are seeing problems in finding providers for this program as rates have not changed in the past 20 years. This is a State mandated program; if services are not arranged through the County's Public Health Department, they will have to be arranged by another County office. At this time there are 16 children attending the Roosevelt Children's Center Early Intervention Program.

In October the County's Public Health Office received a letter from Wayne ARC, the agency that houses Roosevelt Children's Center, stating they will discontinue their early intervention services as they can no longer afford to provide the service at the financial loss they have been. Roosevelt Children's Center is a center-based program and the County's main vendor for early intervention services. If they are not utilized, out of County vendors would have to be used. This would result in additional time in busing students to locations in Canandaigua and Geneva and loss of program availability. The cost for the County to establish their own Early Intervention Program with accommodating space would be extremely costly as would the increase in transportation costs for children forced to receive services outside of the County. Mrs. Devlin said talks have taken place with ARC reps and County Officials. It is believed the ARC would need approximately \$390,000 in funds to keep them from losing money on this program in the coming year.

Mr. Baldrige said he anticipate two transmittals coming out of the County's Health and Medical Services committee; one to work out a solution with ARC of Wayne to allow for their continued contract as a service provider for the County's Early Intervention Program, and a second, a request to the State to update their rates paid to Early Intervention Program providers.

Recreation Marijuana

Wayne County Mental Health Director, Jim Haitz, spoke to the group about marijuana. At this time it appears legalizing marijuana has been removed from the Governor's budget; but that does not mean it should not remain at the forefront. There is an increased use of marijuana and a lack of information on the risk of this drug. The potency of marijuana is greater than it was years ago and leads to addiction and other mental health concerns. When marijuana is legalized in a state, the use of the drug increases in that state. There are some positive uses of medical marijuana; however, there is not a lot of information available on the use of this drug.

Marijuana is considered to be a gateway drug. Thirty-three states now allow the use of marijuana for medical purposes and nine states, plus the District of Columbia, have legalized recreational use of the drug. Marijuana use in the United States continues to increase; with 15% of the public using the drug. Use by pregnant women is causing harm to both them and their babies. Persistent use of cannabis by every age group showed lower intelligence along with other medical consequences.

Although a tax revenue is predicted with the legalization of marijuana; it will come with a high social and law enforcement cost. The State needs to answer many questions before if can

legalize this drug i.e. what defines intoxication, what are the legal limits for use and how should marijuana centers be regulated.

Mr. Haitz reviewed the health impacts of legalization of marijuana. There is the unintentional exposure of children, cardiovascular effects, respiratory effects, cognitive and academic effects and abuse and addiction to the drug. He presented statistics from other states that have legalized this drug.

Dr. Charles Morgan, medical director of the NYS Office of Alcoholism and Substance Abuse Services and Wayne County Sheriff Barry Virts spoke briefly on the issue. Sheriff Virts noted a number of organizations and groups that are against the legalization of marijuana. He believes the decriminalization of marijuana is for revenue only.

Wayne County Public Health Director, Diane Devlin, said she believes the Governor will bring this issue up again for a future budget, as it would include a 22% tax, only two percent of that amount was proposed to go to counties. Ms. Devlin also distributed a fact sheet, survey and draft transmittal that will come before the Health and Medical Services Committee next month regarding the County's opposition.

Debbie Liseno, Deputy Clerk of the Board

REGULAR SESSION

Mr. Robusto moved, seconded by Mr. Verkey that the board resume regular session at 11:32 a.m. Motion carried.

ADJOURNMENT:

Chairman LeRoy noted that the next scheduled meeting of the Board is **Tuesday, April 16, 2019 at 9:00 a.m.**

Mrs. Jacobs moved, seconded by Mr. Emmel that the board adjourn at 11:34 a.m. Carried.

Sandra J. Sloane, Clerk,
Wayne County Board of Supervisors
