

8th Day  
Wednesday, April 1, 2015  
9:00 a.m.

The Board of Supervisors met pursuant to adjournment in their room in the Court House, Chairman Hoffman presiding.

Upon roll call, all Supervisors were present, except Supervisor Kolczynski who was absent today.

The Chairman opened with the Pledge of Allegiance, led by Supervisor Spickerman.

County Administrator James Marquette and County Attorney Daniel Connors were also present for this special session of the board.

**APPROVAL OF MINUTES:**

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

**PUBLIC HEARING:**

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

The Clerk read the following introduction of the Notice of Public Hearing regarding the County of Wayne entering into a Payment In-Lieu of Taxes (PILOT) Agreement with Exelon Corporation, scheduled for 9:00 a.m.:

**COUNTY OF WAYNE  
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN THAT the Wayne County Board of Supervisors will conduct a Public Hearing at **9:00 a.m. on Wednesday, April 1, 2015**, at the Wayne County Court House, 26 Church Street, Lyons, New York 14489 in the Supervisors' Chambers on the second floor, to consider public comments concerning the County of Wayne entering into a Payment In-Lieu of Taxes (PILOT) Agreement with Exelon Corporation.

Copies of the proposed PILOT agreement will be on file with the Clerk of the Board and may be inspected at the County Court House during normal business hours, as of the date of first publication on March 19, 2015. All interested parties are invited to attend the public hearing or to provide written comments to the Clerk of the Board, which written comments will be considered at the hearing.

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

Dated: March 19, 2015  
Lyons, New York

Sandra J. Sloane, Clerk  
Wayne County Board of Supervisors

At 9:04 a.m., Chairman Hoffman opened the floor for the public, stating that people interested in making comment should come forward to the podium to address the Board. Further, he requested that they state their name and address for the record.

There was no public comment at this time.

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

Mr. Colacino moved, seconded by Mrs. Crane, that the hearing be closed at 9:04 a.m. Upon roll call, carried.

**RULE 14 RESOLUTION**

**RESOLUTION NO. 248-15: AUTHORIZATION TO EXECUTE PAYMENT IN-LIEU OF TAXES AGREEMENT WITH WAYNE CENTRAL SCHOOL DISTRICT, TOWN OF ONTARIO, AND R.E. GINNA NUCLEAR POWER PLANT, LLC.**

Ms. Park presented the following:

WHEREAS, the Payment In-Lieu of Taxes agreement with the R.E. Ginna Nuclear Power Plant will expire as to the County of Wayne on December 31, 2015; and

WHEREAS, Representatives of Wayne County, the Town of Ontario, and the Wayne Central School District were authorized to negotiate a successor agreement with R.E. Ginna Nuclear Power Plant, LLC representatives; and

WHEREAS, market conditions have impacted the Ginna Plant and it has been necessary for Ginna officials to negotiate a Reliability Support Services Agreement with Rochester Gas and Electric Company in order for Ginna to sustain operations; and

WHEREAS, Ginna has been a significant property tax payer to the three taxing jurisdictions through the soon to expire PILOT agreement; and

WHEREAS, the Ginna Plant is a substantial positive economic impact for the Town of Ontario, the Wayne Central School District, and Wayne County; and

WHEREAS, recognizing the positive impacts of an operating and financially viable Ginna Nuclear Power Plant, the taxing jurisdictions' representatives had to weigh the revenue impacts to the jurisdictions and the importance of the long-term viability of the plant; and

WHEREAS, the respective governmental representatives of the three taxing jurisdictions have negotiated a successor PILOT agreement which takes these economic impacts into account; and

WHEREAS, the agreement will provide the PILOT revenue to the jurisdictions as outlined below:

| <b>Tax Year</b> | <b>School District PILOT Payment Due Date</b> | <b>Town / County PILOT Payment Due Date</b> | <b>Town PILOT Payments (\$)</b> | <b>School District PILOT Payments (\$)</b> | <b>County PILOT Payments (\$)</b> | <b>Total PILOT Payments (\$)</b> |
|-----------------|---|---|---------------------------------|--|-----------------------------------|----------------------------------|
| 2015-2016       | Sept. 30, 2015                                | Jan. 31, 2016                               | 1,032,000                       | 5,461,000                                  | 2,107,000                         | 8,600,000                        |
| 2016-2017       | Sept. 30, 2016                                | Jan. 31, 2017                               | 1,008,000                       | 5,334,000                                  | 2,058,000                         | 8,400,000                        |
| 2017-2018       | Sept. 30, 2017                                | Jan. 31, 2018                               | 955,200                         | 5,054,600                                  | 1,950,200                         | 7,960,000                        |
| 2018-2019       | Sept. 30, 2018                                | Jan. 31, 2019                               | 904,800                         | 4,787,900                                  | 1,847,300                         | 7,540,000                        |

and

WHEREAS, New York Real Property Tax Law Section 485 permits taxing jurisdictions to enter into PILOT agreements with nuclear powered electric generating facilities recognizing that determining assessed value on these facilities would be difficult and likely result in costly certiorari litigation; and

WHEREAS, pursuant to Section 485 and Municipal Home Rule Law, Wayne County adopted Local Law Number 5 of 2005 exempting the Plant from taxation by the County commencing January 1, 2005 and for any succeeding period of time providing a Public Hearing is held prior to authorizing future PILOT agreements; and

WHEREAS, a Notice of Public Hearing with respect to the County's adoption of this Agreement was placed in the County's official newspapers pursuant to this requirement; and

WHEREAS, a Public Hearing was held on April 1, 2015; and

WHEREAS, it is the desire of the Wayne County Board of Supervisors having considered the impacts of the Payment In-Lieu of Taxes agreement to enter into the PILOT

agreement; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is authorized to execute a Payment In-Lieu of Taxes agreement between the Town of Ontario, the Wayne Central School District, Wayne County, and R.E. Ginna Nuclear Power Plant, LLC, approved by the Wayne County Attorney as to form, and attached hereto.

Mr. Smith moved the adoption of the resolution. Seconded by Mrs. Marini.

Mr. Spickerman questioned the PILOT payment amount capped at \$8.6 million, noting the decreasing amount thereafter.

County Administrator Marquette and County Attorney Connors explained the terms of this finalized agreement and compared it with the previous one, due to expire on December 31 of 2015.

Mr. Smith addressed the board to thank everyone involved in the negotiation process. He noted the thought and energy that went into this proposal under this economic landscape and expressed that all parties involved were happy to be moving forward.

Upon roll call, adopted.

**OTHER BUSINESS**

Mrs. Crane moved, seconded by Mr. LeRoy that one (1) resolution be allowed on the floor under Other Business. Upon roll call, all Supervisors voted Aye, except Supervisor Kolczynski who was absent. Motion Carried.

**RESOLUTION NO. 249-15: ACCEPTING BIDS FOR PURCHASE AND INSTALLATION OF BATHING TUBS FOR THE WAYNE COUNTY NURSING HOME AND AMEND BUDGET**

Mr. Groat presented the following:

WHEREAS, pursuant to Resolution No. 710-14, the Board of Supervisors authorized the advertisement for the purchase and installation of (2) Bathing Tubs and related equipment for the Wayne County Nursing Home; and

WHEREAS, the Clerk of the Board of Supervisors duly advertised the bid for the Bathing Tubs and the bids were opened on Thursday, January 29, 2015 at 2:00 p.m.; and the following bids were received and publicly opened:

|                                     | <b>TOTALS</b>                     |
|-------------------------------------|-----------------------------------|
| 1. Monroe Piping                    | \$ 36,398.00                      |
| 2. ArjoHuntleigh                    | \$ 23,663.66                      |
| 3. Lifting and Bathing Products Co. | \$ 24,460.00                      |
| 4. Direct Supply                    | excluded due to unable to install |
| 5. Therapy Tubs                     | excluded due to incomplete bid    |

and

WHEREAS, funding in the amount of \$40,000 for this equipment was in the 2014 Nursing Home budget, but became part of the Nursing Home Unassigned Fund Balance on December 31, 2014; now, therefore, be it

RESOLVED, that the County Treasurer is authorized to transfer \$23,663.66 from the Nursing Home Enterprise Unassigned Fund Balance; and be it further

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

**E6000 NH Combined**

(appropriations)

\$23,663.66 to E60002.52000 Equipment & Other Cap Outlay E8410

and be it further

RESOLVED, that the bid submitted by ArjoHuntleigh for the total bid price of \$ 23,663.66 for the purchase and installation of (2) Bathing Tubs and related equipment in accordance with the specifications is hereby accepted; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute a contract on behalf of the Wayne County Nursing Home, subject to the County Attorney's approval as to form and content with ArjoHuntleigh in accordance with the bid acceptance.

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

**ADJOURNMENT**

The next scheduled meeting of the Board is **Tuesday, April 21, 2015 at 9:00 a.m.**

Mr. Hammond moved, seconded by Mr. Colacino, that the board adjourn at 9:09 a.m.  
Carried.

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

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