

9th Day
Tuesday, June 16, 2020
9:00 a.m.

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

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

ROLL CALL:

Upon roll call, all Supervisors were present.

County Administrator Richard House and County Attorney Daniel Connors were also present for this morning session.

Chairman Miller briefly thanked everyone in attendance and for their patience and understanding, as we strive to get back into the normal routine. Further, he thanked the County Public Works Department for rearranging the desks so that we could meet in the board chambers and comply with social distancing guidelines, as required.

APPROVAL OF MINUTES:

Mr. Kolczynski moved, seconded by Mr. Lasher, 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:

A copy of the Sheriff's Office Cash Receipts Report dated June 5, 2020 totaling \$8,323.88 was received.

A copy of the Omnibus Termination Agreement was received from Converse & Morell, Attorneys at Law at the request of the NMM Properties, LLC of Macedon, NY. Wayne County Industrial Development Agency terminated its Lease, Leaseback and PILOT Agreements with the Company, effective May 31, 2020, and said property shall be immediately subject to taxation.

Copies of the County Auditor's accounts payable reports for monthly utilities, miscellaneous payments including the following warrants for accounts payable, were received and filed, as follows:

- March 2020 \$6,722,749.00
- April 2020 \$4,555,252.97
- May 2020 \$4,814,617.28

Mr. Johnson moved, seconded by Mrs. Bender, that the June communications be received and filed. Motion carried.

ANNUAL REPORTS:

Chairman Miller noted that the Annual Report received from the Wayne County Sheriff's Office was reviewed by the Public Safety Committee and referred to the full Board for filing.

Mr. Emmel moved, seconded by Mr. Verkey, that this annual report submitted be received and filed. Carried.

PRIVILEGE OF THE FLOOR:

Chairman Miller 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.

Chairman Miller welcomed Assemblyman Brian Manktelow to this morning's meeting and

thanked him for joining us today.

Sheriff Barry Virts was requested to address the Board regarding a public call for a change in funding to law enforcement offices in light of recent national events. There is an executive order from the Governor that set standards for policing offices throughout the State. The Wayne County Sheriff's Office is accredited through the State and has been for years. Sheriff Virts said this accreditation covers the majority of issues the Governor listed in his executive order, so little change is needed. This certification has a positive impact on the local Sheriff's Office.

Several individuals have been in contact with the Sheriff's Office following the racial incidents that have occurred across the country. Sheriff Virts said chokeholds are banned; we do have a use of force continuum; we have a duty to intervene; we are trained to warn if shooting becomes necessary and depends on the timing of the situation; no warning shots are allowed; we do not shoot at moving vehicles unless the vehicle is used as a deadly instrument; we are required to report when a use of force has been used or threatened and report the force used as required by New York State law; we have a limitation on the types of response protocol and we are trained and do use de-escalation techniques.

He said training of staff should be done across the State to make sure law enforcement officials are trained annually in implicit bias and de-escalation techniques and practices.

There have been 'Black Lives Matter' rallies in Newark and Sodus; the events were organized with a police presence and no trouble occurred. Additional rallies are scheduled in Palmyra and Lyons.

Chairman Miller asked all Town Supervisors to support both the County Sheriff and local police agencies during this stressful time.

RESOLUTION NO. 271-20: AUTHORIZATION FOR THE DEPARTMENT OF AGING AND YOUTH TO ACCEPT FAMILY FIRST AND CARES ACT STIMULUS FUNDING FROM THE STATE OFFICE FOR AGING AND AMEND THE COUNTY BUDGET

Mr. Verno presented the following:

WHEREAS, the NY State Office for Aging received stimulus funding from the Family First and CARES Act federal stimulus bills for distribution to local Area Agencies on Aging throughout NY State; and

WHEREAS, Wayne County's portion of this money comes to a total of \$250,816 in support of services for seniors during the Coronavirus Disaster to be expended by September 30, 2021; and

WHEREAS, the additional funding is not included in the existing in the 2020 County budget; now, therefore, be it

RESOLVED, that the Wayne County Department of Aging and Youth be authorized to accept the state funding in the amount of \$250,816; and be it further

RESOLVED, that the Wayne County Treasurer is authorized to make the following adjustments to the 2020 Aging and Youth Budget:

A6772 Department of Aging

(Revenues)

\$250,816 to 44772 State Aide-Programs for Aging

(Appropriations)

\$5,000 to 52201 Computer Equipment

\$20,000 to 54400 Contracted Services

\$193,316 to 54891 Other Direct Expenses

\$5,000 to 54456 Printing

\$5,000 to 54116 Postage

\$22,500 to 54100 Supplies & Equipment

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

RESOLUTION NO. 272-20: AUTHORIZATION FOR THE CHAIRMAN OF THE BOARD TO SIGN WORKFORCE INNOVATION OPPORTUNITY ACT (WIOA) ADMINISTRATIVE, ADULT, AND DISLOCATED WORKER AND CAREER CENTER SERVICES CONTRACT FOR THE PERIOD OF JULY 1, 2020 TO JUNE 30, 2021

Mr. Verno presented the following:

WHEREAS, new WIOA contracts are required for the calendar year July 1, 2020 to June 30, 2021; and

WHEREAS, the budget and contracts were approved by the Finger Lakes Workforce Investment Board at their May 2020 meeting with Executive signatures required in June 2020; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized, upon review and approval of the County Attorney's Office, to enter into the following contract:

Administration	\$ 3,733.00
Adult	\$64,569.00
Dislocated Worker	\$64,444.00

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

RESOLUTION NO. 273-20: AUTHORIZATION FOR THE CHAIRMAN OF THE BOARD TO SIGN WORKFORCE INNOVATION OPPORTUNITY ACT (WIOA) YOUTH SERVICES CONTRACT FOR THE PERIOD OF JULY 1, 2020 TO JUNE 30, 2021 FOR WORKFORCE DEVELOPMENT

Mr. Verno presented the following:

WHEREAS, the new WIOA contracts are required for the calendar year July 1, 2020 to June 30, 2021; and

WHEREAS, the budget and contracts were approved by the Finger Lakes Workforce Investment Board at their May 2020 meeting with Executive signatures required in June 2020; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized, upon review and approval of the County Attorney's Office, to enter into the following contract:

<u>Youth</u>	
Out-of-School	\$105,725
In-School	\$ 26,420

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

RESOLUTION NO. 274-20: AUTHORIZATION TO RENEW A CONTRACT FOR CHILD ABUSE REDUCTION THROUGH FAMILY VIOLENCE PARENT EDUCATION (PACT) SERVICES WITH WAYNE CAP FOR THE DEPARTMENT OF SOCIAL SERVICES

Mr. Verno presented the following:

WHEREAS, the Wayne County Department of Social Services (DSS) seeks to reduce the incidence of child abuse and neglect in Wayne County families; and

WHEREAS, services for families experiencing violence issues are an important component in reducing child abuse and neglect; and

WHEREAS, per Resolution No. 335-19, the County of Wayne entered into a contract with Wayne CAP for the provision of Child Abuse Reduction through Family Violence Parent Education (PACT) Services for a one (1) year period of 7/1/19-6/30/20 with a possible up to two (2) year renewal at \$19,750; and

WHEREAS, the services provided by Wayne CAP have been satisfactory; and

WHEREAS, WCDSS is now desirous of renewing the contract with Wayne CAP for Child Abuse Reduction through Family Violence Parent Education (PACT) Services for the contract term of 7/1/20-6/30/21 at the agreed upon amount of \$19,750; now, therefore be it

RESOLVED, that the Chairman of the Board is hereby authorized to renew the contract on behalf of the County of Wayne with Wayne CAP for Child Abuse Reduction through Family

Violence Parent Education (PACT) Services for the contract term of 7/1/20-6/30/21 in an amount not to exceed \$19,750 with the ability of both parties to extend this contract for up to one (1) year upon mutual agreement.

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

RESOLUTION NO. 275-20: AWARD RFP CONTRACT FOR CHILD-ONLY SERVICES FOR THE DEPARTMENT OF SOCIAL SERVICES

Mr. Verno presented the following:

WHEREAS, it is a high priority of the Wayne County Department of Social Services to break the cycle of poverty and dependence on government cash subsidies; and

WHEREAS, the Wayne County Department of Social Services was authorized to prepare RFP documents and advertise for Child-Only Services; and

WHEREAS, responses to the RFP were opened on Thursday, May 21, 2020 with the following proposals received:

The Arc of Wayne 150 Van Buren St. Newark, NY 14513	\$78,843
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Youth Advocate Programs, Inc. 2007 North Third St. Harrisburg, PA 17102-1815	\$158,356
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and

WHEREAS, the proposals were evaluated and deemed responsive to cost and fit; and
WHEREAS, the proposals have been reviewed by the Commissioner of Social Services; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors hereby accepts the proposal by The Arc of Wayne, pursuant to the recommendation; and be it further

RESOLVED, that the Chairman of the Board is hereby authorized to execute a contract on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content with The Arc of Wayne for the provision of Child-Only Services for a one (1) year contract period of 7/1/20-6/30/21 at an amount not to exceed \$78,843 with a possible two (2) year renewal at \$80,397 for 7/1/21-6/30/22 and \$81,979 for the contract period of 7/1/22-6/30/23.

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

RESOLUTION NO. 276-20: AUTHORIZATION TO AMEND CURRENT CONTRACT WITH UNITEDHEALTHCARE OF NEW YORK, INC. FOR THE WAYNE COUNTY NURSING HOME

Mrs. Jacobs presented the following:

WHEREAS, UnitedHealthcare of New York currently provides health insurance coverage to enrolled Residents at Wayne County Nursing Home; and

WHEREAS, the current agreement has been amended to comply with current state regulations effective April 1, 2020; now, therefore, be it

RESOLVED, that the Chairman of the Board is hereby authorized to sign the contract amendment with UnitedHealthcare on behalf of the Wayne County Nursing Home effective April 1, 2020, subject to the County Attorney's approval as to form and content.

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

RESOLUTION NO. 277-20: AUTHORIZATION TO CONTRACT WITH VNA HOMECARE OPTIONS, LLC, DBA NASCENTIA HEALTH OPTIONS, LLC FOR MEDICARE PROGRAM AND MEDICARE ADVANTAGE FOR THE WAYNE COUNTY NURSING HOME

Mrs. Jacobs presented the following:

WHEREAS, Wayne County Nursing Home contracts with VNA Homecare Options, LLC, dba Nascentia Health Options, LLC for the provision of long term care and outpatient services for the members of VNA Homecare Options, LLC Medicaid Managed Long Term Care Plans; and

WHEREAS, VNA Homecare Options, LLC, has requested a change in the current contract to include a Termination without Cause provision; and

WHEREAS, Wayne County Nursing Home agrees to contract amendment with VNA Homecare Options, LCC; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized to sign the contract amendment with VNA Homecare Options, LCC, dba Nascentia Health Options, LLC contract to include a Termination without cause provision effective June 1, 2020 subject to the County Attorney's approval as to form and content.

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

RESOLUTION NO. 278-20: AUTHORIZATION TO CONTRACT FOR LINEN SERVICES AT THE WAYNE COUNTY NURSING HOME

Mrs. Jacobs presented the following:

WHEREAS, Wayne County Nursing Home currently contracts with the New York State Industries for the Disabled (NYSID) for linen services including maintaining an inventory, laundry process and delivery to the Wayne County Nursing Home; and

WHEREAS, Bates Troy Healthcare Linen Services, a sub-contractor NYSID, has been providing linen services; and

WHEREAS, this contract ends May 31, 2020 and due to the COVID-19 pandemic all contract discussions were delayed by NYSID; and

WHEREAS, Wayne County Nursing Home desires to renew the contract with NYSID for furnishing linen services in accordance with Section 162 of NYS Finance Law; and

WHEREAS, yearly cost not to exceed \$127,442.18; now, therefore, be it

RESOLVED, that the Chairman of the Board is hereby authorized to execute a contract with NYSID, using Bates Troy Healthcare Linen Services as a sub-contractor, for linen services on behalf of the Wayne County Nursing Home for the period June 1, 2020 - December 31, 2020; subject to the County Attorney's approval as to form and content.

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

RESOLUTION NO. 279-20: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH AUTOMATED MERCHANT SYSTEMS FOR COUNTY CREDIT CARD PROCESSING FOR THE WAYNE COUNTY CLERK'S OFFICE

Mr. Emmel presented the following:

WHEREAS, Resolution No. 638-13 authorized the County of Wayne to accept Credit Cards, Debit Cards, and E-Checks as forms of payments; and

WHEREAS, the County Clerk's Office is need of credit card processing services for an E Commerce option for online access to documents held by the office of the County Clerk; and

WHEREAS, a Convenience fee is charged to the payer by the card processor to ensure the County receive payment in full and no processing fees are paid by the County; and

WHEREAS, the County's vendor GovPayNet is not able to integrate with BridgePay as required by Tyler Technology; and

WHEREAS, Tyler Technology and BridgePay's preferred vendor is Automated Merchant Systems; and

WHEREAS, the County Treasurer and County Clerk believe it is in the best interest of the County to use Automated Merchant Systems, to achieve optimal efficiency of the this project; and

WHEREAS, there is no cost to the County for this service; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to enter into an agreement with Automated Merchant Systems for the processing of Credit Card, Debit Card, and E-Check payments, at the County Clerk's Office, subject to the County Attorney's approval.

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

RESOLUTION NO. 280-20: ESTABLISHING STANDARD WORK DAY AND REPORTING RESOLUTION FOR ELECTED AND APPOINTED OFFICIALS TO COMPLY WITH NYS RETIREMENT LAW

Mr. Emmel presented the following:

WHEREAS, New York State has issued regulations (§315.4) concerning the establishment of a standard work day and additional reporting requirements for elected and appointed officials who begin new terms of office on or after August 12, 2009; and

WHEREAS, the Board has reaffirmed Resolution No. 452-93 (08/17/93) establishing a standard work day of six (6) hours for the Wayne County Board of Supervisors and for part-time appointed officials who are not subject to collective bargaining agreements; and

WHEREAS, the Board has established a standard work day of seven (7) or eight (8) hours as noted for other elected or appointed officials; and

WHEREAS, the following officials have been elected or appointed after August 12, 2009 and therefore are subject to the §315.4 regulations; now, therefore, now be it

RESOLVED that the County of Wayne hereby establishes the following as standard workdays for elected officials and will report the following days worked to the New York State and Local Employee's Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body:

Elected Officials	Standard Work Day (hours)	Name	SS# (last four digits)	Reg. #	Tier 1	Current term of office	Record of Activities Result	Not submitted
Board of Supervisor	6	Philip Eygnor	7727	72179369	No	1/1/2020 12/31/21	6.42	

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

RESOLUTION NO. 281-20: ACCEPT EPA 2020 BROWNFIELD ASSESSMENT PROGRAM GRANT AND AUTHORIZE THE CHAIRMAN TO SIGN DOCUMENTS

Mr. Spickerman presented the following:

WHEREAS, Resolution No. 564-19: authorize an application to the EPA 2020 Brownfield Assessment program with coalition partners of Wayne Economic Development Corporation, Wayne County Regional Land Bank, Towns of Arcadia and Lyons, and Village of Newark; and

WHEREAS, the Assessment Grants provide funding for developing inventories of brownfields, prioritizing sites, conducting community involvement activities, conducting site assessments, and developing cleanup plans and reuse plans related to brownfield sites; and

WHEREAS, Wayne County Department of Economic Development and Planning has received notice of a \$600,000 award for this grant application; and

WHEREAS, there is no matching requirement for this grant; now, therefore, be it

RESOLVED, that the Board of Supervisors accepts this grant award for \$600,000 from the EPA; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute any agreements or documents necessary to implement the resolution on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content.

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

Mr. Spickerman announced that he would be withdrawing the following resolution as it will not be necessary at this time:

'RESOLUTION NO. 4-2: AUTHORIZE SUBMISSION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ECONOMIC DEVELOPMENT PROGRAM PRE-SUBMISSION FORM AND APPLICATION'

RESOLUTION NO. 282-20: AUTHORIZE WAYNE COUNTY TOURISM AND PROMOTION TO ACCEPT AGRICULTURE DEVELOPMENT GRANT

Mr. Spickerman presented the following:

WHEREAS, Wayne County Tourism and Promotion has been advised that they have received an agriculture development grant in the amount of \$15,000 from The Genesee Valley Regional Market Authority (GVRMA), in cooperation with the New York State Department of Agriculture and Markets, with no local match required; and

WHEREAS, the grant will be utilized for a video project for promotion of the Wayne County Apple Tasting Tour; now, therefore, be it

RESOLVED, that the County of Wayne accepts the agriculture development grant in the amount of \$15,000 and be it further

RESOLVED, that the Director of Wayne County Office of Tourism and Promotion is authorized to sign the required grant documents, subject to the review and approval of the County Attorney; and be it further

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

A6410 Tourism

(Revenue)

\$15,000 to 43400 – Agriculture Grant

(Appropriations)

\$15,000 to 54399 –Contracted Expenses – Video Prod

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

RESOLUTION NO. 283-20: AUTHORIZATION TO RENEW AGREEMENT WITH CONSTELLATION ENERGY TO PROVIDE ELECTRICITY FOR THE COUNTY OWNED FACILITIES

Mr. Chatfield presented the following:

WHEREAS, our current agreement with Constellation Energy Services of New York has expired; and

WHEREAS, Constellation is the designated electrical supplier for Municipal Electric & Gas Alliance (MEGA); and

WHEREAS, in 2013 the County became a member of MEGA and is allowed to purchase electric and natural gas through them; and

WHEREAS, Constellation has provided the County with a proposal for a 3-year fixed price that is approx. \$0.0425/kWh, this rate is subject to daily changes until agreement is signed by the County; and

WHEREAS, the proposed rate is slightly lower than our current electrical rate; and

WHEREAS, this new rate would equal approximately \$147,000.00 in energy cost saving over the three year contract when comparing it to our current rate; 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 Constellation Energy Services of New York for a 3-year fixed rate electric supply for the County owned facilities.

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

call, adopted.

RESOLUTION NO. 284-20: AUTHORIZATION TO DECLARE VEHICLES AND ITEMS SURPLUS IN THE PUBLIC WORKS DEPARTMENT

Mr. Chatfield presented the following:

WHEREAS, the Central Garage Department has the vehicles/items listed below that should be disposed of as noted:

2007 Chevy Malibu (MH)	1G1ZS57F87F276693	Auction
2016 Dodge Caravan (DSS)	2C4RDGBG1GR399452	Auction/Department Transfer

now, therefore, be it

RESOLVED, that the vehicle listed above be transferred or sold at an upcoming public auction, in accordance with the County's Equipment Disposition policy.

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

RESOLUTION NO. 285-20: RESOLUTION DECLARING THE ESTABLISHMENT OF THE WAYNE COUNTY BOARD OF SUPERVISORS AS LEAD AGENCY FOR THE CRESCENT BEACH REDI PROJECT

Mr. Chatfield presented the following:

WHEREAS, Wayne County (County) is proposing the Crescent Beach REDI Project (Project), located in the Towns of Huron and Sodus, Wayne County, New York; and

WHEREAS, the Project has been classified as a "Type I Action" as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and

WHEREAS, Wayne County sent a letter and Part 1 of a Full Environmental Assessment Form (FEAF) to other potentially "Interested Agencies" and "Involved Agencies" (as these terms are defined in the SEQRA Regulations found at 6 NYCRR Part 617.2), indicating the County's desire to serve as the "Lead Agency" (as this quoted term is defined in the SEQRA Regulations) and to complete a coordinated review of the Project (in accordance with 6 NYCRR Part 617.6); and

WHEREAS, responses from Interested and Involved Agencies were requested, and each of the potentially Interested and Involved Agencies has agreed to, or raised no objections to, the Wayne County Board of Supervisors serving as Lead Agency for the Project; now, therefore be it

RESOLVED that, the Wayne County Board of Supervisors hereby establishes itself as Lead Agency for the Crescent Beach REDI Project.

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

RESOLUTION NO. 286-20: AUTHORIZATION TO SIGN AGREEMENT FOR GEOTECHNICAL SERVICES FOR THE PUBLIC WORKS DEPARTMENT

Mr. Chatfield presented the following:

WHEREAS, the Highway department intends to progress two large culvert replacement projects in the future; and

WHEREAS, geotechnical information is needed at the two locations to aid in the design process; and

WHEREAS, the Superintendent of Public Works has solicited for cost proposals for the desired services based on estimated quantities and the results are listed below:

SJB Services	\$ 9,845
Nothnagle Drilling	\$12,865
Atlantic Testing	\$18,035

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 SJB Services for \$9,845 for

geotechnical services.

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

RESOLUTION NO. 287-20: AUTHORIZATION TO SIGN UNDERTAKING AGREEMENT WITH NYSDOT

Mr. Chatfield presented the following:

WHEREAS, the Highway department is often required to obtain a permit from the NYSDOT to detour traffic onto NYSDOT roadways; and

WHEREAS, An Undertaking agreement can be issued by the NYSDOT to Wayne County which will eliminate the need to provide insurance documents for each permit request; and

WHEREAS, Wayne County will agree to several conditions outlined in the Undertaking as listed below:

1. **PERMIT APPLICATIONS.** Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days' notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration
2. **APPLICABLE RULES, REGULATIONS & CONDITIONS.** Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.
3. **SITE RESTORATION.** Permittee shall, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee. In the event that the Permittee fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Permittee, may restore the property to substantially the same or equivalent condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.
4. **PAYMENT & RELEASE OF LIENS.** Permittee shall be responsible for the payment of all costs and materials relating to its work in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all lien claims made by persons supplying services or materials to Permittee in connection with Permittee's work.
5. **INDEMNITY.** In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations, whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way associated with the Permittee's, activities or operations under any and all permits issued using this Undertaking.

and

it WHEREAS, this Undertaking shall be in place for a period of 20 years; now, therefore, be

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute an Undertaking agreement with the NYSDOT.

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

RESOLUTION NO. 288-20: 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, 2020 through March 6, 2021; 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 2020 budget.

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

RESOLUTION NO. 289-20: AUTHORIZATION TO ACCEPT NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES GRANT – DISTRIBUTION #10, NYS CONTRACT NUMBER C100054 FOR THE WAYNE COUNTY PUBLIC DEFENDER

Mr. Verkey presented the following:

WHEREAS, New York State Office of Indigent Legal Services had advised the County Administrator of the availability of a non-competitive grant in the amount of \$247,713.00 for Indigent Legal Services; and

WHEREAS, Wayne County has received notification that the distribution in the amount of \$247,713.00 has been awarded under Contract Number C100054; and

WHEREAS, the term of said Contract Number C100054 is January 1, 2020 through December 31, 2022; and

WHEREAS, this grant funding shall be used for the following:

- To continue 50% funding of the salary and benefits of a full-time Assistant Public Defender, in continuation of the prior funding received for said position by virtue of I.L.S. Distributions #7, Contract Number C700054; and
- To provide funding assistance for the Wayne Pre-Trial Services, for an Adult Diversion Program Counselor; and
- To provide administrative and technological support for the Assigned Counsel Program Administrator's Office.

now, therefore, be it

RESOLVED, that the County Administrator is authorized to accept said distribution contract 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 Grant Contract.

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

RESOLUTION NO. 290-20: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH NEWARK - WAYNE COMMUNITY HOSPITAL FOR FACILITY USE TO TRAIN LAW ENFORCEMENT

Mr. Verkey presented the following:

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

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

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

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

RESOLVED, that the Sheriff enters into an agreement with Newark - Wayne Community Hospital to use the 6692 Middle Road, Sodus facility for training purposes when needed and appropriate at no cost to the county, and upon review and approval of the County Attorney.

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

RESOLUTION NO. 291-20: AUTHORIZATION TO ACCEPT LOW BID FOR SERVERS, STORAGE AND NETWORK SWITCHES AND RESCIND RESOLUTION NO. 248-20

Mr. Verkey presented the following:

WHEREAS, the 2020 budget included funds to update servers, storage and network switches in the 911 Center; and

WHEREAS, these purchases are an acceptable use of 2019-20 Public Safety Answering Point Grant funds and are a higher priority than grant expenditures that were authorized in Resolution No. 248-20; and

WHEREAS, the Clerk of the Board of Supervisors has duly advertised for bids for said servers, storage and network switches for the 911 Center and the bids were opened on Wednesday May 20, 2020 at 2:00 p.m. and the following bid was received:

Dox Electronics, Inc.
105 College Avenue
Rochester, NY 14607

and

WHEREAS, the single bid received from Dox Electronics, a MWBE business, in the amount of \$242,373.14 meets the bid specification and is within budget; now, therefore, be it

RESOLVED, that the bid submitted by Dox Electronics for the total bid amount of \$242,373.14 is hereby accepted; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute a contract on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with Dox Electronics in the amount of \$242,373.14 in accordance with county purchasing policy; and be it further

RESOLVED, that Resolution No. 248-20 and its associated budget adjustment is hereby rescinded.

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

Mr. Verkey announced that he would be withdrawing the following resolution today:
'RESOLUTION NO. 2-5: AUTHORIZATION TO UTILIZE SOCIAL MEDIA FOR THE WAYNE COUNTY PROBATION DEPARTMENT'

Prior to the presentation of the Finance Committee resolutions, Chairman Miller announced that Supervisor Bender will be celebrating her birthday later this week; and requested everyone to join him in song in wishing her the happiest of birthdays; and also, for light refreshments provided by Supervisor Chatfield.

Mrs. Bender thanked everyone for this wonderful surprise, as it was unexpected and truly appreciated.

RESOLUTION NO. 292-20: AUTHORIZATION TO NEGOTIATE SETTLEMENT OF CLAIM – ARCADIA INJURY

Mrs. Bender presented the following:

WHEREAS, a claim was filed against the County on or about August 28, 2018 by a person who tripped and fell over a wooden post protuberance above ground in front of a dock at Widewaters Park in the Town of Arcadia, and the injuries allegedly resulting therefrom; and

WHEREAS, NYMIR and the County Attorney have reviewed the merit of the claim, and the potential value thereof, and the financial risks to the County, and are desirous of settling said claim; now, therefore, be it

RESOLVED, that the Wayne County Attorney is authorized to settle said claim for an amount not to exceed Thirty-Five Thousand and 00/100 (\$35,000.00) for the full amount and value of said claim.

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

Mr. Kolczynski inquired in relation to this claim for injuries sustained in a county park, whether a 'prior notice of defect' requirement could be implemented by the county in relation to injuries alleged to have been sustained in county parks similar to the 'prior notice of defect' requirement which applies to injuries sustained from defective roadways owned by the county.

Mr. Connors noted that the 'prior notice of defect' requirement now in existence only applies to county owned highways and bridges.

Mr. Kolczynski requested that Mr. Connors research the possibility of making a 'prior notice of defect' application to conditions on other county owned properties which are alleged to cause injury.

Upon roll call, adopted.

RESOLUTION NO. 293-20: AUTHORIZE RE-APPOINTMENT TO THE FINGER LAKES WORKFORCE INVESTMENT BOARD

Mrs. Bender 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, the Executive Director of Finger Lakes Workforce Development has solicited nominations in accordance with the law; and the following individuals have been nominated for representation and re-appointment to the WIB Board for the three-year term of 7/1/20 – 6/30/23; and

Lynn Freid, Workforce Development Institute, Regional Director Organized Labor

Danielle Maloy, ACCESS VR, Regional Manager WIOA Title IV

RESOLVED, that the above named individuals are hereby re-appointed to the terms 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. Robusto moved the adoption of the resolution. Seconded by Mr. Lasher. Upon roll call, adopted.

RESOLUTION NO. 294-20: AUTHORIZATION TO AMEND CONTRACT WITH THE BONADIO GROUP FOR INDEPENDENT AUDIT SERVICES FOR WAYNE COUNTY

Mrs. Bender presented the following:

WHEREAS, Resolution No. 517-19 authorized the acceptance of The Bonadio Group's proposal and authorized the execution of a contract with The Bonadio Group for independent audit services at a cost of \$81,400; and

WHEREAS, the original service contract did not include the Mental Health Services Consolidated Fiscal Report (CFR), although this report must be completed; and

WHEREAS, The Bonadio Group has the ability to provide this service for \$3,500; and

WHEREAS, the Mental Health budget includes funds for this service; and

RESOLVED, that the agreement with The Bonadio Group for their independent audit services is amended to include the Mental Health Consolidated Fiscal Report service at a cost not to exceed \$84,900; and be it further

RESOLVED, that the Chairman of the Board is authorized to sign the amended agreement subject to the County Attorney's approval as to form and content.

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

RESOLUTION NO. 295-20: AUTHORIZATION FOR CHAIRMAN TO SIGN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, THE OFFICE OF THE STATE COMPTROLLER – NEW YORK ENVIRONMENTAL PROTECTION AND SPILL COMPENSATION FUND AND THE WAYNE COUNTY REGIONAL LAND BANK CORPORATION

Mrs. Bender presented the following:

WHEREAS, the County of Wayne is required by the Real Property Tax Law of the State of New York to bring tax foreclosure proceedings against tax delinquent properties within the County of Wayne; and

WHEREAS, many of the properties against which the County is required to bring tax foreclosure proceedings pose environmental issues through contamination by oil, or other hazardous substances, which then subjects the County to potential liability under existing state and federal environmental protection laws; and

WHEREAS, the County of Wayne transfers many of the properties it acquires through tax foreclosure to the Wayne County Regional Land Bank Corporation, for redevelopment, remediation, and resale to potential buyers; and

WHEREAS, the Executive Director of the Wayne County Regional Land Bank Corporation and the County Attorney have negotiated an agreement with the New York State Department of Environmental Conservation and the Office of the New York State Comptroller -- New York Environmental Protection and Spill Compensation Fund which provides some protection to both the County of Wayne and to the Wayne County Regional Land Bank Corporation against financial liability under existing New York State Environmental Protection Laws for contaminated properties acquired by the County and the Land Bank; and

WHEREAS, this financial protection for the taxpayers of Wayne County against potential liability under existing Environmental Protection Laws for possible environmental contamination existing on properties obtained by the County through tax foreclosure serves the public interest and protects the public purse; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign and execute an Agreement with the New York State Department of Environmental Conservation, the Office of the New York State Comptroller – New York Environmental Protection and Spill Compensation Fund, and the Wayne County Regional Land Bank providing

for covenants not to sue the County of Wayne for environmental contamination existing on properties acquired by the County of Wayne through tax foreclosure provided the County meets the conditions set forth in said agreement.

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

RULE 14 RESOLUTION

RESOLUTION NO. 296-20: AUTHORIZATION TO EXECUTE A 42 MONTH CONTRACT WITH WEST PUBLISHING FOR ELECTRONIC RESEARCH ACCESS TO IMPROVED WESTLAW EDGE, ADDING ATTORNEY LICENSES AND ONE ACCESS TO AN APPEALS DRAFTING PROGRAM FOR THE PUBLIC DEFENDER'S OFFICE

Mr. Verkey presented the following:

WHEREAS, pursuant to Wayne County Board approval by Resolution No. 235-19, in April 2019, the Wayne County Public Defender's Office entered into a three year contract with West Publishing, providing access to electronic research; and

WHEREAS, the Public Defender's Office is desirous of updating the Westlaw research interface, adding attorney licenses and adding a program to assist in production of appeals documents; and

WHEREAS, the Public Defender's Office desires to enter into new 42 month contract between West Publishing and the Wayne County Public Defender's Office, the first 6 months of which will be a "Bridge Term" providing the additional services at no increased cost until January 2021, at which point the contractual increase will be covered by Hurrell Harring improvement funding; and

WHEREAS, the Wayne County Public Defender has requested, reviewed and provided to the County Attorney the proposed contract with West Publishing and has determined that West Publishing provides the most beneficial resources for legal research, and is hereby requesting approval to enter into a 42 month contract with West Publishing for said electronic research services; and

WHEREAS, Contract Q-00712455 authorizes a 42 month agreement for increased on-line access to legal research as described above; now, therefore, be it

RESOLVED, that upon the review and approval of West Contracts by the Wayne County Attorney, the Wayne County Chairman of the Board of Supervisors is hereby authorized to execute the 42 month contract with West Publishing; Q-00712455; and be it further

RESOLVED, that the Wayne County Public Defender's Office is hereby authorized to pay to West Publishing from their budget line number 54472 and 54472 ILSHH and ILS18 the sums set forth in the Contracts for initial purchase and periodic maintenance of the services and publications provided therein by West Publishing.

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

ADJOURNMENT:

The next scheduled meeting of the Board is **Tuesday, July 21, 2020 at 9:00 a.m.**

Mr. Lasher moved, seconded by Mr. Chatfield, that the board adjourn at 9:30 a.m. Carried.

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