

11th Day  
Monday, August 10, 2020  
11:00 a.m.

The August Board meeting was held in the newly constructed outdoor pavilion located at the Wayne County Nursing Home, Chairman Ken Miller presiding.

The Pledge of Allegiance was led by Senator Pamela Helming, followed by the Chairman giving the invocation.

The Clerk called the roll and all Supervisors were in attendance, except Supervisors Spickerman, Kolczynski and Leonard who were absent this morning. County Administrator Richard House and County Attorney Daniel Connors were also in attendance.

Chairman Miller welcomed everyone to this morning session, including Senator Helming, Myra Brown and Alexis West from Assemblyman Brian Manktelow's office and thanked them for joining us today.

Further, the Chairman extended a thank you to all involved in making this outdoor meeting possible. Special thanks to the Public Works Department for this set up; and Nursing Home Administrator Denis Vinnik and his dedicated staff for providing this space and catering to our needs this morning.

**APPROVAL OF MINUTES:**

Mrs. Jacobs 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:

Copies of adopted resolutions were received from both Seneca and Ontario County Boards of Supervisors regarding the endorsement of Michelle Jungermann for appointment to the Finger Lakes Workforce Development Board and Finger Lakes Investment Board, Inc.

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 Capstone Timothy Lane LLC Project, dated July 20, 2020, for property located within the Town of Ontario.

The County Treasurer filed Certificates of Withdrawal of Foreclosure pursuant to Section 1138 of the Real Property Tax Law in the Clerk of the Board's Office for the following property:

- Town of Rose for Main, Ellen TM# 73116-20-852066  
Legal Impediment to the enforcement of the Tax Lien
- Town of Arcadia for Smith, Scott & Yolanda J TM# 69112-00-116628  
Legal Impediment to the enforcement of the Tax Lien
- Town of Palmyra for Penate, Oscar & Alberto TM# 64111-16-752330  
Legal Impediment to the enforcement of the Tax Lien
- Town of Macedon for Decarr, Frederick E TM# 61112-17-100154  
Legal Impediment to the enforcement of the Tax Lien
- Town of Butler for Ramos, Antonio - Reed Drive (Rear) TM# 77114-17-205140  
Legal Impediment to the enforcement of the Tax Lien

A copy of the County Auditor's accounts payable report for monthly utilities, miscellaneous payments including the July warrants for accounts payable, totaling \$5,809,397.34 was received and filed.

Mr. Verkey moved, seconded by Mr. Johnson. Motion carried.

Chairman Miller requested Sheriff Barry Virts and Senator Pamela Helming to come forth for today's presentations.

Sheriff Barry Virts and New York State Senator Pam Helming addressed the board today

to present Letters of Commendation, a Meritorious Conduct Medal, along with NYS Senate Awards to several good Samaritans for their heroic actions relating to a tragic accident that took place at Sodus Point Park in early July.

After giving a brief summary of the tragic event and loss of life, Sheriff Virts requested Christopher Howell and Atarra Starr, the parents of Draven Starr-Howell to come forth, presenting them with a Letter of Commendation for their exhibition of courage; thanking them for their son's heroic actions in attempting to rescue three females from the Lake Ontario undercurrent near the west side of the Wayne County Sodus Point Pier on July 2, 2020.

Senator Pam Helming presented a certificate for the New York State Liberty Medal to Christopher Howell and Atarra Starr for their son's heroic efforts. The Senator explained that this is one of the highest civilian honors that a New Yorker can receive. The award is given to individuals who have merited special commendation for exceptional, heroic, or humanitarian acts and achievements on behalf of their fellow New Yorkers; and is the highest honor bestowed upon an individual by the New York State Senate.

Sheriff Virts then read and presented Letters of Commendation to good Samaritans Jesse Dean, James Hilaire, Lucas Shulla, Jayden Shulla, Gabriel Lopez-Izaguirre, accordingly, for their willingness to assist those in need and render assistance to three women, Draven Starr-Howell and the Wayne County Sheriff's Office during a lifesaving endeavor.

NYS Senator Pamela Helming also presented a NYS Senate Awards to these good Samaritans, thanking them for their heroism and courage in helping others in need.

Wayne County Board of Supervisors Chairman Kenneth Miller and Sheriff Virts presented a Proclamation for Meritorious Conduct Medal, along with Senator Helming awarding the New York State Commendation Award, a distinct honor given to individuals who have distinguished themselves through service to the community, to Sergeant Aaron DiSanto for his bravery and courage during the rescue efforts at Sodus Point Park on July 2<sup>nd</sup>.

In conclusion, Chairman Miller noted that we are blessed to be surrounded by many heroes; and requested a round of applause to sincerely thank all of them for their unselfish service on that day.

#### **2020 WAYNE COUNTY DAIRY PRINCESS**

Beth Claypoole, Exec. Director, Cornell Cooperative Extension introduced the 2020 Wayne County Dairy Princess, Kailey Kuhn of Marion.

Kailey Kuhn thanked the Board for this opportunity to honor and support our hardworking dairy farmers within Wayne County. Our farmers work 365 days a year, taking care of the animals, land and making us our nutritious dairy products.

Miss Kuhn distributed iced-cold chocolate milk for board members to enjoy this morning.

Supervisor Leonard arrived at the Board meeting at 11:15 a.m.

#### **2020 CENSUS PRESENTATION**

Wayne County Census Committee Co-Chairperson, Dr. Ellen Wayne along with Case Hamilton, Wayne CAP Census 2020 Coordinator distributed information and noted that responding to the census helps determine a guide to how more than \$675 BILLION in federal funding is distributed to states and communities each year.

They updated the Board with current census responses for Wayne County Towns; and so far this year, reporting a 57.1% response rate to date, using comparisons from 2010.

Ms. Hamilton highlighted some of the advertising that has been utilized, including 11 RTS busses wrapped with Census messaging, billboards, local newspaper advertisements and many other ways to help get the word out. The Census Bus has been used every day and on display today.

Ms. Hamilton requested support from our Board members to encourage everyone to complete their census forms online, with participation through Facebook and social media, adding 2020 Census information on Town websites and also through local community response events.

Door-to-door enumerators are starting August 13, with deadline dates to be announced soon.

#### **SCHEDULED BUSINESS**

#### **PUBLIC HEARING - Community Development Block Grant (CDBG) Program**

Prior to the opening of today's scheduled public hearing this morning, Chairman Miller took this opportunity to read this Board's procedures that are followed for all County public hearings. Further, he requested that persons interested in addressing the Board with their comments to come forth to use the microphone in the front.

The Clerk read the Notice of Public Hearing, as follows:

**LEGAL NOTICE  
NOTICE OF PUBLIC HEARING  
WAYNE COUNTY  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM**

The Board of Supervisors, Wayne County, New York will hold a public hearing on Monday, August 10, 2020 at 11:05 AM at the Wayne County Board of Supervisors Meeting. The hearing will take place at the Wayne County Nursing Home Outdoor Pavilion, 1529 Nye Road, Lyons, New York 14489.

The public hearing will be held for the purpose of hearing public comments on Wayne County's community development needs, and to discuss the possible submission of one or more Community Development Block Grant (CDBG) applications for the 2020 program year. The CDBG program is administered by the New York State Office of Community Renewal (OCR), and will make available to eligible local governments up to \$10 million for the 2020 program year for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefitting low/moderate income persons. The hearing will provide further information about the CDBG program and will allow for citizen participation in the development of any proposed grant applications and/or to provide technical assistance to develop alternate proposals. Comments on the CDBG program or proposed project(s) will be received at this time. The hearing is being conducted pursuant to Section 570.486, Subpart I of the CFR and in compliance with the requirements of the Housing and Community Development Act of 1974, as amended. Wayne County intends to submit an application for \$270,000 under the CDBG program (economic development category) to facilitate the creation and attendant job creation of the McAlpin Industries in the Town of Walworth.

The Wayne County Nursing Home is in compliance with accessibility standards under the Americans with Disabilities Act. Hearing disabled persons or those in need of translation from English, who wish to attend should call Sandra Sloane at 315-946-5403 at least 48 hours prior to the hearings to make arrangements for an interpreter. Written comments may also be submitted to Sandra Sloane, Clerk of the Board, 26 Church St. Lyons, NY 14489 until August 13, 2020 (three days after the meeting).

Chairman Miller opened the floor for public comment at 11:37 a.m., requesting citizens to come forth with their comments. There was no interest in commenting on the proposed Community Development Block Grant (CDBG).

After the second and third requests for comments were made, Chairman Miller asked for a motion to close the hearing.

Mr. Johnson moved, seconded by Mr. Chatfield, that the hearing be closed at 11:38 a.m. Upon roll call, carried.

#### **RESOLUTION NO. 342-20: AUTHORIZATION TO RENEW THE MEMORANDUM OF**

**UNDERSTANDING (MOU) WITH WAYNE COUNTY ACTION PROGRAM FOR SENIOR TRANSPORTATION SERVICES FOR THE DEPARTMENT OF AGING AND YOUTH**

Mr. Verno presented the following:

WHEREAS, the Wayne County Action Program operates a transportation program for seniors using volunteer drivers; and

WHEREAS, the Wayne County Department of Aging and Youth has previously partnered with Wayne County Action Program in support of this program by providing funding towards volunteer mileage reimbursement, advertising, and other administrative support; and

WHEREAS, the Department of Aging and Youth has received stimulus funding to be used toward services that seniors need during the COVID-19 pandemic, including transportation; and

WHEREAS, a signed MOU between the Wayne County Action Program and the Department of Aging and Youth is required in order to provide these services; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisors is hereby authorized and directed to sign a Memorandum of Understanding, on behalf of the Department of Aging and Youth, with the Wayne County Action Program for the provision of support for their volunteer Senior Transportation Program in the amount of \$8,685.75 from January 1, 2020 through December 31, 2020, subject to the County Attorney's approval as to form and content.

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

**RESOLUTION NO. 343-20: AUTHORIZATION FOR DEPARTMENT OF AGING AND YOUTH TO CONTRACT WITH WAYNE COUNTY SCHOOL DISTRICTS FOR THE FAMILY AND COMMUNITIES TOGETHER PROGRAM**

Mr. Verno presented the following:

WHEREAS, the Families and Communities Together (FACT) Program is designed to assist families that have children in grades K through 8 who are exhibiting emotional and/or behavioral issues by providing intensive case management services and thereby preventing an out-of-home placement; and

WHEREAS, ten Wayne County school districts have requested to enter into a contractual agreement with the Department of Aging and Youth for the provision of FACT services; and

WHEREAS, the Department of Aging and Youth agrees to provide FACT services to a specified number children per school district at a sum of \$1000.00 per family; 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 Department of Aging and Youth for the provision of FACT services with the schools listed below in the amount specified, for the contract year from September 1, 2020 through August 31, 2021, subject to the County Attorney's approval as to form and content.

<b>School</b>	<b>Youth Served</b>	<b>Total Cost</b>
Sodus	10	\$10,000
NR/Wolcott	9	\$ 9,000
Lyons	7	\$ 7,000
Clyde-Savannah	5	\$ 3,000
Pal Mac	10	\$10,000
Marion	2	\$ 2,000
Red Creek	3	\$ 3,000
Newark	6	\$ 6,000
Wayne	4	\$4,000
Williamson	4	\$4,000
<b>Total</b>	<b>60</b>	<b>\$60,000</b>

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

call, adopted.

**RESOLUTION NO. 344-20: AUTHORIZATION TO RENEW THE CONTRACT WITH NEWARK EMMANUEL UNITED METHODIST CHURCH TO ADMINISTER A SENIOR CONGREGATE MEAL PROGRAM 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 throughout Wayne County; and

WHEREAS, the Department is requesting to enter into a contractual agreement with the Emmanuel United Methodist Church to provide congregate meal services for 2020, for the annual amount of \$5,000; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to execute a contract with the Emmanuel United Methodist Church, on behalf of Wayne County in the annual amount of \$5,000 for the period of January 1, 2020 through December 31, 2020, subject to the County Attorney's approval as to form and content.

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

**RESOLUTION NO. 345-20: AUTHORIZATION FOR THE WAYNE COUNTY DEPARTMENT OF AGING AND YOUTH TO ACCEPT AGING AND DISABILITY RESOURCE CENTER (ADRC) 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 Aging and Disability Resource Center (ADRC) Stimulus Funding for distribution to local Area Agencies on Aging throughout NY State to provide additional support of the NY Connects Program; and

WHEREAS: Wayne County's portion of this money comes to a total of \$27,609 in support of immediate responses to urgent needs resulting from COVID-19 by enabling the NY Connects program to provide critical access functions to those populations most at risk of COVID-19, 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 \$27,609; 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)

\$27,609 to 44772 Programs for Aging

(Appropriations)

\$27,609 to 54891 Other Direct Expenses

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

**RESOLUTION NO. 346-20: AUTHORIZATION TO CONTRACT WITH HEALTH RESEARCH, INC FOR WAYNE COUNTY PUBLIC HEALTH TO PERFORM PUBLIC HEALTH EMERGENCY PREPAREDNESS ACTIVITIES**

Mrs. Jacobs presented the following:

WHEREAS, Wayne County Public (WCPH) is required by the New York State Department of Health (NYSDOH) to perform Public Health Emergency Preparedness activities; and

WHEREAS, funding for such activities comes from Health Research, Inc (HRI); and

WHEREAS, WCPH's current contract with HRI expired on June 30, 2020 and HRI has sent a contract renewal for the period of July 1, 2020 to June 30, 2021 for an amount not to

exceed \$80,645; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign a contract with Health Research, Inc. for WCPH to perform Public Health Emergency Preparedness activities, for the period of July 1, 2020 to June 30, 2021 for an amount not to exceed \$80,645, subject to the approval of the County Attorney as to form and content.

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

**RESOLUTION NO. 347-20: AUTHORIZATION TO RENEW INTERMUNICIPAL AGREEMENT BETWEEN CHEMUNG, LIVINGSTON, MONROE, ONTARIO, SCHUYLER, SENECA, STEUBEN, WAYNE, AND YATES FOR WAYNE COUNTY PUBLIC HEALTH**

Mrs. Jacobs presented the following:

WHEREAS, the Wayne County Public Health (WCPH) has the responsibility for planning and responding to all public health emergencies; and

WHEREAS, some public health problems may require public health services that exceed the capacities of WCPH; and

WHEREAS, the WCPH is desirous of renewing an inter-municipal agreement with partnering counties to provide and receive mutual aid during a public health emergency; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute the Intermunicipal Agreement between Chemung, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben, Wayne and Yates for the period of July 1, 2020 to June 30, 2025, with approval as to form and content from the County Attorney.

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

**RESOLUTION NO. 348-20: AUTHORIZATION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE BEST WESTERN INN & SUITES IN PALMYRA, NEW YORK FOR WAYNE COUNTY PUBLIC HEALTH**

Mrs. Jacobs presented the following:

WHEREAS, Wayne County Public Health (WCPH) wishes to establish a Memorandum of Understanding with the Best Western Inn & Suites to house Wayne County Residents in matters related to public health concerns; and

WHEREAS, if such need arises, WCPH will pay \$85 per day (tax free) for each person/family housed at the Inn; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign a Memorandum of Understanding with the Best Western Inn & Suites in Palmyra, NY to house Wayne County Residents in matters related to public health concerns for a daily tax free rate of \$85 for each person/family housed at the Inn, subject to the approval of the County Attorney as to form and content.

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

**RESOLUTION NO. 349-20: AUTHORIZATION TO EXECUTE CONTRACT WITH LEAH TALBOT FOR PROVISION OF RELATED SERVICES TO PRESCHOOL CHILDREN WITH HANDICAPPING CONDITIONS FOR WAYNE COUNTY PUBLIC HEALTH**

Mrs. Jacobs presented the following:

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

WHEREAS, Wayne County Public Health has identified Leah Talbot, Physical Therapist, to provide Related Services to preschool children with handicapping conditions; and

WHEREAS, Wayne County Public Health wishes to contract with Leah Talbot for the provision of Related Services for the period of August 1, 2020 to June 30, 2021 for the following services and rates:

- Physical Therapy - \$70/.5hr
- Group (up to 5) - \$50/.5hr/child
- Coordination of Services - \$20/.5hr

now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute a contract and sign contract amendments that add or remove services with Leah Talbot to provide Physical Therapy Services to preschool children with handicapping conditions for the above listed services and rates for the period of August 1, 2020 to June 30, 2021, subject to the approval of the County Attorney as to form and content.

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

**RESOLUTION NO. 350-20: AUTHORIZATION FOR PUBLIC HEALTH TO EXTEND CONTRACT WITH GENEVA CLUB VENDING**

Mrs. Jacobs presented the following:

WHEREAS, Wayne County Public Health has a contract with Geneva Club Vending for vending machine equipment and related services, which expires August 31, 2020; and

WHEREAS, it is in the best interest of the county to extend the deadline for receipt of proposals to award the next contract; and

WHEREAS, to do so will require a one month extension of the current contract to ensure there is no lapse in service; and

WHEREAS, as a result of the extension, the contract will expire September 30, 2020 instead of the August 31, 2020; and

WHEREAS, Geneva Club Vending has agreed to this extension at the same terms and conditions of the current contract and the County Attorney is also in agreeance; now therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized and directed to sign the contract amendment, which allows the extension the contract between Wayne County Public Health and Geneva Club Vending until September 30, 2020, subject to review and approval of the County Attorney.

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

**RESOLUTION NO. 351-20: AUTHORIZATION FOR WAYNE COUNTY NURSING HOME TO CONTRACT WITH NURSCORE MANAGEMENT SERVICES, LLC D/B/A NURSCORE OF ROCHESTER**

Mrs. Jacobs presented the following:

WHEREAS, the contract between the County of Wayne and Nurscore Management Services for Registered Nurse and/ or Licensed Practical Nurse coverage expired on December 31, 2019; and

WHEREAS, the Wayne County Nursing Home wishes to renew said contract for the period of January 1, 2020 – December 31, 2023; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisors is authorized and directed to execute an agreement, subject to the County Attorney's approval as to form and content and the approval of the 2020-23 budget, with Nurscore Management Services for the provision of licensed nursing staff coverage at the Wayne County Nursing Home effective January 1, 2020 to December 31, 2023 at the following rates:

<b>BILLING RATE</b>	<b>7-3</b>	<b>3-11</b>	<b>11-7</b>	<b>7-3</b>	<b>3-11/11-7</b>
(Per Hour)	<b>M-F</b>	<b>M-F</b>	<b>M-TH</b>	<b>WEEKEND</b>	<b>WEEKEND</b>
Registered Nurse	58.95	58.95	58.95	60.95	60.95
Registered Nurse Supervision	70.95	70.95	70.95	72.95	72.95
Licensed Practical Nurse	44.95	44.95	44.95	46.95	46.95

Overtime is defined as those hours worked in excess of forty (40) hours in a one week pay period. Overtime must have Facility supervision approval. The overtime rate is one and one-half (1½) times the regular billing rate for each hour worked.

Holiday rates are paid for the day, evening and night shifts on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas and for the evening and night shifts on Christmas Eve and New Year's Eve. The holiday billing rate is one and one-half (1½) times the regular billing rate for each hour worked.

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

**RESOLUTION NO. 352-20: SETTING DATE FOR PUBLIC HEARING ON PROPOSED LOCAL LAW SUPERSEDING THE RESIDENCY REQUIREMENT OF THE PUBLIC OFFICERS LAW FOR THE POSITION OF ASSISTANT DISTRICT ATTORNEY IN THE COUNTY OF WAYNE**

Mr. Emmel presented the following:

WHEREAS, the Public Officers Law of the State of New York imposes a residency requirement that all local Public Officers reside in the political subdivision or municipal corporation of the state for which he or she shall be chosen to serve (Public Officer's Law §3 (1)); and

WHEREAS, the Wayne County District Attorney and all Assistant District Attorneys are Public Officers of the County of Wayne; and

WHEREAS, the Wayne County community has a strong desire to install Wayne County residents in the positions of Assistant District Attorneys for Wayne County, and believes strongly that Wayne County residents are knowledgeable about and concerned with the affairs of Wayne County; yet the complexity and breadth of the matters handled by the District Attorney's office present a challenge with respect to hiring qualified and experienced candidates, and has created extreme difficulty in staffing the office from the pool of attorneys in Wayne County interested in employment with the office; therefore be it

RESOLVED, pursuant to Section 20 of the Municipal Home Rule Law that the Board of Supervisors shall hold a public hearing on **Wednesday, August 26, 2020 at 9:00 a.m.** in the Supervisors' Chambers in the County Court House, 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 2020**

A Local Law Superseding the Residency Requirement of the Public Officers Law for the Position of Assistant District Attorney in the County of Wayne

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

**SECTION 1: LEGISLATIVE INTENT**

The intent of this local law is to define the residency requirement as it pertains to the following public officers: Assistant District Attorneys. It is intent of this local law to supersede the provisions of the New York State Public Officers Law Section 3(1) with respect to said public officers.

**SECTION 2: RESIDENCY REQUIREMENT: ASSISTANT DISTRICT ATTORNEY**

The provisions of Section 3(1) of the New York State Public Officers Law requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he or she shall be chosen, or within which his or her official functions are required to be exercised, shall not prevent a person from holding the office of Assistant District Attorney of the County of

Wayne, provided that such person resides in Wayne County or a geographically adjoining county within the State of New York.

The provisions of this local law shall not apply to any person holding the office of First Assistant District Attorney, the holder of which office would assume the duties of the District Attorney upon the District Attorney's absence from the county or upon the District Attorney's inability to perform his or her duties.

This local law shall only apply to Assistant District Attorneys.

**SECTION 3: SEPARABILITY**

If any clause, sentence, paragraph or section of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph or section directly involved in the controversy in which judgment shall have been rendered.

**SECTION 4: EFFECTIVE DATE**

This local law shall take effect immediately upon filing with the Secretary of State in accordance with Article 3, §27 of the Municipal Home Rule Law.

and be it further

RESOLVED, that the Clerk of the Board of supervisors is hereby directed to number the local law in conformance with the filing requirements of the Secretary of State and to file the local law with the Secretary of State in accordance with the provisions of the Municipal Home Rule Law of the State of New York.

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

**RESOLUTION NO. 353-20: SETTING DATE FOR PUBLIC HEARING ON PROPOSED LOCAL LAW AMENDING THE WAYNE COUNTY ETHICS POLICY**

Mr. Emmel presented the following:

WHEREAS, Local Law No. 2 of 2012, amended by Local Law No. 3-2018, established the Code of Ethics and Ethics Policy for the County of Wayne; and

WHEREAS, the Wayne County Ethics Policy is a comprehensive document that guides the conduct of our elected officials and employees; and

WHEREAS, the Wayne County Ethics Policy will be further enhanced by amending the statement that elucidates the county's position as it relates to non-discrimination; and

WHEREAS, such amendment will also serve as a conduit for annual County Compliance training to all elected officials and employees; now, therefore, be it

RESOLVED, pursuant to Section 20 of the Municipal Home Rule Law, the Board of Supervisors shall hold a public hearing on **Wednesday, August 26, 2020 at 9:05 a.m.** in the Supervisors' Chambers in the County Court House, Lyons, New York, on the following proposed Local law, amended as follows:

**COUNTY OF WAYNE - STATE OF NEW YORK  
INTRO NO 4/LOCAL LAW NO. \_\_\_ FOR THE YEAR 2020**

A local law amending Local Law No. 3-2018, as established by Local Law No. 2-2012 entitled, **"AMENDING THE WAYNE COUNTY ETHICS POLICY"**.

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

**SECTION 1. PURPOSE**

Officers and employees of the County of Wayne hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Wayne County Board of Supervisors recognizes that, in furtherance of this fundamental principle, there is a

need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.

The Wayne County Board of Ethics will decline to comment on, offer an opinion on or otherwise interfere with the decision(s) of any other municipality or government (including school districts) made by other Boards of Ethics within Wayne County.

The Wayne County Board of Ethics will, if asked by the governing body of any Wayne County municipality or government (including school districts), act as their Boards of Ethics but only in those instances where they do not have their own Board of Ethics.

#### **SECTION 2. DEFINITIONS**

- (a) "Board" means the governing board of a municipality and any municipal administrative board (e.g. planning board, zoning or board of appeals), commission, or other agency or body comprised of two or more municipal officers or employees.
- (b) "Code" means this code of ethics.
- (c) "Interest" means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's outstanding stock.
- (d) "Municipality" means the County of Wayne. The word "municipal" refers to the municipality.
- (e) "Municipal officer or employee" means a paid or unpaid officer or employee of the County of Wayne, including, but not limited to, the members of any municipal board.
- (f) "Relative" means a spouse, child, step-child, parent, step-parent, brother, sister, step-sibling, sibling's spouse, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, uncle, aunt, nephew, niece, first cousin, domestic partner or other household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

#### **SECTION 3. APPLICABILITY**

This code of ethics applies to the officers and employees of the County of Wayne, and shall supersede any prior municipal code of ethics. The provisions of this code of ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics including, but not limited to, article 18 of the General Municipal Law and all rules, regulations, policies and procedures of the County of Wayne.

#### **SECTION 4. PROHIBITION ON USE OF MUNICIPAL POSITION FOR PERSONAL OR PRIVATE GAIN**

No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

#### **SECTION 5. DISCLOSURE OF INTEREST IN LEGISLATION AND OTHER MATTERS**

- (a) Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose in writing the nature of the interest.
- (b) The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee, or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.
- (c) In the case of a person serving in an elective office, the disclosure shall be filed with

the governing board of the municipality. In all other cases, the disclosure shall be filed with the person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee or board having the power to appoint to the person's position. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

**SECTION 6. RECUSAL AND ABSTENTION**

- (a) No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.
- (b) In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:
  - (1) if the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or
  - (2) if the power or duty that is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.
  - (3) if the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

**SECTION 7. PROHIBITION INAPPLICABLE; DISCLOSURE, RECUSAL AND ABSTENTION NOT REQUIRED**

- (a) This code's prohibition on use of a municipal position (section 4), disclosure requirements (section 5), and requirements relating to recusal and abstention (section 6), shall not apply with respect to the following matters:
  - (1) adoption of the municipality's annual budget;
  - (2) any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:
    - (i) all municipal officers or employees;
    - (ii) all residents or taxpayers of the municipality or an area of the municipality; or
    - (iii) the general public; or
  - (3) any matter that does not require the exercise of discretion.
- (b) Recusal and abstention shall not be required with respect to any matter:
  - (1) which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by section 6 of this code;
  - (2) which comes before a municipal officer when the officer would be prohibited from acting by section 6 of this code and the matter cannot be lawfully delegated to another person.

**SECTION 8. INVESTMENTS IN CONFLICT WITH OFFICIAL DUTIES**

- (a) No municipal officer or employee may acquire the following investments:
  - (1) investments that can be reasonably expected to require more than sporadic recusal and abstention under section 6 of this code; or
  - (2) investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.
- (b) This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:

- (1) real property located within the municipality and used as his or her personal residence;
- (2) less than five percent of the stock of a publicly traded corporation; or
- (3) bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

#### **SECTION 9. PRIVATE EMPLOYMENT IN CONFLICT WITH OFFICIAL DUTIES**

No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

- (a) can be reasonably expected to require more than sporadic recusal and abstention pursuant to section 6 of this code;
- (b) can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;
- (c) violates section 805-a (1)(c) or (d) of the General Municipal Law; or
- (d) requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.

#### **SECTION 10. FUTURE EMPLOYMENT**

- (a) No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.
- (b) No municipal officer or employee, for the one-year period after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she serves.
- (c) No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.

#### **SECTION 11. PERSONAL REPRESENTATIONS AND CLAIMS PERMITTED**

This code shall not be construed as prohibiting a municipal officer or employee from:

- (a) representing himself or herself, or his or her spouse or minor children before the municipality; or
- (b) asserting a claim against the municipality on his or her own behalf, or on behalf of his or her spouse or minor children.

#### **SECTION 12. USE OF MUNICIPAL RESOURCES**

- (a) Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, and the municipality's money, vehicles, equipment, materials, supplies or other property.
- (b) No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:
  - (1) any use of municipal resources authorized by law or municipal policy;
  - (2) the use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or
  - (3) the incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.
- (c) No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

#### **SECTION 13. INTERESTS IN CONTRACTS**

- (a) No municipal officer or employee may have an interest in a contract that is prohibited by

section 801 of the General Municipal Law.

- (b) Every municipal officer and employee shall disclose interests in contracts with the municipality at the time and in the manner required by section 803 of the General Municipal Law.

**SECTION 14. NEPOTISM**

Except as otherwise required by law:

- (a) No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board.
- (b) No municipal officer or employee may directly supervise a relative in the performance of their official powers or duties.

**SECTION 15. POLITICAL SOLICITATIONS**

- (a) No municipal officer or employee shall directly or indirectly compel or induce a subordinate municipal officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value, including endorsing a specific candidate or party, or signing a petition.
- (b) No municipal officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

**SECTION 16. NON-DISCRIMINATION**

No municipal officer or employee will engage in any acts of bias, prejudice or discrimination defined as any disparaging or demeaning treatment, language or acts against persons of a specific race, color, national origin, ethnicity, gender, age, sexual orientation, disability or religion. Municipal officers and employees will adhere to and uphold laws that protect people from discrimination and strive to foster an environment that embraces diversity.

**SECTION 17. GIFTS**

Definition:

For purposes of this section, a "gift" includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift's fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars (\$75.00) must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.

Solicitation/Acceptance/Receipt of Gifts:

- (a) No municipal officer or employee shall solicit, accept or receive a gift in violation of section 805-a (1)(a) of the General Municipal Law as interpreted in this section.
- (b) No municipal officer or employee may directly or indirectly solicit any gift for personal use or gain.
- (c) No municipal officer or employee, for personal use or gain, may accept or receive any gift (including cash, checks, gift cards/certificates, or any other item of value), or multiple gifts from the same donor, when:
  - (1) the gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;
  - (2) the gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or
  - (3) the gift is intended as a reward for any official action on the part of the officer or employee.

Perceived Intent:

- (1) A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.
- (2) A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.

**Allowable Gifts:**

This section does not prohibit any other gift, including:

- (1) gifts made to the municipality;
- (2) gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;
- (3) gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;
- (4) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
- (5) awards and plaques having a value of seventy-five dollars (\$75.00) or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community; or
- (6) meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

**SECTION 18. BOARD OF ETHICS**

- (a) There is hereby established a board of ethics for the municipality. The board of ethics shall consist of five members, a majority of whom shall not be officers or employees of the municipality, but at least one of whom must be a municipal officer or employee. The members of such board of ethics shall be appointed by the Wayne County Board of Supervisors, serve five (5) year terms, and receive no salary or compensation for their services as members of the board of ethics.
- (b) The initial terms of this appointment shall be as follows:  
 Appointment #1 – County Employee – term expires 12/31/2019  
 Appointment #2 – term expires 12/31/2020  
 Appointment #3 – term expires 12/31/2021  
 Appointment #4 – term expires 12/31/2022  
 Appointment #5 – term expires 12/31/2023  
 Subsequent terms of each appointment will expire five (5) years from the expiration dates listed above. Members of the Board of Ethics may be appointed to one (1) additional five year term.
- (c) The board of ethics shall meet annually with the County Attorney to review the responsibilities of the appointment.
- (d) The board of ethics shall render advisory opinions to the officers and employees of the County of Wayne with respect to article 18 of the General Municipal Law and this code. Such advisory opinions must be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the board of ethics may prescribe. The board of ethics shall have the advice of legal counsel employed by the board, or if none, the municipality's legal counsel. In addition, the board of ethics may make recommendations with respect to the drafting and adoption of a code of ethics, or amendments thereto, upon the request of the Wayne County Board of Supervisors.
- (e) Opinions reached by the BOE are to be given to the person requesting the opinion only. If further investigation or any legal action is to be taken, the matter will be referred

to the County Attorney and or the County District Attorney. A copy of the BOE decision is to be kept under seal by the County Attorney.

**SECTION 19. POSTING AND DISTRIBUTION**

- (a) The Chairman of the Board for the County of Wayne must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each building under the municipality's control. The code must be posted within ten days following the date on which the code takes effect. An amendment to the code must be posted within ten days following the date on which the amendment takes effect.
- (b) The Chairman of the Board for the County of Wayne must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the County of Wayne.
- (c) Every municipal officer or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing. Such acknowledgments must be filed with the Clerk of the Wayne County Board of Supervisors, who must maintain such acknowledgments as a public record.
- (d) The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a municipal officer or employee to receive a copy of this code of ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

**SECTION 20. ENFORCEMENT**

Any municipal officer or employee who violates this code may be censured, fined, suspended or removed from office or employment in the manner provided by law.

**SECTION 21. EFFECTIVE DATE**

This local law takes effect immediately.

**SECTION 22. INDIVIDUAL DEPARTMENTAL CODE OF ETHICS/STANDARDS OF CONDUCT**

Individual county departments may have additional Code of Ethics or Standards of Conduct policies that are specific to their department's mission. Department Heads may form their own Code of Ethics Committee to address ethics issues pertinent to their charge.

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

**RESOLUTION NO. 354-20: ADOPTION OF NEW RECORDS RETENTION AND DISPOSITION SCHEDULE FOR NEW YORK LOCAL GOVERNMENT RECORDS (LGS-1) AND SUPERSEDE RESOLUTION NO. 308-90**

Mr. Emmel presented the following:

WHEREAS, pursuant to Resolution No. 308-90, the Wayne County Board of Supervisors adopted the records retention and disposition schedule CO-2, issued pursuant to Section 65-b of the Public Officers Law, that contained legal minimum retention periods for County government records at that time; and

WHEREAS, the State Archives is revising and consolidating its local government records retention and disposition schedules and issuing a single, comprehensive retention schedule for all types of local governments, effective August 1, 2020; now, therefore, be it

RESOLVED, by the Wayne County Board of Supervisors, that Records Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all County officers in disposing of County government records listed therein effective immediately; and be it further

RESOLVED, that this resolution hereby supersedes Resolution No. 308-90; and be it further

RESOLVED, that the Clerk of the Board of Supervisors shall furnish a certified copy of this Resolution to the State Archives, New York State Education Department.

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

**RESOLUTION NO. 355-20: AUTHORIZATION TO REMOVE MORTGAGE LIEN FOR CANDY APPLE PRE-SCHOOL AND CHILD CARE CENTER FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)**

Mr. Groat presented the following:

WHEREAS, the County of Wayne was awarded a \$750,000 Community Development Block Grant (CDBG) [Grant # 1219PF133-10] administered by the New York State Office of Community Renewal (OCR) on behalf of Candy Apple Pre-School and Child Care Center on August 26, 2010; and

WHEREAS, the County filed a 10-year mortgage (Instrument # R9149327) on March 26, 2013 in order to secure its grant obligations; and

WHEREAS, NYS Department of Housing and Community Renewal has provided notice that the County has fulfilled its obligation as of August 17, 2020; now, therefore, be it

RESOLVED, that the Board of Supervisors authorizes the County Attorney to execute discharge of the mortgage lien on behalf of the County with Candy Apple Pre-School And Child Care Center.

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

**RESOLUTION NO. 356-20: RESOLUTION AUTHORIZING INDUSTRIAL SITE FUNDS FOR IMPROVEMENTS TO THE VILLAGE OF NEWARK**

Mr. Groat presented the following:

WHEREAS, the Board of Supervisors has established a program for aid for industrial site development within the County for the purposes of promoting the economic welfare and prosperity of County residents through increased employment and expansion of the tax base; and

WHEREAS, the Village of Newark has proposed the expansion of the Industrial Park located off of W. Shore Blvd.; and

WHEREAS, this expansion will make approximately 31 acres available for additional development; and

WHEREAS, the project involves the extension of the roadway and water and sewer infrastructure will allow the for new industrial development; and

WHEREAS, Resolution No. 180-20 funded the Industrial Site Fund to provide resources to facilitate growth of available industrial sites by providing funds no greater than one third of the total infrastructure costs; and

WHEREAS, the Village of Newark is requesting \$100,000 of Industrial Site Funds for a \$360,294 project to assist in development of necessary infrastructure to accommodate additional industrial growth; now, therefore, be it

RESOLVED, that contingent upon the Village of Newark providing a minimum of \$260,294 of in-kind services or cash Wayne County agrees that \$100,000 in Industrial Site Development funds will be allocated to the project; 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. Chatfield moved the adoption of the resolution. Seconded by Mr. Eygnor. Upon roll call, adopted.

**RESOLUTION NO. 357-20: AUTHORIZATION TO AMEND THE 2020 BUDGET FOR THE WAYNE COUNTY SOIL & WATER CONSERVATION DISTRICT TO FACILITATE GRANT FUNDING FOR THE SOURCE WATER PROTECTION PROGRAM SEPTIC REPLACEMENT**

**PROGRAM**

Mr. Chatfield presented the following:

WHEREAS, the State of New York has allocated \$150,000.00 towards septic infrastructure replacement for designated priority watersheds in Wayne County; and

WHEREAS, Resolution No. 047-19, dated 1/15/2019 was executed to allow the District to assist the County in management of the program for addressing septic replacement for water quality purposes; and

WHEREAS, the District is requesting a 2020 budget amendment for allowing the County to accept the State funds and allow the District to voucher for those funds to expend them to eligible land owners for the reimbursement of their replaced/repaired septic systems; and

WHEREAS, the District would file the appropriate paperwork with the Environmental Finance Corporation on behalf of Wayne County to receive the eligible funding from the State; and

WHEREAS, the County would sub-contract with the District to disseminate the septic replacement funding as approved through the process to the eligible applicants; and

WHEREAS, the District would voucher the County with appropriate documentation for the funding assistance; now, therefore, be it

RESOLVED, that the Wayne County Treasurer is authorized to amend the 2020 County Budget as follows:

**A8730 Soil Conservation**

(Revenue)

\$150,000 to 43305 NYS Grants

(Appropriations)

\$150,000 to 54511 Other Purchased Services

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

**RESOLUTION NO. 358-20: AUTHORIZATION TO AWARD BID FOR HIGHWAY ROOF REPLACEMENT PROJECT - PALMYRA**

Mr. Chatfield presented the following:

WHEREAS; the Clerk of the Board of Supervisors has duly advertised for bid(s) for the replacement of the roof at the Highway Patrol Barn at 1700 Daansen Road, Palmyra, NY and the bids were opened on Tuesday, July 28<sup>th</sup>, 2020 at 2:00 p.m. and the following bid were received:

**J&B Installations, Inc** **\$101,888.00**

732 Visions Drive  
P.O. Box 188  
Skaneateles Falls, NY 13153

**Chrisantha Construction Corp.** **\$115,100.00**

4661 Dewey Ave  
Gorham, NY 14461

**A-1 Construction & Painting, Inc** **\$127,400.00**

299 Kenmore Ave  
Buffalo, NY 14223

and

WHEREAS, the Purchasing Agent and the Deputy Superintendent of Public Works have reviewed the bids and recommends that the bid awarded to J&B Installation, Inc. for the cost of \$101,888.00; and

WHEREAS, the total project cost is within the allocated budgeted project amount of \$150,000; now, therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to enter into an agreement on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content with J&B Installation, Inc, for the cost of \$101,888.00; and be it further

RESOLVED, that the Wayne County Board of Supervisors hereby authorizes the Superintendent of Public Works to approve individual change orders that increase the project cost up to \$5,000 and is within the budgeted amount for said project; and be it further

RESOLVED, that any change order that increases the project cost in excess of \$5,000 each must be approved in advance by the Public Works Committee Chairman and the County Administrator and is not exceed the budget amount.

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

**RESOLUTION NO. 359-20: AUTHORIZATION TO SIGN CONTRACT WITH FINGER LAKES SECURITY SYSTEMS FOR THE COUNTY OWNED BUILDINGS**

Mr. Chatfield presented the following:

WHEREAS, Finger Lakes Security Systems has installed panic systems in many of the County owned buildings; and

WHEREAS, these system are currently installed in the Court House, Hall of Justice, County Office Building #4 (Treasuries), County Office Building #3 (Clerks), Department of Social Services, and the Public Safety Building; and

WHEREAS, from time to time the County is in need of repair or modification to the these systems which requires an authorized installer to perform the work and make these adjustments; and

WHEREAS, the Purchasing Policy requires that all contractors performing work on County property must have a contract and proper insurance on file; and

WHEREAS, past history shows that this annual service and maintenance cost is below \$5,000; and

WHEREAS, per the Purchasing Policy, public works costs below \$5,000 discretionary spending is allowed with just a contract; and

WHEREAS, it is the recommendation of the Superintendent of Public Works to issues a contract to Finger Lakes Security Systems for as-needed maintenance and repairs to the County Panic system; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute a contract with Finger Lakes Security Systems on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content.

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

**RESOLUTION NO. 360-20: AUTHORIZATION TO DECLARE VEHICLES 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:

2015 Ford Taurus (PRO)	1FAHP2MK8FG142592	Auction
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And

WHEREAS, the Highway Department has two mowing tractors that are no longer needed and should be disposed of:

1990 Ford Tractor	BC47109	Auction
1997 Ford Tractor	064858B	Auction

now, therefore be it

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

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

**RESOLUTION NO. 361-20: AUTHORIZATION TO ACCEPT 2<sup>nd</sup> YEAR PLAN AMENDMENT TO NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES CONTRACT FOR STATEWIDE EXPANSION OF HURRELL-HARRING REFORM – WAYNE, CONTRACT NUMBER CTWIDEHH50 AND TO AMEND THE PUBLIC DEFENDER'S 2020 WAYNE COUNTY BUDGET AND THE ASSIGNED COUNSEL PROGRAM BUDGET**

Mr. Verkey presented the following:

WHEREAS, Wayne County previously approved and signed the New York State Office of Indigent Legal Services 5-year Contract for Statewide Expansion of Hurrell-Harring Reform, CTWIDEHH50 – Wayne; and

WHEREAS, the second year Budget and Work Plan for this contract has been reviewed by appropriate members of Wayne County's administrative team and subsequently approved by the Office of Indigent Legal Services; and

WHEREAS, this contract funding shall continue to 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 funding for the second and third years of the overall contract has been appropriated in the 2020 and 2021 State budget to continue to provide financial support for mandated improvements to both the Public Defender's Office and the Assigned Counsel Program; and

WHEREAS, the proposed second year plan Amendment to Contract Number CSTWIDEHH50 includes the second year Budget and Work Plan for the Public Defender's Office for the amount of \$544,415.66, and the Assigned Counsel Program for the amount of \$113,072.13, for a total of \$657,487.79 with a term of April 1, 2019 through March 31, 2020; and

WHEREAS, the second year Budget and Work Plan for Wayne County, term of April 1, 2019 through March 31, 2020, is set out in full description and detail in Amendment to Contract Number CSTWIDEHH50, Budget Attachments B-1 and C which includes expenditures for both the Public Defender and the Assigned Counsel Program; and

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

WHEREAS, the ILSHH second 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:

- Filling a previously created but vacant felony level full time Assistant Public Defender position,
- Modifying an existing attorney position to a supervisory level position,
- Adding a Senior Clerk Typist who will act as the State mandated Data Officer,
- Increase salary for four Part Time attorneys,
- Support a proposed Grade change for Sentence Mitigation Specialist,
- Cover all associated costs for new and modified positions, including fringe benefits and equipment,
- Continue to increase the budget for appellate work,
- Continue to increase the budget for expert services,
- Maintain the budget for trainings for all staff,
- Augment our ability to access legal research,
- Revamp our office and courtroom technology and digital storage abilities,
- Support membership in various professional organizations for all staff,
- Continue to support our plan to provide mandated Counsel at First Appearance.

WHEREAS, the ILSHH second year Assigned Counsel Program funding shall be used for the following to work toward the various State mandates the Assigned Counsel Program must comply with by 2023:

Continue to support a part time Secretary/Data Entry Clerk,  
Continue to provide funding for specialized expert services and investigation,  
Create a Second Chair/Attorney Mentoring program,  
Continue to support appropriate attorney training,  
Continue to support access to legal research materials for panel attorneys,  
Support membership in various professional organizations,  
Maintain the use of the database with appropriate licenses.

and

WHEREAS; that the Public Defender and the Assigned Counsel Administrator are desirous in amending the 2020 budget to add prorated appropriations and grant revenues for the 2020 portion of the 2<sup>nd</sup> year Hurrell-Harring reform contract; now, therefore, be it

RESOLVED, that the County Administrator is authorized to accept the second year plan amendment to the New York State Office of Indigent Legal Services 5 year Contract 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 amendment of said Indigent Legal Services Contract, subject to the review and approval by the Wayne County Attorney as to form and content; and be it further

RESOLVED, that the County Treasurer is authorized to amend the Public Defender's 2020 Budget as follows:

A1170 Public Defender

(Revenues)

\$190,804 to 43024 Indigent Legal Services - ILSHH Hurrell-Harring

(Appropriations)

\$3,000 to 51719 ILSHH Asst. Public Defender

\$1,667 to 51420 ILSHH Sentencing Mitigation Specialist

\$4,166 to 51045 ILSHH 2nd Assistant PD- Grade 9 position

\$2,083 to 51046 ILSHH- PT Attorney

\$2,083 to 51048 ILSHH- PT Attorney

\$2,083 to 51051 ILSHH- PT Attorney

\$2,083 to 51053 ILSHH- PT Attorney

\$2,333 to 51718 ILSHH

\$12,917 to 51142 ILSHH [*New Sr. Clerk Typist/Data Officer- 5 month salary cost estimate*]

\$3,046 to 58100 ILSHH Retirement

\$2,479 to 58200 ILSHH Social Security

\$30,884 to 54502 ILSHH Appeals Service

\$4,000 to 51705 ILSHH Law Intern

\$50,000 to 54502 ILSHH Fees for services- Non-employ

\$15,000 to 54500 ILSHH Training, seminars, schools

\$2,500 to 54424 ILSHH Equipment Maintenance Contract

\$2,500 to 52100 ILSHH Furniture and Furnishings

\$34,336 to 52201 ILSHH Computer equipment

\$7,644 to 54472 ILSHH Subscriptions

\$1,000 to 54000 ILSHH Contractual Expenses

\$5,000 to 54400 ILSHH Counsel at First Appearance Funding

and be it further

RESOLVED, that the County Treasurer is authorized to amend the Assigned Counsel Program's 2020 Budget as follows:

A1172 Assigned Counsel Program

(Revenues)

\$33,472 to 43024 Indigent Legal Services - ILSHH Hurrell-Harring

(Appropriation)  
\$26,695 to 54400 ILSHH Contracted Services  
\$6,777 to 54483 ILSHH Training Seminars & Schools

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

**RESOLUTION NO. 362-20: AUTHORIZATION TO CREATE AND FILL A SENIOR CLERK-TYPIST POSITION FOR THE PUBLIC DEFENDER'S OFFICE**

Mr. Verkey presented the following:

WHEREAS, the Office of Indigent Legal Services recognizes the need for support staff positions within a Public Defender Office, especially in light of the State mandated increase in staffing by 2023; and

WHEREAS, Wayne County authorized and accepted the 5 year Hurrell-Harring contract on March 19, 2019 which mandates the creation of a Data Officer in Wayne County in order to provide reliable data to the Office of Indigent Legal Services regarding improvement in quality of mandated representation as required by that contract; and

WHEREAS, the second year plan of the Hurrell-Harring contract approved and accepted by the Wayne County Board of Supervisors March 19, 2019 will completely financially support this required position; and

WHEREAS, an additional Sr. Clerk-Typist position will support the additional administrative duties in the Public Defender's Office, such as the recent influx of discovery information starting in January of this year, and will also satisfy the State mandate of a single Data Officer to provide reliable criminal representation data to the Office of Indigent Legal Services from both the Public Defender Office and the Assigned Counsel Program; and

WHEREAS, the existing job description for a Grade 12 Sr. Clerk-Typist position encompasses all the above enumerated duties; now, therefore, be it

RESOLVED that a Sr. Clerk-Typist position shall be created in the Public Defender's Office and authority to hire for that position is hereby granted consistent with all civil service and contractual requirements, with the full financial support of the 2<sup>nd</sup> year plan of the Hurrell-Harring contract; and it is further

RESOLVED, that in the event that the State funding for this position was to become unavailable, that the Public Defender's Office will present a resolution to abolish this position.

Mr. Lasher moved the adoption of the resolution. Seconded by Mr. Eygnor. Upon roll call, all Supervisors voted Aye. Absent – Supervisor Spickerman and Kolczynski. The Chairman declared the Resolution adopted.

**RESOLUTION NO. 363-20: AUTHORIZATION TO ENTER INTO A SHORT-TERM MEMORANDUM OF UNDERSTANDING AND ACCEPT FUNDING FROM THE UNITED STATES MARSHALS SERVICES FOR SEX OFFENDER MANAGEMENT FOR THE WAYNE COUNTY SHERIFF'S OFFICE**

Mr. Verkey presented the following:

WHEREAS, the United States Marshals Service has approached the Sheriff to enter into a short-term memorandum of understanding through December 31, 2020 to assist in the management of sex offenders in Wayne County that may be in violation of the Adam Walsh Act; and

WHEREAS, the Adam Walsh Act is federal legislation to protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims; and

WHEREAS, the United States Marshals Service has committed \$4,000 to reimburse the Sheriff for equipment, supplies, training and fuel to manage and investigate sex offenders living and registered in Wayne County; and

WHEREAS, the Sheriff is responsible for the management of sex offenders in the towns and villages of Wayne County not covered by a municipal police department; now, therefore,

be it

RESOLVED, that the Sheriff is hereby authorized to enter into a short-term agreement with the United States Marshals Service through December 31, 2020 to assist in the management of sex offenders and receive \$4,000 for reimbursement of equipment, supplies, training and fuel upon review and approval of the County Attorney.

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

**RESOLUTION NO. 364-20: AUTHORIZATION TO APPLY FOR LOCAL EMERGENCY MANAGEMENT PERFORMANCE –S GRANT (LEMPG-S), ACCEPT GRANT, MODIFY BUDGET AND EXPEND FUNDS**

Mr. Verkey presented the following:

WHEREAS, NYS has advised Wayne County that they are eligible for \$20,500 in LEMPG-S funding to be used for personal protective equipment and supplies; and

WHEREAS, this grant requires a 50% match; and

WHEREAS, the Rochester Area Community Foundation grant can be utilized as the matching funds; now, therefore, be it

RESOLVED, that the Director of Emergency Management is authorized to apply for and accept the Local Emergency Management Performance - S Grant; and be it further

RESOLVED, that the Director of Emergency Management or his designee is authorized to purchase equipment and supplies in support of COVID-19 response in accordance with county purchasing policy.

**A3640 Emergency Management**

(Revenues)

Amount	Object#	Project ID	Object Name	Project Code Name
\$20,500	to .44305	PGS20	LEMP Grant	Performance S Grant 2020

**A3640 Emergency Management**

(Appropriations)

Amount	Object#	Project ID	Object Name	Project Code Name
\$10,250	to .52500	PGS20	Other Equipment	Performance S Grant 2020
\$10,250	to .54126	PGS20	Field Supplies	Performance S Grant 2020

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

**RESOLUTION NO. 365-20: AUTHORIZATION TO ACCEPT BULLIS FUND / ROCHESTER AREA COMMUNITY FOUNDATION GRANT, MODIFY BUDGET AND EXPEND FUNDS FOR EMERGENCY MANAGEMENT**

Mr. Verkey presented the following:

WHEREAS, the Rochester Area Community Foundation has advised that they would like to donate \$30,000 to Wayne County; and

WHEREAS, it is their request that this donation be utilized to allow for testing and/or PPE gear to be provided throughout Wayne County to help emergency responders in their duties as well as help Wayne County residents get back to work; and

WHEREAS, a portion of this funding will be used as matching funds for the NYS LEMPG-S grant; now, therefore be it

RESOLVED, that the County of Wayne accepts this grant; and be it further

RESOLVED, that the Director of Emergency Management or his designee is authorized to purchase equipment and supplies in support of COVID-19 response in accordance with county purchasing policy; and be it further

RESOLVED, Wayne County thanks the Bullis Fund / Rochester Area Community Foundation for their generous donation.

**A3640 Emergency Management**

(Revenues)

Amount	Object#	Project ID	Object Name	Project Name
\$30,000	to .42770	BUL20	Misc Rev	Bullis 2020

**A3640 Emergency Management**

(Appropriations)

Amount	Object#	Project ID	Object Name	Project Name
\$10,250 to	.52500	BUL20	Other Equipment	Bullis 2020
\$19,750 to	.54126	BUL20	Field Supplies	Bullis 2020

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

**RESOLUTION NO. 366-20: AUTHORIZATION TO SET PUBLIC HEARING DATE FOR 2021-2025 CAPITAL PLAN FOR WAYNE COUNTY**

Mrs. Bender presented the following:

WHEREAS, the County Administrator submitted the proposed 2021-2025 Capital Plan to the Board of Supervisors on July 21, 2020; and

WHEREAS, a Capital Plan review will be conducted by members of the Public Works, Economic Development and Planning, and Finance Committees on August 13, 2020; and

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

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

RESOLVED, that the Wayne County Board of Supervisors has scheduled a Public Hearing on said plan for Tuesday, September 15, 2020 to be held in the Wayne County Supervisors Chambers at 26 Church Street, Lyons, New York, to receive and consider public comments on the Capital Plan for Wayne County for the period 2021-2025.

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

**RESOLUTION NO. 367-20: AUTHORIZATION TO SIGN CONTRACT WITH HEALTH RESEARCH, INC. FOR COVID-19 FUNDING FOR WAYNE COUNTY PUBLIC HEALTH**

Mrs. Jacobs presented the following:

WHEREAS, Wayne County Public Health (WCPH,) as the local health department (LHD), is the leading agency for COVID-19 Response Activities for Wayne County; and

WHEREAS, WCPH has been awarded funding from Health Research, Inc. for increased capacity to conduct COVID-19 case and contact investigations; and

WHEREAS, WCPH has been awarded \$1,304,948, of which \$228,711 are available for immediate reimbursement for the period of July 1, 2020 to June 30, 2022; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign a contract with Health Research, Inc. for COVID-19 Response funding for a total amount of \$1,304,948, of which \$228,711 is available for immediate reimbursement, for the period of July 1, 2020 to June 30, 2022, subject to the approval of the County Attorney as to form and content. Mr. Lasher moved the adoption of the resolution. Seconded by Mr. Eygnor. Upon roll call, adopted.

Prior to adjournment, Chairman Miller requested Board Members to contact him if they have interest in being assign to the EMS Review Committee.

Further, requested that Board Members to line up for a 2020 Wayne County Census group picture outside the pavilion.

Chairman Miller thanked everyone for their part in setting up the meeting in this location today, as it worked out well for everyone.

**ADJOURNMENT**

The next scheduled meeting of the full Board is **Wednesday, August 26, 2020 at 9:00 a.m.** for the purpose of holding two Public Hearings for proposed Wayne County Local Laws.

Mr. Verkey moved, seconded by Mr. Johnson, that the board adjourn at 11:53 p.m. Carried.

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