

13th Day  
Tuesday, September 18, 2018  
9:00 a.m.

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

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

Upon roll call, all Supervisors were present.

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

**APPROVAL OF MINUTES:**

Mrs. Pagano moved, seconded by Mr. Chatfield, 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 August 16, 2018 totaling \$14,836.28 was received.

A copy of a resolution was received from the Seneca County Board of Supervisors, entitled, "Board of Supervisors to Approve the Appointment of Finger Lakes Workforce Investment Board Member".

A letter announcing his retirement was received from Charles A. Dye, Director of Human Resources effective December 28, 2018

A copy of the County Auditor's accounts payable report for monthly utilities, miscellaneous payments including the August warrants for accounts payable, totaling \$3,488,451.29 was received and filed.

Mr. Verkey moved, seconded by Mrs. Crane. Motion carried.

**PROCLAMATIONS**

**In Recognition of Sheriffs Week in Wayne County**

Mr. Verkey, Chairman of the Wayne County Public Safety Committee, requested Sheriff Virts to come forth prior to reading the proclamation, 'In Recognition of Sheriffs Week, September 16-22'.

Sheriff Virts thanked Mr. Verkey and Board members, along with his dedicated department for great success in working together and operating as a professional, full-service law enforcement agency, accountable to the public it serves.

**PRIVILEGE OF THE FLOOR:**

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

There was no public comment for agenda items this morning.

**RESOLUTION NO. 435-18: AUTHORIZE AGREEMENT WITH ALL-AMERICAN HOME CARE FOR THE WAYNE COUNTY DEPARTMENT OF SOCIAL SERVICES**

Mr. Verno presented the following:

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

WHEREAS, All-American Home Care provides oversight services in the Wayne County area; now, therefore, be it

RESOLVED, that the Commissioner of the Wayne County Department of Social Services is hereby authorized to sign an Agreement with All-American Home Care subject to the approval of the County Attorney, for provision of the Consumer Directed Personal Assistance Program (CDPAP) for the timeframe 10/1/18-12/31/21.

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

**RESOLUTION NO. 436-18: AUTHORIZE AGREEMENT WITH ANGELS IN YOUR HOME FOR THE WAYNE COUNTY DEPARTMENT OF SOCIAL SERVICES**

Mr. Verno presented the following:

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

WHEREAS, Angels in Your Home provides oversight services in the Wayne County area; therefore be it

RESOLVED, that the Commissioner of the Wayne County Department of Social Services is hereby authorized to sign an Agreement with Angels in Your Home subject to the approval of the County Attorney, for provision of the Consumer Directed Personal Assistance Program (CDPAP) for the timeframe 10/1/18-12/31/21.

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

**RESOLUTION NO. 437-18: AUTHORIZATION TO SIGN A LETTER OF COMMITMENT ESTABLISHING AN MDT/CAC IN WAYNE COUNTY FOR THE WAYNE COUNTY DEPARTMENT OF SOCIAL SERVICES**

Mr. Verno presented the following:

WHEREAS, Wayne County has neither a Multi-Disciplinary Team (MDT), nor a Child Advocacy Center (CAC) within the County limits; and

WHEREAS, Wayne County is one of only 5 remaining counties in NY State that has not yet established an MDT/CAC; and

WHEREAS, NY State, through the Office of Children and Family Services (OCFS) is highly desirous of every NY State county having an MDT/CAC; and

WHEREAS, OCFS will commit up to \$150,000 in the first 12-month period and up to \$100,000 for each of the two following 12-month periods to establish an MDT/CAC in Wayne County; and

WHEREAS, Should Wayne County decline their offer, OCFS will provide these start-up funds to another county, or not-for-profits based in or outside Wayne County; and

WHEREAS, such an option would likely cause significant difficulties in communication/coordination of collaborative services; and

WHEREAS, OCFS is requiring a Letter of Commitment from Wayne County be provided to direct these monies to Wayne County versus another possible provider; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to sign a Letter of Commitment regarding establishing an MDT/CAC in Wayne County provided that there is no requirement of County monies in any of the three (3) years of State monetary support, or in any subsequent year.

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

**RESOLUTION NO. 438-18: AUTHORIZATION TO SIGN AGREEMENT WITH CHILD CARING INSTITUTION CAYUGA HOME FOR CHILDREN D/B/A CAYUGA CENTERS FOR THE WAYNE COUNTY DEPARTMENT OF SOCIAL SERVICES**

Mr. Verno presented the following:

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

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

WHEREAS, it has been the practice of DSS to have in place contracts with various child caring institutions to facilitate a child's placement on a timely basis; therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute an agreement with Cayuga Home for Children d/b/a Cayuga Centers, for the time frame 7/1/18-6/30/21 for the purchase of foster care for children, subject to the County Attorney's approval as to form and content for a total amount not to exceed \$1,875,000 or \$625,000 per year.

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

**RESOLUTION NO. 439-18: AUTHORIZATION TO CONTRACT WITH MDS CONSULTANT, LLC TO CONDUCT MDS TRAINING FOR THE WAYNE COUNTY NURSING HOME**

Mr. Baldrige presented the following:

WHEREAS, the Minimum Data Set (MDS) is a process of capturing all aspects of a residents care plan and accurately reporting that information for MDS documentation; and

WHEREAS, it is essential for the Wayne County Nursing Home to make sure all nursing staff are well versed on many of these factors of the MDS; and

WHEREAS, the Wayne County Nursing Home Nursing has recently filled many vacant nursing positions that require more training in the area of the Minimum Data Set; and

WHEREAS, nursing positions require special training in the management of the Minimum Data Set and related procedures; and

WHEREAS, the Wayne County Nursing Home identified a learning opportunity and improvement of current policies and procedures to expand MDS knowledge and maximize facility reimbursement; and

WHEREAS, the Wayne County Nursing Home has received a quote for MDS Consultant services from the same vendor that provides and supports the software that that facility current uses for daily resident care documentation; and

- Minimum Data Set Consultant, LLC at a fee of \$220.00 per hour not to exceed \$4,400.00

WHEREAS, Minimum Data Set Consultant, LLC has the quote best meeting the needs of the nursing home; now, therefore, be it

RESOLVED, that the Chairman of Board of Supervisors is hereby authorized to execute a contract with Minimum Data Set Consultant, LLC, on behalf of the Wayne County Nursing Home, at a fee of \$220.00 per hour not to exceed \$4,400.00 effective date of the contract for the provision of MDS training. Contract is subject to the County Attorney's approval as to form and content.

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

**RESOLUTION NO. 440-18: AUTHORIZATION TO SIGN A MEMORANDUM OF UNDERSTANDING WITH WAYNE COUNTY ACTION PROGRAM, INC. – EARLY HEAD START AND WAYNE COUNTY PUBLIC HEALTH'S EARLY INTERVENTION PROGRAM**

Mr. Baldrige presented the following:

WHEREAS, Wayne County Action Program, Inc. (Wayne CAP) – Early Head Start program is desirous to renew a Memorandum of Understanding (MOU) with Wayne County Public Health (WCPH); and

WHEREAS, the MOU outlines activities such as, but not limited to: referring individuals/families to each other's programs/services that serve children aged birth to three; now, therefore, be it

RESOLVED, that the Supervisor of the Early Intervention Program is hereby authorized to sign a Memorandum of Understanding with Wayne CAP, Inc Early Head Start, for the period of September 1, 2018 to August 31, 2019 subject to the approval of the County Attorney as to

form and content.

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

**RESOLUTION NO. 441-18: AUTHORIZATION TO EXECUTE UPGRADED LEASE WITH PITNEY BOWES FOR A POSTAGE METER SYSTEM FOR THE WAYNE COUNTY HEALTH SERVICES BUILDING**

Mr. Baldrige presented the following:

WHEREAS, Wayne County Public Health (WCPH) currently holds the lease with Pitney Bowes for a Postage Meter System for the Health Services Building; and

WHEREAS, the new lease is for upgraded SendPro P Series Postage Meter System equipment; and WHEREAS, WCPH wishes to renew the lease to commence on December 30, 2018, for a term of 60 months, at a cost of \$365.28 per month, not to exceed \$4,383.36 annually; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute a lease with Pitney Bowes for a SendPro P Series Postage Meter System to commence on December 30, 2018, for a term of 60 months, at a cost of \$365.28 per month, not to exceed \$4,383.36 annually. Subject to the approval of the County Attorney as to form and content.

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

**RESOLUTION NO. 442-18: AUTHORIZATION TO SIGN PARTNERSHIP AGREEMENT WITH WAYNE COUNTY ACTION PROGRAM, INC. – HEAD START / EARLY HEAD START AND WAYNE COUNTY PUBLIC HEALTH**

Mr. Baldrige presented the following:

WHEREAS, Wayne County Action Program, Inc. (Wayne CAP) – Head Start / Early Head Start program is desirous to renew a Partnership Agreement with Wayne County Public Health (WCPH); and

WHEREAS, the Partnership Agreement outlines activities such as, but not limited to: referring individuals/families to each other's programs/services, provide health education programs to individuals/families, and provide WCPH staff representation on the Head Start / Early Head Start Health and Nutrition Services Advisory Committee; now, therefore, be it

RESOLVED, that the Director of Public Health is hereby authorized to sign a Partnership Agreement with Wayne CAP, Inc Head Start / Early Head Start, for the period of September 18, 2018 to September 17, 2021, subject to the approval of the County Attorney as to form and content.

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

**RESOLUTION NO. 443-18: AUTHORIZATION TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH THE TOWN OF LYONS**

Mrs. Crane presented the following:

WHEREAS, the former Village of Lyons was a member of the Wayne County Self-Insurance Workers Compensation Plan through the date of the dissolution of said Village of Lyons on December 31, 2015; and

WHEREAS, prior to December 31, 2015 when the Village of Lyons dissolved, the Village of Lyons had incurred an outstanding obligation to the Wayne County Self-Insurance Workers' Compensation Plan in the amount of \$116,801.73; and

WHEREAS, the New York State General Municipal Law, Section 790, provides that when a Village located within a Town dissolves "the outstanding debts, liabilities and obligations of the dissolved local government entity shall be assumed by the town in which the dissolved entity was situated..."; and

WHEREAS, the present outstanding liability of the former Village of Lyons to the

Wayne County Self-Insurance Plan of Workers Compensation totals the amount of \$116,801.73, which is now due and owing to the County of Wayne and to be paid by the Town of Lyons, pursuant to the New York State General Municipal Law, Section 790; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign the Inter-municipal Agreement between the County of Wayne and the Town of Lyons specifying the terms of payment to satisfy this outstanding debt obligation.

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

**RESOLUTION NO. 444-18: AUTHORIZATION TO AMEND RESOLUTION NO. 433-18: APPOINTMENT OF ELECTION COMMISSIONER**

Mrs. Crane presented the following:

WHEREAS, pursuant to Sections 3-202 and 3-204 of the Election Law and recommendations from the Wayne County Republican Executive Committee, the Wayne County Board of Supervisors adopted Resolution No. 433-18 on August 13, 2018 for the appointment of John M. Zornow as Republican Election Commissioner for Wayne County Board of Elections; and

WHEREAS, although this position became vacant on July 31, 2018 with the resignation of Marjorie Bridson, the filling of the position does not become official until the day a resolution is adopted by this board; now, therefore, be it

RESOLVED, that Resolution No. 433-18 is hereby amended to read as follows:

"WHEREAS, a letter of resignation was received from Marjorie M. Bridson for the position of Republican Election Commissioner for the Wayne County Board of Elections, effective July 31, 2018; and

WHEREAS, the term for this position is January 1, 2016 through December 31, 2018; and

WHEREAS, this is a political designation and governed by Election Law; and

WHEREAS, the Wayne County Republican Executive Committee has recommended the appointment of John M. Zornow, 216 Edgett Street, Newark, New York; and

WHEREAS, the appropriate certificate of party recommendation has been filed with the Clerk of the Board of Supervisors in accordance with Section 3-204 of the Election Law; now, therefore, be it

RESOLVED, pursuant to Sections 3-202 and 3-204 of the Election Law, that John M. Zornow is hereby appointed Republican Election Commissioner of the Board of Elections of the County of Wayne to fill the remainder of a two-year term of office, commencing August 13, 2018 and ending December 31, 2018".

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

**RESOLUTION NO. 445-18: AUTHORIZATION TO ENTER INTO COLLECTIVE BARGAINING WITH CIVIL SERVICE EMPLOYEES ASSOCIATION, WAYNE COUNTY GENERAL EMPLOYEES UNIT**

Mrs. Crane presented the following:

WHEREAS, the Civil Service Employees Association, General Employees Unit collective bargaining agreement will expire on December 31, 2018; and

WHEREAS, the CSEA Labor Relations Specialist has notified the County that the unit desires to negotiate a successor agreement; and

WHEREAS, Wayne County also desires to negotiate this agreement, now, therefore, be it

RESOLVED, that the Chairman of the Board is hereby authorized to appoint three members of the Board, the County Administrator, the Director of Human Resources, and the Personnel Assistant to be members of the County's negotiating team; and be it further

RESOLVED, that the Board of Supervisors hereby designates counsel from the firm of Hancock Estebrook LLP to be the County's chief spokesman and negotiator for these

negotiations.

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

**RESOLUTION NO. 446-18: ADOPTION OF SALARY ADMINISTRATION PROGRAM AND STRUCTURE 2019 FOR THE MANAGERIAL AND CONFIDENTIAL EMPLOYEES GROUP**

Mrs. Crane presented the following:

WHEREAS, the County implemented a Salary Administration Program for the Managerial/Confidential employees group (M/C) effective June 14, 2014; and

WHEREAS, the Salary Administration Program established pay grades with minimum, midpoint, and maximum salaries or hourly rates and assigned positions to these pay grades; and

WHEREAS, under this program, salary or hourly rate adjustments are to be made on the basis of the adopted performance review process; and

WHEREAS, performance reviews conducted by appointing authorities for the period July 1, 2017 through June 30, 2018 are the basis for changes in compensation beginning January 1, 2019; and

WHEREAS, the M/C Employee Group Salary Administration Program as adopted states that employees whose rate of pay is below the established midpoint will move more quickly to the midpoint than employees above the midpoint will move to the maximum of the designated pay grade; and

WHEREAS, the resulting pay changes will be incorporated into the County budget for 2019; now, therefore, be it

RESOLVED, that the attached Salary Administration Program is hereby adopted to implement salary and hourly rate changes for the employees of the Managerial/Confidential Employees Group beginning January 1, 2019; and be it further

RESOLVED, that the respective Local Law and Salary Schedule Resolutions will continue to be reviewed and adopted annually.

**Wayne County Department of Human Resources  
M/C Employees Salary Administration Program for Fiscal Year 2019**

**General Rules:**

1. All employees at the 2018 minimum established base rate of the appropriate pay grade will move to the minimum base rate for 2019. No employee will fall below the established pay grade minimum.
2. No employee can move above the maximum base rate established for the appropriate pay range. Any employee who is above the maximum base rate in 2018 shall be maintained at his/her current base rate of pay until that rate falls below the maximum established for the pay grade.
3. An employee who receives a rating of "unsatisfactory" will be held at his/her current base rate of pay as long as this pay rate is equal to, or greater than the minimum established for 2019.
4. An employee who receives a rating of "needs development" may receive a pay adjustment of up to 1.0% unless such adjustment would cause the employee's base pay rate to fall below the established minimum for the assigned pay grade. In such a case, the employee will move to the minimum.
5. Any employee who receives a rating of "unsatisfactory" or "needs development" must be counseled. Further, he or she will collaborate with the appointing authority to develop a performance improvement plan. This plan will become part of the employee's performance appraisal process for the period July 1, 2018 – June 30, 2019.
6. Generally, we expect employees to move to the midpoint more quickly than they move from the midpoint to the maximum, which is why there are different pay percentages shown in the table below.

**2019 base salaries (excluding longevity) will be calculated as follows:**

<b>Performance Rating</b>	<b>Below midpoint</b>	<b>At or above midpoint</b>
<b>Unsatisfactory</b>	No rate change, but cannot fall below the minimum	No rate change, but cannot fall below the minimum
<b>Needs Development</b>	Apply a COLA of 1%, but cannot fall below established minimum of pay grade	Apply a COLA of 1%, but cannot fall below established minimum of pay grade
<b>Meets Expectations</b>	3%	2%, cannot exceed maximum
<b>Exceeds Expectations</b>	3.5%	2.5%, cannot exceed maximum
<b>Exemplary Performance</b>	4%	3%, cannot exceed maximum

Mr. Verno moved the adoption of the resolution. Seconded by Mr. Miller.

Mr. Groat addressed the Board with his concerns with proposed salary ranges of the managerial and confidential employees group, questioning the unfairness of the program, as to how it promotes the short-term employee quicker than the long-term employee. He commented that this plan discriminates against the long-term employee and proposed the question as to why this has not been addressed, as requested in the prior year.

Mr. Spickerman agreed that he would not support this resolutions for reasons that there is too far of a gap between the two levels.

Mrs. Crane addressed their concerns, with the suggestion that this resolution go back to committee for further discussion; or possibly request a motion for the resolution to be postponed.

Mr. Charles Dye, Human Resources Director, was asked to comment and clarify the committee's decision; as well as, and repercussions if the board choses to not adopt this resolution today.

Mr. Dye noted that the Board could chose to do whatever it wants; and that a future adoption date could possibly delay the budget process and incur retro payment activity within the Human Resource Office after the New Year.

There was discussion between Board members and the County Attorney as to the Board's Rules of Order and properly following Roberts Rules of Order for action regarding this proposed resolution on the floor.

**RECESS**

At 9:26 a.m., Chairman LeRoy declared that the Board take a five (5) minute break to confer with the County Attorney.

**REGULAR SESSION**

The Board resumed Regular Session at 9:38 a.m.

County Attorney Daniel Connors confirmed that any resolution on the floor could be postponed, tabled, debated at that time.

County Administrator Rick House took this opportunity to note that county departments were required to submit their performance appraisals to the Human Resources Director, prior to deadline, so that he could apply the salary rates; and departments did what was requested.

Mr. House made comment that both Government Operations and Finance Committees unanimously approved this resolution within their respective September committees with a 5-0 tally.

Mr. Miller noted that the resolution was on the floor; and requested that the vote be taken.

Prior to vote, Mr. Groat questioned why the County Administrator's performance

evaluation was completed by the Human Resources Director; and further, why he received a 4 percent raise.

Upon roll call, all Supervisors voted Aye, except Supervisors Spickerman, Groat and Robusto who voted Nay. The Chairman declared the resolution adopted.

**RESOLUTION NO. 447-18: ADOPTION OF MANAGEMENT AND CONFIDENTIAL POSITION WAGE AND SALARY RANGES FOR 2019**

Mrs. Crane presented the following:

WHEREAS, the Wayne County Local Law no. 2-2014 gives the Board of Supervisors the authority to implement the Salary Plan for Managerial and Confidential Employees; and

WHEREAS, the Director of Human Resources recommends that the 2018 Salary Schedule be revised for 2019 by a cost of living adjustment (COLA) of 2.5% to align the 2019 salary schedule with the labor market; now, therefore, be it

RESOLVED, that the Board of Supervisors hereby adopts the following wage and salary ranges for the Managerial and Confidential employee group effective January 1, 2019

2019	Minimum	Midpoint	Maximum
1	\$14.29	\$16.79	\$19.30
2	\$16.15	\$18.98	\$21.80
3	\$18.25	\$21.44	\$24.64
4	\$20.62	\$24.23	\$27.84
5	\$42,414	\$49,837	\$57,259
6	\$47,927	\$56,315	\$64,703
7	\$53,679	\$63,073	\$72,466
8	\$60,120	\$70,641	\$81,163
9	\$67,335	\$79,118	\$90,902
10	\$75,415	\$88,612	\$101,811
11	\$84,465	\$99,246	\$114,028
12	\$94,600	\$111,156	\$127,711
13	\$105,953	\$124,495	\$143,037

Mr. Verno moved the adoption of the resolution. Seconded by Mr. Miller. Upon roll call, all Supervisors voted Aye, except Supervisors Groat and Spickerman who voted Nay. The Chairman declared the Resolution adopted.

**RESOLUTION NO. 448-18: SETTING DATE FOR PUBLIC HEARING ON PROPOSED AMENDMENT OF LOCAL LAW 2-2012 WHICH ESTABLISHED A CODE OF ETHICS**

Mrs. Crane presented the following:

WHEREAS, Local Law No. 2 of 2012 established a Code of Ethics; and  
 WHEREAS, the Wayne County Board of Supervisors desires to establish term limits for the members of the Board of Ethics; 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 Tuesday, October 16, 2018, at 9:10 a.m. in the Supervisors Chambers located at 26 Church Street, Lyons, New York 14489 on the following proposed local law, amended as follows:

**COUNTY OF WAYNE – STATE OF NEW YORK  
 INTRO NO. 3/LOCAL LAW NO. \_\_ FOR THE YEAR 2018**

A Local Law Authorizing Amendment of 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

- (2) would otherwise be prohibited from acting by section 6 of this code; 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. CONFIDENTIAL INFORMATION

No municipal officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

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

**RESOLUTION NO. 449-18: APPOINTMENT TO WAYNE COUNTY WATER AND SEWER AUTHORITY**

Mr. Spickerman presented the following:

WHEREAS, the Chairman of the Board of Supervisors has recommended that the following member be appointed to the Wayne County Water and Sewer Authority for a term of office beginning immediately and expiring December 31, 2019:

Lori Furguson  
7870 North Maple Road  
Wolcott, NY 14590

RESOLVED, that the Board of Supervisors approves and ratifies this appointment to the Wayne County Water and Sewer Authority.

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

**RESOLUTION NO. 450-18: AUTHORIZE APPLICATION FOR STATE TOURISM MATCHING FUNDS**

Mr. Spickerman presented the following:

RESOLVED, that the Wayne County Office of Tourism and Promotion is hereby designated as the Tourist Promotion Agency for the County of Wayne ("County") for the purpose specified in the New York State Promotion Act: and be it further

RESOLVED, that the Director of Wayne County Office of Tourism and Promotion is hereby authorized to apply on behalf of the County for funding under the **2019** New York State Matching Grant Program for the County Tourism Project

County Share           \$ 245,400

State Share \$ 245,400

RESOLVED, that Christine Worth, Project Director, is authorized to execute the grant application on behalf of the County.

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

**RESOLUTION NO. 451-18: AUTHORIZE DESIGNATION OF TOURISM PROMOTION AGENT**

Mr. Spickerman presented the following:

WHEREAS, county authorized Tourist Promotion Agency (TPA) is required to make applications and receive funds for most New York State tourism grant programs; now, therefore, be it

RESOLVED, that the Wayne County Office of Tourism and Promotion is hereby designated as the 2019 TPA for the purpose specified in the New York State Promotion Act; and be it further

RESOLVED, that the Director of Wayne County Office of Tourism and Promotion, Christine Worth, is hereby designated as Project Director for Wayne County for 2019.

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

**RESOLUTION NO. 452-18: AUTHORIZATION TO AMEND 2018 MACHINERY COUNTY BUDGET**

Mr. Miller presented the following:

WHEREAS, the usage and cost of fuel has increased necessitating an increase in the Machinery Budget for Diesel and Gasoline; and

WHEREAS, the costs of the fuel are charged back to the departments and other entities using the fuel; now, therefore, be it

RESOLVED, that the County Treasurer is authorized to amend the Highway Machinery Budget DM Fund for 2018 as follows:

**DM51304 – ROAD MACHINERY**

(Revenue)

\$110,000 to .42304 Material Reimbursements

(Appropriations)

\$100,000 to .54121 Diesel

\$10,000 to .54128 Gasoline

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

**RESOLUTION NO. 453-18: AUTHORIZATION TO DISPOSE OF SURPLUS COUNTY VEHICLE FROM THE HIGHWAY DEPARTMENT**

Mr. Miller presented the following:

WHEREAS, the Highway Department has taken delivery of a new vehicles; and

WHEREAS, the Superintendent of Public Works has determined that the following vehicles should be declared surplus and disposed of as noted:

VEHICLE/ITEM	DISPOSAL
--------------	----------

1991 Dodge Utility Pickup	VIN 1B6ME3651MS343776 (HW)	Auction
2005 Ford F350 Pickup	VIN 1FTWW30585ED28783 (HW)	Auction

now, therefore, be it

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

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

**RESOLUTION NO. 454-18: AUTHORIZATION TO EXECUTE AGREEMENT WITH ROADTEK LLC FOR THE INSTALLATION OF CONCRETE FLOOR AT THE WAYNE COUNTY NURSING HOME PAVILION.**

Mr. Miller presented the following:

WHEREAS, the 2018 Nursing Home budget included funds for installation of a new pavilion; and

WHEREAS, the construction of the pavilion was performed in-house by Public Works staff; and

WHEREAS, the pavilion construction is now completed and is ready for the installation of a concrete floor and two sidewalks; and

WHEREAS, the Deputy Superintendent of Public Works issued a request for proposals for said concrete work and received the following proposals:

<b>RoadTek LLC</b>	<b>\$12,985.38</b>
4846 Route 104	
Williamson, NY 14589	





WHEREAS, it is the Deputy Superintendent of Public Works recommendation that we lease said space for the duration of the project; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to sign lease agreement on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with Old Village Properties, LLC for temporary office space at a monthly fee of \$2,700 plus utilities; and be it further

RESOLVED, the initial lease agreement terms shall be from October 1<sup>st</sup> 2018 through March 31<sup>st</sup> 2020 with the option to extend up to six additional monthly if needed.

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

**RESOLUTION NO. 456-18: AUTHORIZATION TO PURCHASE A PROPERTY FROM SEAN DOBBINS AND TRANSFER FUNDS**

Mr. Miller presented the following:

WHEREAS, Mr. Dobbins owns a property located at 52 Broad Street in Lyons which is adjacent to the parking area of the Hall of Justice; and

WHEREAS, Mr. Dobbins has offered to sell a portion of that property to Wayne County to use as additional parking, and

WHEREAS, the Superintendent of Public Works has discussed this purchase with the Public Works Committee and with Mr. Dobbins, and has agreed upon a price of \$6,000 for the purchase of approximately 0.05 acres adjacent to the parking are of the Hall of Justice, now, therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to sign a purchase agreement on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with Sean Dobbins for the purchase of approximately 0.05 acres for \$6,000.00, and be it further

RESOLVED, that the County Treasurer is authorized to adjust the 2018 budget as follows:

**A1990 Contingent Fund General**

\$6,000 from 54000 Contractual Expenses

**A1615 Buildings and Grounds**

\$6,000 to 54000 Contractual Expenses

Mr. Groat moved the adoption of the resolution. Seconded by Mr. Deming. Upon roll call, all Supervisors voted Aye. The Chairman declared the Resolution adopted.

**RESOLUTION NO. 457-18: AUTHORIZATION TO EXECUTE AGREEMENT WITH FINGERLAKES GARAGE DOOR CO, INC FOR THE REPLACEMENT OF THREE OVERHEAD DOORS AT THE WAYNE COUNTY FIRE TRAINING FACILITY**

Mr. Miller presented the following:

WHEREAS, the Deputy Superintendent of Public Works has identified the three overhead doors located at the Wayne County Jail that should be replaced; and

WHEREAS, Resolution No. 425-18 authorized amending the 2018 Mutual Aid budget and approving the replacement of these doors with unspent funds; and

WHEREAS, the Deputy Superintendent of Public Works has received the following proposals to replace the doors;

<b>FingerLakes Garage Doors Co. Inc</b>	<b>\$ 7,450.00</b>
10269 Old Rt. 31 West	
Clyde, NY 14433	

<b>Overhead Door Company</b>	<b>\$ 9,985.00</b>
4002 New Court Ave	
Syracuse, NY 13206	

**Upstate Garage Doors**  
3951 Buffalo Rd  
Newark, NY 14513

**\$ 7,650.00**

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 FingerLakes Garage Door Co. Inc at a cost not to exceed \$7,450.00.

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

**RESOLUTION NO. 458-18: AUTHORIZATION TO EXECUTE AND AGREEMENT WITH THE STATE OF NEW YORK FOR THE MUTUALINK SYSTEM FOR THE EMERGENCY MANAGEMENT OFFICE**

Mr. Verkey presented the following:

WHEREAS, pursuant to Resolution No. 316-15, the Board of Supervisors previously authorized the execution of an agreement to allow for the County to possess and use the Mutualink hardware and software obtained and owned by the State of New York, through the Department of Homeland Security and Emergency Services; and

WHEREAS, the Mutualink system is an interoperable communications resource, which assists counties in establishing communications links between disparate radio and data sources; and

WHEREAS, in association with the previously referenced agreement, the County obtained, and still retains, the Mutualink system on site, with the agreement which allows for the temporary loaning of such equipment to the County having expired; and

WHEREAS, the State has distributed updated Mutualink agreements, with the updated agreement also allowing for the County of Wayne to receive four additional Edge client licenses; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors shall be authorized to execute an Inter-municipal Memorandum of Agreement between the County and the State of New York, which shall authorize the County to retain the Mutualink system, with the agreement term to continue until January 31, 2021, with the agreement subject to the approval of the County Attorney as to form and content.

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

**RESOLUTION NO. 459-18: AUTHORIZATION TO ADOPT WAYNE COUNTY COMPREHENSIVE EMERGENCY MANAGEMENT PLAN**

Mr. Verkey presented the following:

WHEREAS, It is the responsibility of elected and appointed officials to provide the citizens of their governmental jurisdictions with required services; and

WHEREAS, one of these services, required by the Superfund Amendments and Reorganization Act of 1986 (SARA) involves the development of a County Comprehensive Emergency Management Plan that will save lives and protect property in the event of a disaster; and

WHEREAS, this planning includes:

- Mitigation to reduce the probability of occurrence and to minimize the effects of unavoidable incidents
- Preparation to respond to a disaster situation
- Response actions during a disaster
- Recovery operations that will insure the orderly return to normal or improved levels following a disaster; and

WHEREAS, this Wayne County Comprehensive Emergency Management Plan has

been developed to establish guidelines that will provide elected and appointed officials, administrative personnel, various governmental departments, and volunteer agencies with the information required to function - as a team - to insure a timely and organized response to situations arising from incidents that have or could become disasters; now, therefore be it

RESOLVED, that the Wayne County Board of Supervisors hereby endorses this plan and direct all personnel involved to take appropriate actions as spelled out within the plan; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to sign the promulgation document of said plan.

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

**RESOLUTION NO. 460-18: AUTHORIZATION TO ACCEPT BID FOR RADIO INTEROPERABILITY PROJECT WOLCOTT TOWER BID**

Mr. Verkey presented the following:

WHEREAS, as authorized by Resolution No. 392-18, the Clerk of the Board of Supervisors has duly advertised for bids the development of the Wayne County Public Safety Radio System at the Wolcott site; and

WHEREAS, bids were publicly opened on Friday, August 31, 2018 at 2:00 p.m. and the following bids were received:

Bidder Name and Address	Bid Amount
Allstate Tower Henderson, KY	\$334,909
Patriot Towers Scottsville, NY	\$239,575
Fred Nudd Corp Ontario, NY	\$288,569

and

WHEREAS, bidder Patriot Towers meets the bid requirements; and

WHEREAS, this price is within the budgeted amount for this project; now, therefore, be it

RESOLVED, the Wayne County Board of Supervisors hereby accepts the bid submitted by Patriot Towers of Scottsville, NY and 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 Patriot Towers for the above referenced project; and be it further

RESOLVED, that Director of Disaster Preparedness is authorized to purchase said system utilizing budgeted funds in accordance with Wayne County Purchasing Policy.

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

**RESOLUTION NO. 461-18: AUTHORIZATION TO ACCEPT BID FOR DRY CLEANING SERVICES FOR THE WAYNE COUNTY SHERIFF'S OFFICE AND WAYNE COUNTY 911**

Mr. Verkey presented the following:

WHEREAS, the Clerk of the Board of Supervisors has duly advertised for Dry Cleaning Services for the Wayne County Sheriff's Office and Wayne County 911 and the bids were opened Friday, August 24, 2018 at 2:00 p.m. and the following bids were received:

Bidder	<b>Tenax Town Cleaners</b>	<b>Gurcan Tailor Shop</b>
	333 S. Main St.	115 E. Union St.
	Canandaigua, NY 14424	Newark, NY 14513

Long Sleeve Uniform Shirts	<b>\$2.50</b>	<b>\$3.00</b>
Short Sleeve Uniform Shirts	<b>\$2.50</b>	<b>\$3.00</b>
Uniform Pants	<b>\$3.35</b>	<b>\$3.00</b>
Uniform Softshell Jacket	<b>\$4.75</b>	<b>\$5.00</b>
Uniform Winter Jacket	<b>\$6.00</b>	<b>\$5.00</b>
Uniform Class A Dress Blouse Jacket	<b>\$4.25</b>	<b>\$5.00</b>
Alteration: Patches	<b>\$5.00</b>	<b>\$5.00</b>
Alteration: Hem	<b>\$8.55</b>	<b>\$5.00</b>
Alteration: Inseam	<b>\$8.55</b>	<b>\$5.00</b>
Alteration: Zipper (Minor Repairs)	<b>No Charge</b>	<b>No Charge</b>

WHEREAS, said bids have been reviewed by the County Attorney, Purchasing Department and the Wayne County Sheriff's Office and it has been determined that the difference in costs were minimal; and

WHEREAS, the dry cleaning services are currently being provided by Gurcan Tailor Shop and have been satisfactory; and

WHEREAS, the convenience of location in proximity to the Public Safety Building is ideal for county employees; now, therefore, be it

RESOLVED, that the bid submitted by Gurcan Tailor Shop is hereby accepted; and be it further

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

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

**RESOLUTION NO. 462-18: AUTHORIZATION TO SIGN AN AGREEMENT WITH THE RED CREEK SCHOOL DISTRICT FOR A DEPUTY SHERIFF SCHOOL RESOURCE OFFICER FOR THE 2019 BUDGET YEAR**

Mr. Verkey presented the following:

WHEREAS, the Red Creek Central School District, hereinafter referred to as the District, is desirous in entering into an agreement with the County of Wayne and Wayne County Sheriff to provide the District (1) FTE Deputy Sheriff School Resource Officer (SRO), funded by the District, which shall include salary, fringe benefits, vehicle expenses, uniforms, training and other related expenses for the ten month school year; and

WHEREAS, The District, is requesting to enter into an agreement with the County for such SRO commencing January 1, 2019 through December 31, 2019; and

WHEREAS, the Collective Bargaining Agreement (CBA) with the Wayne County Sheriff's Police Officers' Association Union is in current negotiations and any agreements with the Red Creek Central School District will have a clause allowing for modifications to such agreements relating to any change(s) in said CBA; and

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

WHEREAS, the Sheriff has included this position and related expenses in the 2019 County Budget; now, therefore, be it

RESOLVED, that Sheriff's Office is authorized to create one FTE Deputy Sheriff School Resource Officer (SRO); and be it further

RESOLVED, that the Chairman of the Board of Supervisors and Sheriff are hereby authorized to sign an agreement with the Red Creek Central School District for a Deputy Sheriff SRO, containing a clause for modifications based on possible changes in the current collective bargaining agreement with the Wayne County Sheriff's Police Officers' Union, for the time period of January 1, 2019 through December 31, 2019, excluding July and August and at

no cost to County taxpayers, upon review and approval of the County Attorney.

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

**RESOLUTION NO. 463-18: AUTHORIZATION TO ACCEPT BIDS FOR TITLE SEARCH SERVICES AS IT RELATES TO THE TAX FORECLOSURE PROCEEDINGS FOR THE CALENDAR YEARS 2019, 2020, 2021**

Mr. Manktelow presented the following:

WHEREAS, New York State Law requires the County Treasurer to give property tax foreclosure notice to all interested parties as recorded in the County Clerk's Office; and

WHEREAS, using a Title Search Company to perform this work the most effective way to ensure all interested parties of a property up for foreclosure are known to the County; and

WHEREAS, the Clerk of the Board duly advertised for bids for Title Search Services; and

WHEREAS, the following bids were received by 2 pm on Wednesday, August 29, 2018 and publicly opened:

VENDOR	1 <sup>ST</sup> YEAR		2 <sup>ND</sup> YEAR		3 <sup>RD</sup> YEAR	
	<u>Full Search</u>	<u>Updated Search</u>	<u>Full Search</u>	<u>Updated Search</u>	<u>Full Search</u>	<u>Updated Search</u>
Monroe-Gorman Title Agency 34 William Street Lyons, NY 14489	\$110	\$70	\$110	\$70	\$110	\$70
Corning Abstract & Closing Services 650 Sing Road Horseheads, NY 14845	\$80	\$40	\$82.50	\$40	\$85	\$40

and

WHEREAS, bids were reviewed by the County Attorney and Treasurer's office and both were deemed to be compliant; now, therefore, be it

RESOLVED, that the bid received from Corning Abstract & Closing Services is hereby accepted; and the Chairman of the Board of Supervisors is hereby authorized to execute a contract with Corning Abstract & Closing Services for 1 year with the option to renew for 2 one-year periods at the bid prices, subject to the County Attorney's approval.

Mrs. Pagano moved the adoption of the resolution. Seconded by Mr. Kolczynski.

Prior to voting, Supervisor Manktelow noted that this bid is being awarded to a new company that we have never used before; and added that if this vendor does not work out, we can opt out after one year.

Upon roll call, adopted.

**RESOLUTION NO. 464-18: AUTHORIZATION TO ENTER INTO INTERMUNICIPAL AGREEMENT WITH TOWN OF ONTARIO AND WAYNE CENTRAL SCHOOL DISTRICT TO**

**SHARE ATTORNEY FEES AND LITIGATION COSTS INCURRED IN NEGOTIATING PILOT AGREEMENT WITH THE GINNA NUCLEAR POWER PLANT**

Mr. Manktelow presented the following:

WHEREAS, the Town of Ontario, the Wayne Central School District, and the County of Wayne all derive revenue from the Ginna Nuclear Power Plant through a PILOT (Payment in Lieu of Taxes) Agreement which is due to expire at the end of 2018; and

WHEREAS, the Town of Ontario, the Wayne Central School District, and the County of Wayne have each met through representatives to discuss negotiating a new PILOT Agreement with the Ginna Nuclear Power Plant; and

WHEREAS, a tentative agreement has been reached subject to approval by the respective governing boards of each entity to retain the services of Ferrar Fiorenza PC, to assist in negotiating a PILOT Agreement, and to possibly an Article VII Real Property tax certiorari proceeding; and

WHEREAS, the Town of Ontario, the Wayne Central School District, and the County of Wayne have reached a tentative agreement, subject to approval and authorization by the governing boards of each entity, regarding the payment and reimbursement of attorney's fees and cost to be incurred in this matter, which is fair and equitable; and

WHEREAS, intermunicipal cooperation in the matter is mutually advantageous to each of the taxing entities involved; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is authorized to sign an Intermunicipal agreement by and between the Town of Ontario, the Wayne Central School District, and the County of Wayne providing for the sharing (1/3 each) of legal fees and cost to be incurred for the joint representation of the three taxing entities by Ferrar Fiorenza PC, in the matter of negotiating a new PILOT agreement with Ginna Nuclear Power Plant, subject to the County Attorney's approval; and be it further

RESOLVED, that in the event a PILOT Agreement is not successfully negotiated with the Ginna Nuclear Power Plant and a Real Property Tax Certiorari proceeding is commenced under Article 7 of the Real Property Tax law, a further resolution of the Board shall be required to authorize the sharing of any litigation expenses incurred in connection with such proceeding.

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

**RESOLUTION NO. 465-18: AUTHORIZATION TO ENTER INTO RETAINER AGREEMENT WITH FERRAR FIORENZA PC FOR LEGAL SERVICES RELATED TO NEGOTIATING A PILOT (PAYMENT IN LIEU OF TAXES) AGREEMENT WITH THE GINNA NUCLEAR POWER PLANT**

Mr. Manktelow presented the following:

WHEREAS, the Town of Ontario, the Wayne Central School District, and the County of Wayne all derive revenue from the Ginna Nuclear Power Plant through a PILOT (Payment in Lieu of Taxes) Agreement which is due to expire at the end of 2018; and

WHEREAS, the Town of Ontario, the Wayne Central School District, and the County of Wayne will enter into an Inter-Municipal Agreement between the three (3) entities providing for the sharing of legal fees and costs incurred in negotiating a new PILOT Agreement with the Ginna Nuclear Power Plant; and

WHEREAS, the Town of Ontario, the Wayne Central School District, and the County of Wayne have met with representatives of Ferrar Fiorenza PC, and agreed that they are qualified to jointly represent all three taxing entities in this negotiation; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is authorized to sign a Retainer Agreement with Ferrar Fiorenza PC outlining a one-third share of cost to be paid by the County of Wayne, subject to the County Attorney's approval.

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

**RESOLUTION NO. 466-18: AUTHORIZATION TO HIRE EXPERT APPRAISER IN CONNECTION WITH THE NEGOTIATION OF A PILOT (PAYMENT IN LIEU OF TAXES) AGREEMENT WITH THE GINNA NUCLEAR POWER PLANT**

Mr. Manktelow presented the following:

WHEREAS, the Town of Ontario, the Wayne Central School District, and the County of Wayne all derive revenue from the Ginna Nuclear Power Plant through a PILOT (Payment in Lieu of Taxes) Agreement which is due to expire at the end of 2018; and

WHEREAS, the Town of Ontario, the Wayne Central School District, and the County of Wayne will enter into an Inter-Municipal Agreement between the three (3) entities providing for the sharing of legal fees and costs incurred in negotiating a new PILOT Agreement with the Ginna Nuclear Power Plant; and

WHEREAS, the Town of Ontario, the Wayne Central School District, and the County of Wayne, have jointly retained Ferrar Fiorenza to represent all three taxing entities; and

WHEREAS, Ferrar Fiorenza has request authorization to hire expert appraiser George E Sansoucy, P.E., LLC to update the appraisal he did for the previous PILOT negotiations at a cost of \$10,000.00 to be shared in accordance with the Inter Municipal Agreement; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors is authorizes Ferrar Fiorenza PC to hire George E. Sansoucy, P.E., LLC to update his previous appraisal of the Ginna Nuclear Power Plant; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is authorized to sign any necessary agreements with George E. Sansoucy, P.E., LLC, subject to the County Attorney's approval.

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

**RESOLUTION NO. 467-18: ESTABLISHING TOWN EQUALIZATION RATES FOR 2019 COUNTY TAXES**

Mr. Manktelow presented the following:

RESOLVED, pursuant to Section 804 of the Real Property Tax Law, that the following rates recommended by the County Finance Committee of the Wayne County Board of Supervisors are hereby adopted and established as the County Equalization rates for the towns in Wayne County for the year 2018 to affect the 2019 County taxes:

Arcadia	97.00	Palmyra	90.00
Butler	100.00	Rose	98.00
Galen	84.00	Savannah	100.00
Huron	95.00	Sodus	100.00
Lyons	100.00	Walworth	98.00
Macedon	98.00	Williamson	100.00
Marion	98.00	Wolcott	100.00
Ontario	100.00		

and be it further

RESOLVED, in accordance with the provision of subdivision 2 of Section 804 of the Real Property Tax Law, that within five (5) days of the date of the adoption of this resolution, the Clerk of the Board shall transmit to each town, on a form prescribed by the State Board of Real Property Services, a written notification of the County equalization rate established for each town.

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

**RESOLUTION NO. 468-18: AUTHORIZATION TO SHARE DEFENSE COSTS FOR REAL PROPERTY TAX ASSESSMENT REVIEW PROCEEDINGS (ARTICLE 7 LITIGATION) TOWN**



**OF MACEDON/PAL-MAC CSD**

Mr. Manktelow presented the following:

WHEREAS, proceedings to review real property tax assessments are annually commenced against assessing units, namely the Towns of Wayne County; and

WHEREAS, County taxes are based upon assessments established by the assessing units; and

WHEREAS, the County tax levy is, therefore, affected by any court ordered or stipulated reduction in assessed valuation; and

WHEREAS, this Board approved Resolution No. 444-95, amended by Resolution No. 700-06, which was amended by Resolution No. 688-07 which was again amended by Resolution No. 307-10 and subsequently amended by Resolution 591-15 and again amended by 524-17 which defined standards and procedures for County participation in litigation involving challenges to real property assessments; and

WHEREAS, a request from the Town of Macedon has been received by the Real Property Tax Services Director and reviewed and recommended by the Director and the County Attorney; and

WHEREAS, the written request from the Town of Macedon does include statement of fact that the **Town of Macedon and the Pal-Mac Central School District** have resolved for their respective Board approval to share in the defense costs for Real Property Tax Assessment review Article 7 proceedings, now, therefore, be it

RESOLVED, that the County of Wayne will participate in providing financial assistance for litigation challenges of real property tax assessments per the provisions of Resolution No. 524-17 for the following Town and their respective petition:

TOWN	Property Owner	Parcel ID#	Index #(s)
Macedon	Jindal Films Americas LLC	61111-00-691932	CV082822 - 2018
Macedon	DB Properties LLC	61112-00-275327	CV082799 - 2018
		61112-00-259374	

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

**RESOLUTION NO. 469-18: AUTHORIZATION TO SHARE DEFENSE COSTS FOR REAL PROPERTY TAX ASSESSMENT REVIEW PROCEEDINGS (ARTICLE 7 LITIGATION) TOWN OF MACEDON/GANANDA CSD**

Mr. Manktelow presented the following:

WHEREAS, proceedings to review real property tax assessments are annually commenced against assessing units, namely the Towns of Wayne County; and

WHEREAS, County taxes are based upon assessments established by the assessing units; and

WHEREAS, the County tax levy is, therefore, affected by any court ordered or stipulated reduction in assessed valuation; and

WHEREAS, this Board approved Resolution No. 444-95, amended by Resolution No. 700-06, which was amended by Resolution No. 688-07 which was again amended by Resolution No. 307-10 and subsequently amended by Resolution 591-15 and again amended by 524-17 which defined standards and procedures for County participation in litigation involving challenges to real property assessments; and

WHEREAS, a request from the Town of Macedon has been received by the Real Property Tax Services Director and reviewed and recommended by the Director and the County Attorney; and

WHEREAS, the written request from the Town of Macedon does include statement of fact that the **Town of Macedon and the Gananda Central School District** have resolved for their respective Board approval to share in the defense costs for Real Property Tax Assessment review Article 7 proceedings, now, therefore, be it

RESOLVED, that the County of Wayne will participate in providing financial

assistance for litigation challenges of real property tax assessments per the provisions of Resolution No. 524-17 for the following Town and their respective petition:

TOWN	Property Owner	Parcel ID#	Index #(s)
Macedon	Evergreen Hills Assoc, LP	62113-00-023850	CV082847 - 2018
Macedon	Evergreen Hills II Assoc, LP	61113-08-984851	CV082848 - 2018
Macedon	Evergreen Hills 3 Assoc, LP	61113-08-936868	CV082850 – 2018

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

**RESOLUTION NO. 470-18: AUTHORIZATION TO SHARE DEFENSE COSTS FOR REAL PROPERTY TAX ASSESSMENT REVIEW PROCEEDINGS (ARTICLE 7 LITIGATION) - TOWN OF WILLIAMSON**

Mr. Manktelow presented the following:

WHEREAS, proceedings to review real property tax assessments are annually commenced against assessing units, namely the Towns of Wayne County; and

WHEREAS, County taxes are based upon assessments established by the assessing units; and

WHEREAS, the County tax levy is, therefore, affected by any court ordered or stipulated reduction in assessed valuation; and

WHEREAS, this Board approved Res. No. 444-95, amended by Res. No. 700-06, which was amended by Res. No. 688-07 which was again amended by Res. No. 307-10 and subsequently amended by Res. No. 591-15 and again amended by Res. No. 524-17 which defined standards and procedures for County participation in litigation involving challenges to real property assessments; and

WHEREAS, a request from the Town of Williamson has been received by the Real Property Tax Services Director and reviewed and recommended by the Director and the County Attorney; and

WHEREAS, the written request from the Town of Williamson does include statement of fact that the *Town of Williamson and the Williamson Central School District* have resolved for their respective Board approval to share in the defense costs for Real Property Tax Assessment review Article 7 proceedings, now, therefore, be it

RESOLVED, that the County of Wayne will participate in providing financial assistance for litigation challenges of real property tax assessments per the provisions of Resolution No. 524-17 for the following Town and their respective petition:

TOWN	Property Owner	Parcel ID#	Index #(s)
Williamson	Rite Aid Corp and Walgreen Co.	65117-08-910873	CV082821 – 2018

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

**RESOLUTION NO. 471-18: APPOINTMENT TO THE WAYNE COUNTY REGIONAL LAND BANK, INC BOARD OF DIRECTORS**

Mr. Manktelow presented the following:

WHEREAS, the Wayne County Regional Land Bank, Inc was established by the County of Wayne to address derelict properties located in the County; and

WHEREAS, pursuant to the adoption of Resolution Nos. 393-17 and 315-18, the Wayne County Board of Supervisors authorized and approved the Wayne County Regional Land Bank, Inc board of directors to have up to 9 members; and

WHEREAS, additional directors shall be appointed by the Chairman of the Wayne County Board of Supervisors, subject to confirmation by the Wayne County Board of Supervisors; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors recommends that the following member be appointed to the Wayne County Regional Land Bank, Inc Board of Directors:

Amber Roberts, Town of Wolcott  
and be it further

RESOLVED, that the Board of Supervisors hereby approves and ratifies this appointment to the Wayne County Regional Land Bank, Inc Board of Directors.

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

**RESOLUTION NO. 472-18: AUTHORIZATION TO EXECUTE AGREEMENT PERMITTING FINGER LAKES COMMUNITY COLLEGE TO OFFER COURSES IN WAYNE COUNTY**

Mr. Manktelow presented the following:

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute a contract on behalf of Wayne County, subject to the County Attorney's approval as to form and content, with the Board of Trustee of Finger Lakes Community College authorizing FLCC to offer college courses in Wayne County during the period 9/1/18-8/31/19, provided, however, that no cost shall be incurred to Wayne County for the operation of such courses except for the allocable portion of the operating expenses for students residing in Wayne County attending FLCC in accordance with Section 6305 of the Education Law.

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

**RESOLUTION NO. 473-18: AUTHORIZATION TO ENTER INTO LEASE AGREEMENT WITH WAYNE COUNTY WATER AND SEWER AUTHORITY FOR LEASE OF COUNTY OWNED WATER SYSTEM AND EXTENSIONS**

Mr. Miller presented the following:

WHEREAS, the County of Wayne owns and operates an area on the north and south side of Route 31 in the town of Lyons, approximately 3 miles east of the Village of Newark, commonly known as the "County Complex"; and

WHEREAS, the buildings in the County Complex are served with water from a water main along Route 31; and

WHEREAS, the County Complex includes distribution water lines throughout the County Complex, two water tanks, water meters at the separate buildings, and a master meter at the connection to the Route 31 water main (the "County Water System"); and

WHEREAS, the Authority and the County previously entered into an agreement effective as of November 1, 1998 whereby the Authority agreed to provide a supply of water for the County Complex and to operate and maintain the County Water system for the benefit of the County; and

WHEREAS, it is deemed mutually advantageous for the Authority to continue to supply water to the County Complex and for the County to lease the County Water System to the Authority pursuant to Section 215 of the County Law of the State of New York so that the Authority can continue to operate as well as to lease, maintain, repair and replace the County Water System; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to enter into a lease agreement with the Wayne County Water and Sewer Authority, subject to the approval of the County Attorney, for a term of five (5) years, and continually renewable for additional terms of five (5) years each, until such time as said lease is terminated by either party, for the following property:

The entire operating plant, hydrants, water storage tanks, transmission system and distribution lines comprising the Wayne County Water System, and extensions thereto, which are now and may in the future be listed in attached inventories, and as shown on attached maps, together with any replacements, additions, betterments and improvements that may hereafter be furnished and installed in or by the County, or extension thereto during the term of the Lease Agreement, and including any interests

in real property of any kind or nature to the extent assignable (including but not limited to, any and all easements, whether temporary or permanent and/or exclusive or non-exclusive, licenses and leases in favor of the County), that are necessary to operate and/or maintain the County Water system.

Mr. Verkey moved the adoption of the resolution. Seconded by Mr. Deming.

Mr. Baldrige commented that there was no dollar amount listed here and questioned if there needed to be one for this lease agreement.

Scott Kolczynski, Deputy Superintendent of the Wayne County Public Works Department, responded that this is not a lease for use of system, but a lease agreement to operate and maintain the county owned water system and extensions.

County Attorney Connors agreed that this lease agreement is definitely a better arrangement for this.

Upon roll call, adopted.

#### **RULE 14 RESOLUTIONS**

##### **RESOLUTION NO. 474-18: AUTHORIZATION TO SIGN A BOUNDARY LINE AGREEMENT**

Mr. Miller presented the following:

WHEREAS, the County of Wayne owns property located on Jagger Road in the Town of Palmyra; and

WHEREAS, there is a barn located at 3177 Jagger Road that is owned by Llewellyn Jacobs that encroaches 5.3 feet onto the County's property; and

WHEREAS, Mr. Jacobs is in the process of trying to sell this property located at 3177 Jagger Road and would need the County to sign a boundary line agreement in order to do so and stating they have rights to only the barn and not the land; and

WHEREAS, Mr. Jacobs' attorney has drafted a proposed Boundary Line Agreement with the County of Wayne acknowledging the encroachment of his barn onto property owned by the County a distance of 5.3 feet and relinquishing any claim to right, title or interest in the land lying beyond the property line; and

WHEREAS, it will serve the best interest of both the County and Mr. Jacobs to resolve this encroachment onto County owned property by the barn improvement partially located on the Jacobs property and encroaching 5.3 feet onto County owned property; now therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to sign said boundary line agreement, subject to the County Attorney's approval as to form and content.

Mr. Manktelow moved the adoption of the resolution. Seconded by Mrs. Pagano. Upon roll call, all Supervisors voted Aye. The Chairman declared the Resolution adopted.

##### **RESOLUTION NO. 475-18: AUTHORIZE SUBMISSION OF APPLICATION THROUGH THE ECONOMIC DEVELOPMENT AND PLANNING OFFICE**

Mr. Spickerman presented the following:

WHEREAS, in recent years, the New York State Office of the Attorney General, Enterprise, and the Local Initiatives Support Corporation (LISC) have made funding available across New York State for newly formed Land Banks. Enterprise is now dedicating additional funding to support Land Banks, with funds coming from a bank settlement negotiated by the New York State Office of the Attorney General; and

WHEREAS, Enterprise proposes to award individual grants in varied amounts to Land Banks for a grant period of 24 months for activities or projects that address community revitalization and housing stabilization necessary as a direct result of the foreclosure crisis; and

WHEREAS, most funding awards to range from \$500,000 to \$2 million, and not exceed \$2 million for the two-year grant period; and

WHEREAS, Applicants are required to submit letters of support, with at least one coming from local government; now, therefore, be it

RESOLVED, the Board of Supervisors authorizes the Chairman to provide a letter of support for the Wayne County Regional Land Bank's submission of an application to Enterprise.

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

#### **OTHER BUSINESS**

Mr. Miller moved, seconded by Mr. Deming that two (2) resolutions be allowed on the floor under Other Business. Upon roll call, all Supervisors voted aye. Motion Carried.

#### **RESOLUTION NO. 476-18: APPOINTMENT OF COUNTY REPRESENTATIVES TO NEGOTIATE ON BEHALF OF THE COUNTY OF WAYNE A NEW PILOT AGREEMENT WITH THE GINNA NUCLEAR POWER PLANT**

Mr. Manktelow presented the following:

WHEREAS, the Town of Ontario, the Wayne Central School District, and the County of Wayne all derive revenue from the Ginna Nuclear Power Plant through an existing PILOT (Payment in Lieu of Taxes) Agreement which is due to expire at the end calendar year 2018; and

WHEREAS, the Town of Ontario, the Wayne Central School District, and the County of Wayne will each participate in collective negotiations with the owners of the Ginna Nuclear Power Plant to establish a new PILOT (Payment in Lieu of Taxes) for calendar year 2019 and beyond; and

WHEREAS, the County of Wayne needs to identify and appoint its agents to represent the County of Wayne in the above-referenced negotiations with the owners of the Ginna Nuclear Power Plant; now, therefore, be it

RESOLVED, that Wayne County Administrator Richard House and Savannah Town Supervisor Michael Kolczynski are hereby named as Wayne County representatives to participate in collective negotiations and to negotiate on behalf of Wayne County a new PILOT (Payment in Lieu of Taxes) Agreement with the owners of the Ginna Nuclear Power Plant to succeed the existing PILOT Agreement which will expire at the end of calendar year 2018.

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

#### **RESOLUTION NO. 477-18: AUTHORIZATION TO RETAIN BOND COUNSEL AND BOND ADVISORS TO ISSUE BONDS FOR 16 WILLIAM STREET RENOVATION PROJECT FOR THE COUNTY OF WAYNE**

Mr. Manktelow presented the following:

WHEREAS, the Wayne County Board of Supervisors authorized the renovation of the County owned 16 Williams Street building in Lyons by the adoption of Resolution No. 417-18; and

WHEREAS, two Committee of the Whole meetings were held on August 8<sup>th</sup> and September 11<sup>th</sup>, 2018 to discuss if paying cash or issuing bonds was the proper funding method for this process; and

WHEREAS, in order to start the Bond process, Bond Counsel needs to be retained and Fiscal Advisors who have historically done the County Bond issuance will need to be formally engaged; now, therefore, be it

RESOLVED, that the County Treasurer, County Attorney, and County Administrator are hereby authorized to hire Bond Counsel to represent the County in a Bond issuance; and be it further

RESOLVED, that the County Treasurer, County Attorney, and County Administrator are hereby authorized to engage Fiscal Advisors for this Bond issuance; and be it further

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign all engagement agreements subject to the County Attorney's approval to form and content.

Mrs. Pagano moved the adoption of the resolution. Seconded by Mr. Kolczynski.

Mr. Baldrige addressed the Board to maintain his concerns with issuing Bonds and borrowing money; enduring interest costs of 1 million dollars for the funding the William Street renovation project. He will not support this resolution.

Mr. Spickerman noted that we should pay for building renovations with the fund balance we have; concluding that if we can't operate on our budgeted fund balance, "we are not doing our jobs".

Upon roll call, all Supervisors voted Aye, except Supervisors Spickerman, Groat, Crane, Robusto, Baldrige and Jacobs who voted Nay. The Chairman declared the Resolution adopted.

**ADJOURNMENT:**

The next scheduled meeting of the Board is **Tuesday, October 16, 2018 at 9:00 a.m.**

Mrs. Jacobs moved, seconded by Mrs. Crane, that the board adjourn at 10:12 a.m. Carried.

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