

16th Day
Tuesday, November 15, 2016
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 for this morning session.

APPROVAL OF MINUTES:

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

COMMUNICATIONS:

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

Copies of the Sheriff's Office Cash Receipts Report, dated October 19, 2016, totaling \$15,083.77 was, received.

Copy of certified Resolution No. 269 October 21, 2016 was received from Washington County Board of Supervisors, Fort Edward, NY, entitled "Resolution Calling on Governor Andrew Cuomo and the State Legislature to More Equitable and Efficiently Impose the 9-1-1-Surcharge on All Wireless Communication Devices and Use Revenues to Finance Life Saving County 9-1-1- Services".

A THANK YOU letter was received from the family of Larry Nichols, a resident of the Wayne County Nursing Home, for all the care and support that is given to Larry and the entire family, during his struggle with dementia. The full staff at Canalside and throughout the Wayne County Nursing Home is a very dedicated and caring group of individuals and their services are appreciated.

A letter acknowledging receipt of Wayne County's Resolution No. 582-16, urging Governor Cuomo to sign and enact Assembly Bill A.10510 and companion Senate Bill S4237-A, which will ensure that Batavia Downs may continue to operate effectively and serve the public benefit corporation that benefits residents of local communities, was received.

A copy of the October 26, 2016 Professional Advisory Committee Meeting Minutes were received and filed as per state requirements, after being accepted by the Wayne County Health and Medical Services Committee.

A copy of the County Auditor's accounts payable report for monthly utilities, miscellaneous payments including the October 2016 warrants for accounts payable, totaling \$6,364,758.95 was received and filed.

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

PROCLAMATION

Supervisor Baldrige, Chairman of the Health and Medical Services Committee, read the proclamation proclaiming November 17, 2016 as **National Rural Health Day**.

PRIVILEGE OF THE FLOOR:

Chairman LeRoy opened the floor at this time for members of the public to address the Board of Supervisors on items listed on the agenda for action. There was no public comment for this morning.

SCHEDULED BUSINESS:

Ken Blake, County Fiscal Assistant/Deputy Budget Officer

- Presentation of the 2017 Wayne County Tentative Budget

Ken Blake, Wayne County Fiscal Assistant and Deputy Budget Officer, addressed the Board for the presentation of the Wayne County 2017 Tentative Budget.

The Tentative Budget reflects \$175 million in appropriations; this is an increase of \$3.2 million from the County's 2016 budget. Approximately one half of this increase is due to the increase in employee/retiree hospitalization costs. Other expenses reflected in the budget include the cost of new positions, the local cost of CHIPS road projects, Medicaid and payment on energy bonds in the coming year.

The Tentative Budget reflects \$130 million in revenues; this is an increase of \$2.4 million from the County's 2016 budget. Additional revenues are coming from personnel reimbursements, additional CHIPS funding and increased interest income.

The difference between appropriations and revenues in the Tentative Budget is \$44 million. This amount was increased \$785,000 from the County's 2016 budget and is proposed to be made up by the use of property tax levy, fund balance and reserves (\$58,000).

The Tentative Budget for 2017 reflects a property tax rate of \$.788/\$1,000 of assessed value; this is a seven cent decrease from the 2016 rate. The 2017 Tentative Budget reflects a property tax levy of \$38.8 million.

The Tentative Budget is under the State's tax cap by ~~\$5,200~~\$52,100.

Supervisor Spickerman questioned if the County would continue to provide programs that are classified as State mandates if they did not have to. Mr. Blake made reference to the State's retirement program, saying he doubted the County would do away with most mandated programs. Mr. Spickerman then questioned the unmandated appropriation of \$5.4 million the County makes to area school districts.

Mr. Groat questioned the high increase in employee/retiree hospitalization costs and decision to have a 'premium holiday' in 2017. Human Resource Officer, Charles Dye, said this 'holiday' is only a proposal, and the premium increases recommended by the Health Care Trust are an amount they deem necessary to cover plan costs. The 'rate holiday' has been given in the past and may be approved again in 2017 if it is determined there is adequate surplus in the Trust account. The surplus funds in this account were collected in prior years when premiums exceeded expenses and the 'rate holiday' is a way to redistribute the funds to participants.

County Administrator Richard House and Supervisors thanked Mr. Blake for the work he did on putting the County's budget together. Patrick Schmitt, Wayne County Auditor/Management Assistant and Charles Dye, Director of Human Resources, and County Department Heads were also commended for their efforts and assistance in making this year's budget process run smoothly and a successful one.

Mr. Thomas Crowley and the Newark Government Class were in attendance for the presentation of the 2017 Wayne County Tentative Budget.

SCHEDULED BUSINESS

RESOLUTION NO. 583-16: ADOPTING MORTGAGE TAX REPORT AND AUTHORIZING COUNTY TREASURER TO MAKE PAYMENT TO TOWNS AND VILLAGES

Mrs. Marini presented the following:

WHEREAS, the Finance Committee of the Wayne County Board of Supervisors has filed a report showing the mortgage tax monies received by the Wayne County Treasurer during April 1, 2016 to September 30, 2016, and recommend payment to the Villages and Towns as apportioned in such report as follows:

TOWN	TOWN SHARE	VILLAGE	VILLAGE SHARE	TOTAL
Arcadia	57,481.67	Newark	24,070.44	81,552.11

Butler	6,359.76	Wolcott	346.03	6,705.79
Galen	16,279.01	Clyde	3,595.21	19,874.22
Huron	32,962.80		0.00	32,962.80
Lyons	22,211.47		0.00	22,211.47
Macedon	91,206.10	Macedon	6,077.25	97,283.35
Marion	28,819.36		0.00	28,819.36
Ontario	110,444.21		0.00	110,444.21
Palmyra	39,909.10	Palmyra	5,058.05	44,967.15
Rose	15,303.09		0.00	15,303.09
Savannah	11,594.58		0.00	11,594.58
Sodus	39,461.91	Sodus	2,755.60	48,398.87
		Sodus Pt.	6,181.36	
Walworth	104,287.43		0.00	104,287.43
Williamson	56,860.50		0.00	56,860.50
Wolcott	13,766.63	Red Creek	670.54	15,951.93
		Wolcott	1,514.77	
TOTAL	646,947.61	50,269.25	50,269.25	697,216.86

now, therefore, be it

RESOLVED, that the Mortgage Tax Report submitted by the Finance Committee is hereby accepted, the recommendation for payments to the Villages and Towns contained in such report is hereby adopted, and the County Treasurer is hereby authorized and directed to make such payments pursuant to the report.

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

RESOLUTION NO. 584-16: STATEMENT OF LEVY OF CHARGES FOR TOWN ACCOUNTS

Mrs. Marini presented the following:

WHEREAS, the Clerk of the Board has prepared the annual statement of accounts that are chargeable back to the towns within the County of Wayne for the period from November 1, 2015 through October 31, 2016; now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized and directed to levy the following Statement of Town Accounts on the 2017 tax rolls upon the taxable property of the respective towns liable for the payment of such accounts:

STATEMENT OF TOWN ACCOUNTS - NOVEMBER 1, 2015 THROUGH OCTOBER 31, 2016

Town of Arcadia

Cablevision				3,606.96
Franchise Tax				
2016 Tax Roll				
Excess and Deficit				-0.70
Erroneous Taxes	Res #	Name	Year	Amount
	169-16	DeVolder, Lisa A	2016	255.68
	182-16	Vanderwall, Elinor	2015	28.62
	182-16	Vanderwall, Elinor	2014	30.13

181-16	Vanderwall, Elinor	2016	68.12		
24-16	Millstone Properties	2016	160.47		
RS8	Kline, Phillip	2016	261.97		
RS8	Kline, Phillip	2016	260.66		
RS8	Kline, Phillip	2016	261.97		
RS8	Kline, Phillip	2016	551.36	1,878.98	<u>\$ 5,485.24</u>

Town of Butler

Cablevision Franchise Tax					0.00	
2016 Tax Roll Excess and Deficit					0.46	
Erroneous Taxes					0.00	<u>\$ 0.46</u>
Paid by Town – cash					Paid	<u>- \$.46</u>
						<u>\$ 0.00</u>

Town of Galen

Cablevision Franchise Tax					605.07	
2016 Tax Roll Excess and Deficit					1.27	
Erroneous Taxes	Res #	Name	Year	Amount		
	169-16	WCIDA	2016	4.93		
	170-16	Decker Liv. Trust	2015	68.87	73.80	<u>680.14</u>
Paid by Town Ck#19650					Paid	<u>-\$ 680.14</u>
						<u>\$ 0.00</u>

Town of Huron

Cablevision Franchise Tax					1,170.06	
2016 Tax Roll Excess and Deficit					-2.07	
Erroneous Taxes	Res #	Name	Year	Amount		
	169-16	Irizarry, Milton/Carmen	2016	299.76	299.76	<u>1,467.75</u>
Paid by Town Ck#4355					Paid	<u>-\$1,467.75</u>
						<u>\$ 0.00</u>

Town of Lyons

Cablevision Franchise Tax					1,571.56	
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2016 Tax Roll Excess and Deficit							0.32	
Erroneous Taxes	Res #	Name	Year	Amount				
	536-14	Cancel-Roll Section 8		710.97				
	169-16	WC Society	Historical	2016	\$ 61.70			
	169-16	WC Society	Historical	2016	\$ 19.40			
	169-16	WC Society	Historical	2016	\$ 34.25	826.32		<u>2,398.20</u>
Paid by Town Ck#13724						Paid		<u>-\$2,398.20</u>
								<u>\$ 00.00</u>

Town of Macedon								
Cablevision Franchise Tax							2452.40	
2016 Tax Roll Excess and Deficit							0.14	
Erroneous Taxes							0.00	
							2,452.54	<u>\$2,452.54</u>

Town of Marion								
Cablevision Franchise Tax							1,995.53	
2016 Tax Roll Excess and Deficit							1.76	
Erroneous Taxes	Res #	Name	Year	Amount				
	169-16	MCA Company	Land	2016	402.83			
	169-16	MCA Company	Land	2016	\$ 448.06			
	169-16	Copp,Darrell/Emily		2016	458.06			
		Cancel-Roll Section 8			\$ 251.80	1,560.75		<u>\$3,558.04</u>
Paid by Town Ck# 19487						Paid		<u>-\$3,558.04</u>
								<u>\$ 00.00</u>

Town of Ontario								
Cablevision Franchise Tax							2,172.88	
2016 Tax Roll Excess and Deficit							0.83	
Erroneous Taxes	Res #	Name	Year	Amount				
	182-16	Aman, Scott		2016	79.54			
Court Order Matter		Tractor Supply		2010-14	11,406.44	11,485.98		<u>\$13,659.69</u>

**Paid by Town Ck#
39252**

Paid \$11,406.44
\$ 2,
253.25

Town of Palmyra
 Cablevision
 Franchise Tax
 2016 Tax Roll
 Excess and Deficit
 Erroneous Taxes

2,370.74
 -0.41
 0.00 **\$ 2,370.33**

Town of Rose
 Cablevision
 Franchise Tax
 2016 Tax Roll
 Excess and Deficit
 Erroneous Taxes

183.84
 0.23
 0.00 **\$ 184.07**

Town of Savannah
 Cablevision
 Franchise Tax
 2016 Tax Roll
 Excess and Deficit
 Erroneous Taxes

320.64
 0.02

Res #	Name	Year	Amount
181-16	County of Wayne	2016	185.26
182-16	T/Savannah	2016	206.69
182-16	T/Savannah	2016	4.62
182-16	T/Savannah	2016	54.09
182-16	T/Savannah	2016	1.85
182-16	T/Savannah	2016	352.83
182-16	T/Savannah	2016	1,323.31
182-16	T/Savannah	2016	14.42
182-16	T/Savannah	2016	2.36
182-16	T/Savannah	2016	8.35
182-16	T/Savannah	2016	5.45
182-16	T/Savannah	2016	25.14
182-16	T/Savannah	2016	2.36
182-16	T/Savannah	2016	306.53
182-16	T/Savannah	2016	27.23
182-16	Clyde-Sav BOE	CSD 2016	4.90
182-16	Clyde-Sav BOE	CSD 2016	43.02

	182-16	Clyde-Sav BOE	CSD	2016	2,732.04		
		Cancel Tax		2016	88.19	5,388.84	\$ 5,709.50
Will Pay January 1						Pay 1/1/17	-\$5,709.50
							\$ 00.00

Town of Sodus

Cablevision							
Franchise Tax						2,521.75	
2016 Tax Roll							
Excess and Deficit						-0.40	
Erroneous Taxes	Res #	Name		Year	Amount		
	169-16	Toor, Bruce/Karen		2016	371.67		
	290-16	Phillips, Don/Kathl		2016	64.21	435.88	2,957.23
Paid by Town Ck# 5348						Paid	-\$2,957.23
							\$ 00.00

Town of Walworth

Cablevision							
Franchise Tax						1,730.16	
2016 Tax Roll							
Excess and Deficit						0.33	
Erroneous Taxes						0.00	
						1,730.49	1,730.49
Paid by Town Ck#3186						Paid	-\$1,730.49
							\$ 00.00

**Town of
Williamson**

Cablevision							
Franchise Tax						1,992.90	
2016 Tax Roll							
Excess and Deficit						-0.88	
Erroneous Taxes	Res #	Name		Year	Amount		
		Cancel Tax		2016	165.90	165.90	\$ 2,157.92
Paid by Town Ck#13197						Paid	-\$2,157.92
							\$ 00.00

Town of Wolcott

Cablevision							
Franchise Tax						1,256.75	

2016 Tax Roll							
Excess and Deficit							-0.31
Erroneous Taxes	Res #	Name	Year	Amount			
	169-16	Vil/Red Creek	2016	7.94			
	169-16	Vil/Red Creek	2016	13.65			
	169-16	Wright, Linda	2016	45.67			
	182-16	Bernetski, Robert		156.73	223.99		\$ 1,480.43

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

RESOLUTION NO. 585-16: AUTHORIZATION TO SHARE DEFENSE COSTS FOR REAL PROPERTY TAX ASSESSMENT REVIEW PROCEEDINGS (ARTICLE 7 LITIGATION) - SODUS

Mrs. Marini 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 which defined standards and procedures for County participation in litigation involving challenges to real property assessments; and

WHEREAS, a request from the **Town of Sodus** 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 Sodus does include statement of fact that the **Town of Sodus, Village of Sodus and the Sodus 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; and

WHEREAS, this is an ongoing Real Property Tax Law, Article 7 proceeding, and the assessed valuation of the property initially met the requirements for County participation when the action began, 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. 591-15 for the following Town and their respective petition:

Town	Property Owner	Parcel ID#	Index #(s)
Sodus	Sodus Benton Place Estates, LP	68117-08-997922	2016-79798

Mr. Manktelow moved the adoption of the resolution. Seconded by Mr. Smith. Upon roll call, adopted.

RESOLUTION NO. 586-16: AUTHORIZATION TO SHARE DEFENSE COSTS FOR REAL PROPERTY TAX ASSESSMENT REVIEW PROCEEDINGS (ARTICLE 7 LITIGATION) - MACEDON

Mrs. Marini 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 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; and

WHEREAS, this is an ongoing Real Property Tax Law, Article 7 proceeding, and the assessed valuation of the property initially met the requirements for County participation when the action began, 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. 591-15 for the following Town and their respective petition:

<u>Town</u>	<u>Property Owner</u>	<u>Parcel ID#</u>	<u>Index #(s)</u>
Macedon	SPOON Exhibit Services, Inc	62113-00-397719	2016-79827
Macedon	High Precision Properties, LLC	62113-00-456755	2016-79842

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

RESOLUTION NO. 587-16: AUTHORIZATION TO CREATE ONE FULL-TIME SENIOR REAL PROPERTY TAX SERVICE AIDE AND ABOLISH ONE FULL-TIME REAL PROPERTY TAX SERVICE AIDE IN THE REAL PROPERTY TAX SERVICES DEPARTMENT

Mrs. Marini presented the following:

WHEREAS, the present person in the position of Real Property Tax Service Aide is currently performing the duties more comparable to the Senior Real Property Tax Service Aide; and

WHEREAS, said person has successfully completed the Senior Real Property Tax Service Aide exam and a review of duties has been conducted and determined that the correct classification for the position should be "Senior Real Property Tax Service Aide, which is in the competitive class and is placed in the CSEA Supervisory Unit; now, therefore be it

RESOLVED, that the Board of Supervisors hereby creates one Senior Real Property Tax Service Aide position in the Real Property Tax Services Department effective January 1, 2017.

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

RESOLUTION NO. 588-16: AUTHORIZE THE COUNTY TREASURER TO CANCEL CHECKS

Mrs. Marini presented the following:

WHEREAS, numerous checks have been issued and they have not been presented for payment for the year 2015; now, therefore, be it

RESOLVED, that pursuant to NYS General Municipal Law, Section 21, the County Treasurer is hereby authorized to cancel the outstanding checks.

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

RESOLUTION NO. 589-16: AUTHORIZING COUNTY TREASURER TO PROCEED WITH THE RELEVY OF UNPAID VILLAGE AND SCHOOL TAXES

Mrs. Marini presented the following:

RESOLVED, that pursuant to Section 1442 of the Real Property Tax Law and Wayne County Local Law No. 4 (1978) that the amount of delinquent 2016-2017 Village and School Taxes remaining unpaid as reported by the Wayne County Treasurer, together with 7% of the amount of principle and interest, is hereby relieved upon the real property on which the same was originally imposed and when collected such relieved amount shall be returned to the Wayne County Treasurer to reimburse Wayne County of the amounts advanced to the respective Villages and Schools in payment of such taxes.

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

RESOLUTION NO. 590-16: AUTHORIZATION TO RENEW CONTRACT FOR COMPLEX COMMERCIAL/INDUSTRIAL APPRAISAL AND CONSULTATION SERVICES

Mrs. Marini presented the following:

WHEREAS, Resolution No. 592-15 authorized awarding bid for Complex Commercial/Industrial Appraisal and Consultation Services to GAR Associates, LLC; and

WHEREAS, the current contract will expire on December 31, 2016; and

WHEREAS, the original contract allows a renewal under current terms and conditions for one (1) additional year; and

WHEREAS, the Director of Real Property Tax Services is satisfied with the working relationship and finished product of GAR Associates, LLC; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisors is hereby authorized to renew the current contract with GAR Associates, LLC subject to the County Attorney's review for Complex Commercial/Industrial Appraisal and Consultation Services for the 2017 calendar year.

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

RESOLUTION NO. 591-16: AUTHORIZATION FOR THE COUNTY TREASURER TO HAVE 3+1 ADVISORS APPLY FOR A LOCAL GOVERNMENT EFFICIENCY GRANT ON BEHALF OF THE COUNTY AND TOWN OF ROSE, GALEN AND ANY OTHER TOWNS WISHING TO PARTICIPATE

Mrs. Marini presented the following:

WHEREAS, 3+1 Advisors have identified a grant that would explore the benefits and cost savings to the County and Towns by exploring the degree of benefits each would receive if they implemented a combined investment approach of funds and other banking services; and

WHEREAS, the Towns could ultimately receive the same level of services as the County by using a combined approach where individually none of the Towns would be large enough to receive these services; and

WHEREAS, the Town of Rose and Galen have passed a resolution to participate in this study with the County; and

WHEREAS, 3 plus 1 advisors will be submitting the grant proposal and administering the grant on behalf of the County if the application is denied no fees will be incurred by the County or the Town of Rose or Galen or any other participating Town for the services provided by 3+1 Advisors; and

WHEREAS, if the application is accepted and funds are awarded to the County the County will not incur any fees other than the fees 3+1 will charge all participating Towns of \$9,900 each for Phase I of the project; and

WHEREAS, the grant will be in the name of the County the participation fees that will be paid by the County on behalf of the participating Towns will be reimbursed to the County by the submitting of vouchers to the state agency awarding the grant funds; now, therefore, be it

RESOLVED, that the County Treasurer or his designee, is hereby authorized to have 3+1 Advisors apply for this grant on the behalf of the County and the Town of Rose and any other participating Town for this exploratory phase and to administer the grant; and be it further

RESOLVED, the following Revenue and Appropriation lines items are to be created in the County Treasurer's budget:

Revenue:
\$19,800.00 A13250 43005 Local Government Efficiency Grant

Appropriation:
\$19,800.00 A13254 54195 Local Government Efficiency Grant

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

RESOLUTION NO. 592-16: AUTHORIZATION TO ACCEPT BID FOR FLEET FUEL SOFTWARE PROJECT

Mrs. Marini presented the following:

WHEREAS, the Clerk of the Board of Supervisors has duly advertised for bids for the Fleet Fueling software Project for the County Highway Department, and the bids were opened on September 8, 2016 at 2:00 p.m. and the following bids were received:

THE PUMP DOCTOR	\$ 23,114.12
TRAK ENGINEERING INC	\$ 32,931.34
CORTLAND PUMP AND EQUIPMENT	\$ 14,939.75

And

WHEREAS, the Superintendent of Public Works has questioned Cortland Pump and Equipment for specifications relating to their bid and Cortland Pump and Equipment has not provided this information; and

WHEREAS, the Superintendent of Public Works suggests that the bid from Cortland Pump and Equipment not be considered; now, therefore, be it

RESOLVED, that the bid submitted by The Pump Doctor of Eden, NY with the bid price of \$ 23,114.12 for the work associated with the Fleet Fueling Software project, in accordance with the specifications, is hereby accepted; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute a contract on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content with The Pump Doctor for \$ 23,114.12 in accordance with the bid acceptance.

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

RESOLUTION NO. 593-16: ESTABLISHING A DATE FOR PUBLIC HEARING ON THE USE OF THE RETIREMENT CONTRIBUTION RESERVE TO REDUCE TAX LEVY IMPACT OF 2017 WAYNE COUNTY TENTATIVE BUDGET

Mrs. Marini presented the following:

WHEREAS, the Tentative Budget for the County of Wayne for the fiscal year beginning January 1, 2017, will be presented to the Board of Supervisors on November 15, 2015; and

WHEREAS, the Tentative Budget will propose to utilize the \$58,826.93 balance of the Retirement Contribution Reserve; now, therefore, be it

RESOLVED, pursuant to Section 359 of the County Law of the State of New York as follows:

- SECTION 1. A public hearing on the use of the Retirement Contribution Reserve shall be held in the Supervisors' Chambers at the County Court House, 26 Church Street, Lyons, New York, on Tuesday, December 6, 2016 at 7:00 p.m.
- SECTION 2. At least fifteen (15) days' notice of such hearing shall be given by the Clerk of the Board of Supervisors by posting such notice on the bulletin board in the County Court House and by publication of such notice in the official newspapers of the County.
- SECTION 3. The notice of public hearing shall include a statement of the amount of the Retirement Contribution Reserve that is proposed to be utilized in the 2017

Tentative Budget to reduce the impacts of Retirement Contribution costs on the Property Tax Levy.

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

RESOLUTION NO. 594-16: ACKNOWLEDGING RECEIPT OF THE 2017 TENTATIVE WAYNE COUNTY BUDGET

Mrs. Marini presented the following:

WHEREAS, the Budget Officer presented the Clerk of the Board with the 2017 Tentative Wayne County Budget on November 15, 2016; and

WHEREAS, the Deputy Budget Officer has made a presentation on the 2017 Tentative Budget for the fiscal year beginning January 1, 2017 to the Board of Supervisors; now, therefore, be it

RESOLVED, that the Board of Supervisors hereby acknowledges the receipt of the 2017 Tentative Wayne County Budget as presented.

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

RESOLUTION NO. 595-16: AUTHORIZATION TO DECLARE EQUIPMENT SURPLUS FOR THE PUBLIC DEFENDER'S OFFICE

Mr. Smith presented the following:

WHEREAS, the Public Defender's Office currently has surplus equipment that is no longer in use, and

WHEREAS, the Public Defender wishes to declare the following equipment as surplus and request same be disposed of:

1. (One) HP 5800 Computer, Asset number 20090415
2. (One) LaserJet P3005DN Printer, Asset number 200802042

now, therefore, be it

RESOLVED, that the Public Defender is hereby authorized to declare the above listed items as surplus equipment as per the Wayne County Disposal Policy; and be it further

RESOLVED, the Director of Buildings and Grounds is hereby authorized to dispose of this equipment as per the Wayne County Disposal Policy.

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

RESOLUTION NO. 596-16: AUTHORIZATION TO EXECUTE AN EXTENSION AGREEMENT TO ILS DISTRIBUTION #4, CONTRACT C000554, BETWEEN NEW YORK STATE INDIGENT LEGAL SERVICES AND COUNTY OF WAYNE, NEW YORK

Mr. Smith presented the following:

WHEREAS, New York State Indigent Legal Services agreed to entered into an agreement with the County of Wayne, New York, to provide funding to assist Wayne County in improving the quality of indigent legal services provided by Wayne County pursuant to Article 18-B of the County Law; and

WHEREAS, Wayne County Resolution Number 083-14 authorized the County Administrator, Chairman of the Board of Supervisors and the Public Defender to apply for a grant in the sum of \$247,713 from New York State Indigent Legal Services; and

WHEREAS, Wayne County was awarded said grant in the sum of \$247,713 under Contract Number C000554, ILS Distribution #4, in March 2015; and

WHEREAS, Wayne County accepted said grant by Wayne County Resolution number 150-15; and

WHEREAS, the term of Contract C000554, ILS Distribution #4, is for three years, from January 1, 2014 through December 31, 2016; and

WHEREAS, since over one year of the term of this contract had elapsed before Wayne County received the official award in March 2015, additional time is now required to expend

items provided under the grant; and

WHEREAS, on September 30, 2016, Wayne County filed a No-Cost Contract Extension Request Letter for ILS Distribution #4 Grant with Indigent Legal Services; and

WHEREAS, New York State Indigent Legal Services approved said Extension Request and has submitted an Extension Contract for one year from January 1, 2017 through December 31, 2017, to be reviewed and executed by Wayne County; now, therefore, be it

RESOLVED, that the Wayne County Chairman of the Board is hereby authorized to review and approve the Extension Agreement of ILS Distribution #4, Contract C000554, with New York State Indigent Legal Services to run from January 1, 2017 through December 31, 2017, subject to approval by the County Attorney as to form and content.

Mrs. Marini moved the adoption of the resolution. Seconded by Mrs. Deyo. Upon roll call, adopted.

RESOLUTION NO. 597-16: AUTHORIZATION TO EXECUTE MAINTENANCE CONTRACT FOR PHYSIO-CONTROL LIFEPAK 15 MONITORS FOR WC ALS SERVICES

Mr. Smith presented the following:

WHEREAS, three Physio-Control Lifepak monitor – defibrillators owned by the County, and utilized by Wayne County ALS Services, are all currently covered under a service and maintenance agreement with Physio-Control Corporation; and

WHEREAS, the fourth recently purchased Lifepak 15 will need to be added to the contract to provide the necessary service, maintenance and protection for the unit; and

WHEREAS, the manufacturer offers a discount of 15%, if the County executes a maintenance contract to cover this additional unit for a term of four years, which would reduce the overall contract cost by \$1008; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors shall be authorized to execute an agreement covering service and maintenance on the newly purchased Physio-Control Lifepak 15, with general terms and conditions equivalent to the primary agreement covering the other County units, subject to the County Attorney's approval as to form and content, at an annual cost of \$1,428 (four year contract total cost of \$5,712).

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

RESOLUTION NO. 598-16: TECHNICAL DECONTAMINATION AND HAZARD ASSESSMENT TEAM REMOVAL

Mr. Smith presented the following:

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

WHEREAS, Resolution No. 553-08 appointed Mark Conover as a member of said Team; and

WHEREAS, Mr. Conover is no longer actively participating on said Team; now, therefore, be it

RESOLVED, upon recommendation of the Wayne County Fire Coordinator and the Director of Emergency Management, Mark Conover be removed from the Technical Decontamination and Hazard Assessment Team, effective immediately.

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

RESOLUTION NO. 599-16: AUTHORIZATION TO ACCEPT BID FOR RADIO NETWORK FIRMWARE UPGRADE FOR DEPARTMENT OF EMERGENCY MANAGEMENT

Mr. Smith presented the following:

WHEREAS, as authorized by Resolution No. 502-16, the Clerk of the Board of Supervisors has duly advertised for bids for a firmware upgrade to the Public Safety Radio Canopy System; and

WHEREAS, bids were publicly opened on Tuesday, October 25, 2016 at 2:00 p.m. and

the following bid was received:
Bidder Bid Amount

SAIA COMMUNICATIONS, INC. \$22,806.00
110 Stradtman Street
Buffalo, NY 14206

and

WHEREAS, bidder **SAIA COMMUNICATIONS** meets the bid requirements and has offered a price that is discounted to the equivalent of an expired NYSOGS Contract; and

WHEREAS, this price is within the budgeted amount for this project; and

WHEREAS, this project is 100% grant funded with no local cost to Wayne County; now, therefore, be it

RESOLVED, the Wayne County Board of Supervisors hereby accepts the bid submitted by Saia Communications, Inc., 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 **SAIA COMMUNICATIONS, INC.**, for the above referenced upgrade; and be it further

RESOLVED, that Director of Emergency Management is authorized to purchase said system utilizing previously budgeted grant funds.

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

RESOLUTION NO. 600-16: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH NYS DIVISION OF CRIMINAL JUSTICE SERVICES FOR DATA EXCHANGE (NY-DEX) PROGRAM

Mr. Smith presented the following:

WHEREAS, the Division of Criminal Justice Services (DCJS) is authorized, pursuant to Executive Law § 837(4), (6) & (14), to create and maintain the New York State Data Exchange (NY-DEX), a central data repository provided to DCJS by participating law enforcement agencies (LEA) and to allow participating LEA to have access to information contained in the NY-DEX; and

WHEREAS, the Wayne County Sheriff's Office is a qualified participating agency, and is authorized to submit information to and access information in the NY-DEX maintained by DCJS; and

WHEREAS, DCJS is willing to provide such information from the NY-DEX via a Search/Query facility in order to assist the Wayne County Sheriff's Office in the performance of its law enforcement responsibilities; and

WHEREAS, the Federal Law Enforcement National Data Exchange (N-DEX) operated by the Federal Bureau of Investigation's (FBI) Criminal Justice Information Services (CJIS) Division, is a repository which will provide the capability to make potential linkages between law enforcement information contained in crime incidents, criminal investigations, arrests, bookings, incarcerations, parole and/or probation in order to help solve, deter and prevent crimes; and

WHEREAS, participation in N-DEX is voluntary and DCJS will only forward data when the LEA has authorized the submission of its data to N-DEX; now, therefore, be it

RESOLVED, that the Sheriff is hereby authorized to enter into an agreement with the Division of Criminal Justice Services to submit information to and access information in the New York State Data Exchange maintained by the Division of Criminal Justice Services, with no cost to County taxpayers, upon review and approval of the County Attorney.

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

RESOLUTION NO. 601-16: AUTHORIZATION TO ENTER INTO AN EXTENSION AGREEMENT FOR INMATE TELEPHONE SERVICES AT THE WAYNE COUNTY JAIL

Mr. Smith presented the following:

WHEREAS, the Wayne County Sheriff's Office has had an agreement with Global Tel*Link Corporation of Reston, Virginia, for the provision of inmate telephone services at the Wayne County Jail since 2006; and

WHEREAS, said agreement expired October 16, 2016; and

WHEREAS, language for an extension of services for up to two (2) years is in the previous agreement approved on October 16, 2011 by the Wayne County Board of Supervisors by Resolution No. 630-11; and

WHEREAS, the Sheriff is requesting to continue the current contract and enter into an extension agreement with Global Tel*Link Corporation of Reston, Virginia, for the provision of inmate telephone services at the Wayne County Jail, for an additional two (2) year period, to expire on October 16, 2018; now, therefore, be it

RESOLVED, that the Sheriff is hereby authorized to enter into a two (2) year extension agreement with Global Tel*Link Corporation of Reston, Virginia through October 16, 2018, for the provision of inmate telephone services at the Wayne County Jail, upon review and approval of the County Attorney.

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

RESOLUTION NO. 602-16: AUTHORIZATION TO ESTABLISH TRUST ACCOUNT FOR THE WAYNE COUNTY SHERIFF'S OFFICE EVIDENCE AND PROPERTY ROOM

Mr. Smith presented the following:

WHEREAS, the Wayne County Sheriff's Office maintains an evidence and property room; and

WHEREAS, after criminal proceedings are over tracking down rightful owners of evidence can be time consuming or the owners of found property may not be known; and

WHEREAS, this has resulted in cash being stored in the evidence and property room for long periods of time; and

WHEREAS, a recent internal audit has recommended that a trust account be established to hold these funds until rightful owners can be located; and

WHEREAS, the Sheriff's Office and District Attorney's Office will determine when cash is no longer needed for prosecution and can be transferred to this trust account; now, therefore, be it

RESOLVED, that the Wayne County Treasurer's Office is authorized to establish a Trust Account to deposit cash from the Sheriff's Office Evidence and Property Room.

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

RESOLUTION NO. 603-16: AUTHORIZING COUNTY/TOWN CONTRACTS FOR SNOW AND ICE CONTROL ON WAYNE COUNTY HIGHWAYS

Mr. Miller presented the following:

WHEREAS, as in previous years, Wayne County is proposing to enter into an agreement with the towns for snow and ice services for the period beginning on January 1, 2017 and ending on December 31, 2017; and

WHEREAS, the reimbursements will be based on actual time and material expended by each town and a per trip cost will be negotiated with each town based on their expenses and the application rates/ratios; and

WHEREAS, the towns will be required to keep a log of trips that will be submitted to the county for reimbursement on a monthly basis; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to execute County/Town contracts for snow and ice control on County Highways during 2017, subject to the County Attorney's approval as to form and content.

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

RESOLUTION NO. 604-16: AUTHORIZATION TO ADVERTISE FOR BIDS FOR HIGHWAY MATERIALS FOR THE COUNTY OF WAYNE AND MUNICIPAL HIGHWAY DEPARTMENTS

Mr. Miller presented the following:

WHEREAS, the Wayne County Public Works Department has a need to purchase highway materials for various projects throughout the year; and

WHEREAS, by receiving annual bids by supplier for these materials, the Public Works Department and other Municipal Highway departments can purchase materials when necessary; now, therefore, be it

RESOLVED, that the Clerk of the Board of Supervisors is hereby authorized and directed to advertise for bids for construction and maintenance material for the County of Wayne and municipal highway departments in the fiscal year 2016. Material will include, but not be limited to: bituminous materials (liquid), bituminous pre-mixed stockpile patching, bituminous slurry seal, fiber reinforced bituminous membrane surface treat, paver chip seal, hot in place asphalt recycling, in place recycling types I, II, III, bituminous concrete plant mix, cold mix bituminous pavement (open & dense grade), miscellaneous cold milling, calcium chloride, steel sign post, aluminum sign blanks, guide rail, guide rail posts and accessories, snow and ice control sand, timber materials, crushed stone, road striping paint, equipment rental/services and asphalt paving with operators in accordance with specifications prepared by the Wayne County Public Works Superintendent and approved by the County Attorney as to content and form; and be it further

RESOLVED, that the County Public Works Superintendent is hereby designated and directed to publicly open the bid(s) at the time and place specified in the bid documents and to present a record of the bids(s) at the next meeting of the Board of Supervisors following the bid opening; and be it further

RESOLVED, that the bid specifications shall provide that any municipal highway department purchasing materials pursuant to the bid shall be solely responsible for the audit and inspection of such materials and for any payments due the vendor.

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

RESOLUTION NO. 605-16: RESOLUTION SETTING DATE FOR PUBLIC HEARING ON CREATION OF THE OFFICE OF WAYNE COUNTY CODE ENFORCEMENT OFFICER AND FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE FOR ALL BUILDINGS AND FACILITIES OWNED BY THE COUNTY OF WAYNE

Mr. Miller presented the following:

WHEREAS, the proposed local law creating the Office of Wayne County Code Enforcement Officer and for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code for all buildings and facilities owned by the County of Wayne was presented to the Board of Supervisors; now, therefore, be it

RESOLVED, pursuant to Section 20 of the Municipal Home Rule Law, that the Board of Supervisors shall hold a public hearing Tuesday, December 20, 2016, at 9:10 a.m., in the Supervisors' Chambers in the County Court House, Lyons, New York 14489, on the following proposed local law:

**COUNTY OF WAYNE - STATE OF NEW YORK
INTRO NO. 3/LOCAL LAW NO. ___ FOR THE YEAR 2016**

A Local Law for the creation of the Office of the Wayne County Code Enforcement Officer and for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the

Energy Code) by the Wayne County Code Enforcement Officer for all buildings and facilities owned by the County of Wayne only.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WAYNE, State of New York, as follows:

SECTION 1. PURPOSE AND INTENT

This local law provides for the creation of the Office of the Wayne County Code Enforcement Officer and for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) by the Wayne County Code Enforcement Officer for all buildings and facilities owned by the County of Wayne only. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this local law.

SECTION 2. DEFINITIONS

In this local law:

"Building" shall mean any and all buildings, structures or premises owned by the County of Wayne.

"Building Permit" shall mean a permit issued pursuant to section 4 of this local law. The term "Building Permit" shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this local law.

"Certificate of Occupancy/ Certificate of Compliance" shall mean a certificate issued pursuant to subdivision (b) of section 7 of this local law.

"Code Enforcement Officer" shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law.

"Code Enforcement Personnel" shall include the Code Enforcement Officer and all Inspectors.

"Compliance Order" shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 15 of this local law.

"County" shall mean Wayne County, New York.

"Energy Code" shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

"Inspector" shall mean an inspector appointed pursuant to subdivision (d) of section 3 of this local law.

"Operating Permit" shall mean a permit issued pursuant to section 10 of this local law. The term "Operating Permit" shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this local law.

"Permit Holder" shall mean the Person to whom a Building Permit has been issued.

"Person" shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

"Stop Work Order" shall mean an order issued pursuant to section 6 of this local law.

"Temporary Certificate" shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

"Uniform Code" shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS

(a) The office of Code Enforcement Officer of the County of Wayne is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this local law with respect to all buildings, structures and premises owned by the County of Wayne only. The Code Enforcement Officer shall have the following powers and duties:

- (1) to receive, review, and approve or disapprove applications for Building Permits,

- Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications with respect to buildings, structures and premises owned by the County of Wayne only;
- (2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate with respect to buildings, structures and premises owned by the County of Wayne;
 - (3) to conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this local law with respect to buildings, structures and premises owned by the County of Wayne;
 - (4) to issue Stop Work Orders;
 - (5) to review and investigate complaints;
 - (6) to issue orders pursuant to subdivision (a) of section 14 (Violations) of this local law;
 - (7) to maintain records;
 - (8) to collect fees as set by the Wayne County Board of Supervisors;
 - (9) to pursue administrative enforcement actions and proceedings;
 - (10) in consultation with the Wayne County Attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this local law; and
 - (11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.
- (b) The Code Enforcement Officer shall be appointed by a majority vote of the Wayne County Board of Supervisors. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
 - (c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Wayne County Board of Supervisors to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law. Any such Acting Code Enforcement Officer shall have current New York State Code Enforcement certification.
 - (d) One or more Inspectors may be appointed by the Wayne County Board of Supervisors to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
 - (e) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from

time to time by the Wayne County Board of Supervisors.

SECTION 4. BUILDING PERMITS.

- (a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, demolition, or the extension of electrical, plumbing or HVAC systems of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.
- (b) Exemptions. No Building Permit shall be required for work in any of the following categories:
- (1) Construction or installation of one story detached structures associated with one- or two- family dwelling or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.88 square meters) relative to buildings, structures and premises owned by the County of Wayne;
 - (2) Installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) relative to buildings, structures and premises owned by the County of Wayne;
 - (3) Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground relative to buildings, structures and premises owned by the County of Wayne;
 - (4) Installation of fences which are not a part of an enclosure surrounding a swimming pool relative to buildings, structures and premises owned by the County of Wayne;
 - (5) construction of retaining walls unless such walls support a surcharge or impound class I, II or IIIA liquids relative to buildings, structures and premises owned by the County of Wayne;
 - (6) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses) relative to buildings, structures and premises owned by the County of Wayne;
 - (7) installation of partitions or movable cases less than 5'-9" in height relative to buildings, structures and premises owned by the County of Wayne;
 - (8) painting, wallpapering, tiling, carpeting, or other similar finish work relative to buildings, structures and premises owned by the County of Wayne;
 - (9) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances relative to buildings, structures and premises owned by the County of Wayne;
 - (10) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications relative to buildings, structures and premises owned by the County of Wayne; or
 - (11) repairs, provided that such repairs do not involve
 - (i) the removal or cutting away of a load bearing wall, partition, or portion thereof, or of any structural beam or load bearing component;
 - (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;
 - (iii) the enlargement, alteration, replacement or relocation of any building system; or
 - (iv) the removal from service of all or part of a fire protection system for any

period of time relative to buildings, structures and premises owned by the County of Wayne.

- (c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.
- (d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:
 - (1) a description of the proposed work;
 - (2) the tax map number and the street address of the premises where the work is to be performed;
 - (3) the occupancy classification of any affected building or structure;
 - (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
 - (5) at least 2 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.
- (e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.
- (f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.
- (g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- (h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain

such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

- (i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within 6 months following the date of issuance. Building Permits shall expire 12 months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.
- (j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.
- (k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 15 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

SECTION 5. CONSTRUCTION INSPECTIONS.

- (a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.
- (b) Elements of work to be inspected. The following elements of the construction process shall be inspected made, where applicable:
 - (1) work site prior to the issuance of a Building Permit;
 - (2) footing and foundation;
 - (3) preparation for concrete slab;
 - (4) framing;
 - (5) building systems, including underground and rough-in;
 - (6) fire resistant construction;
 - (7) fire resistant penetrations;
 - (8) solid fuel burning heating appliances, chimneys, flues or gas vents;
 - (9) Energy Code compliance; and
 - (10) a final inspection after all work authorized by the Building Permit has been completed.
- (c) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.
- (d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 15 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

SECTION 6. STOP WORK ORDERS.

- (a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders

pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

- (1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
 - (2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
 - (3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.
- (b) content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.
- (c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by [registered mail / certified mail]. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by [registered mail / certified mail]; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.
- (d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.
- (e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 15 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

SECTION 7. CERTIFICATES OF OCCUPANCY / CERTIFICATES OF COMPLIANCE

- (a) Certificates of Occupancy / Certificates of Compliance required. A Certificate of Occupancy / Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or sub classification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy / Certificate of Compliance.
- (b) Issuance of Certificates of Occupancy / Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy / Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or sub classification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector

authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy / Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy / Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy / Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections, and
 - (2) flood hazard certifications.
- (c) Contents of Certificates of Occupancy / Certificates of Compliance. A Certificate of Occupancy / Certificate of Compliance shall contain the following information:
- (1) the Building Permit number, if any;
 - (2) the date of issuance of the Building Permit, if any;
 - (3) the name, address and tax map number of the property;
 - (4) if the Certificate of Occupancy / Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy / Certificate of Compliance is issued;
 - (5) the use and occupancy classification of the structure;
 - (6) the type of construction of the structure;
 - (7) the assembly occupant load of the structure, if any;
 - (8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
 - (9) any special conditions imposed in connection with the issuance of the Building Permit; and
 - (10) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy / Certificate of Compliance and the date of issuance.
- (d) Temporary Certificate. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed [6] months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.
- (e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy / Certificate of Compliance or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.
- (f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 15 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy / Certificate of Compliance or for Temporary Certificate.

SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.

The chief of any fire department providing firefighting services for a property covered by this local law within this County shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent, any fire the origin of which has been traced to the electrical system of any buildings or structures, and any emergency response involving carbon monoxide detector activation.

SECTION 9. OPERATING PERMITS.

- (a) Operation Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:
- (1) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled Fire Code of New York State and incorporated by reference in 19 NYCRR section 1225.1;
 - (2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;
 - (3) use of pyrotechnic devices in assembly occupancies;
 - (4) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and
 - (5) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Wayne County Board of Supervisors;

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

- (b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.
- (c) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit.
- (d) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities.
- (e) Duration of Operating Permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.
- (f) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit

shall be revoked or suspended.

- (g) Fee. The fee specified in or determined in accordance with the provisions set forth in section 15 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

SECTION 10. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS FOR ALL BUILDINGS, STRUCTURES AND PREMISES OWNED OR USED BY THE COUNTY OF WAYNE

- (a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:
- (1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.
 - (2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.
 - (3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every thirty-six (36) months.
- (b) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:
- (1) the request of the owner of the property to be inspected or an authorized agent of such owner;
 - (2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
 - (3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.
- (c) Fee. The fee specified in or determined in accordance with the provisions set forth in section 15 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section.

SECTION 11. COMPLAINTS

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

- (a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- (b) if a violation is found to exist, providing the owner of the affected property and any other

Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 14 (Violations) of this local law;

- (c) if appropriate, issuing a Stop Work Order;
- (d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

SECTION 12. RECORD KEEPING.

- (a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:
 - (1) all applications received, reviewed and approved or denied;
 - (2) all plans, specifications and construction documents approved;
 - (3) all Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
 - (4) all inspections and tests performed;
 - (5) all statements and reports issued;
 - (6) all complaints received;
 - (7) all investigations conducted;
 - (8) all other features and activities specified in or contemplated by sections 4 through 12, inclusive, of this local law, including; and
 - (9) all fees charged and collected.
- (b) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

SECTION 13. PROGRAM REVIEW AND REPORTING

- (a) The Code Enforcement Officer shall annually submit to the Wayne County Board of Supervisors a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 12 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.
- (b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this County, on a form prescribed by the Secretary of State, a report of the activities of this County relative to administration and enforcement of the Uniform Code.
- (c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this County is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this County in connection with administration and enforcement of the Uniform Code.

SECTION 14: VIOLATIONS

- (a) Compliance Orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; (5) specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within the specified period of time;

and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by [registered mail / certified mail]. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by [registered mail / certified mail]; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

- (b) **Civil Penalties.** In addition to those penalties proscribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy / Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the County of Wayne.
- (c) **Injunctive Relief.** An action or proceeding may be instituted in the name of the County of Wayne, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy / Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this County, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Wayne County Board of Supervisors by Resolution.
- (d) **Remedies Not Exclusive.** No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 381 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 381 of the Executive Law.

SECTION 15: FEES

A fee schedule shall be established by resolution of the Wayne County Board of Supervisors. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule

shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of occupancy / Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

SECTION 16. INTERMUNICIPAL AGREEMENTS

The County of Wayne may, by resolution, authorize the Code Enforcement Officer of the County of Wayne, to enter into an agreement, in the name of the County of Wayne, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

SECTION 17. PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 18. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

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

RESOLUTION NO. 606-16: AUTHORIZATION TO AWARD CONTRACT FOR HEALTH SERVICES BUILDING GENERATOR PROJECT

Mr. Miller presented the following:

WHEREAS; the Clerk of the Board of Supervisors has duly advertised for bid(s) for the generator project at the Health Services Buildings at 1519 Nye Road in Lyons, NY and the bids were opened on Tuesday, Oct 25th, 2016 at 3:00 p.m. and the following bids were received:

<u>Bidders:</u>	<u>Base Bid</u> Installation w/ interior transfer switch	<u>Alt. #1</u> Installation w/ exterior transfer switch	<u>Alt. #2</u> NG Piping installation	<u>Alt. #3</u> Furnish NG Generator Only	<u>Alt. #4</u> Furnish Diesel Generator Only	<u>Alt. #5</u> Furnish Interior Transfer Only	<u>Alt. #5</u> Furnish Exterior Transfer Only
Schuler-Haas Electric 240 Commerce Drive Rochester, NY 14623	88,700.00	80,900.00	11,710.00	151,190.00	74,400.00	21,000.00	27,740.00
Colacino Industries 126 Harrison St. Newark, NY 14513	63,948.00	56,317.00	12,310.00	151,163.55	81,887.31	20,367.11	23,177.75

WHEREAS, the HUNT Engineering and the Deputy Superintendent of Public Works have reviewed the bids and recommends that base bid including alternative #4 and #5 be awarded to Colacino Industries for the cost of \$166,202.42; and

WHEREAS, the total project cost is within the allocated budgeted project amount of \$350,000; now, therefore be it

RESOLVED, pursuant to the recommendation of Hunt Engineering and the Deputy Superintendent of Public Works, that Colacino Industries base bid including alternative #4 and #5 be accepted for \$166,202.42 and be it further;

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

Mr. Smith moved the adoption of the resolution. Seconded by Mrs. Marini. Upon roll call, adopted.

RESOLUTION NO. 607-16: AUTHORIZATION TO APPROVE CHANGE ORDERS ON THE HEALTH SERVICES BUILDING GENERATOR PROJECT

Mr. Miller presented the following:

WHEREAS, the Health Services Building Project has been awarded; and

WHEREAS, it is not anticipated that any change orders will be required during this project and every effort will be made to avoid change orders, but it is possible that change orders may occur; and

WHEREAS, it is beneficial to allow the Superintendent of Public Works to approve and sign change orders up to \$5,000.00 so that the project does not suffer from time delays; now, therefore, be it

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 the Superintendent of Public Works shall present a monthly record of any change orders that have been approved to the Board of Supervisors; 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 shall not exceed the budget amount.

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

RESOLUTION NO. 608-16: AUTHORIZATION TO ADVERTISE FOR BID(S) FOR TREE REMOVAL AND STUMP GRINDING SERVICES FOR THE PUBLIC WORKS DEPARTMENT

Mr. Miller presented the following:

WHEREAS, the Wayne County Public Works Department has the ability to perform tree removals throughout the county except where there are high risk circumstances such as utility lines or a potential for property damage; and

WHEREAS, in the event a tree is considered high risk, a tree removal specialist is contracted to fall the tree and cleanup is performed the Wayne County Public Works Department; and

WHEREAS, the County Public Works Department does not own specialized equipment to grind stumps of trees that have been removed within the County Highway right-of-way; now, therefore, be it now, therefore, be it

RESOLVED, that the Clerk of the Wayne County Board of Supervisors is hereby authorized and directed to advertise for bid(s) for tree removal and stump grinding services, in accordance with specifications prepared by the Public Works Superintendent and subject to the County Attorney's approval as to form and content; and be it further

RESOLVED, that the Clerk of the Board of Supervisors is hereby designated and

directed to publicly open the bid(s) at the time and place specified in the bid documents and to present a record of the bid(s) at the next meeting of the Board of Supervisors following the bid opening.

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

RESOLUTION NO. 609-16: AUTHORIZATION TO EXECUTE CONTRACT FOR WEBSITE MAINTENANCE FOR WAYNE COUNTY TOURISM

Mr. Spickerman presented the following:

WHEREAS, the Office of the Tourism maintains a tourism website; and

WHEREAS, the website has a yearly website maintenance fee through Web Solutions of NY; now, therefore, be it

RESOLVED, that a contract be hereby authorized at a cost not to exceed \$2,500.00 from 2017 budget per quote from Web Solutions of New York; and be it further

RESOLVED, that the Chairman of the Board is hereby authorized to execute this contract upon appropriate review by the Office of the County Attorney.

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

RESOLUTION NO. 610-16: 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 2017 New York State Matching Grant Program for the County Tourism Project

County Share **\$215,750**

State Share **\$215,750**

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

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

RESOLUTION NO. 611-16: AUTHORIZATION TO ACCEPT PROPOSAL FROM COBURN DESIGN FOR THE 2017 VISITOR GUIDE

Mr. Spickerman presented the following:

WHEREAS, the Office of Wayne County Tourism has budgeted for the 2017 Visitor Guides and the Director of Tourism has obtained a proposal for updating the existing design that is needed; now, therefore, be it

RESOLVED, that the proposal submitted by Coburn Design, 238 Genesee Street, Auburn, NY 13021 for Design of 2017 Wayne County Visitor's Guide, at a total cost of \$4,995 is hereby approved; 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 Coburn Design.

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

RESOLUTION NO. 612-16: AUTHORIZATION TO RENEW CONTRACT WITH THE ESI EMPLOYEE ASSISTANCE GROUP (EAP) FOR THE PERIOD JANUARY 1, 2017 THROUGH DECEMBER 31, 2017, AND PAY ANNUAL FEE

Mrs. Crane presented the following:

WHEREAS, ESI Employee Services EAP has provided the County of Wayne with Employee Assistance Program services for the period January 1, 2016 – December 31, 2016, and

WHEREAS, the County of Wayne is desirous of continuing this contract with ESI for the period January 1, 2017 – December 31, 2017 for the provisions of an EAP at the rate of \$22.74 per employee (FTE), 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 ESI for the period January 1, 2017 – December 31, 2017 for the provision of an Employee Assistance Program at a rate of \$22.19 per employee (FTE); and be it further

RESOLVED, that the County Treasurer is authorized to make payment to ESI for 2017 for an amount not to exceed \$19,920.24 and charge individual departments accordingly. (806 full time and 140 part-time employees (70 FTE) = \$19,920.24).

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

RESOLUTION NO. 613-16: AUTHORIZATION TO RATIFY 2017-2019 COLLECTIVE BARGAINING AGREEMENT WITH THE WAYNE COUNTY SHERIFF'S COURT OFFICERS' ASSOCIATION

Mrs. Crane presented the following:

WHEREAS, Wayne County ("the County") and the Wayne County Sheriff's Court Officers' Association ("the Association") commenced negotiations on October 12, 2016 for a successor agreement to the collective bargaining agreement between the County and the Association which covers the period January 1, 2014 through December 31, 2016; and

WHEREAS the negotiations were concluded on October 12, 2016 for a successor agreement establishing terms and conditions of employment for the three (3) year period commencing January 1, 2017 and ending December 31, 2019; and

WHEREAS, the Association's Contract Negotiation Committee has reviewed the provisions of said collective bargaining agreement, and the County has been notified that the Association's members voted on October 12, 2016 to ratify the tentative agreement; and

WHEREAS, the County's Negotiation Committee has reviewed the material changes in the tentative Agreement with the Board of Supervisors; now, therefore, be it

RESOLVED, that the Board of Supervisors hereby ratifies the terms of the successor agreement and authorizes the Chairman of the Board of Supervisors and the Wayne County Sheriff to execute the Agreement on behalf of the County.

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

RESOLUTION NO. 614-16: AUTHORIZATION TO CREATE ONE FULL-TIME SENIOR PAYROLL CLERK AND ABOLISH ONE FULL-TIME PAYROLL CLERK IN THE DEPARTMENT OF HUMAN RESOURCES

Mrs. Crane presented the following:

WHEREAS, the Department of Human Resources administers the payroll function for all county departments; and

WHEREAS, the Senior Payroll Clerk and Payroll Clerk have been completely cross-trained and now perform all payroll functions equally, establishing necessary redundancy in this critical function; and

WHEREAS, the Payroll Clerk functions at the same level as the Senior Payroll Clerk and must be paid at the same pay grade as a matter of internal equity; now, therefore, be it

RESOLVED, that the Board of Supervisors hereby creates one additional full-time position of Senior Payroll Clerk in the Department of Human Resources effective January 1, 2017; and be it further

RESOLVED, that one full-time position of Payroll Clerk will be abolished once the

incumbent successfully completes the probationary period.

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

RESOLUTION NO. 615-16: AUTHORIZATION TO AMEND 2016 BUDGET FOR THE MENTAL HEALTH DEPARTMENT

Mr. Baldrige presented the following:

WHEREAS, due to additional need for added medical psychiatric treatment services, the Mental Health Dept.-Wayne Behavioral Health Network needed to increase staffing resources by adding a part-time psychiatrist position earlier in this year via Resolution No. 114-16 in order to meet increased treatment needs of patients being served at WBHN; and

WHEREAS the department now needs to make the following budget amendment to reflect those additional staff related expenses and the additional revenue produced that is associated with the added delivery of services; now, therefore, be it

RESOLVED that the County Treasurer is authorized to make the following 2016 budget amendments:

A4300 Behavioral Health

Expense:

\$85,300 to 51583.M2120 PT Staff Psychiatrist

\$ 6,525 to 58200.M2120 Payment to Social Security

Revenue:

\$55,095 to 41613.M8200 Medicaid

\$32,139 to 41620.M8200 Mental Health Fees

\$ 2,591 to 41612.M8200 Medicare

\$ 2,000 to 41616.M8200 Self-pay

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

RESOLUTION NO. 616-16: AUTHORIZATION TO SIGN ACKNOWLEDGEMENT OF RECEIPT QTAC – NY PARTNERSHIP MOU REVISIONS FOR WAYNE COUNTY PUBLIC HEALTH

Mr. Baldrige presented the following:

WHEREAS, Wayne County Public Health (WCPH) currently has a Memorandum of Understanding (MOU) with Quality & Technical Assistance Center of New York (QTAC-NY) to provide the evidence based health promotion program, National Diabetes Prevention Program; and

WHEREAS, QTAC-NY has revised the original MOU and WCPH has reviewed such revisions and agrees to comply; and

WHEREAS, QTAC-NY requests that all MOU partners sign an Acknowledgement of Receipt; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign the Acknowledgement of Receipt QTAC-NY Partnership MOU Revisions, upon approval from 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. 617-16: AUTHORIZATION TO RENEW CONTRACT WITH FINGER LAKES WORKS FOR TITLE V SENIOR EMPLOYMENT SERVICES

Mr. Manktelow presented the following:

WHEREAS, the Older American Act allocates Title V funding to the local Area Agencies on Aging to provide employment and training services to income eligible seniors over 55; and

WHEREAS, the Department of Aging and Youth contracts with Finger Lakes Works to provide subsidized employment and training services for persons 55 and older; and

WHEREAS, New York State Office for the Aging (NYSOFA) recently provided the

Department the Title V contract allocation in the amount of \$37,114 for Finger Lakes Works for employment services; 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 Title V Senior Employment Services with Finger Lakes Works in the amount of \$37,114 for the contract year from July 1, 2016 through June 30, 2017.

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

RESOLUTION NO. 618-16: AUTHORIZATION TO SUBMIT THE AREA AGENCY ON AGING 2017 ANNUAL IMPLEMENTATION PLAN

Mr. Manktelow presented the following:

WHEREAS, the Chairman of the Board is required to sign the Annual Implementation Plan (budgets) for the year 2017 in order to receive the following funding. The funding components that must be submitted include the following:

Federal-Older Americans Act for the period January 1, 2017 through December 31, 2017-
Titles III-B, III-C-1, III-C-2, III-D, III-E,
Federal-Older Americans Act for the period July 1, 2017 through June 30, 2018
Title V
Federal- Balancing Incentive Program (BIP) October 1, 2017 through September 30, 2018

State Grants for the period April 1, 2017 through March 31, 2018

WIN (Wellness in Nutrition)

CSI (Community Services Initiative)

EISEP (Expanded In-Home Services for the Elderly,

CSE (Community Service for the Elderly)

HIICAP (Health Insurance Information Counseling and Assistance Program)

Transportation

NY Connects (October 1, 2017 through September 30, 2018)

and

WHEREAS, these 14 funding streams make up the bulk of the Aging Department's budget; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to sign the Annual Implementation Plan for the year 2017.

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

RESOLUTION NO. 619-16: APPOINTMENT OF INTERIM-DIRECTOR OF PROBATION AND SET SALARY

Mr. Smith presented the following:

WHEREAS, the position of Director of Probation will become vacant on November 12, 2016 due to the retirement of Dale Mead; and

WHEREAS, the Wayne County Board of Supervisors wishes to ensure an orderly transition of activities and administration in the Probation Office; and

WHEREAS, Mark Ameele is currently serving in the position as Deputy Director of Probation; and

WHEREAS, and has the qualifications to serve as Interim-Director of Probation while the Board seeks candidates for filling the position permanently; now, therefore, be it

RESOLVED, that Mark Ameele is hereby appointed to the position of Interim-Director of Probation, effective November 15, 2016, at a salary of \$74,453.00; and be it further

RESOLVED, that this salary shall be in effect for such portion of the 2016 and 2017 fiscal years while Mark Ameele continues as Interim-Director of Probation/Correctional Alternatives.

Mr. Verno moved the adoption of the resolution. Seconded by Mr. Manktelow. Upon roll call, all Supervisors voted Aye, except Supervisor Spickerman who voted Nay. The Chairman

declared the Resolution adopted.

Chairman LeRoy noted that Board Members have been invited to the Wayne County Museum on Butternut Street for lunch today at 11:00 a.m.

ADJOURNMENT:

The next scheduled Board Meeting is **Tuesday, December 6, 2016 at 7:00 p.m.** for the purpose of holding Public Hearings for the Use of the Retirement Reserve and the 2017 Tentative Wayne County Budget.

Mr. Smith moved, seconded by Mr. Kolczynski, that the board adjourn at 10:14 a.m. Carried.

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