

14th Day  
Tuesday, November 18, 2014  
9:00 a.m.

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

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

All board members responded to roll call and all were present, followed by introductions of students that were participants for the "4-H Supervisor-for-a-Day" program.

The Board Chairman and Committee Chairpersons made the following introductions:

**4-H SUPERVISORS FOR A DAY:**

Chairman Hoffman	Nicole Tones
Kim Park	Lonnie Hohenboken
Steve LeRoy	Rebecca Carbajal
Ken Miller	Laura Tones
David Spickerman	Zachary Petty
Laurie Crane	Elizabeth Frey
Steve Groat	Carstan Hohenboken
Brian Manktelow	Elizabeth Talbot

County Attorney Daniel Connors and County Administrator James Marquette were also present for this morning session.

**APPROVAL OF MINUTES:**

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

**COMMUNICATIONS:**

The Chairman requested a motion to waive the reading of the following communications received and approve them as listed. Motion carried.

A Letter was received from the New York State Office of Parks, Recreation and Historic Preservation, regarding the NY State Barge Canal Historic District. They are pleased to notify the Board that this historic property has been listed on the State and National Registers of Historic Places on October 15, 2014.

A certified resolution was received from the Ontario County Board of Supervisors, regarding the Endorsement of Appointment to the Finger Lakes Workforce Investment Board.

A copy of a certified resolution entitled, "Resolution of the Board of Supervisors of Ontario County assigning its Qualified Energy Conservation Bond Volume Cap Allocation to the State of New York", was received.

A note was received from Mr. Dwight Rogers, thanking the Board and the Park Manager and staff for the use of B. Forman Park for his daughter's wedding in September; and for the helpful assistance he received to make this the most pleasant venue.

A letter was received from the American Red Cross to announce their mission of transforming operations to meet the growing demands for services while making the best usage of donor dollars. They ask for continued support as they move forward. Within the upstate New York region, they will be consolidating a number of smaller Red Cross Chapters to provide more robust and consistent services across a wider geographic area.

A copy of the County Auditor's accounts payable report for monthly utilities,

miscellaneous payments, including the October warrants for accounts payable totaling \$7,067,877.25 was received and filed.

Mr. LeRoy moved, seconded by Mr. Kolczynski to receive and file the Communications for November. Motion carried.

**PROCLAMATIONS:**

Supervisor Steve LeRoy, Chairman of the Public Safety Committee read the Proclamation or Appreciation for Karen Cermak on behalf of the full board, for her 26 years of dedicated service within several county departments, including a public safety dispatcher; and wish her good health and happiness in all her future endeavors.

**PRIVILEGE OF THE FLOOR:**

Chairman Hoffman 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.

Chairman Hoffman introduced Joe Pacher, Site Vice-President, Maria Hudson, Communications Manager, and Chris Wentlent, State Government Affairs Director for a presentation regarding the R.E. Ginna Nuclear Power Plant. Documentation was distributed to board members and questions were answered regarding the Wayne county people employed at this facility; the no-plume effect; the \$8.5 million of real estate taxes that are paid per year; including the concern of raising prices for plant operation in this competitive market. Further, comments were addressed regarding the importance of upgrades to infrastructure including improvement of the transmission system which is essential for operation.

**PUBLIC HEARING:**

Prior to the reading of the hearings for public comment today, Chairman Hoffman read the rules and procedures that are followed for conducting public hearings for this Board.

The Clerk read the title of following Notice of Public Hearing regarding the proposed Local Law merging the duties and functions of the Office of County Historian into the Office of the Wayne County Clerk. This Public Hearing was advertised and scheduled for 9:10 a.m., however, the notice was read at 9:24 a.m.

At 9:25 a.m., the Chairman opened the floor for public comment, requesting any persons interested in addressing the Board with their comments and concerns regarding the proposed local law, to come forth.

No members of the public wished to comment, therefore, the Chairman requested for a motion to close the hearing at 9:26 a.m.

Mrs. Crane moved, seconded by Mr. Smith, that the hearing be closed. Upon roll call, carried.

**RESOLUTIONS**

**RESOLUTION NO. 655-14: AUTHORIZATION TO TRANSFER FUNDS FROM THE CONTINGENT ACCOUNT TO THE CONTRACTED SERVICES LINE ITEM IN THE COUNTY ATTORNEY'S BUDGET**

Ms. Park presented the following:

WHEREAS, the County Attorney's Office had budgeted \$17,700 for 2014 for its Contracted Services line item in the County Attorney's budget (A14204.54400) from which services related to handling of claims under General Municipal Law 207-c are paid; and

WHEREAS, the County has expended \$17,700 from this line item through October 1, 2014; and

WHEREAS, the Insurance Specialist believes that an additional \$7,500 will be required for the remainder of 2014; now, therefore, be it

RESOLVED; that the County Treasurer is hereby authorized to amend the 2014 County Budget as follows:

A1990- CONTINGENT FUND GEN:  
\$7,500 from .54000 Contractual Expense

A1420 – COUNTY ATTORNEY:  
\$7,500 to .54400 Contracted Service

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

**RESOLUTION NO. 656-14: AUTHORIZATION TO TRANSFER FUNDS FROM THE CONTINGENT ACCOUNT TO THE UNION CONTRACTS LINE ITEM IN THE COUNTY ATTORNEY'S BUDGET**

Ms. Park presented the following:

WHEREAS, the County Attorney's Office had budgeted \$50,000 for 2014 for its Union Contracts line item in the County Attorney's budget (A14204.54486) from which services related to Union negotiations are paid; and

WHEREAS, the County has expended \$50,000 from this line item through October 1, 2014; and

WHEREAS, the County Administrator and Human Resource Director believe that an additional \$10,000 will be required for the remainder of 2014; now therefore be it

RESOLVED; that the County Treasurer is hereby authorized to amend the 2014 County Budget as follows:

A1990- CONTINGENT FUND GEN:  
\$10,000 from .54000 Contractual Expense

A1420 – COUNTY ATTORNEY:  
\$10,000 to .54400 Contracted Service

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

**RESOLUTION NO. 657-14: AUTHORIZATION TO TRANSFER FUNDS FROM THE CONTINGENT ACCOUNT TO THE UNEMPLOYMENT LINE ITEM IN THE COUNTY ATTORNEY'S BUDGET**

Ms. Park presented the following:

WHEREAS, the County Attorney's Office did not budget for unemployment in the 2014 budget; and

WHEREAS, the County Attorney's Office has received a chargeback voucher for the 3<sup>rd</sup> quarter in the amount of \$3,567 and will receive a 4<sup>th</sup> quarter voucher in the amount of \$3,567 totaling \$7,134; and

RESOLVED; that the County Treasurer is hereby authorized to amend the 2014 County Budget as follows:

A1990- CONTINGENT FUND GEN:  
\$7,134 from .54000 Contractual Expense

A1420 – COUNTY ATTORNEY:  
\$7,134 to .58500 Unemployment

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

**RESOLUTION NO. 658-14: AUTHORIZING COUNTY TREASURER TO PROCEED WITH THE RELEVY OF UNPAID VILLAGE AND SCHOOL TAXES**

Ms. Park presented the following:

RESOLVED, pursuant to Section 1442 of the Real Property Tax Law and Wayne County Local Law No. 4 (1978) that the amount of delinquent 2014-2015 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.

Mr. Hammond moved the adoption of the resolution. Seconded by Mr. Colacino. Upon roll call, adopted.

**RESOLUTION NO. 659-14: AUTHORIZATION TO PURCHASE REPLACEMENT PRINTERS FOR THE INFORMATION TECHNOLOGY DEPARTMENT**

Ms. Park presented the following:

WHEREAS, the Information Technology department needs to replace the two main printers used for checks and Tax Bill creation; and

WHEREAS, these were originally planned for in the 2015 Budget but there are sufficient funds left the equipment line of the 2014 Budget; now, therefore, be it

RESOLVED, that the Director of Information Technology is hereby authorized to purchase LaserJet printers with media tray, feeder, stand and support not to exceed \$6000 off of New York State contract; and be it further

RESOLVED, that the County Treasurer is hereby authorized to amend the 2014 County Budget as follows:

**A16802 Information Technology**

\$6000 from .52000 (Equipment & Other)

\$6000 to .52201 (Computer equipment)

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

**RESOLUTION NO. 660-14: AUTHORIZATION TO PURCHASE PRINTER FOR COUNTY ADMINISTRATOR'S OFFICE AND AMEND BUDGET**

Ms. Park presented the following:

WHEREAS, the Fiscal Assistant in the County Administrator's Office is in need of a printer; and

WHEREAS, sufficient resources exist within the County Administrator's budget; and

WHEREAS, a transfer of funds is necessary to facilitate the purchase; now, therefore, be it

RESOLVED, that the County Administrator's Office is authorized to purchase one printer at a cost not to exceed \$200; and be it further

RESOLVED, that the County Treasurer is authorized to amend the 2014 budget as follows:

**A1230 County Administrator's Office**

(appropriations)

\$200 from .54150 Office Supplies

\$200 to .52201 Computer Equipment

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

**RESOLUTION NO. 661-14: ACCEPTING SEALED BIDS FOR TAX AUCTION PROPERTIES**

Ms. Park presented the following:

WHEREAS, pursuant to Resolution No. 291-14 certain properties acquired by the County by tax deed were sold at public auction sale held June 11, 2014; and

WHEREAS, such properties were sold at the public auction sale subject to approval and acceptance of the bids by the Board of Supervisors; and

WHEREAS, these properties were not picked up by first or second bidder within the prescribed time period as detailed in the terms and conditions; and

RESOLVED, that it is the determination of the Board of Supervisors that it is in the best interest of the County to accept the following sealed bid(s) listed below and such bid(s) are hereby approved and accepted; the Chairman of the Board of Supervisors is hereby authorized and directed to execute a quit-claim deed for each parcel, subject to approval of the form of the deed by the County Attorney, and to affix the seal of the Board of Supervisors to such deeds; and the payments required by the terms and conditions of sale:

VILLAGE OF LYONS

<b>Tax Map#</b>	<b>Bidder</b>	<b>Bid/Deposit</b>
71111-13-178487 43 Shuler Street	William Griffiths	\$200.00

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WHEREAS, such properties were sold at the public auction sale subject to approval and acceptance of the bids by the Board of Supervisors; and

WHEREAS, these properties were not picked up by first or second bidder within the prescribed time period as detailed in the terms and conditions; and

WHEREAS, a bid of \$1,000 was received from a bidder residing in Las Vegas, Nevada, which did not include the required deposit to secure said bid; and which was therefore rejected as a non-qualifying bid; now, therefore, be it

RESOLVED, that it is the determination of the Board of Supervisors that it is in the best interest of the County to accept the following sealed bid(s) listed below and such bid(s) are hereby approved and accepted; the Chairman of the Board of Supervisors is hereby authorized and directed to execute a quit-claim deed and any required documents for said parcel, subject to approval of the form of the deed and documents by the County Attorney, and to affix the seal of the Board of Supervisors to such deeds; and the payments required by the terms and conditions of sale:

VILLAGE OF LYONS

<b>Tax Map#</b>	<b>Bidder</b>	<b>Bid/Deposit</b>
71111-13-178487 43 Shuler Street	William Griffiths	\$200.00

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

**RESOLUTION NO. 662-14: AUTHORIZATION TO SHARE DEFENSE COSTS FOR REAL PROPERTY TAX ASSESSMENT REVIEW PROCEEDINGS (ARTICLE 7 LITIGATION)**

Ms. Park 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 and subsequently Resolution No. 307-10 which defined standards and procedures for County participation in litigation involving challenges to real property assessments; and

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

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

RESOLVED, that the County of Wayne will participate in providing financial assistance for litigation challenges of real property tax assessments per the provisions of Resolution No. 307-10 for the following Town and their respective petition:

TOWN	Property Owner	Parcel ID#	Index #(s)
Macedon	Wal-Mart Real Estate	62111-00-320806	2014-77373
		62111-00-386763	

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

**RESOLUTION NO. 663-14: ADOPTING MORTGAGE TAX REPORT AND AUTHORIZING COUNTY TREASURER TO MAKE PAYMENT TO TOWNS AND VILLAGES**

Ms. Park 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, 2014 to September 30, 2014, and recommend payment to the Villages and Towns as apportioned in such report as follows:

TOWN	TOWN SHARE	VILLAGE	VILLAGE SHARE	TOTAL
Arcadia	48,678.30	Newark	20,496.74	69,175.04
Butler	11,068.81	Wolcott	615.53	11,684.34
Galen	9,996.61	Clyde	2,205.95	12,202.56
Huron	22,469.80		0.00	22,469.80
Lyons	17,714.73	Lyons	6,880.22	24,594.95
Macedon	67,739.09	Macedon	4,587.39	72,326.48
Marion	20,548.66		0.00	20,548.66
Ontario	76,626.46		0.00	76,626.46

Palmyra	30,274.35	Palmyra	3,845.27	34,119.62
Rose	4,643.22		0.00	4,643.22
Savannah	5,834.74		0.00	5,834.74
Sodus	35,479.93	Sodus	2,528.51	43,680.40
		Sodus Pt.	5,671.96	
Walworth	95,185.50		0.00	95,185.50
Williamson	53,556.03		0.00	53,556.03
Wolcott	16,067.14	Red Creek	793.94	18,654.62
		Wolcott	1,793.54	
<b>TOTAL</b>	<b>515,883.37</b>		<b>49,419.05</b>	<b>565,302.42</b>

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.

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

**RESOLUTION NO. 664-14: STATEMENT OF LEVY OF CHARGES FOR TOWN ACCOUNTS**

Ms. Park 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, 2013 through October 31, 2014; now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized and directed to levy the following Statement of Town Accounts on the 2015 tax rolls upon the taxable property of the respective towns liable for the payment of such accounts:

**STATEMENT OF TOWN ACCOUNTS - NOVEMBER 1, 2013 THROUGH OCTOBER 31, 2014**

**Town of Arcadia**

Cablevision Franchise Tax 4,195.15  
2014 Tax Roll Excess and Deficit 0.27

Erroneous Taxes	Res #	Name	Year	Amount
	151-14	Ryan	2014	87.91
	151-14	Shufelt	2014	87.91
	151-14	Flood	2014	87.91
	151-14	Boerman	2014	87.91
	151-14	Reynolds	2014	87.91
	151-14	Reed	2014	87.91
	151-14	Robbins	2014	87.91
	151-14	Suwyn	2014	87.91
	151-14	Potter	2014	87.91
	151-14	Munroe	2014	87.91
	151-14	Marcano	2014	87.91
	151-14	Huling	2014	87.91
	151-14	Pott	2014	87.91

151-14	McFaul	2014	87.91	
151-14	Maclaren	2014	87.91	
151-14	DeVries	2014	87.91	
151-14	Marten	2014	87.91	
151-14	Tyler	2014	87.91	
151-14	D'Ambrosia	2014	87.91	
151-14	Ferree	2014	87.91	
151-14	Beman	2012	13.19	
151-14	Beman	2013	12.91	
151-14	Jacques	2012	419.85	
151-14	Jacques	2013	406.16	
151-14	Minier	2013	329.01	
152-14	Catchman	2014	87.91	
152-14	Smith	2014	87.91	
152-14	Tatro	2014	87.91	
152-14	Tatro	2014	87.91	
152-14	Weaver	2014	87.91	
152-14	Allen, A.	2014	87.91	
152-14	Murphy	2014	131.87	
152-14	Vanharken	2014	87.91	
152-14	Allen, D.	2014	87.91	
152-14	Maugiri	2014	87.91	
152-14	Brockhuizen	2014	87.91	
152-14	Kuperus	2014	87.91	
152-14	Radl	2014	87.91	
152-14	Whalen	2014	87.91	
152-14	Henkel	2014	87.91	
152-14	Fegley	2014	87.91	
152-14	Clark, J.	2014	87.91	
152-14	Cope	2014	87.91	
152-14	LaLonde	2014	791.19	
152-14	Clark, S	2014	87.91	
152-14	Minier	2014	87.91	
152-14	Beman	2014	13.83	
152-14	Jacques	2014	436.01	
152-14	Minier	2014	329.89	
152-14	Suwyn	2014	-87.91	
167-04	Taggerty	2014	87.91	
167-04	Michalke	2014	87.91	
167-04	Perry	2014	87.91	
167-04	Collins	2014	87.91	
167-04	Nichols	2014	87.91	
167-04	Berrios	2014	87.91	
167-04	Suwyn	2014	88.79	
169-14	Schommer	2014	87.91	6,928.65
				<b>\$11,124.07</b>
Partial Payment on Acct. – Town Ck. #1433				<b>- 4,967.80</b>
				<b><u>\$ 6,156.27</u></b>

**Town of Butler**

November 18, 2014



Cablevision Franchise Tax					0.00
2014 Tax Roll Excess and Deficit					.34
Erroneous Taxes	Res #	Name	Year	Amount	
	778-13	Griffen	2013	41.49	41.49
					<b><u>\$ 41.83</u></b>

**Town of Galen**

Cablevision Franchise Tax					770.64
2014 Tax Roll Excess and Deficit					-.15
Erroneous Taxes	Res #	Name	Year	Amount	
	30.10	Court Order Refund			2013
		30.10			

					<b><u>\$ 800.59</u></b>
Payment on Acct. – Town Check #18860					- 800.59
					<b><u>\$ 0.00</u></b>

**Town of Huron**

Cablevision Franchise Tax					1,470.44
2014 Tax Roll Excess and Deficit					.26
Erroneous Taxes	Res #	Name	Year	Amount	
		Court Order Refund	Villani	2011	1,538.25
		Court Order Refund	Fowler	2011	1,058.61
		2,596.86			

					<b><u>\$4,067.56</u></b>
Payment on Acct. - Town Check #2836					-4,067.56
					<b><u>\$ 0.00</u></b>

**Town of Lyons**

Cablevision Franchise Tax					1,649.66
2014 Tax Roll Excess and Deficit					.80
Erroneous Taxes					0.00

					<b><u>\$1,650.46</u></b>
Payment on Acct. – Town Check					- 1,650.46
					<b><u>\$ 0.00</u></b>

**Town of Macedon**

Cablevision Franchise Tax					2,555.75
2014 Tax Roll Excess and Deficit					.60
Erroneous Taxes					0.00

					<b><u>\$2,556.35</u></b>
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**Town of Marion**

Cablevision Franchise Tax					2,329.13
2014 Tax Roll Excess and Deficit					3.62
Erroneous Taxes					0.00

					<b><u>\$2,332.75</u></b>
Payment on Acct. – Town Check					- 2,332.75
					<b><u>\$ 0.00</u></b>

**Town of Ontario**

Cablevision Franchise Tax					2,359.11
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2014 Tax Roll Excess and Deficit					4.59
Erroneous Taxes	Res #	Name	Year	Amount	
		Court Order Refund			2013
	719.46	719.46			
					<b><u>\$3,083.16</u></b>

**Town of Palmyra**

Cablevision Franchise Tax					2,841.16
2014 Tax Roll Excess and Deficit					.24
Erroneous Taxes	Res #	Name	Year	Amount	
	424-14	DeCook	2013	255.00	255.00
					<b><u>\$ 3,096.40</u></b>

**Town of Rose**

Cablevision Franchise Tax					218.96
2014 Tax Roll Excess and Deficit					.47
					<b><u>\$ 219.43</u></b>
Payment on Acct. – Town Check					- 219.43
					<b><u>\$ 0.00</u></b>

**Town of Savannah**

Cablevision Franchise Tax					388.77
2014 Tax Roll Excess and Deficit					.26
Erroneous Taxes	Res #	Name	Year	Amount	
		Capital Cost Charge	NYS DEC	2013	110.02
		Capital Cost Charge	NYS DEC	2014	104.00
		LOST PARCEL	Cancel per Treasurer	2014	
		3.52			
		LOST PARCEL	Cancel per Treasurer	2014	
		3.48			
		LOST PARCEL	Cancel per Treasurer	2014	
		2.36			
		223.38			
					<b><u>\$ 612.41</u></b>
Payment on Acct. – Town Check # 14930					- 612.41
					<b><u>\$ 0.00</u></b>

**Town of Sodus**

Cablevision Franchise Tax					2,414.03
2014 Tax Roll Excess and Deficit					-.20
Erroneous Taxes	Res #	Name	Year	Amount	
	25-14	Humbert	2014	23.44	
	152-14	Little Bethel Baptist Church	2014	456.32	
	289-14	Degelleke	2013	231.83	
	290-14	Degelleke	2014	233.09	
	424-14	VanHoute	2013	45.19	989.87
					<b><u>\$3,403.70</u></b>
Payment on Acct. – Town Check #3222					- 3403.70
					<b><u>\$ 0.00</u></b>

<b>Town of Walworth</b>					
Cablevision Franchise Tax					1,928.08
2014 Tax Roll Excess and Deficit					- .63
Erroneous Taxes	Res #	Name	Year	Amount	
	15-14	Heiden	2014	408.67	408.67
					<b><u>\$2,336.12</u></b>
Payment on Acct. – Town Check #7918					<b><u>- 2,336.12</u></b>
					<b><u>\$ 0.00</u></b>

<b>Town of Williamson</b>					
Cablevision Franchise Tax					2,923.86
2014 Tax Roll Excess and Deficit					5.31
Erroneous Taxes	Res #	Name	Year	Amount	
	127-04	Caulkins Tire	2012	159.13	
	127-04	Caulkins Tire	2013	159.13	
	127-04	Caulkins Tire	2014	153.80	
	290-14	T/ of Wmson	2014	400.78	872.84
					<b><u>\$3,802.01</u></b>
Payment on Acct. – Town Check					<b><u>- 3,802.01</u></b>
					<b><u>\$ 0.00</u></b>

<b>Town of Wolcott</b>					
Cablevision Franchise Tax					1,431.74
2014 Tax Roll Excess and Deficit					.41
Erroneous Taxes					0.00
					<b><u>\$1,432.15</u></b>

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

**RESOLUTION NO. 665-14: ACKNOWLEDGING RECEIPT OF THE 2015 WAYNE COUNTY TENTATIVE BUDGET**

Ms. Park presented the following:

WHEREAS, the Budget Officer presented the Clerk of the Board with the 2015 Tentative Wayne County Budget on November 14, 2014; and

WHEREAS, the Budget Officer has made a presentation on the 2015 Tentative Budget for the fiscal year beginning January 1, 2015 to the Board of Supervisors; now, therefore, be it RESOLVED, that the Board of Supervisors hereby acknowledges the receipt of the 2015 Tentative Wayne County Budget as presented.

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

**RESOLUTION NO. 666-14: AUTHORIZATION TO CORRECT FLEX SPENDING LIABILITY ACCOUNT**

Ms. Park presented the following:

WHEREAS, the County offers employee's the option of opening a flex spending account for qualifying medical expenses. Per 2013 Federal Regulations these funds are "use it or lose it" within the plan year.

WHEREAS, a reconciliation was completed for plan year 2013 in April of 2014 and it was found that the liability account was over funded;

WHEREAS during a Third Quarter Reconciliation it was found that plan year 2013 expenditures were paid after the previous reconciliation was completed, causing the funds transfer in Resolution 302-14 to be in excess of the allowable transfer amount, now therefore be it

RESOLVED, that the County Treasurer is authorized to increase the liability account as follows:

**TA2031 County Flex Plan**

\$2,739.98 to TA2031

**A9999 Other**

(Revenues)

\$2,739.98 from .40000 Miscellaneous Receipts

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

**RESOLUTION NO. 667-14: AUTHORIZATION TO DECLARE EQUIPMENT SURPLUS IN COUNTY AUDITOR OFFICE**

Ms. Park presented the following:

WHEREAS, the County Auditors Computer was recently replaced and is no longer needed and wishes to declare the following item as surplus equipment:

1(one) HP Compaq dc7900 Convertible Minitower (County Tag 4239)

Now, therefore be it

RESOLVED that the Board of Supervisors is hereby authorized to declare the above listed item as surplus equipment and authorize the Wayne County Information Technology Office to take possession of the unit for disposal.

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

**RESOLUTION NO. 668-14: AUTHORIZATION TO AMEND BUDGET AND TRANSFER FUNDS BETWEEN PROJECT ACCOUNTS**

Ms. Park presented the following:

WHEREAS, the county's External Auditors recommended that an analysis of H Fund Capital Project accounts be completed; and

WHEREAS, the County Auditor has completed this analysis and found that Resolutions 191-14 and 192-14 authorized budget adjustments to appropriations to establish project accounts but did not authorize budget transfers for revenues and actual funds; and

WHEREAS, it is necessary to ensure that funds are in the proper project accounts now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized to amend the budgets and transfer revenue funds between the following H Fund Capital Project Accounts:

**H1915 Parks Projects**

(Revenue)

\$147,000.00 from .45031 Prk01 Interfund Transfers

**H1932 Court House Exp. / Renovations**

(Revenue)

\$62,000.00 to .45031 HR14 Interfund Transfers

**H1939 Rt. 31 Complex**

(Revenue)

\$85,000.00 to .45031 ScnPI Interfund Transfers

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

**RESOLUTION NO. 669-14: AUTHORIZATION TO DECLARE VEHICLE SURPLUS AND REQUEST SURPLUS VEHICLE FOR THE WAYNE COUNTY AGING AND YOUTH DEPARTMENT**

Mr. LeRoy presented the following:

WHEREAS, the District Attorney has recently purchased a new vehicle and has transferred his former vehicle to the District Attorney Investigator for his use; and

WHEREAS, the Wayne County Aging and Youth Department has requested transfer of the original vehicle used by the District Attorney Investigator,

2006 Ford Taurus, VIN No. 1FAPP53UX6A252333; and

WHEREAS, the following vehicle is in poor condition, needs several repairs and is no longer of use by the Wayne County Aging and Youth Department,

2002 Chevrolet Cavalier, VIN No. 1G1JC524227353996

Now therefore be it

RESOLVED, that the 2006 Ford Taurus declared surplus in the District Attorney's office is hereby transferred to the Wayne County Aging and Youth Department; and be it further

RESOLVED, that the 2002 Chevrolet Cavalier declared surplus by the Wayne County Aging and Youth Department shall be disposed of in accordance with the Surplus Vehicle Disposition Procedure outlined in Resolution No. 128-09.

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

**RESOLUTION NO. 670-14: AUTHORIZATION TO ACCEPT 2014-2015 PUBLIC SAFETY ANSWERING POINTS (PSAP) GRANT**

Mr. LeRoy presented the following:

WHEREAS, Resolution No. 546-14 authorized application for the 2014-2015 Public Safety Answering Points (PSAP) Grant; and

WHEREAS, NYS has advised that \$169,703 has been awarded to Wayne County for which no local match is required; now, therefore, be it

RESOLVED, that the Director of Emergency Management is authorized to accept said grant and the Chairman of the Board of Supervisors is authorized to sign the required contract, subject to the review and approval of the County Attorney, for the 2014-2015 Public Safety Answering Points (PSAP) Grant.

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

**RESOLUTION NO. 671-14: AUTHORIZATION TO PURCHASE E911 RECORDING SYSTEM**

Mr. LeRoy presented the following:

WHEREAS, there is a requirement in NYS Codes, Rules and Regulations Title 21; Miscellaneous, Part 5200 Minimum Standards Regarding Direct Dispatch of All Emergency Services; §5203.2 Equipment (e) Recorder System (1) ensure that all emergency communications to and from all PSAPs, including telephone and radio transmissions, shall be recorded; and

WHEREAS, the current recorder system at the primary E911 Center is no longer supported in the United States; and

WHEREAS, there is funding in Project Account H19352.52000.RECRD and a recently secured grant to replace both recorders with a geo-diverse recording solution that will serve both the primary and backup E911 Centers; and

WHEREAS, this equipment is available on NYS Contract PT65193; and

WHEREAS, subsequent use of the balance of the grant funding shall be used for geo-

diverse interconnectivity between the primary and backup Public Safety Answering Points; now, therefore, be it

RESOLVED, that the Director of Emergency Management Services is authorized to purchase said recorder in the amount of \$93,347.48 in accordance with Wayne County Purchasing Policies.

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

**RESOLUTION NO. 672-14: AUTHORIZATION TO TRANSFER FUNDS AND PURCHASE SPEAKER SYSTEM FOR FIRE TRAINING BUILDING**

Mr. LeRoy presented the following:

WHEREAS, there is a need to improve the ability to listen to recorded sounds from training media at the Fire Training Building; and

WHEREAS, the current speakers utilized with personal computers are not adequate to accomplish this; and

WHEREAS, there is funding available in the 2014 Mutual Aid budget to a purchase two ceiling speakers with amplifier to provide adequate sound amplification; now, therefore be it

RESOLVED, that the Treasurer is authorized to transfer said funds and amend the 2014 budget as follows:

**A3410 Mutual Aid**

(Appropriations)

Amount		Object #	Object Name
779	from	54396	Bldg Maint – Work Orders
779	to	52500	Other Equipment

and be it further

RESOLVED, that the Director of Disaster Preparedness or his designee is authorized to purchase said equipment in accordance with Wayne County Purchasing Policy.

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

**RESOLUTION NO. 673-14: AUTHORIZATION TO ACCEPT 2013 STATE HOMELAND SECURITY GRANT, ESTABLISH PROJECT ACCOUNT AND AMEND BUDGET**

Mr. LeRoy presented the following:

WHEREAS, NYS has advised the Director of Emergency Management that \$97,500 has been allocated to Wayne County under the State Homeland Security Grant FY13 Program for which no local match is required; and

WHEREAS, this grant will enhance the level of security and service that Public Safety Agencies currently provide to the citizens of Wayne County by providing the Sheriff Office with Mobile Data Computers, Mutual Aid with Rehab trailers and associated equipment, and Advance Life Support with a LifePak 15 Advanced cardiac monitoring/defibrillation/pacing unit; and

WHEREAS, the County now needs to establish the appropriate line items for these expenses; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized to sign the FY13 State Homeland Security Program grant award, subject to the County Attorney's approval as to form and content; and be it further

RESOLVED that the County Treasurer is authorized to create Project Account H3918-Homelandsecurity; and be it further

RESOLVED that the County Treasurer is authorized to make the budget adjustments

listed below:

**H3918 Homeland Security**

(Revenues)

Amount	Object#	Project ID	Object Name	Project Name
97,500 to	43302	SHS13	Homeland Security	State Homeland Security 2013 Grant

(Appropriations)

Amount	Object#	Project ID	Object Name	Project Name
97,500 to	52000	SHS13	Equipment & Other	Cap Outlay State Homeland Security 2013 Grant

and be it further

RESOLVED, that the Director of Emergency Management, or the appropriate department heads are authorized to make these expenditures in accordance with county purchasing policy.

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

**RESOLUTION NO. 680-14: AUTHORIZE REQUEST FOR EXTENSION OF NYS SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE 9 PEARL STREET BUILDING ELEVATOR PROJECT**

Mr. Miller presented the following:

WHEREAS, the County of Wayne was awarded a \$300,000.00 Community Development Block Grant (CDBG 1219-PF2-12) administered by the New York State Office of Community Renewal (OCR) on December 16, 2012; and

WHEREAS, Resolution No. 324-14 awarded bids for the project and construction began in July, 2014; and

WHEREAS the original elevator design required modification and approval subsequent to the start of construction; and

WHEREAS, the architect has received design approval, and the General Contractor placed the order for the elevator and has developed a new construction schedule based on the expected delivery date for the elevator with a substantial project completion date of mid-February; and

WHEREAS the construction will not be substantially complete by the grant contract end date of December 16, 2014 that requires the County to request an extension of the grant; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisors is authorized to request a project extension of three months on behalf of the County of Wayne, subject to approval as to form and content by the County Attorney.

Mr. Colacino moved the adoption of the resolution. Seconded by Mr. Hammond. Upon roll call, adopted.

**RESOLUTION NO. 681-14: AUTHORIZATION TO EXECUTE WASTEWATER DISCHARGE PERMIT WITH THE VILLAGE OF LYONS**

Mr. Miller presented the following:

WHEREAS, Wayne County discharges its waste water from the County Complex on RT 31 to the Village of Lyons Treatment plant; and

WHEREAS, the Village of Lyons requires the County to execute an Industrial Wastewater Discharge Permit on an annual basis; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign the permit as prepared by the Village of Lyons, subject to approval of the County Attorney as to form and content; and be it further

RESOLVED, that the Superintendent of Public Works is hereby authorized to pay the \$100.00 permit fee.

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

**RESOLUTION NO. 682-14: AUTHORIZATION TO ADVERTISE FOR BIDS 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.

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

**RESOLUTION NO. 683-14: AUTHORIZATION TO TRANSFER FUNDS AND CLOSE COMPLETED 2014 CONSTRUCTION & BRIDGE PROJECTS FOR THE PUBLIC WORKS DEPARTMENT**

Mr. Miller presented the following:

WHEREAS, various Highway Construction and Bridge Projects have been completed in 2014 and final payments processed; and

WHEREAS, the balance in budgeted projects may be reallocated to other projects; now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized and directed to transfer funds as listed below:

**D5112-ROAD CONSTRUCTION:**

\$95,000 from .52639 Ridge Chapel Culvert  
\$50,000 from .52643 Lyons Marengo/Reinfleish Rd  
\$54,771.09 from .52668 Macedon Center Road  
\$90,000 from .52669 East Port Bay Rd Wall  
\$1,122.17 from .52694 Hot In-Place Recycle  
\$4,541.89 from .52961 Bridge Membrane Replacement South Creek Rd Bridge  
\$39,023.89 from .52680 Lyons Marengo Rd. Culvert  
\$17,713.06 to .52640 Surface Treatment



\$25,947.47 to .52641 Rose Hamlet Drainage  
\$34,635.79 to .52645 Lake Road Milling & Paving  
\$71,395.26 to .52679 Ridge Rd.- Williamson Hamlet  
\$119,832.66 to .52696 Lake Rd Milling & Paving  
\$64,934.80 to .52697 Misc. Drainage; and be it further

RESOLVED that the following highway construction projects within Account D51122 Road Construction having a zero balances, are hereby closed:

**D5112-ROAD CONSTRUCTION:**

.52640 Surface Treatment  
.52641 Rose Hamlet Drainage  
.52645 Lake Road Milling & Paving  
.52961 Bridge Membrane Replacement  
.52679 Ridge Rd Williamson Hamlet  
.52680 Lyons Marengo Culvert  
.52694 Hot In-Place Recycle  
.52696 Lake Road Milling & Paving  
.52697 Misc. Drainage

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

**RESOLUTION NO. 684-14: 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 2015. 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.

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

**RESOLUTION NO. 685-14: AUTHORIZATION TO ADVERTISE FOR BID(S) FOR LAWN MOWING SERVICES IN COUNTY OWNED PARKS**

Mr. Miller presented the following:

WHEREAS, the Wayne County Public Works Department has contracted out the mowing of the Parks along the Route 31 corridor in 2014; and

WHEREAS, the County did achieve cost savings by doing so; 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 lawn mowing 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.

Mr. Colacino moved the adoption of the resolution. Seconded by Ms. Park. Upon roll call, adopted.

**RESOLUTION NO. 686-14: SETTING DATE FOR PUBLIC HEARING ON PROPOSED LOCAL LAW AMENDING LOCAL LAW NO. 3-1989 ESTABLISHING RULES AND REGULATIONS FOR THE USE, OPERATION, AND MAINTENANCE OF WAYNE COUNTY PARKS**

Mr. Miller presented the following:

RESOLVED, pursuant to Section 20 of the Municipal Home Rule Law, the Board of Supervisors shall hold a public hearing on **Tuesday, December 16, 2014 at 9:05 a.m.** in the Supervisors' Chambers in the County Court House, Lyons, New York, on the following proposed Local Law:

**COUNTY OF WAYNE - STATE OF NEW YORK  
INTRO NO.7/LOCAL LAW NO. \_\_\_ FOR THE YEAR 2014**

A Local Law Amending Local Law No. 3-1989, entitled "Establishing rules and regulations for the use, operation, and maintenance of parks under the control, supervision, and jurisdiction of the County of Wayne, and repealing all prior local laws and resolutions of the Board of Supervisors in relation to establishing rules and regulations for County parks".

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

**SECTION 1. TITLE**

This local law shall be known as the Wayne County Parks Law.

**SECTION 2. TEXT**

**WAYNE COUNTY PARKS LAW**

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- Section 30. Park Season
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- Section 32. Rules and Regulations
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- Section 34. Severability

**Section 1. Legislative Intent**

The provisions set forth herein shall apply to and be in effect in all parks under the control, supervision and jurisdiction of the County of Wayne.

**Section 2. Definitions**

The following terms shall have the meanings indicated in this section:

- A. "County" shall mean the County of Wayne.
- B. "Board of Supervisors" shall mean the Board of Supervisors of the County of Wayne.
- C. "Committee" shall mean the Public Works Committee of the Wayne County Board of Supervisors.
- D. "Superintendent of Public Works" or "Superintendent" shall mean the Wayne County Superintendent of Public Works or his or her duly authorized agent or representative.
- E. "Law Enforcement Officer" shall mean any police officer, peace officer, Wayne County Sheriff's Deputy, New York State Trooper, or any other

law enforcement official of the County of Wayne, the State of New York, or any other applicable jurisdiction having jurisdiction or authority to enforce this law.

- F. "Park" shall mean the grounds, buildings thereon, waters therein, boat launches, towpath of trails, the Maxwell Creek parking lot and any other property necessary for the operation thereof, and constituting a part thereof, which is now or may hereafter be maintained, operated and controlled by the County of Wayne for public parking purposes.
- G. "Person" shall mean any individual, firm partnership, corporation or association of persons and the singular number shall include the plural.
- H. "Authorized Personnel" shall mean any person, department, or agency given the right to function by the Wayne County Board of Supervisors.

### **Section 3. Hours of Closing**

Except as authorized by a permit granted by the Board of Supervisors pursuant to the provisions of Section 31 of this law:

- A. No person shall remain, stop or park within the confines of any park, between the hours of 9:00 p.m. and 7:30 a.m., prevailing local time in the County of Wayne except:
  - 1) in an emergency
  - 2) with a special permit of the Superintendent
- B. In case of an emergency or when in the judgment of the Superintendent the public interest demands it, any portion of a park may be closed to the public or the designated persons until permission is given to reopen.

Non-observance of Section 3 shall constitute a violation.

### **Section 4. Reservations**

- A. Permits shall be required for the use of all park pavilions.
- B. Permits for use of park pavilions shall be issued on a first come, first served basis, at the Wayne County Department of Public Works office, 7312 Route 31, Lyons, New York, Monday through Friday from 7:00 a.m. to 3:30 p.m., except on legal holidays.
- C. Applicants for permits or reservations must be 21 years of age or over, and be a resident of Wayne County. All permits must be signed by the applicant prior to use of the pavilions. The signer of the permit shall be responsible for all damage to the park pavilion and agrees, as a condition for the granting of the permit, to indemnify the County of Wayne for all such damages.
- D. As a condition for granting a permit, the Superintendent may require proof of insurance or a security deposit, in accordance with rules and regulations promulgated pursuant to Section Thirty-Four herein.

Non-observance of the rules in Section 4 shall constitute grounds for denial or cancellation of any permit applied for or issued pursuant to this Section, and denial of applications for future permits, as set forth in Section Thirty-Three herein.

### **Section 5. Camping**

- A. **CAMPING IS NOT ALLOWED**
  - B. Special Camping Permits can be issued by the Superintendent for camping in County Parks for special groups/organizations. (i.e. Boy Scouts and Girl Scouts Troops).
  - C. When camping locations are made available within a park, rules and regulations particular to each location shall be promulgated pursuant to Section 32 herein.
  - D. Permits for camping shall be issued by the Superintendent or his designee. All requests must be in writing.
- Non-observance of Section 5 shall constitute a violation.

**Section 6. Disorderly Conduct**

No person with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, shall:

- A. engage in fighting or violent, tumultuous or threatening behavior while in a park;
- B. make unreasonable noise in a park;
- C. use abusive or obscene language or make an obscene gesture while in a park;
- D. without lawful authority, disturb any lawful assembly or meeting of persons in a park;
- E. obstruct vehicles or pedestrian traffic in a park;
- F. congregate with other persons in a public place and refuse to comply with a lawful order of a law enforcement officer to disperse or leave the park;
- G. create a hazardous or physically offensive condition by any act which serves no legitimate purpose.

Non-observance of Section 6 shall constitute a violation.

**Section 7. Harassment**

- A. No person shall strike, shove, kick or otherwise subject another person to physical contact, or attempt to do the same, with the intent to harass, annoy, or alarm such other person.
- B. No person shall follow a person about a park with the intent to harass, annoy, or alarm such other person.
- C. No person shall engage in a course of conduct or repeatedly commit acts which alarm or seriously annoy such other person and which serve no legitimate purpose.
- D. No person shall threaten or menace any other person with any instrument or by using any animal to do the same, with the intent to harass, annoy, or alarm such other person.

Non-observance of Section 7 shall constitute a violation.

**Section 8. Weapons and Explosives**

Except as authorized by a permit granted by the Board of Supervisors pursuant to the provisions of Section 31 of this law:

- A. No person, except law enforcement officers, shall use, carry, or possess any firearm within the park.
- B. No person, except law enforcement officers, shall use, carry or possess any noxious materials (noxious materials for the purposes of this section shall be defined as irritant gas dispensers, commonly called "Tear gas" or

"Mace") within a park.

- C. No person shall use, carry, or possess air or gas guns, slingshots, bow and arrows, missiles or missile throwing devices unless such person is a participant in a program for which a permit has been obtained subject to Section Thirty-Three below.
  - D. No persons, except duly authorized personnel, shall use, carry or possess any fireworks or explosive substances within the parks.
  - E. No person shall possess any other dangerous weapons within the park.
- Non-observance of Section 8 shall constitute a violation.

**Section 9. Loitering**

No person shall loiter in or near toilets or rest room facilities within a park.  
Non-observance of Section 9 shall constitute a violation.

**Section 10. Commercial Activities, Signs, Advertisement, Banners**

Except as authorized by a permit granted by the Board of Supervisors pursuant to the provisions of Section 31 of this law:

- A. No person shall solicit or engage in any business, trade, commercial transaction, or other activity within a park involving the sale of merchandise or services, or for which any fee, payment, donation or other consideration is required or requested, except pursuant to a duly authorized concession agreement or other agreement for park purposes which shall have been subject to the prior approval or authorization of the Board of Supervisors.
- B. No person shall post any sign, banner, or advertisement of any kind within a park without prior approval of the Superintendent.

Non-observation of Section 10 shall constitute a violation.

**Section 11. Games Regulated**

- A. No person shall engage in games involving thrown or propelled objects, such as footballs, baseballs, horseshoes, golf balls, Frisbees, or similar objects, except in areas designated for such usage, and then only subject to such rules and regulations as may be promulgated pursuant to Section 32 herein. All games of any description must be conducted in a safe and orderly manner and no rough or boisterous practices will be allowed. No one shall play games for which a permit or fee is required without first obtaining such permit and paying such fee.
- B. Notwithstanding the provisions of subdivision A, the use of lawn darts in the park is absolutely prohibited.
- C. No person shall ride on or use skateboards, roller skates, or ice skates within a park.
- D. Inflatable amusement equipment ("Bounce House"), "dunk tanks", etc. are not allowed.

Non-observance of Section 11 shall constitute a violation.

**Section 12. Sophisticated Toys**

Models, such as miniature planes, boats and cars, that produce loud noises or are hazardous, shall not be operated within the confines of a park except pursuant to a permit issued by the Superintendent.

Non-observance of Section 12 shall constitute a violation.

**Section 13. Hunting, Fishing and Molesting Wildlife**

- A. No person shall take or attempt to take any fish from or send or throw any animal or thing into a pond or any of the waters of a park, except with permission of the Superintendent, and with exception that fishing may be permitted in season, in certain park waters designated by the Superintendent. No person shall kill, injure or unnecessarily disturb any fish, waterfowl, birds or animals. No person shall hunt, pursue with dogs, trap or in any other way molest any wild bird or animal found within the confines of a park, or rob or molest any bird's nest or take the eggs of any bird.
- B. Notwithstanding the provisions of subdivision A, the Committee is hereby authorized to grant limited permits for the trapping of wild animals in County parks if the Committee, after consulting the Superintendent and appropriate officials of the State Department of Environmental Conservation, certifies to the Board of Supervisors that the health, safety and welfare of residents of the County of Wayne are or may be adversely affected unless limited trapping of wild animals is permitted in one or more parks. The number and duration of such permits shall be only such as is necessary, in the opinion of the Board of Supervisors, to correct any circumstances that have caused or contributed to a threat to the public health, safety and welfare. The Board of Supervisors shall promulgate rules and regulations governing the issuance, supervision and termination of such permits. All permits issued pursuant to this subdivision shall be in accordance with the rules and regulations promulgated by the Board of Supervisors, and shall be consistent with all applicable provisions of the New York State Environmental Conservation Law and the regulations pertinent thereof.

Non-observance of Section 13 shall constitute a violation.

**Section 14. Preservation of Property and Natural Features**

- A. No person shall injure, damage, destroy, deface, disturb, remove or defoul any part of a park, nor any building, structure, sign, equipment or other property therein.
- B. No person shall write, paint, mark, carve or otherwise deface any part of a park, including but not limited to any tree, bench, building, structure, sign, equipment or other property therein.
- C. No person shall remove, injure or destroy any tree, flower, shrub, rock, mineral or other natural feature within a park.

Non-observance of Section 14 shall constitute a violation.

**Section 15. Littering, Rubbish, Garbage, Sewage and Noxious Materials**

- A. No person shall bring into, drop, deposit, dump or leave behind any rubbish, garbage, ashes, paper, cardboard, metal cans or other metallic substances, bottles, glassware, or any other refuse, waste material or other unwanted material of any kind in a park; except that any such materials resulting from picnics, camping, or other permitted activities shall be deposited in receptacles, pits or other containers provided for

such purpose.

- B. No person shall abandon any motor vehicle, or other equipment or property of any kind in a park.
- C. No person in a park shall discharge into, throw, cast, lay, drop or leave any substance, matter or thing, either liquid or solid in any river, brook, stream, pond, storm sewer or drain in a park.

Non-observance of Section 15 shall constitute a violation.

**Section 16. Alcohol Beverages are Prohibited at All County Owned Parks**

No person shall consume, or possess with intent to consume, any alcoholic beverage, as defined by Section 3 of the Alcoholic Beverage Control Law of the State of New York, in a park.

Non-observance of Section 16 shall constitute a violation.

**Section 17. Animals**

Except as authorized by a permit granted by the Board of Supervisors pursuant to the provisions of Section 31 of this law:

- A. No person shall bring into, permit, have, or keep any animal in a park, except that dogs and cats are permitted if held in control by a leash not more than eight (8) feet long.
- B. Notwithstanding the above, cats and dogs are prohibited in all swimming areas, beaches and grass areas.
- C. Animals required for assistance of the handicapped are exempt from the provisions of subdivision B of this Section.
- D. No animal shall be left unattended in a park.
- E. Any individual bringing dogs or cats into a park shall be required to pick up and deposit in proper receptacles all solid waste from said animals.

Non-observance of Section 17 shall constitute a violation.

**Section 18. Swimming, Swimming Areas and Beaches**

- A. No person shall bathe, wade or swim within any park except at beaches therein as may be designated for that purpose by the Superintendent and without suitable swimming attire.
- B. No person shall carry onto, possess, scatter or throw on any beach bottles or containers of any kind, or broken glass, container caps, or other closure devices.
- C. The use of life rafts, inner tubes, and other objects intended to support persons is prohibited.
- D. No person shall operate a boat, surfboard, water skis, or similar aquatic equipment closer than 100 feet to a swimming area.
- E. No person shall permit a diapered infant to wade, bathe, or swim in park waters.
- F. Except as provided in Section 17, animals are prohibited in all swimming areas and beaches.

Non-observance of Section 18 shall constitute a violation.

**SECTION 19. BOATING**

- A. Boating in or adjacent to a park is permitted only in areas designated for such use, and then only in strict compliance with all applicable federal, state, and municipal laws and ordinances and subsection D of Section 18



of this law. No person shall operate, row or paddle a boat or canoe in or upon park waters unless able to handle the same with safety to himself and other occupants thereof, an in such manner as not to annoy or endanger the occupants of other boats or canoes. No person shall stand up in or rock a rowboat or canoe, make a raft of boats or canoes.

- B. No person except those in the employ of the County of Wayne acting within the scope of their duties shall, without written permission from the Superintendent, place or propel upon the waters in any park any float, boat, or other water craft, or land from any boat at a place not designated by the Superintendent for that purpose.
- C. Docking a boat overnight is not permitted. Boat trailers shall not be left overnight.

Non-observance of Section 19 shall constitute a violation.

#### **Section 20. Fires, Picnic, Cooking**

- A. No person shall start or use a fire on park property except in designated areas and facilities. No fire shall be left unattended.
- B. No person shall picnic or cook in any area not designated by the Superintendent for that purpose.

Non-observance of Section 20 shall constitute a violation.

#### **Section 21. Bicycles**

Riders of bicycles shall comply with all laws relating to bicycles in the New York State Vehicle and Traffic Law, and with all rules concerning vehicles contained in the Wayne County Parks Law and in addition thereto shall be subject to the following rules:

- A. No person shall ride a bicycle upon the lawns or foot trails of a park unless such areas are designated for such vehicles.
- B. Bicycles shall be ridden in the extreme right hand lane of park roads.
- C. A bicycle shall not be towed by a rope or otherwise, nor shall any rider hold onto any moving vehicle for the purpose of being drawn along.
- D. No bicycle shall be pushed upon any park road where an adjoining foot walk is available.
- E. Infants, children or extra passengers shall not be carried on bicycles in any manner whatsoever, unless such vehicle is equipped with a separate seat for that purpose.
- F. Children under the age of 12 years, riding small bicycles (wheels less than 20 inches in diameter) may use the foot walks.
- G. Wherever possible bicycles shall be parked in places provided for such purpose.
- H. No person shall operate a bicycle which has affixed thereto a mechanical device capable of propelling the bicycle for the purpose of replacing or assisting human power.

Non-observance of Section 21 shall constitute a violation.

#### **Section 22. Snowmobiles, Off-Road Vehicles, All Terrain Vehicles and Limited Use Vehicles**

- A. No person shall operate a snowmobile within a park other than on a path or trail specifically designated as one allowing use of snowmobiles. A

snowmobile shall be defined as any self-propelled vehicle designed for travel on snow or ice, steered by skis or runners and supported in whole or part by one or more skis, belts or cleats.

- B. No person shall operate any motor powered off-road vehicle, all terrain vehicle, or limited use vehicle in any part of a park, except that off-road vehicles or limited use vehicles properly registered in accordance with the New York State Vehicle and Traffic Law, may be operated on park roads and parked in park parking lots in accordance with the provisions of Section Twenty-Seven. Off-road vehicles, all terrain vehicles or limited use vehicles shall include, but are not limited to, four-wheel drive vehicles; vehicles equipped for operation in or on sand, mud, snow, gravel, or wetland; dune buggies; motorcycles or mini-bikes equipped for off-road usage; dirt bikes, golf carts, tractors, lawnmowers, or any similar type of vehicle or conveyance, except for vehicles used for park maintenance by authorized personnel.

Non-observance of Section 22 shall constitute a violation.

**Section 23. Indecent Conduct and Exposure**

- A. No person shall intentionally expose the private or intimate parts of his or her body in a lewd manner or commit any other lewd act.
- B. No person shall appear in a park in such manner that the private or intimate parts of his or her body are unclothed or exposed. This Section shall not apply to the breast feeding of infants.

Non-observance of Section 23 shall constitute a violation.

**Section 24. Compliance with Orders of Policing Agencies**

No person shall fail or refuse to comply with any order relating to the regulation of activities hereunder, or the enforcement of provisions of this law, lawfully given by any law enforcement officer.

Non-observance of Section 24 shall constitute a violation.

**Section 25. Use of Motor Vehicles**

- A. No person shall drive any automobile, motorcycle or other motorized vehicle upon any part of a park except for the proper drives and parking areas, or permit the same to stand upon the drive or any part thereof so as to congest traffic or obstruct the drive. Paths established as foot paths, or bicycle paths shall not be used for motorized vehicular traffic.
- B. No person shall cause any taxi, bus, limousine or other vehicle for hire to attend any part of a park for the purpose of soliciting or taking passengers or persons other than those carried to a park by said vehicle.
- C. No person shall cause any bus with or without passengers, nor any cart, wagon, truck or trailer or other vehicle carrying goods, merchandise, manure, soil or other articles, or solely in use for the carriage of goods, merchandise, manure or other articles to enter or to be driven in any part of a park. This Section shall not apply to vehicles engaged in construction, maintenance, or operation of a park or parkway, to vehicles making deliveries to a park, or to buses under the permit of the County of Wayne.
- D. It shall be the duty of every person operating an automobile, motorcycle, or other motorized vehicle within a park to comply with. (1) the New York

State Vehicle and Traffic Law; (2) the applicable traffic ordinances of the County of Wayne and the towns and villages in Wayne County; and (3) all orders, directions and regulations issued by law enforcement officers or officially displayed on any post, standard, sign or device installed for the regulation of traffic.

- E. No vehicle shall be operated on any road or drive in a park at a speed exceeding 15 miles per hour, unless otherwise posted. The Superintendent shall cause signs to be erected along such roads or drives indicating such speed limits.
- F. No vehicle shall pass another vehicle preceding the same direction if the center of the road is marked with a double solid line.
- G. One-way traffic. In certain areas there may be one-way traffic. It will be so posted and must be followed.
- H. Where the Superintendent has caused certain intersections of park drives or roadways to be marked with stop signs, no person shall operate any vehicle except authorized emergency vehicles over or across such intersection without first bringing such vehicle to a complete stop at or near the stop sign.
- I. Parking of any vehicle shall not be allowed on any of the park roads or parking areas during the hours that the park is not open to the public. No person shall park, stop or leave standing any vehicle in any area within a park except during the time he or she remains in the park.
- J. The term "parking" as used herein shall be defined as the standing of any vehicle, whether occupied or not, unless standing in obedience to traffic regulations or signals or while actively engaged in loading or unloading.
- K. The County of Wayne shall erect suitable signs on roadways and in parking areas which signs shall indicate where parking is authorized or not authorized.
- L. No person shall operate a vehicle along or over any road, drive or other property within a park in a reckless manner or without due regard for the safety and the rights of pedestrians, drivers and occupants of all other vehicles, so as to endanger the life, limb or property of any person while in the lawful use of park facilities.
- M. No person who is under the influence of alcohol or a controlled substance, as defined in the New York State Penal Law shall operate any vehicle within a park.
- N. No person shall drive, move, cause, or knowingly permit to be driven or moved within a park, any vehicle or combination of vehicles which is in unsafe condition so as to endanger any person or property.
- O. No person shall use or shine spotlights or unnecessarily or continuously shine automobile headlights on or into park lands, except under direction of a law enforcement officer or where necessary for the preservation of life or property.

In addition to and not in derogation of the penalties prescribed by applicable statute, rule, regulation or ordinance, non-observance of any subdivision of Section 25 shall constitute a violation.

#### **Section 26. Parental Responsibility**

No parent, guardian or custodian or any minor shall permit or allow him or her to do any act which would constitute a violation of this law, and such persons

shall be jointly and strictly liable for the actions of said minors in their care.  
Non-observance of Section 26 shall constitute a violation.

**Section 27. Air Gliding**

Except as authorized by a permit granted by the Board of Supervisors pursuant to the provisions of Section 33 of this law:

Park property shall not be utilized for ascending or landing of any aircraft, nor shall park property be used for parachuting, hang gliding, hot air ballooning, or similar activities.

Non-observance of Section 27 shall constitute a violation.

**Section 28. Public Gatherings**

Any group of persons exceeding fifty (50) in number utilizing park facilities for any use including but not limited to, picnics, races, festivals, weddings, parties, sporting events and hobbyists, shall obtain a permit from the Superintendent at least seven days prior to such utilization of park facilities. The granting of said permit and use of park facilities pursuant thereto shall be in accordance with applicable federal, state, county and local law and regulations, including but not limited to, New York State Department of Health Regulations.

Non-observance of Section 28 shall constitute a violation.

**Section 29. Fees**

The Board of Supervisors, by resolution, from time to time as it deems appropriate, may establish fees to be charged for utilization of park facilities.

**Section 30. Park Season**

The Superintendent is hereby empowered and directed to open and close the parks in the spring and fall of each year. The Superintendent may, in his discretion, direct the closure of any park or any portion thereof if such action is for the purpose of protecting park properties from damage, or in the interest of protecting the health, safety, and welfare of persons utilizing park properties.

**Section 31. Permits**

- A. The Board of Supervisors is authorized and empowered to grant and issue permits for the activities described in Sections 3, 8, 10 and 17 of this law.
- B. (1) Subject to the provisions of subdivision A, above, the Superintendent is authorized and empowered to grant and issue permits authorized or required by rules and regulations promulgated pursuant to Section 32 of this law and such permits or written permission as may be necessary to effectuate or implement the provisions of this law.
- (2) Permits for the use or occupancy for park purposes of park property of facilities, not authorized by subparagraph (1), above, and which may involve an extended term or an indefinite term subject to termination, shall be issued by the Superintendent only upon the prior approval and authorization of the Board of Supervisors.
- (3) As a condition for granting a permit, the Superintendent may require proof of insurance or a security deposit, in accordance with

the rules and regulations promulgated pursuant to Section 32 herein.

- (4) All permits issued by the Superintendent shall be in writing, and shall be signed or authenticated by the Superintendent, or his or her duly authorized agent. All such permits and use of park facilities pursuant thereto shall be subject to the terms and conditions contained therein; all applicable provisions of this law; all applicable rules and regulations promulgated pursuant to this law; and all other applicable laws of the United States of America, the State of New York, the County of Wayne, and any other municipality having jurisdiction.
- C. Any violation of the terms and conditions of a permit issued hereunder, of this law or any rules and regulations promulgated pursuant thereto, or any other applicable laws, shall constitute ground for the immediate revocation of such permit by the Superintendent, his or her authorized representative, which revocation shall be immediate, final and without appeal. No permit for the same purpose shall be issued to any person or persons whose permit has been revoked hereunder for a period of one year following the date of such revocation.

#### **Section 32. Rules and Regulations**

- A. The Superintendent is authorized and empowered to promulgate rules and regulations concerning the activities described in this law; such further rules and regulations as may be necessary to effectuate or implement the provisions of this law; and such additional rules and regulations as may be authorized or directed by the Board of Supervisors.
- B. All rules and regulations promulgated hereunder by the Superintendent shall become effective only upon approval by the Board of Supervisors.
- C. Reasonable efforts shall be made by the Superintendent to reproduce, post, make available, distribute, and publicize all rules and regulations hereunder.
- D. Copies of this local law shall be made available at the Public Works Department, 7312 Route 31, Lyons, NY or online. [www.co.wayne.ny.us/departments/bldggnds.htm](http://www.co.wayne.ny.us/departments/bldggnds.htm) and select the Parks Law pdf.

#### **Section 33. Penalties**

Any person consisted of a violation of this local law shall be subject to a fine not to exceed \$100, or by imprisonment for a term not to exceed fifteen (15) days, or by both such fine and imprisonment.

#### **Section 34. Severability**

If any provision of this law shall be adjusted by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined to its operation to the particular provision directly involved in the controversy.

### **SECTION 3. CONFLICT OF LAW**

Local Law No. 2 of 1981, Local Law No. 14 of 1987, Local Law No. 3 of 1989 and

all resolutions establishing rules and regulations for Wayne County parks adopted by the Wayne County Board of Supervisors prior to the date of the adoption of this local law are repealed.

**SECTION 4. EFFECTIVE DATE**

This local law shall take effect on the first day of January, 2015.

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

**RESOLUTION NO. 687-14: SETTING PUBLIC HEARING DATE FOR 2015-2019 CAPITAL PLAN FOR WAYNE COUNTY**

Mr. Miller presented the following:

WHEREAS, the County Administrator submitted the proposed 2014-2018 Capital Plan to the Board of Supervisors on July 15, 2014; and

WHEREAS, the Capital Plan Review was conducted by members of the Public Works, Economic Development and Planning, and Finance Committees on September 29, 2014 and certain changes were made to the plan; and

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

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

RESOLVED, that the Wayne County Board of Supervisors has scheduled a Public Hearing on said plan for **Tuesday, December 16, 2014 at 9:10 am** to be held in the Supervisors' Chambers in the County Court House, Lyons, New York, to receive and consider public comments on the Capital Plan for Wayne County for the period 2015-2019.

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

**RESOLUTION NO. 688-14: AUTHORIZATION TO ENCUMBER REMAINING BALANCE OF 2014 COUNTY WEED HARVESTING CONTRACT AND TO BE CLAIMED TO ENHANCE WEED HARVESTING EQUIPMENT CAPITAL RESERVE ACCOUNT AT SOIL AND WATER**

Mr. Miller presented the following:

WHEREAS, Wayne County contracts with the Wayne County Soil & Water Conservation District to harvest weeds in bays within Lake Ontario; and

WHEREAS, \$3,144.00 of the County Harvesting Contract funds for the 2014 year are remaining and unspent; and

WHEREAS, it is prudent to allow the unspent monies from the weed harvesting program to be utilized to enhance the Reserve for replacement of weed harvesting equipment at Soil and Water; and

WHEREAS, the cost of harvesting equipment keeps increasing due to changes in emissions and raw materials for building of the harvesters and a long term replacement plan is being configured for future investment into the Aquatic Vegetative Control program. The general replacement cost of harvesting equipment is between \$115,000 to \$165,000 depending on size and design of equipment; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors hereby authorizes the remaining 2014 Weed Harvesting Program funds totaling \$3,144.00 to be encumbered and to be paid to the Wayne County Soil and Water Conservation District to enhance the reserve for future replacement of harvesting equipment; and be it further

RESOLVED, that pursuant to Resolution No. 858-11 any use of these funds must be

approved in advance by the Wayne County Board of Supervisors.

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

**RESOLUTION NO. 689-14: SETTING SECOND PUBLIC HEARING FOR CDBG ELEVATOR PROJECT**

Mr. Spickerman presented the following:

WHEREAS, recipients of CDBG funding are required under 24 CFR570.486 and NYS's Citizen Participation Plan to conduct two public hearings one prior to the completion of such applications and one during the implementation to gain citizen input and solicit comments on the effectiveness of the program's administration.; now, therefore, be it

RESOLVED, that the Board of Supervisors hereby authorizes the Clerk of the Board to advertise and the Economic Development and Planning Department to conduct the second public hearing for the 2014 Community Development Block Grant project 1219-PF2-12; and be it further

RESOLVED, that the hearing be set for Wed., December 10, 2014 at 10:00 a.m. in the Supervisor's Conference room at 26 Church Street, Lyons, New York; and be it further

RESOLVED, that the Clerk of the Board is hereby directed to publish notice in the legal newspapers for the County for the first available publication.

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

**RESOLUTION NO. 690-14: ACCEPTING OF APPLICANTS INTO THE WAYNE COUNTY LATERAL CONNECTION AND WELL/SEPTIC REPAIR ASSISTANCE PROGRAM**

Mr. Spickerman presented the following:

WHEREAS, the County of Wayne was awarded a \$745,300 Community Development Block Grant (CDBG) administered by the New York State Office of Community Renewal on April 17, 2014; and

WHEREAS, this grant is intended to fully fund a project to install lateral connections or improve/repair septic and/or wells on properties in Wayne County; and

WHEREAS, Wayne County accepted this grant through resolution 326-14; and

WHEREAS, Wayne County authorized the acceptance and review of applications by the Economic Development and Planning Department through resolution 449-14; and

WHEREAS, the following applicants have submitted applications that have been determined to be both complete and eligible based on the approved Program Guidelines:

1. Paul Cramer, 10294 Carolina Ave, Town of Huron
2. Edward Fuller, 7200 Sutton Rd, Town of Arcadia
3. Sandra Krauth, 1682 Division St, Town of Palmyra
4. Thomas and Mary Sullivan, 4735 Garlic Rd, Town of Rose
5. Janice Thompson, 5854 Ridge Rd, Town of Williamson
6. Patricia Nolte, 5428 Franklin Rd, Town of Marion
7. Barbara DeBerger, 5856 S Centenary Rd, Town of Sodus
8. Judy Demyda, 3100 Crestwood Dr, Town of Palmyra
9. Donald Hedderick, 1694 Division St, Town of Palmyra
10. Fredrick Wood, 7195 Sutton Rd, Town of Arcadia
11. Larry Steuerwald, 3251 Maple Ave, Town of Palmyra
12. Rose Bastedo, 345 Lamb Rd, Town of Galen
13. Charles Stoica, 5158 Steel Point Rd, Town of Sodus
14. Janet and Hugo Ransley, 9269 Old Route 31, Town of Galen
15. Regina Matteson, 221 W Genesee St, Village of Clyde

16. Gladys Houghtaling, 496 Tyre Rd, Town of Galen
17. Charina Botindari, 541 Tyre Rd, Town of Galen
18. Nancy Cushman, 1833 State Route 21N, Town of Palmyra
19. Robert Enright, 3568 Buffalo Rd, Town of Arcadia
20. Roy and Marla Sebastiano, 1014 Lockpit Rd, Town of Galen
21. Larry DuVal, 3734 Maple Ridge Rd, Town of Arcadia
22. William Roberson, 11287 Old Rt 31E, Town of Galen
23. Michael and Nancy Wood, 2994 Tack Rd, Town of Arcadia
24. Gary Berthold, 6476 Kelly Rd, Town of Sodus
25. Mark and Kristy Hughson, 1437 Hammond Rd, Town of Palmyra
26. Stevie and Jodi Brown, 6510 Fairville Station Rd, Town of Arcadia
27. Irina Chebotareva, 4058 State Route 31, Town of Palmyra
28. Kerry Rehman, 8671 Ridge Rd, Town of Sodus
29. Karen Kibble, 778 Marletown Rd, Town of Arcadia
30. Alan Franke, 4169 Hall Center Rd, Town of Marion
31. Eric Loyd, 4413 Ridge Chapel Rd, Town of Marion
32. Erin Meehan, 13247 Seneca St, Town of Savannah
33. Cathy Comfort, 8870 Old Rte 31, Town of Galen
34. Steven Camp, 13273 Seneca St, Town of Savannah
35. Jeannine Littlefield, 1800 Route 21, Town of Palmyra
36. Stephen and Erin Dunning, 7447 Stoney Lonesome Rd, Town of Williamson

now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors accept these applicants into the Wayne County Lateral Connection and Well/Septic Repair Assistance Program.

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

**RESOLUTION NO. 691-14: AUTHORIZATION TO RELEASE RFP FOR CODE ENFORCEMENT SPECIAL INSPECTION SERVICES FOR THE WAYNE COUNTY LATERAL CONNECTION AND WELL/SEPTIC REPAIR ASSISTANCE PROGRAM**

Mr. Spickerman presented the following:

WHEREAS, the County of Wayne was awarded a \$745,300 Community Development Block Grant (CDBG) administered by the New York State Office of Community Renewal on April 17, 2014; and

WHEREAS, this grant is intended to fully fund a project to install lateral connections or improve/repair septic and/or wells on properties in Wayne County; and

WHEREAS, Wayne County accepted this grant through resolution 326-14; now, therefore, be it

RESOLVED, that the Economic Development and Planning Department is hereby authorized to issue a Request for Proposals to hire a special inspector to review construction work, provide the code enforcement officers with approvals, etc.; and be it further

RESOLVED, that following the opening, the Economic Development and Planning Department shall review the proposals and recommend one for approval by the Economic Development and Planning Committee and the Board of Supervisors.

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

**RESOLUTION NO. 692-14: 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 2015 New York State Matching Grant Program for the County Tourism Project

County Share	<b>\$190,750</b>
State Share	<b>\$190,750</b>

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

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

**RESOLUTION NO. 693-14: RESOLUTION IN SUPPORT OF CONTINUED OPERATION OF ROBERT E. GINNA NUCLEAR POWER PLANT**

Mrs. Crane presented the following:

WHEREAS, in June, 2014, the Power Purchase Agreement between the Ginna Nuclear Power Plant and Rochester Gas and Electric expired; and

WHEREAS, the agreement assured that electricity produced by the Ginna plant was purchased for distribution and ensured the plant remained economically viable; and

WHEREAS, the expired agreement allowed the operators of the Ginna Plant to make prudent investments in the facility and to modernize the plant; and

WHEREAS, continued operation of Ginna is vital to the delivery of reliable electricity in the upstate New York area; and

WHEREAS, re-investment in the facility and operations of the facility provide an economic benefit to the local and regional economy; and

WHEREAS, Wayne County, the Town of Ontario, and Wayne Central School District receive revenues from the facility in the form of Payments In Lieu of Taxes; and

WHEREAS, continued operation of the facility is necessary in order to sustain reliability in the power grid and for the local economy; and

WHEREAS, the Ginna Nuclear Facility has filed a petition with the New York Public Service Commission to initiate a proceeding to examine a proposal for continued operation of the R.E. Ginna Nuclear Power Plant; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors hereby supports the R.E. Ginna Nuclear Power Plant efforts to remain economically viable and expresses support of the "Petition for Initiation of Proceeding to Examine Proposal for Continued Operation of the R.E. Ginna Nuclear Power Plant".

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

**RESOLUTION NO. 694-14: ADOPTION OF LOCAL LAW MERGING THE DUTIES AND FUNCTIONS OF THE OFFICE OF COUNTY HISTORIAN INTO THE OFFICE OF THE WAYNE COUNTY CLERK, PURSUANT TO SECTION 10 (1)(II)(A)(1) OF THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK**

Mrs. Crane presented the following:

WHEREAS, a proposed local law for merging the duties and functions of the Office of County Historian into the Office of the Wayne County Clerk, pursuant to Section 10 (1)(II)(A)(A) of the Municipal Home Rule Law of the State of New York; and

WHEREAS, a public hearing on the proposed local law was held on Tuesday, November 18, 2014 at 9:10 a.m. in accordance with the notice of hearing duly posted and published in the

manner prescribed by law; now, therefore be it  
RESOLVED, that said local law is hereby adopted to read as follows:

**COUNTY OF WAYNE - STATE OF NEW YORK  
LOCAL LAW NO. 6 FOR THE YEAR 2014**

A Local Law merging the duties and functions of the Office of County Historian into the Office of the Wayne County Clerk, pursuant to Section 10 (1)(11)(A)(A) of the Municipal Home Rule Law of the State of New York

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

**SECTION 1: LEGISLATIVE INTENT**

The Office of the County Historian for the County of Wayne was created by Resolution No. 17-1944. Since 1944 the Office of the County Historian was formerly, for a time, known as the Office of Tourism and History, but the name of this office was changed to the Office of the County Historian by Resolution No. 685-1997. It is the intent of the County of Wayne to now merge the Office of the County Historian into the Office of the Wayne County Clerk as a means to maximize efficiencies and to streamline organizational structure. This merger would further coordinate storage of historical county records, thereby more effectively meeting the needs of the County residents and the public to access to such records.

**SECTION 2: MERGER OF OFFICE OF THE COUNTY HISTORIAN WITH THE OFFICE OF THE WAYNE COUNTY CLERK**

Pursuant to the provisions of Section 10 of the Municipal Home Rule Law, the Office of the Wayne County Historian and all its related functions and duties are merged into the functions and duties conducted by the Office of the Wayne County Clerk. The position of County Historian shall hereafter and on the effective date of this Local Law be under the supervision and direction of the Wayne County Clerk, to whom the County Historian shall report. The County Historian shall continue to have all of those duties and responsibilities as set forth in the Arts and Cultural Affairs Law, Section 57.09, including the duty to collect and preserve material relating to the history of the County of Wayne, and to file such material. The salary and any other compensation now paid to the County Historian shall remain unchanged by the enactment of this Local Law.

**SECTION 3: EFFECTIVE DATE**

This Local Law shall take effect January 1, 2015.

**SECTION 4: SEVERABILITY**

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

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

**RESOLUTION NO. 695-14: ESTABLISHING STANDARD WORK DAY AND REPORTING RESOLUTION FOR ELECTED AND APPOINTED OFFICIALS TO COMPLY WITH CHANGES TO NYS RETIREMENT LAW, 2013 AND 2014 CORRECTION**

Mrs. Crane presented the following:

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

WHEREAS the Board has reaffirmed resolution 452-08/17/93 establishing a standard work day of six (6) hours for the Wayne County Board of Supervisors and for part-time appointed officials who are not subject to collective bargaining agreements; and

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

WHEREAS the New York State and Local Retirement System has reviewed the 2013 and 2014 resolutions previously submitted and has requested changes for the following elected officials; and

WHEREAS the Sheriff and County Clerk have each prepared a detailed Record of Activities to comply with regulation 315.4 and the required information is shown below; now, therefore, now be it

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

<b>Elected Officials</b>	<b>Name</b>	<b>Standard Work day (hrs/day)</b>	<b>Term begins/ends</b>	<b>Employer Record of time worked (y/n)</b>	<b>Days/ Month</b>
Coroner	David Hannan	7	1/1/2013 – 12/31/2016	Y	22.25
County Clerk	Michael Jankowski	7	1/1/2014 – 12/31/2017	Y	23.214
Sheriff	Barry Virts	8	1/1/2014 – 12/31/2017	Y	29.625

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

**RESOLUTION NO. 696-14: AUTHORIZATION TO AMEND WAYNE COUNTY COMPLIANCE PLAN**

Mrs. Crane presented the following:

WHEREAS, the Compliance Committee is required to periodically review the Compliance Plan for updates and modifications; and

WHEREAS, the Compliance Committee has recommended certain changes to the Compliance Plan; now therefore be it

RESOLVED, that the Wayne County Board of Supervisors hereby amends the Wayne County Compliance Plan to reflect the following changes:

The following extracted existing text will be edited as follows. The struck through wording will be deleted and replaced by the underlined new or replacement wording. The final version of the Compliance Plan will be published without the strikethroughs and underlines.

#### **REVISION #1**

- **Change:** The following language (underlined) to be inserted in the “III. Protections” section of the existing Compliance Plan. This is on [page 14] of the existing Plan.

#### **III. Protections**

**In the event an anonymous report is received no attempt will be made to identify the reporter(s).** The identity of the reporter(s) will be safeguarded to the fullest extent possible and the reporter(s) will be protected against retaliation or retribution, or any other form of reprisal. To minimize the possibility of harassment, the Compliance Officer can file anonymous communications, not related to compliance, in a designated gang file without any further action. Report of any suspected violation of this plan shall not result in any reprisal as long as the reporter(s) is/are not a party to any fraudulent or illegal activity. Any individual who threatens reprisal against a person who acts pursuant to his or her responsibilities under the plan is acting against the Wayne County's compliance policy. Any employee who engages in any such act of reprisal or who threatens such act shall be subject to disciplinary action, up to and including termination of employment

#### **REVISION #2**

- **Change:** Below, the existing language from [page 13], struck through, will be deleted and replaced with the following underlined language.

#### V. Attendance

~~All training relating to the Compliance Plan will be verified by attendance and a signed acknowledgement of the training. Signed acknowledgement will be retained by the department and by the County HR Department. Attendance at compliance training sessions is mandatory. Employees who fail to attend required compliance training be subject to disciplinary action. Department heads are responsible to record in service training at the department level in a format to be established by the Compliance Officer. The PowerPoint presentation of the training material, all other training materials as well as the attendance record must be maintained by the Department. Employees who fail to attend required compliance training will be subject to disciplinary action.~~

All training related to the Compliance Plan will be verified by attendance and a signed acknowledgement of the training. This includes onsite training as well as taking and passing the course thru a Learning Management system which records the date and grade. Acknowledgement will be retained by the County Administrator's office. Attendance at compliance training is mandatory. Employees who fail to attend the required compliance training may be subject to disciplinary action.

#### **REVISION #3**

- **Change:** Underlined language will be added to the Compliance Plan stating that the current Plan on the Wayne County website is the official current version of the

Compliance Plan. The change to be included in the "Regulatory Compliance Plan Preamble" and the notice be inserted between the truncated reference text on [page 1] as follows:

...and accurate. The methods instituted for such insurances are contained in this document. Be advised that the Wayne County Compliance Plan link on the Wayne County website is the current official version of the Wayne County Compliance Plan. The penalties for failure to adhere to this compliance plan as well as penalties for failure...

#### **REVISION #4**

- **Change:** Add another entry titled "II. External Audits" to the Compliance Plan under the section titled "**Auditing and Monitoring of Compliance Activities**" [p. 16] following, "I. Internal Auditing". Consequently the following section now labeled "II. Plan Integrity" will become "III. Plan Integrity". The proposed text for "II. External Audits" is as follows:

Annually, Departments with Business Associates, using their individual criteria, will submit Business Associates to be audited by the Compliance Office. The Compliance Officer will then contact the department for any specific concerns and utilizing the appropriate resources perform the audit.

#### **REVISION #5**

- **Change:** The Wayne County Board of Supervisors authorizes the Compliance Committee, with the concurrence of the Wayne County Attorney and the Wayne County Administrator, to make adjustments to the Wayne County Compliance Plan to reflect changing technological or statutory requirements. The following language to added to the end of [page 1] titled "Regulatory Compliance Plan Preamble":

Changes to this plan, not substantive to the mission of the Compliance Plan and driven by new regulations or technical advancements, may be implemented as needed by the Wayne County Compliance Committee with the concurrence of both the Wayne County Attorney and the Wayne County Administrator. Such changes will be documented by the Compliance Officer and the Compliance Plan updated on the Wayne County website.

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

#### **RESOLUTION NO. 697-14: AUTHORIZATION FOR MENTAL HEALTH DEPARTMENT TO SET SALARY OF A PART-TIME PHYSICIAN POSITION**

Mr. Groat presented the following:

WHEREAS, the Mental Health Department in the course of its regular daily business relies on the services and expertise of a variety of professional licensed individuals to provide treatment to the patients receiving treatment in the various programs at Wayne Behavioral Health Network; and

WHEREAS, in December 2010 the Board authorized the creation of two Part-Time

Physician Position for the Mental Health Department via Resolution 838-10; and  
WHEREAS, both part-time confidential and management physician positions have maintained an hourly rate of \$110/hour; and  
WHEREAS, one of the two current part-time physicians is vacating the position effective October 29, 2014; and  
WHEREAS, this function remains essential to the operations of the department and will not result in any additional costs and will operate within the existing budget allowances; now, therefore, be it  
RESOLVED, that the Mental Health Department is authorized to set the salary of the Part time Management & Confidential Physician Position at the rate of \$110 per hour.  
Mrs. Marini moved the adoption of the resolution. Seconded by Mr. Hammond. Upon roll call, adopted.

**RESOLUTION NO. 698-14: AUTHORIZATION TO PURCHASE CAR WITH THE NYSDOH 2013-2014 LOCAL HEALTH DEPARTMENT PERFORMANCE INCENTIVE INITIATIVE AWARD**

Mr. Groat presented the following:

WHEREAS, Wayne County Public Health (WCPH) participated in the 2013-2014 NYSDOH Local Health Department Performance Incentive Initiative that focused on general communicable disease control reporting measures; and

WHEREAS, WCPH received notice of an award of \$19,000 by improving timely reporting baseline scores of 60.11% to a final achievement score of 99.57%; and

WHEREAS, the \$19,000 award must be used to support costs associated with Article 6 eligible services; and

WHEREAS, WCPH wishes to purchase a 2015 Ford Fusion from the New York State BID List at a cost not to exceed \$19,000; now, therefore, be it

RESOLVED, that the Director of Public Health is hereby authorized to purchase a 2015 Ford Fusion from the New York State BID List, at a cost not to exceed \$17,481, to be used for Article 6 program delivery; and be it further

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

**A4011 Public Health Service**

(revenue)

\$17,481 to .43401 State Aid

(appropriation)

\$17,481 to .52300 Motor Vehicles

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

**RESOLUTION NO. 699-14: AUTHORIZATION TO AMEND 2014 BUDGET FOR WAYNE COUNTY PUBLIC HEALTH**

Mr. Groat presented the following:

WHEREAS, Wayne County Public Health (WCPH) has received permission, by way of Resolution No. 420-14, to purchase a vaccine refrigerator alarm system to notify PH staff when the temperature is out of optima range; now, therefore, be it

RESOLVED, that the Treasurer is authorized to amend the 2014 budget to allow for payment of the purchase of a vaccine refrigerator alarm system from PH Emergency Preparedness grant funds, as follows:

**A4011 Public Health Service**

(appropriations)

\$2250 from .54793 BIO

\$2250 to .52200 BIO

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

**RESOLUTION NO. 700-14: AUTHORIZATION TO ACCEPT COLA FUNDS FROM THE LEAD POISONING PREVENTION PROGRAM FOR WAYNE COUNTY PUBLIC HEALTH**

Mr. Groat presented the following:

WHEREAS, Wayne County Public Health (WCPH) currently contracts with the New York State Department of Health (NYSDOH) Bureau of Environmental Health to provide Lead Poisoning Prevention services and WCPH has received notice of a Cost of Living Adjustment (COLA) award of \$2,863; and

WHEREAS, WCPH has identified allowable expenditures to claim 100% of these COLA funds; now, therefore, be it

RESOLVED, that the Director of Public Health is hereby authorized to certify and accept \$2,863 of COLA funds from the NYSDOH Bureau of Environmental Health for the Lead Poisoning Prevention Program grant.

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

**RESOLUTION NO. 701-14: AUTHORIZATION TO ACCEPT COST OF LIVING ADJUSTMENT FOR THE IMMUNIZATION ACTION PLAN GRANT WITH WAYNE COUNTY PUBLIC HEALTH**

Mr. Groat presented the following:

WHEREAS, Wayne County Public Health (WCPH) currently holds the Immunization Action Plan grant with the New York State Department of Health (NYSDOH) and has received notice of a Cost of Living Adjustment (COLA) award of \$3,760; and

WHEREAS, WCPH has identified allowable expenditures to claim 100% of these COLA funds; now, therefore, be it

RESOLVED, that the Director of Public Health is hereby authorized to certify and accept the \$3,760 of COLA funds from the NYSDOH for the Immunization Action Plan.

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

**RESOLUTION NO. 702-14: AUTHORIZATION TO SUPPORT FINGER LAKES HEALTH SYSTEMS AGENCY**

Mr. Groat presented the following:

WHEREAS, Wayne County Public Health provides annual support funding to the Finger Lakes Health Systems Agency for the provision of health data and information to community agencies as part of community health assessment activities; now, therefore, be it

RESOLVED, that the Wayne County Public Health department provide support to Finger Lakes Health System Agency in the amount of \$7,721 for the fiscal year 2015.

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

**RESOLUTION NO. 703-14: AUTHORIZATION TO ACCEPT COST OF LIVING ADJUSTMENT FROM THE NYSDOH ZOONOSES-RABIES PROGRAM WITH WAYNE COUNTY PUBLIC HEALTH**

Mr. Groat presented the following:

WHEREAS, Wayne County Public Health (WCPH) currently contracts with the New York State Department of Health (NYSDOH) Zoonoses-Rabies Program to provide Rabies control

activities and WCPH has received notice of a Cost of Living Adjustment (COLA) award of \$1,236; and

WHEREAS, WCPH has identified allowable expenditures to claim 100% of these COLA funds; now, therefore, be it  
RESOLVED, that the Director of Public Health is hereby authorized to certify and accept \$1,236 of COLA funds from the NYSDOH Zoonoses-Rabies Program for the Rabies control program grant.

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

**RESOLUTION NO. 704-14: AUTHORIZATION TO SIGN A PARTNERSHIP MOU WITH THE QUALITY & TECHNICAL ASSISTANCE CENTER FOR WAYNE COUNTY PUBLIC HEALTH**

Mr. Groat presented the following:

WHEREAS, Wayne County Public Health (WCPH) has identified several individuals within Wayne County that are trained as Life Coaches for the National Diabetes Prevention Program (NDPP), and

WHEREAS, the NDPP is a weight loss/educational program for pre-diabetic individuals and therefore meets the activities identified in the Wayne County Community Health Improvement Plan to reduce obesity within Wayne County; and

WHEREAS, the Quality & Technical Assistance Center (QTAC) will assist WCPH by providing data collection and analysis, program direction and consultation in implementing the NDPP in Wayne County; and

WHEREAS, WCPH has identified the benefits of partnering with the QTAC and wishes to enter into a Memorandum of Understanding (MOU); now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign the Memorandum of Understand with the Quality & Technical Assistance Center for Wayne County Public Health, subject to the approval of the Wayne County Attorney as to form and content.

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

**RESOLUTION NO. 705-14: AUTHORIZATION TO ABOLISH THE POSITION OF SENIOR SOCIAL WORK ASSISTANT AND CREATE ONE (1) ADDITIONAL SOCIAL WORK ASSISTANT POSITION AT THE WAYNE COUNTY NURSING HOME**

Mr. Groat presented the following:

WHEREAS, the Wayne County Nursing Home created the position of Residential Services Director with supervisory responsibility for the social work services; and

WHEREAS, the position of Senior Social Work Assistant, CSEA Supervisory Unit grade 5, is currently vacant and the supervisory duties of this position can be performed by the Residential Services Director; and

WHEREAS, the social work needs of the residents of the Wayne County Nursing Home can be met by a Social Work Assistant, CSEA Unit grade 29, under the direction of the Residential Services Director; now, therefore, be it

RESOLVED, that the Board of Supervisors authorizes the Wayne County Nursing Home to abolish the position of Senior Social Work Assistant and create one (1) additional Social Work Assistant position providing a net savings to the Nursing Home and County; and

RESOLVED, that the Treasurer is authorized and directed to make the following 2014 budget adjustments:

E60001 – Nursing Home

\$4,450 from .51263 Senior Social Work Assistant



\$4,450 to .51264 Social Work Assistant

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

**RESOLUTION NO. 706-14: AUTHORIZATION TO SET SALARY FOR NURSING HOME COORDINATOR OF NURSING TRAINING**

Mr. Groat presented the following:

WHEREAS, the Nursing Home Coordinator of Nursing Training position became vacant on September 25, 2014; and

WHEREAS, the current starting salary for the position of Coordinator of Nursing Training is below the annualized wages of the Nursing Supervisors; and

WHEREAS, the likely pool of applicants for the position could include Nursing Supervisors;

WHEREAS, the starting hourly wage of Nursing Supervisors is \$30.7748 and annualized this would be \$60,241.67; and

WHEREAS, the recommended salary is within the salary range established for the position, but is above the amount the County Administrator can approve; now, therefore be it

RESOLVED, that the Coordinator of Nursing Training position salary is hereby set at \$60,242.

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

**RESOLUTION NO. 707-14: AUTHORIZING AGREEMENT TO ESTABLISH CLINICAL TRAINING PROGRAM WITH FINGER LAKES COMMUNITY COLLEGE AT THE WAYNE COUNTY NURSING HOME**

Mr. Groat presented the following:

WHEREAS, the Finger Lakes Community College has been approved to conduct nurse aide training program which requires clinical experience in a nursing facility. Wayne County Nursing Home desires to provide this supervised clinical experience and space; and

WHEREAS, this clinical program training would commence January 2015; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized to execute an agreement on behalf of the Wayne County Nursing Home, with Finger Lakes Community College for the provision of educational programs and space provided by the nursing home effective January 1, 2015 for an indefinite duration. Agreement is subject to the County Attorney's approval as to form and content.

Ms. Park moved the adoption of the resolution. Seconded by Mr. Hammond. Upon roll call, adopted.

**RESOLUTION NO. 708-14: AUTHORIZING AGREEMENT FOR CLINICAL LABORATORY SERVICES FOR THE WAYNE COUNTY NURSING HOME**

Mr. Groat presented the following:

WHEREAS, the contract between the County of Wayne and ViaHealth of Wayne Laboratories expires December 31, 2014; and

WHEREAS, the Wayne County Nursing Home recommends to renew contract with ViaHealth of Wayne Laboratories for the provision of lab services for the period of January 1, 2015 to December 31, 2017; and

WHEREAS, the Nursing Home shall pay Contractor for clinical laboratory testing

services performed for Nursing Home residents in accordance to the terms and conditions as set forth in the Medicare published fee schedule; now, therefore, be it

RESOLVED, the Chairman of the Board of Supervisors is authorized to execute the agreement with ViaHealth of Wayne Laboratories for the provision of lab services from January 1, 2015 to December 31, 2015 subject to the County Attorney's approval as to form and content; and be it further

RESOLVED, that they will work with published Medicare fee schedules.

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

**RESOLUTION NO. 709-14: AUTHORIZATION TO EXECUTE STANDARD AFFILIATION AGREEMENT WITH KEUKA COLLEGE**

Mr. Groat presented the following:

WHEREAS, Keuka College has established an educational program for students in various Degree-Earning Programs; and

WHEREAS, Keuka College desires to establish a contractual alliance for the purpose of providing adequate field work experience for various education program with the Wayne County Nursing Home; now therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute an agreement, on behalf of the Wayne County Nursing Home, with Keuka College effective December 1, 2014 and renew automatically.

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

**RESOLUTION NO. 710-14: AUTHORIZATION TO RE-BID FOR THE PURCHASE AND INSTALLATION OF TWO (2) BATHING TUBS FOR THE WAYNE COUNTY NURSING HOME**

Mr. Groat presented the following:

WHEREAS, the Board of Supervisors have duly advertised for bids for the purchase, delivery and installation of Two (2) Bathing Tubs for the Wayne County Nursing Home in accordance with the provisions of Section 103 of the General Municipal Law; and

WHEREAS, no bidders were present to bid for Two (2) Bathing Tubs on October 2, 2014; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to rebid for the Two (2) Bathing Tubs.

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

**RESOLUTION NO. 711-14: AUTHORIZATION TO SET OUT OF TITLE PAY FOR NURSING HOME COORDINATOR OF NURSING TRAINING**

Mr. Groat presented the following:

WHEREAS, the Nursing Home Coordinator of Nursing Training position became vacant on September 25, 2014; and

WHEREAS, the Registered Nurse working in the Education Department has been assigned to temporarily perform the duties of the Coordinator of Education; and

WHEREAS, the qualifications for Coordinator of Education, a Management/Confidential position, and Nursing Supervisor, a CSEA Supervisory Unit position, are the same; and

WHEREAS, the CSEA contract cannot provide for out of title pay for non-bargaining unit work; and

WHEREAS, the most appropriate CSEA Supervisory Unit title for this out-of-title assignment is Nursing Supervisor; and

WHEREAS, the starting hourly wage of Nursing Supervisors is \$30.7748; now therefore be it

RESOLVED, that out of title pay at the rate \$30.7748 per hour be paid for the period of 10/3/14 to 11/20/14 to the Registered Nurse performing the duties of the Coordinator of Nursing Training.

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

**RESOLUTION NO. 712-14: AUTHORIZATION TO CONTRACT FOR CHLORINE DIOXIDE GENERATION SYSTEM FOR THE WAYNE COUNTY NURSING HOME**

Mr. Groat presented the following:

WHEREAS, the Board of Supervisors have duly advertised for bids for the purchase, delivery and installation of the Chlorine Dioxide Generation System for the Wayne County Nursing Home in accordance with the provisions of Section 103 of the General Municipal Law; and

WHEREAS, the Clerk of the Board of Supervisors opened bid for Chlorine Dioxide Generation System on October 2, 2014 and the results are listed below:

HMI Mechanical Systems, Inc	\$32,450.00
345 Route 14 South	
Lyons, NY 14489	

WHEREAS, the bid received HMI exceeds the budgeted amount of \$13,000 by \$19, 450.00; and

WHEREAS, the Wayne County Nursing Home has funds available in its fund balance to cover the difference of \$19, 450.00.; now therefore be it

RESOLVED, the Chairman of the Board of Supervisors is authorized to execute the contract with HMI for the purchase, delivery and installation of the Chlorine Dioxide Generation System for the Wayne County Nursing Home for the amount of \$32,450.00. Contract is subject to the County Attorney's approval as to form and content.

Ms. Park moved the adoption of the resolution. Seconded by Mr. LeRoy. Upon roll call, adopted.

**RESOLUTION NO. 713-14: AUTHORIZE AN AGREEMENT FOR DIAGNOSTIC IMAGING SERVICES FOR THE WAYNE COUNTY NURSING HOME**

Mr. Groat presented the following:

WHEREAS, the contract between the County of Wayne and Finger Lakes Bone and Joint Center for the provision of Diagnostic Imaging services expires on December 31, 2014; and

WHEREAS, the nursing home desires to renew the contract with Finger Lakes Bone and Joint Center at a fee based upon a 15% discount from the current Medicare fee schedule for x-ray and other radiological and diagnostic services for Medicare Part A residents; and now therefore be it

RESOLVED, the Chairman of the Board of Supervisors is authorized to renew the agreement with Finger Lakes Bone and Joint Center effective January 1, 2015 to December 31, 2016 at a fee based upon a 15% discount from the current Medicare fee schedule for x-ray and other radiological and diagnostic services for Medicare Part A residents. Agreement is

subject to the County Attorney's approval as to form and content.

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

**RESOLUTION NO. 714-14: AUTHORIZATION TO BID FOR LINEN SERVICES FOR THE WAYNE COUNTY NURSING HOME**

Mr. Groat presented the following:

WHEREAS, Wayne County is terminating the current agreement with NYSID for linen services effective January 14 2015; and

WHEREAS, the Wayne County Nursing Home requests authorization to prepare a bid for linen services which includes maintaining an inventory, launder, process and delivery to the Wayne County Nursing Home; now, therefore, be it

RESOLVED, that the Clerk of the Board of Supervisors is hereby authorized and directed to advertise for bid proposals for linen services to the Wayne County Nursing Home in accordance with the specifications approved by the Nursing Home Administrator and approved by the County Attorney as to content and form; 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.

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

**RESOLUTION NO. 715-14: AUTHORIZATION TO SIGN AGREEMENT WITH CHILD CARING INSTITUTION SNELL FARM CHILDREN'S CENTER FOR THE WAYNE COUNTY DEPARTMENT OF SOCIAL SERVICES**

Mr. Manktelow presented the following:

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

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

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

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute an agreement with Snell Farm Children's Center for the time frame 7/1/14-6/30/15 for the purchase of foster care for children, subject to the County Attorney's approval as to form and content for an amount not to exceed \$500,000.

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

**RESOLUTION NO. 716-14: AUTHORIZE CONTRACT WITH CATHOLIC CHARITIES OF THE DIOCESE OF ROCHESTER D/B/A CATHOLIC CHARITIES OF WAYNE COUNTY FOR THE PROVISION OF PREVENTIVE SERVICES FOR THE WAYNE COUNTY DEPARTMENT OF SOCIAL SERVICES**

Mr. Manktelow presented the following:

WHEREAS, Wayne County is required to provide a Designated Assessment Service for potential PINS youth; and

WHEREAS, Wayne DSS desires to contract for this service with an agency that has

developed an expertise and track record in this area; and

WHEREAS, Catholic Charities has developed both an expertise and effective track record; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute an Agreement with Catholic Charities of the Diocese of Rochester d/b/a Catholic Charities of Wayne County, subject to the County Attorney's approval as to form and content, for the provision of Preventive Services to the Department of Social Services during the period 1/1/15 -12/31/15 subject to a maximum contract amount of \$283,500.

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

**RESOLUTION NO. 717-14: AUTHORIZATION TO SIGN AGREEMENT WITH CHILD CARING INSTITUTION CAYUGA HOME FOR CHILDREN D/B/A CAYUGA CENTERS FOR THE WAYNE COUNTY DEPARTMENT OF SOCIAL SERVICES**

Mr. Manktelow presented the following:

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

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

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

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute an agreement with Cayuga Home for Children d/b/a Cayuga Centers, for the time frame 7/1/14-6/30/15 for the purchase of foster care for children, subject to the County Attorney's approval as to form and content for an amount not to exceed \$625,000.

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

**RESOLUTION NO. 718-14: AUTHORIZATION TO PURCHASE COMPUTER EQUIPMENT FOR THE DEPARTMENT OF SOCIAL SERVICES**

Mr. Manktelow presented the following:

WHEREAS, the Foster Care Unit of the Department of Social Services is now being hampered in their productivity due to desktop malfunctions; and

WHEREAS, these desktops are scheduled to be replaced as part of the annual replacement process; and

WHEREAS, due to careful purchasing, we have an unspent amount which will allow the purchase of nine (9) laptops for the Foster Care Unit; and

WHEREAS, direction from our oversight agency, the NYS Office of Children & Family Services, has dictated the contemporaneous recording of notes from out-of-office locations which makes laptops the preferred tool; now, therefore, be it

RESOLVED, that the Wayne County Department of Social Services is hereby authorized to purchase, subject to the review and input of the Information Technology (IT) Department, nine (9) laptops with 3 years of service at an amount not to exceed \$7,011.09.

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

**RESOLUTION NO. 719-14: AUTHORIZE AGREEMENT WITH WAYNE ARC WITH THE WAYNE COUNTY DEPARTMENT OF SOCIAL SERVICES**

Mr. Manktelow presented the following:

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

WHEREAS, Wayne ARC provides oversight services in the Wayne County area; now, therefore, be it

RESOLVED, that the Commissioner of the Wayne County Department of Social Services is hereby authorized to sign an Agreement with Wayne ARC subject to the approval of the County Attorney, for provision of the Consumer Directed Personal Assistance Program (CDPAP) for the timeframe 11/1/14-12/31/15.

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

**RESOLUTION NO. 720-14: MODIFY REIMBURSEMENT AGREEMENT WITH CATHOLIC CHARITIES OF WAYNE COUNTY (CCWC) FOR THE WAYNE COUNTY DEPARTMENT OF SOCIAL SERVICES**

Mr. Manktelow presented the following:

WHEREAS, Catholic Charities of Wayne County (CCWC) has entered into an Independent Contractor Agreement with Michelle Friedman whereby she provides consulting, facilitating and implementation of human service coordination in Wayne County, New York; and

WHEREAS, Catholic Charities has acted satisfactorily in this capacity for the entirety of the 2013 calendar year and the first three-quarters of the 2014 calendar year; and

WHEREAS, the Department of Social Services has agreed to monitor and inform the services of Friedman in accordance with the Independent Contractor Agreement and to reimburse CCWC for compensation and expense paid to Friedman along with attendant expenses under such agreement; and

WHEREAS, monies are available from the Bullis Fund and the Flex Fund for Family Services (FFFS) for this purpose; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to enter into a Reimbursement Agreement with CCWC, subject to review of the County Attorney, for the timeframe 10/1/14 – 12/31/15 for an amount not to exceed \$35,000.

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

**RESOLUTION NO. 721-14: AUTHORIZATION TO CONTRACT WITH PEER PLACE NETWORK, LLC FOR DATA COLLECTION AND REPORTING SOFTWARE FOR THE DEPARTMENT OF AGING AND YOUTH**

Mr. Manktelow presented the following:

WHEREAS, the Wayne County Department of Aging and Youth is required to collect and report client demographics and services data to the New York State Office for the Aging (NYSOFA); and

WHEREAS, Peer Place Networks, LLC offers an Internet-based data collection and reporting system that is fully compatible with NYSOFA requirements and requires no local software installation and support; and

WHEREAS, the annual cost of this reporting system is \$9,695 and is 100% reimbursable through State/Federal grants; 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 County of Wayne, subject to the County Attorney's approval as to form and content, with Peer Place Networks, LLC for the annual fee of \$9,695 for period of January 1, 2015 through December 31, 2015.

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

**RESOLUTION NO. 722-14: PURCHASE OF MEMORY CARE DOOR CONTROL FOR THE**

**WAYNE COUNTY NURSING HOME AND RESCIND RESOLUTION NO. 482-14**

Mr. Groat presented the following:

WHEREAS, the Wayne County Board of Supervisors approved the purchase and installation of a door control on the fire doors to the 270-280 wing of the nursing home to increase the safety of persons receiving Memory Care Services in Resolution No. 482-14; and

WHEREAS, the original quote was in response to a specification that did not include all building code requirements; and

WHEREAS, a revised quote was received from Syracuse Time and Alarm Company, Inc. totaling \$6,610.28 which meets the specifications as required to meet the Department of State building code and is recommended; and

WHEREAS, Syracuse Time and Alarm Company, Inc. installed the current door control system and is under contract to maintain the current door control system; and

WHEREAS, that the 2014 Equipment budget has sufficient funds for the purchase and installation of the door control; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute a contract with Syracuse Time and Alarm Company, Inc. on behalf of the Wayne County Nursing Home, subject to the County Attorney's approval as to firm and content in the amount of \$6,610.28; and be it further

RESOLVED, that Resolution No. 482-14 authorizing the contract at a lesser amount is hereby rescinded.

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

**RESOLUTION NO. 723-14: AUTHORIZATION TO HIRE A TEMPORARY FULL TIME CORRECTION OFFICER**

Mr. LeRoy presented the following:

WHEREAS, The Sheriff is requesting authorization to hire a temporary full time correction officer to replace a full time correction officer who is going on extended military leave, without pay, for an unknown time period starting November 27, 2014; and

WHEREAS, not filling such temporary correction officer position will create additional overtime costs in the Jail; and

WHEREAS, previous requests to fill temporary positions have been granted; and

WHEREAS, such request conforms to the Wayne County Sheriff's Employees' Association Collective Bargaining Agreement Vacancy Article; and

WHEREAS, such temporary correction officer will not receive County benefits, and funds to pay for the temporary correction officer's salary are currently budgeted; and

WHEREAS, there shall be no additional costs to County taxpayers; now, therefore, be it

RESOLVED, that the Sheriff is hereby authorized to hire a temporary full time correction officer, for an unknown time period starting November 27, 2014, with funds already budgeted, and at no additional cost to County taxpayers.

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

**RESOLUTION NO. 724-14: ATTESTATION FOR NOTICE OF AGREEMENT TO PARTICIPATE IN FINGER LAKES DSRIP PPS**

Mr. Groat presented the following:

WHEREAS, New York has finalized terms and conditions with the federal government for the Delivery System Reform Incentive Payment (DSRIP) program is to provide incentives for Medicaid providers to create and sustain an integrated, high performing health care delivery

system that can effectively and efficiently meet the needs of Medicaid beneficiaries and low income uninsured individuals in their local communities by improving care, improving health and reducing costs. Up to \$6.42 billion of funding is available for DSRIP payments to providers; and

WHEREAS, the DSRIP program is focused on the following goals:

- (1) safety net system transformation at both the system and state level;
- (2) accountability for reducing avoidable hospital use and improvements in other health and public health measures at both the system and state level; and
- (3) efforts to ensure sustainability of delivery system transformation through leveraging managed care payment reform.

and

WHEREAS, Rochester Regional Health System (RRHS) and the University of Rochester Medical Center (URMC) have partnered to form the Finger Lakes Performing Provider System (FLPPS) under the Delivery System Reform Incentive Payment (DSRIP) program to include a wide range of health care and social service providers, such as nursing homes, Federally Qualified Health Centers (FQHCs), community-based organizations, hospitals, and behavioral health providers covering Wayne and 13 other counties; and

WHEREAS, FLPPS must submit a list of all partner organizations by November 24 and a comprehensive Project Plan application by December 22, 2014 to the New York Department of Health; and

WHEREAS, Wayne County Board of Supervisors desires to partner with the FLPPS in order that Wayne County citizens may benefit from the delivery system reforms and that the eligible health and human services the County provides will be eligible to participate in the DSRIP incentives; and

WHEREAS, Wayne County must provide a signed attestation to the Notice of Agreement to Participate in Finger Lakes DSRIP PPS; now, therefore, be it

RESOLVED, that Chairman of the Wayne County Board of Supervisors is authorized to sign the attestation form giving notice of Wayne County's eligible Health and Human Services agreement to participate in Finger Lakes DSRIP PPS.

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

Prior to the executive session, Supervisor Hoffman informed the Board that a meeting of the Wayne County Board of Supervisors will be held on Tuesday, November 25, 2014 at 6:30 p.m. at the Public Safety Building for discussion on the Government Efficiency Plan.

**EXECUTIVE SESSION:** Ms. Park moved, seconded by Mrs. Crane that the Board go into Executive Session at 10:42 a.m. to discuss a pending litigation. Upon roll call, carried.

**REGULAR SESSION:** Ms. Park moved, seconded by Mr. LeRoy that the Board resume regular session at 11:03 a.m. Carried.

The next regularly scheduled Board Meeting is Tuesday, December 2, 2014 at 7:00 p.m. for the purpose of holding Public Hearings for the Use of the Retirement Reserve and the 2015 Wayne County Budget.

#### **ADJOURNMENT**

Mr. Miller moved, seconded by Mr. Manktelow, that the board adjourn at 11:04 a.m. Carried.

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

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