

PROCEEDINGS

OF THE

BOARD OF
SUPERVISORS

WYOMING COUNTY
NEW YORK

2005

CERTIFICATE OF CHAIRMAN AND CLERK

State of New York
County of Wyoming
Chambers of Board of Supervisors

Pursuant to Article 211 of the County Law, we, the Chairman and Clerk of the Board of Supervisors of the County of Wyoming, New York, do hereby certify that the foregoing volume was printed by authority of said Board of Supervisors, and that it contains a true record of the proceedings of the said Board and the whole thereof, in all regular and special sessions held during the year **2005**.

s/ **A. D. Berwanger**
Chairman, Board of Supervisors

s/ **Cheryl J. Ketchum**
Clerk, Board of Supervisors



WYOMING COUNTY BOARD OF SUPERVISORS

Left to right, front row: Kyle Glosser (T/Orangeville), John Knab (T/Sheldon), Howard Miller (T/Warsaw), John Copeland (T/Wethersfield), E. Joseph Gozelski (T/Castile), Joseph Kushner (T/Eagle). Second row: Cheryl Ketchum (Deputy Board Clerk), Anne Humphrey (T/Perry), Ellen Grant (T/Bennington), Sally Meeder (T/Middlebury), Paula Parker (Board Clerk), Jean Totstline (T/Genesee Falls). Third row: Jerry Davis (T/Covington), (Vice Chairman), Harold Bush (T/Gainesville), Doug Patti (T/Attica), A. Douglas Berwanger (T/Arcade) (Chairman), James Fleischman (T/Java), Larry Rogers (T/ Pike), James Fleischman (T/Java).

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2005 Supervisors for Wyoming County

<u>TOWN</u>	<u>SUPERVISOR</u>	<u>PHONE</u>
Arcade	A. DOUGLAS BERWANGER 6608 E. Arcade Road, Arcade, NY 14009	492-3798 Off. 492-4685
Attica	DOUGLAS PATTI 333 E. Main Street, Attica, NY 14011	591-2934
Bennington	ELLEN GRANT 134 Clinton Street, Alden, NY 14004	937-9913
Castile	E. JOSEPH GOZELSKI 6175 E. Lake Road, P.O. Box 331 Silver Springs, NY 14550	493-2218
Covington	JERRY DAVIS 7414 Court Rd., P.O. Box 445 Pavilion, NY 14525	584-3162
Eagle	JOSEPH KUSHNER 3468 E. Main St., Bliss NY 14024	322-7730
Gainesville	HAROLD BUSH 4579 Miller Road, Silver Springs, NY 14550	786-2403
Genesee Falls	JEAN TOTSLINE 6940 River Rd., Portageville, NY 14536	468-2748
Java	JAMES FLEISCHMAN 1947 Chaffee Rd., Arcade, NY 14009	492-4560
Middlebury	SALLY MEEDER 4631 Gay Rd., Warsaw, NY 14569	786-2304
Orangeville	KYLE GLOSSER 4088 Route 20A, Warsaw, NY 14569	786-5508
Perry	JAMES BRICK 7618 Route 20A., Perry, NY 14530	237-2472 Off. 237-2241
Pike	ANNE HUMPHREY 50 St. Helena St., Perry, NY 14530	493-5737 Off. 493-5140

Sheldon	JOHN KNAB 2246 Thomas Road, Varysburg, NY 14167	535-7252 535-7644
Warsaw	HOWARD MILLER 5454 Keeney R., Warsaw, NY 14569	786-2188 Off. 786-2800
Wethersfield	JOHN COPELAND 5888 Sheppard Rd., Bliss, NY 14024	322-8800

Wyoming County Board of Supervisors 2005 Standing Committees

Effective January 2, 2005

FINANCE COMMITTEE:

Davis, Humphrey, Gozelski, Knab, Kushner, Meeder, Miller, Patti, Rogers

AUDIT COMMITTEE:

Totsline, Miller, Bush, Copeland, Fleischman, Gozelski, Grant

HUMAN RESOURCE COMMITTEE:

Meeder, Grant, Copeland, Davis, Fleischman, Humphrey, Miller

HUMAN SERVICES COMMITTEE:

Humphrey, Totsline, Bush, Knab, Kushner, Patti, Rogers

PUBLIC HEALTH COMMITTEE:

Rogers, Kushner, Bush, Fleischman, Humphrey, Knab, Patti

PLANNING COMMITTEE:

Knab, Fleischman, Davis, Glosser, Grant, Miller, Rogers, Humphrey, Totsline

AGRICULTURE COMMITTEE:

Gozelski, Meeder, Bush, Copeland, Glosser, Grant, Rogers

PUBLIC WORKS COMMITTEE:

Patti, Bush, Davis, Glosser, Gozelski, Kushner, Miller, Rogers

PUBLIC SAFETY COMMITTEE:

Kushner, Glosser, Copeland, Fleischman, Gozelski, Humphrey, Meeder, Patti,

GREEN ENERGY SUB-COMMITTEE:

Glosser, Knab, Davis, Gozelski, Grant, Kushner

The Chairman of the Board shall be an Ex-Officio Member
of all committees with the right to vote.

Officers for Wyoming County - 2005

Congressmen, 27 th District	Thomas M. Reynolds	Williamsville
Senator, 59 th District	Dale M. Volker	Depew
Assemblyman, 147 th District	Daniel Burling	Warsaw
Republican Comm. Chairman	Gordon Brown	Warsaw
Democratic Comm. Chairman	Anne Weidman	Wyoming
County Judge	Mark H. Dadd	Attica
County Judge	Michael F. Griffith	Warsaw
Board of Supervisors, Chairman	A. Douglas Berwanger	Arcade
Board of Supervisors, Clerk	Paula A. Parker	Perry
Civil Service Commission	Sandra Domnissey	Warsaw
	Timothy Moran	Attica
	Thomas Dutton	Eagle
Civil Service Technicaian	Marjorie Downs	Perry
Commissioner of Jurors	Marianne E. Kelly	Perry
Coroners	Michael Smith	Wyoming
	William Stranahan	Attica
	Neil Williams	Arcade
	Renee Hill	Attica
County Attorney	Eric T. Dadd	Attica
County Clerk	Janet Coveny	Warsaw
	Kathleen Daniel	Orangeville
District Attorney	Gerald L. Stout	Warsaw
Animal Control Officer	Justa D. Goodell	Castile
Planning & Development Dir.	Richard L. Tindell	Warsaw
Election Commissioners	James Schlick, Rep.	Bennington
	Norman George, Dem.	Strykersville

Dir. of Fire & Emergency Services	James Reger	Warsaw
Fire & Building Code Officer	Donald Roberts	Pike
Grant Writers	Stuart Brown	Fairport
	J. O'Connell	Clarence
Health Dept. Commissioner	Dr. Gregory Collins	Avon
Highway Superintendent	John A. Beachel	Castile
Historian	Doris A. Bannister	Middlebury
Hospital Chief Executive Officer	Lucille K. Sheedy	Lockport
Mental Health Director	Stephen Snell	Rochester
Office for the Aging Director	Deborah Fuest	Warsaw
Planning Board Chairman	W. Jerome Smith	Warsaw
Probation Director	Anne Herod	Varysburg
Public Defender	Norman P. Effman	Warsaw
Real Property Tax Serv. Director	Richard L. Dean, Jr.	C.C.D. Castile
Records Retention, Director	Gail Royce	Warsaw
Sheriff	Farris Heimann	Attica
Social Services Commissioner	Jeannette Wallace	Wyoming
Traffic Safety Secretary	Joseph Heller, Jr.	Attica
Treasurer	John B. Edwards	Attica
Veterans' Services Director	Frank Hollister	Warsaw
Weights & Measures Director	Richard Harrison	Arcade
Worker's Comp./Health Ins. Adm.	Linda M. Williams	Attica
Youth Bureau Director	Deborah Fuest	Perry

**ANNUAL ORGANIZATIONAL MEETING
MONDAY, JANUARY 3, 2005
2:00 PM**

The annual organization meeting of the Wyoming County Board of Supervisors was held in the Supervisor's Chamber, Government Center, 143 North Main Street, Warsaw, NY with all members present. Clerk to the Board, Mrs. Paula Parker, called the meeting to order and introduced Wyoming County Veteran, Mr. Carl C. Baker to lead in the Pledge of Allegiance to the Flag:

"It has been the tradition of this board to invite a Wyoming County Veteran to lead the Supervisors in the pledge of Allegiance at the Regular Monthly Board Meetings, so in keeping with tradition today's veteran is...

CARL C. BAKER

Mr. Baker attended Warsaw Central School. He entered the Army Air Corp on October 14, 1942. After his Basic Training in Harlin, Texas, Mr. Baker was transferred to Laredo, Texas, where he received training as an Aircraft Mechanic/Maintenance Technician. He served the remainder of his military obligation at Laredo, where he maintained the aircraft used to train "Gunnery" for the numerous aircraft used by the Army Air Corp during World War II. He was Honorably Discharged on December 1, 1945. For his service to his country, Mr. Baker was awarded the WORLD WAR II VICTORY MEDAL, THE AMERICAN CAMPAIGN MEDAL AND THE GOOD CONDUCT MEDAL.

After he returned to Warsaw, Mr. Baker continued working for the Warsaw Elevator Company. In 1953, he accepted a position at Mallory Timers in Warsaw as a machinist. He worked in numerous departments and positions until he was appointed Plant Manager. After thirty-three (33) years with Mallory, Mr. Baker retired in 1986.

Mr. Baker has been an active member of Walter Klein Post #532, the American Legion, in Warsaw and was recently awarded a certificate for forty (40) years of membership.

Mr. Baker still resides in the Village of Warsaw.

The Clerk then called for nominations for the Temporary Chairman. Supervisor Miller nominated Supervisor Rogers. Seconded by Supervisor Davis. As there were no other nominations Supervisor Grant moved that the nominations be closed, the motion was seconded by Supervisor Miller. A roll

Proceedings of the Board of Supervisors

call vote was taken with results as follows: **Ayes- (1618); Noes- (0); Absent: (0);** Supervisor Rogers was declared Temporary Chairman.

Judge Mark Dadd administered the oath of Office to the Temporary Chairman.

Temporary Chairman Rogers thanked the Board for their confidence in his ability to conduct the meeting in the Temporary Chairman's capacity and then he called for nominations for Permanent Chairman of the Board.

Supervisor Kushner nominated Supervisor Berwanger; seconded by Supervisor Patti. As there were no other nominations Supervisor Humphrey moved that the nominations be closed, the motion was seconded by Supervisor Miller. A roll call vote was taken with results as follows: **Ayes- (1618); Noes- (0); Absent: (0);** Temporary Chairman Rogers declared Supervisor Berwanger as Permanent Chairman of the Board for the year 2005.

The Oath of Office was administered by Judge Mark Dadd

Chairman Berwanger called for nominations for Vice-Chairman of the Board. Supervisor Copeland nominated Supervisor Davis. Seconded by Supervisor Humphrey. As there were no other nominations, Supervisor Humphrey moved that nominations be closed. The motion was seconded by Supervisor Kushner. A roll call vote was taken with results as follows: **Ayes- (1618); Noes- (0); Absent: (0).** Supervisor Davis was declared Vice-Chairman of the Board for the year 2005. The Oath of Office was administered by Judge Mark Dadd.

Chairman Berwanger called for nominations for Clerk to the Board. Supervisor Gozelski nominated Paula A. Parker. Seconded by Supervisor Totstline. As there were no other nominations, Supervisor Davis moved that nominations be closed. The motion was seconded by Supervisor Grant. A roll call vote was taken with results as follows: **Ayes- (1618); Noes- (0); Absent: (0).** Paula A. Parker was declared Clerk to the Board for the year 2005. The Oath of Office was administered by Judge Mark Dadd.

Chairman Berwanger passed out the Standing Committee assignments for 2005 and the newly appointed Finance Committee Chair requested a short recess be granted for a special Finance Committee Meeting. The Chairman granted the request and the meeting resumed after 20 minutes with the following results.

#1

RESOLUTION NO. 05-01

January 03, 2005

Proceedings of the Board of Supervisors
(January 3, 2005)

3

By Temporary Chairman of the Finance Committee:

RULES OF PROCEDURE AMENDED

BE IT RESOLVED, That this Board of Supervisors hereby adopts, as its temporary Rules of Procedure, the Rules of this Board as adopted May 11, 2004 as amended.

Carried: Ayes: 1618 Noes: Absent: Abstain:

#2

RESOLUTION NO. 05-02
(January 3, 2005)

By Chairman of the Finance Committee:

OFFICIAL NEWSPAPERS DESIGNATED

BE IT RESOLVED, That, pursuant to Section 214 (2) of the county law of this state, the Arcade Herald, Arcade, NY; Country Courier, Warsaw, NY; The Daily News, Batavia, NY; and The Perry Herald, Perry, NY are hereby designated for the publication of local laws and all other notices and matters required by law to be published, for which no other specific designation has heretofore been made.

Carried: Ayes: 1618 Noes: Absent: Abstain:

REPUBLICAN DESIGNATION TO PUBLISH

We, the undersigned Republican members of the Board of Supervisors of the County of Wyoming, State of New York, do hereby designate as follows for the year 2005:

<u>Designation</u>	<u>Publication</u>	<u>Village of</u>
Election notices	Daily News	Batavia, NY
Sheriff's Proclamations	Daily News	Batavia, NY

Proceedings of the Board of Supervisors

Local laws, notices and other matters required by law to be published and for which NO OTHER specific designation has been made.	Daily News	Batavia, NY
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Official canvass	Country Courier	Warsaw, NY
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Constitutional amendments and concurrent resolutions (including tax sales and redemptions)	Country Courier	Warsaw, NY
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Signed this third day of January 2005.

s/ <u>A.D. Berwanger</u>	s/ <u>Anne C. Humphrey</u>
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s/ <u>Joseph Gozelski</u>	s/ <u>Joseph Kushner</u>
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s/ <u>Jerry Davis</u>	s/ <u>Larry Rogers</u>
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s/ <u>Jean Totslie</u>	s/ <u>Douglas Patti</u>
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s/ <u>Howard Miller</u>	s/ <u>Ellen Grant</u>
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s/ John Copeland

DEMOCRATIC DESIGNATION TO PUBLISH

We, the undersigned Democratic members of the Board of Supervisors of the County of Wyoming, State of New York, do hereby designate as follows for the year 2005:

<u>Designation</u>	<u>Publication</u>	<u>Village of</u>
Election notices	Perry Herald	Perry, NY
Sheriff's Proclamation	Perry Herald	Perry, NY
Local laws, notices and other matters required by law to be published and for which NO OTHER specific designation has	Perry Herald	Perry, NY

January 03, 2005

been made.

Official canvass	Arcade Herald	Arcade, NY
Constitutional amendments and concurrent resolutions (including tax sales and redemptions)	Arcade Herald	Arcade, NY

Signed this third day of January 2005:

s/ Harold Bush s/ Sally Meeder

s/ James Fleischman s/ John Knab

s/ Kyle Glosser

At this time the Chairman presented his annual State of the County Address:

Fellow Supervisors, County Treasurer John Edwards, Sheriff Farris Heimann, distinguished guests and residents of Wyoming County:

It is both an honor and privilege to be elected Chairman of the Wyoming County Board of Supervisors for the fifth (5th) consecutive year. I truly appreciate the unwavering bipartisan support this Board has given me, not only today, but especially in this past year.

Once again this Board of Supervisors begins a New Year as the governing body of Wyoming County representing all of our residents.

I know that all sixteen of us are looking forward to 2005 filled with anticipation and hope. However, once again it is necessary to review what has been accomplished in 2004 and implement what has been achieved and learned into a practical, progressive plan for 2005. Briefly the year in review, the Public Health Department continues its dramatic operational improvement. Stability prevails as Dr. Greg Collins has officially been approved by the New York State Department of Health as the Wyoming County Commissioner of Public Health. The Certified Home Health Agency (CHHA) which previously posted operational losses of about two hundred thousand dollars (\$200,000.00) per year, is now showing a surplus for the second year in a row. The estimated surplus of over one hundred thousand dollars (\$100,000) enables a reduction of the total amount of County tax levy necessary to fund the operations of the Public Health Department.

The Civil Service / Personnel Department is now in a period of transition. Mr. Stuart Hempel, former Human Resources Director for Upstate Milk Cooperative of Leroy with over thirty-five (+35) year of experience in Human Resources, has been hired by contract to review the operations and organization of the Civil Service / Personnel Department and conduct the search

Proceedings of the Board of Supervisors

for a new Human Resources Director. Mr. Hempel is also being required to report to the Board of Supervisors and make recommendations regarding policies affecting this department. Also in regard to Civil Service / Personnel, the Board of Supervisors has agreed to proceed with plans to create a Civil Service Commission. The Commission will consist of three (3) members and will meet monthly on an as needed bases to make decisions regarding Civil Services issues.

The Wyoming County Highway Department, under the leadership of Superintendent Jack Beachel, continues to do as much work as possible with limited funds, be it regularly scheduled maintenance on county roads or a total rehabilitation of a road. This past year's road rehabilitation project was the Blackhouse Road, which runs through the Towns of Warsaw and Middlebury. County Highway is also responsible for the maintenance of all bridges in Wyoming County. Bridge maintenance funding has also been reduced by State and Federal budgets. In the past, the Board of Supervisors created a Better Highway Improvement Program with funds designated to total rehabilitation of County roads. Roads completed on this program include: LaGrange Road, Wethersfield Road, Couriers Road, Saltvale Road and West Lake Road. However, because of the increased costs of Medicaid for the past several years and the huge increase in the retirement contribution in 2004 and again in 2005, the ability to set aside funding for this very important element of Wyoming County infrastructure has been severely curtailed. Incredibly, the cost of total rehabilitation of a County road can be anywhere from \$250,000 to \$300,000 per mile.

Speaking of Medicaid and retirement costs – I am not going to dwell on the obvious but – in 1998 the Medicaid costs were approximately 2.5 million dollars; those same costs are projected to reach 6.2 million dollars in 2005. That's almost a 4 million dollar increase in seven years and I remind you that this ever increasing expense is totally County Tax levy and is now reflecting over fifty percent (50%) of our total yearly County levy. Also the Retirement costs for the County, including the Hospital, was just over \$358,000 in 2002 and now is projected to be over 3.6 million dollars in 2005, with no relief in sight. In 2005 it will be necessary for the Board of Supervisors to make a decision on what to do about the need for improvements on several of the County roads. One solution may be a bond – borrowing to subsidize the rehabilitation. One of the hot topic issues recently brought forth in the recent budget process, was the reduction in funding to two contract agencies in Wyoming County; Cornell Cooperative Extension and Wyoming County Tourist Promotion Agency. Cornell Cooperative Extension has received in the past as much as \$460,000 in County budget appropriations. However, in the past three years, it has been necessary to reduce that appropriation by twenty-five percent (25%). In the 2005 budget year, the Board has authorized the amount of \$378,196 to be expended in the following manner: \$156,964 to fully fund the request for the Agriculture Department; \$193,117 to fully fund the request for the 4-H program;

and 28,115 to partially fund the request for the Family Consumer Sciences Department. If additional funding sources become available during 2005, the Board will consider additional funding requests for this agency.

Wyoming County Tourists Promotion Agency last year received a \$30,000 reduction in County contributions, however because of a member item appropriated by Senator Dale Volker, the government subsidy remained the same. In 2005, the Board of Supervisors have taken the necessary steps to create a hotel/motel (bed) tax, which by all projections by the Tourism Agency, should generate enough revenue to offset the prior reduction of County appropriations. Presently, the County appropriates \$109,145 to support this agency.

Another issue that the Board has had to deal with is the escalating costs of providing health insurance coverage for our employees. In cooperation with our employees, the Board created the Health Insurance Task Force. This task force was charged with the task of reducing the available health insurance plans from seven to one. As a result of an agreement to contract with one sole health insurance provider, the County will see estimated savings of \$750,000 in 2005, which will be shared equally by the employees and Wyoming County. An initiative of this proportion would not have been possible without the cooperation and hard work of many people. Countless hours were dedicated to the culmination of an agreement acceptable to all. Special acknowledgement to Marie Ryan, CSEA Union President; Cathy DuBois, CSEA Representative; Mike Horton, Sheriff Employees Association President; Dave Linder, Deputy Sheriff's Association President; Karen Tallman and Anne Libitore representing the Hospital Supervisory Unit. For the County, Stu Hempel and Paul Brozyna, Hospital Management; Paula Parker and Anne Humphrey, Board of Supervisors; and of course the person who brought it all together, Linda Williams from Workers Compensation. Many thanks to all for working together for the benefit of Wyoming County.

At the present, the public safety needs of the residents of Wyoming County are being enhanced by the construction of a 400 foot Emergency Services Communications Tower at the Wyoming County Fire Training Center on Wethersfield Road. When completed, the tower will be a major first step in resolving the communications requirements of the fire departments, first aid / rescue squads, the Sheriff's Department, State Police, Village police departments and the County and Town highway departments. This project was made possible through funding appropriated by this Board from the Capital Improvement Fund and by an appropriation of \$90,000 by Congressman Tom Reynolds.

Wyoming County continues to cut costs wherever and whenever it is practical. Much has been said in the media regarding the bloated, inefficient staffing at all levels of Government. In Wyoming County, the workforce has been reduced over the past five years from 420 employees to 355 all through attrition of one form or another, the Hospital continues to remain stable with a

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workforce of 602 employees, which makes Wyoming County Government one of the largest employers in the County.

In the past few years, the Board of Supervisors has moved to combine several departments in an effort to save money and improve efficiency. This plan has worked successfully. These departments include: Office for the Aging and Youth Bureau – Deborah Fuest, Director; Buildings and Grounds and Building Codes Enforcement – Dennis Halstead, Director; Board of Supervisors and Budgets and Reimbursements – Paula Parker, Clerk to the Board and Budgets & Reimbursements Administrator; Supervisor's Chairman and the duties of the County Administrator also were combined. The total savings of those departments' consolidations are estimated to be in the neighborhood of \$500,000.

In 2005, what direction will the Supervisors move? First and foremost, the Board needs to be as frugal as possible and be extremely careful, and operate within the budget adopted for 2005.

The Board needs to prepare to make a decision on the County road improvement situation.

The Board needs to be prepared to make a decision on the economic development in Wyoming County. Tomorrow the Finance Committee and the Planning Committee will be meeting jointly with the Industrial Development Agency (IDA) and the Chamber of Commerce to discuss plans for a very important and new proposal for economic development and the "ever elusive" Empire Zone.

This Board of Supervisors must continue to work with our State and Federal Representatives - Assemblyman Dan Burling, State Senator Dale Volker, Congressman Tom Reynolds and of course, United States Senators Chuck Schumer and Hillary Clinton to obtain relief from the unfunded mandates which are leading to the slow but sure fiscal decline of not only Wyoming County, but all counties in New York State.

The Board of Supervisors must continue to strive to provide the best possible service for the residents of the County at the lowest possible cost, without jeopardizing quality!

As we move forward in 2005, County government's success will again depend on all employees – be it directors and management or the union employees working together. I want to take this opportunity to thank all of the employees for the great work they have accomplished in the past and encourage all to continue in the future. The Board recognizes the value of good employees and we appreciate your efforts.

We must continue to work together to make Wyoming County the very best County in Western New York to live, work, operate a business, to farm in and to retire in. The challenges will be many for the Board of Supervisors again in 2005, however, because of the great bipartisan relationship on the Board I know that we will be successful in managing Wyoming County government for another year.

January 03, 2005

I would also like to take a moment to thank Supervisor Anne Humphrey (Perry), who today steps down as Vice-Chairman of the Board and as Chairman of the Finance Committee. Supervisor Humphrey has been a tremendous asset to this Board in terms of wisdom, business acumen and common sense. Even though she is short of stature, she stands tall in the eyes of her peers and colleagues. Supervisor Humphrey has done a tremendous job as Finance Chair, having to deal with the County Budget in the most difficult of times. We look forward to working with Supervisor Davis as he succeeds Mrs. Humphrey in that key position.

In conclusion, let us continue to move forward, continue to grow and remain fiscally sound. It has been my pleasure to work with all of you and I look forward to 2005.

God Bless Wyoming County.

Thank you.

Chairman Berwanger asked if there was anymore business to come before this board. Supervisor Kushner asked if he could then address the room. Permission was granted.

Supervisor Kushner reflected over the past year's changes and commended all of the Supervisors, Department Heads and the entire county work force and to the Clerk to the Board and her Deputy for working harder and getting paid less. He especially thanked the Chairman for his professionalism and commitment to the County in the face of personal adversity over this past year. Supervisor Kushner addressed a few "Letters to the Editor" that showed up in local publications this past year that contained no truth.

Following these addresses to the County, the Clerk to the Board offered the following for announcements:

"A reminder to all of the Supervisors that the annual picture will be taken immediately following the Organizational Meeting here in Chambers."

There being no further business to come before this board Supervisor Humphrey declared the meeting adjourned at 2:45 PM.

Respectfully submitted,

Cheryl J. Ketchum

Deputy Clerk to the Board

REGULAR SESSION
(January 11, 2005)

Tuesday**2:00 PM**

The regular Session of the Wyoming County Board of Supervisors was held at the Wyoming County Government Center in the Board of Supervisors' Chambers located at 143 North Main Street, Warsaw, New York with all but Supervisor Glosser T/Orangeville present. Also present was County Attorney Eric T. Dadd; County Treasurer, John Edwards; Clerk to the Board of Supervisors, Paula Parker and Deputy Personnel Officer, Cheryl Ketchum.

At **2:15 PM** Chairman Berwanger, T/Arcade, called the meeting to order.

The Wyoming County Veteran leading the Pledge of Allegiance for the month of January is:

Archie M. Boylan

Mr. Boylan attended Hilton High School until he entered the United States Marine Corps on January 9, 1947. He attended Basic Training at Paris Island, South Carolina, and was then sent to Camp LeJeune, North Carolina for Heavy Equipment/Engineering Training, followed by Quartermaster School and Transport Quartermaster School. In August of 1950, he was deployed to Korea, where he participated in the assault and seizure of Inchon from Sept. 15, 1950 to Sept. 16, 1950, the capture and securing of Seoul from Sept. 17, 1950 to Oct. 7, 1950, the Wonsan – Hungnam - Chosin Reservoir Campaign from Oct. 26, 1950 to Dec. 13, 1950 and in operations against enemy forces in central and south Korea from Dec. 16, 1950 to Dec. 26, 1950.

After returning from Korea, Mr. Boylan served at numerous Marine Corps bases both stateside and overseas as a Quartermaster. On August 31, 1966, he retired from the Marine Corp as a GySgt. (Gunny Sergeant). For his service to his country, Mr. Boylan was awarded the ***World War II Victory Medal, The Korean Service Medal with Two (2) Stars, The United Nations Service Medal, The National Defense Service Medal with one (1) star, The Presidential Unit Citation with one (1) Star, A letter of Appreciation from the Commanding General of the Marine Corps and the Good Conduct Medal (6th Award).***

After his retirement from "the Corps", Mr. Boylan worked at Eastman Kodak for approximately 12 1/2 years, owned and operated a Pizza & Sub Shop in Irondequoit for 4 1/2 years and finally as an independent contractor for a

January 11, 2005

paving/blacktop specialist until his retirement in 1989.

Mr. Boylan presently lives in the Town of Orangeville.

Mr. Boylan was presented with a Certificate of Appreciation from the Board of Supervisors and offered colorful memories of his days in the service.

I'd like to take this opportunity to recognize the Department of Social Services Employee of the Month. In addition to recognizing outstanding employees, Commissioner Wallace invites them to attend a Human Service Committee meeting and Board meeting to better understand the relationship between individual Departments and the Board of Supervisors.

This month's participant is **Roxanne Warren**. Roxanne has been employed by Social Services since March 2003 as a Caseworker Trainee and is now classified as a Caseworker after one year. Her great work ethic and enthusiasm has led to her nomination as employee of the month.

Communications:

C1: Supervisor Grant distributed **Wind Energy Conference** flyers that she found in a recent local newspaper. Wednesday, January 26, 2005 at Genesee Community College, Batavia, NY starting at 9:30 a. m. Registration is due by January 20, 2005.

Chairman Berwanger explained that there are consent agenda items and asked if any Supervisor objected to having these resolutions presented in blocks according to the Committees that have approved them for the Full Board's consideration. There were no objections so the Chairman called for the first resolution.

#1

**RESOLUTION NO. 05-03
(January 11, 2005)**

By Mr. Davis, Chairman of Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2005 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2005 accounts as follows:

Treasurer			Dept. Totals:
To: 01.47.7989.4.40918 Snowmobile Funding W 01.11.7989.3317 State-Aid increased by same Reason: To increase Snowmobile Funding for 2005 (Total Approved of \$ 119,000 per State) as awarded by the State.	\$ 69,000.00	\$69,000.00	
To: 01.34.1410.8.80001 Worker's Comp Ins – Co. Clerk 01.37.3110.8.80001 Worker's Comp Ins –Sheriff 01.37.3150.8.80001 Worker's Comp Ins – Jail 01.43.6510.8.80001 Worker's Comp Ins – Vets Appropriated out of the 2005 contingency account REASON: Cover the cost of the 2005 Worker's Compensation Insurance costs.	 300.00 2,282.00 1,597.00 6.00		
		\$4,185.00	
Treasurer Total			\$73,185.00

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

#2

RESOLUTION NO. 05-04
(January 11, 2005)

By Mr. Davis, Chairman of Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2004 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2004 accounts as follows:

Highway			Dept. Totals:
From: 04.53.5110.8.89001 Medical/Hosp. Ins. To: 04.53.5010.8.89001 Medical/Hosp. Ins. Reason: Transfer necessary to cover costs for the balance of 2004 accounts.	\$1,281.67	\$1,281.67	
Highway Total			\$1,281.67
Public Health			
From: 01.38.4011.1.10101 FT CSEA 01.38.4011.1.10502 On Call Pay To: 01.38.4011.4.40704 Lab Fees Reason: To cover special lab costs related to Water Enhancement sampling.	\$600.00 1,150.00	\$1,750.00	
From: 01.38.4035.8.89001 Med./ Hosp. Ins. To: 01.38.4035.2.20401 Misc Equipment 01.38.4035.4.41510 Educational Materials Reason: Request permission to contract with Tab Products for extension of filing system in MWHS and generate purchase order prior to 12/31/04 (\$1,916.20). Request permission to purchase educational materials in 2004 to offset reduction in 2005 Title X funding for MWHS. 2004	\$2,858.20	858.20 2,000.00	
Public Health Total			\$4,608.20
County Attorney			
From: 01.34.1421.4.42305 Assigned Counsel To: 01.34.1420.4.42301 Books, Subscriptions - 01.34.1420.4.40902 Legal Services Reason: There is approximately \$5,500.00 remaining in the assigned counsel line item used to pay vouchers. It is unknown how many vouchers or what the amount of the vouchers will be.	\$1,199.15	986.15 213.00	

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County Attorney Total				\$1,199.15
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Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

Mrs. Totslie, T/Genesee Falls, Chairman of the Audit Committee, presented bills totaling **\$1,004,333.68**.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

#3

RESOLUTION NO. 05-05
(January 11, 2005)

By Mr. Patti, Chairman of Public Works Committee:

**AUTHORIZE CHAIRMAN TO SIGN CONTRACTS WITH
NEW YORK STATE DEPARTMENT OF
TRANSPORTATION FOR A MASTER MUNICIPAL
MULTI – MODAL CAPITAL PROJECT AGREEMENT
FOR THE REPLACEMENT OF THE VILLAGE OF
PERRY’S WALNUT STREET BRIDGE**

BE IT RESOLVED, That the Chairman of this Board is hereby authorized and directed to sign a Contract between the County of Wyoming and New York State Department of Transportation (NYSDOT) having its principal office at 50 Wolf Road, Albany, New York 12232 in the amount of One hundred thousand dollars (\$100,000.00). This Multi-Modal #3 Program project is for the bridge replacement of Walnut Street Bridge in the Village of Perry.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

There was a motion by Supervisor Humphrey, T/Perry, to combine resolutions #4 through #13. A voice vote was taken and all voted aye.

#4

RESOLUTION NO. 05-06
(January 11, 2005)

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By Mrs. Humphrey, Chairman of the Human Services Committee

**DEBORAH FUEST APPOINTED ACTING
COMMISSIONER OF SOCIAL SERVICES**

BE IT RESOLVED, That *Deborah Fuest* of 3062 Suckerbrook Rd., Perry, NY 14530 is hereby appointed Acting Commissioner of Social Services. Term to be effective December 27, 2004 through February 12, 2005.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

#5

**RESOLUTION NO. 05-07
(January 11, 2005)**

By Mrs. Humphrey, Chairman of the Human Services Committee

**AUTHORIZE CHAIRMAN TO SIGN A CONTRACT
WITH MATTHEW AND VIRGINIA ROBERTS ON
BEHALF OF THE DEPARTMENT OF SOCIAL SERVICES**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Matthew and Virginia Roberts on behalf of the Department of Social Services for the lease on the TOP office for the period of January 01, 2005 through December 31, 2005 in the amount of Six thousand six hundred dollars (\$6,600.00); contingent upon the availability of funds.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

#6

**RESOLUTION NO. 05-08
(January 11, 2005)**

By Mrs. Humphrey, Chairman of the Human Services Committee

January 11, 2005

**AUTHORIZE CHAIRMAN TO SIGN A MEMORANDUM
OF AGREEMENT FOR THE PINS COORDINATOR ON
BEHALF OF THE DEPARTMENT OF SOCIAL SERVICES**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a Memorandum of Agreement for the provision of the PINS Coordinator with Wyoming County Probation on behalf of the Department of Social Services for a period of January 01, 2005 through December 31, 2005 in the amount of Thirty nine thousand five hundred fifty - seven dollars (\$39,557.00); contingent upon the availability of funds.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

#7

**RESOLUTION NO. 05-09
(January 11, 2005)**

By Mrs. Humphrey, Chairman of the Human Services Committee

**AUTHORIZE CHAIRMAN TO SIGN A CONTRACT WITH
DENNIS COHEN, ATTORNEY ON BEHALF OF THE
DEPARTMENT OF SOCIAL SERVICES**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Dennis Cohen, Attorney at Law of 3099 West Main Street, Caledonia, NY 14423 for the provision of Legal Services in "conflict of interest" cases for a period of January 01, 2005 through December 31, 2005 in the amount of Eight thousand dollars (\$8,000.00); contingent upon the availability of funds.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

#8

**RESOLUTION NO. 05-10
(January 11, 2005)**

By Mrs. Humphrey, Chairman of the Human Services Committee:

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AUTHORIZE CHAIRMAN TO SIGN A CONTRACT
WITH MICHAEL J. HENDRY CLEANING SERVICE
ON BEHALF OF THE DEPARTMENT OF SOCIAL
SERVICES

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Michael J. Hendry Cleaning of 12 E. Court St., Warsaw, NY 14569 for the provision of cleaning the TOP office at 104 N. Main Street, Warsaw, NY 14569 on behalf of the Department of Social Services in the amount of Four thousand one hundred sixty dollars and four cents (\$4,160.04) effective January 01, 2005 through December 31, 2005; contingent upon the availability of funds.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)
#9

RESOLUTION NO. 05-11
(January 11, 2005)

By Mrs. Humphrey, Chairman of the Human Services Committee

AUTHORIZE CHAIRMAN TO SIGN A CONTRACT WITH
ORCHID GENESCREEN ON BEHALF OF THE
DEPARTMENT OF SOCIAL SERVICES

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Orchid GeneScreen at 4390 US Route One North, Princeton, NJ 08540 for the provision of DNA Testing to prove paternity for Child Support purposes on behalf of the Department of Social Services not to exceed Three thousand five hundred dollars (\$3,500.00) annually, effective January 01, 2005 through December 31, 2008; contingent upon the availability of funds.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)
#10

RESOLUTION NO. 05-12

January 11, 2005

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By Mrs. Humphrey, Chairman of the Human Services Committee

**AUTHORIZE CHAIRMAN TO SIGN A MEMORANDUM
OF UNDERSTANDING WITH NEW YORK STATE
OFFICE OF CHILDREN AND FAMILY SERVICES
ON BEHALF OF THE DEPARTMENT OF SOCIAL
SERVICES**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a Memorandum of Understanding with New York State Office of Children and Family Services located at 52 Washington Street, Rensselaer, NY 12144 for the provision of Fifty three thousand eight hundred eighty - one dollars (\$53,881.00) to provide for FDC and SACC Child Care Registration and inspection services by Wyoming County Department of Social Services on behalf of the Department of Social Services, effective January 01, 2005 through December 31, 2005.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

#11

RESOLUTION NO. 05-13
(January 11, 2005)

By Mrs. Humphrey, Chairman of the Human Services Committee

**AUTHORIZE CHAIRMAN TO SIGN A CONTRACT
WITH GENESEE COUNTY YWCA ON BEHALF OF THE
DEPARTMENT OF SOCIAL SERVICES**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Genesee County YWCA for performance based family and school – age child care registration services: random inspections; attending quarterly meetings with BRO; attending trainings offered through OCFS; meeting with DSS and CCRR to coordinate services on behalf of the Department of Social Services, not to exceed Thirty one thousand six hundred ninety – nine dollars

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(\$31,699.00) effective January 01, 2005 through December 31, 2005;
contingent upon the availability of funds.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

#12

RESOLUTION NO. 05-14
(January 11, 2005)

By Mrs. Humphrey, Chairman of the Human Services Committee

**JOSEPH BICHLER APPOINTED TO THE OFFICE
FOR THE AGING ADVISORY COUNCIL**

BE IT RESOLVED, That *Joseph Bichler* of 797 Urf Rd.,
Cowlesville, NY 14034 is hereby appointed to the Wyoming County Office for
the Aging Advisory Council to fill the unexpired three - year term of Louis
Zittle who resigned May 6, 2004. Term to be effective January 11, 2004
through December 31, 2006.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

#13

RESOLUTION NO. 05-15
(January 11, 2005)

By Mrs. Humphrey, Chairman of the Human Services Committee:

**RENA VANOCKER AND KRISTY KIBLER
APPOINTED TO THE WYOMING COUNTY YOUTH
BOARD**

BE IT RESOLVED, That *Rena Vanocker* (Town of Eagle) 3399
Main Street, West Apt. P. O. Box 5, Bliss, NY 14024 is hereby appointed to the
Wyoming County Youth Board as a *Community Member* to fill the *unexpired*

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three - year term of Michelle Reding. Term to be effective *January 1, 2005 through December 31, 2006*; and be it further

FURTHER RESOLVED, That *Kristy Kibler* of 1957 Schwab Rd. Varysburg, NY 14167 is hereby appointed to the Wyoming County Youth Board as a *Youth Rep.* for a *one - year term* effective *January 01, 2005 through December 31, 2005*.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

There was a motion by Supervisor Rogers, T/Pike, to combine resolutions #14 through #19. A voice vote was taken and all voted aye.

#14

RESOLUTION NO. 05-16
(January 11, 2005)

By Mr. Rogers, Chairman of the Public Health Committee

AMEND RESOLUTION NUMBER 03-344

WHEREAS, Resolution number 03-344 provides for the Authorization of the Chairman's signature on various Wyoming County Mental Health Department Contracts for the calendar year 2004; and

WHEREAS, The contract with the Mental Health Association of Rochester/Monroe County provides for the Commissioner's Performance – Transportation Program in the amount of Forty one thousand six hundred fifty – two dollars (\$41,652.00); now therefore

BE IT RESOLVED, That resolution number 03-344 be amended to incorporate another Ten thousand dollars (\$10,000.00) of the Care Coordination Project, Simulated Case Management dollars to expand the PeerWheels program to transport individuals for work related issues for 2004. That will bring the total of this program to Fifty six thousand thirty - six dollars (\$56,036.00) as amended by resolution number 04-207 which increased the 2004 contract by Five thousand nine hundred nineteen dollars (\$5,919.00) to a total contract amount of Two hundred fourteen thousand nine hundred ninety – four dollars (\$214,994.00); contingent upon the availability of funds.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

Regular Session

RESOLUTION NO. 05-17
(January 11, 2005)

By Mr. Rogers, Chairman of the Public Health Committee:

AMEND RESOLUTION NUMBER 03-344

WHEREAS, Resolution number 03-344 provides for the Authorization of the Chairman's signature on various Wyoming County Mental Health Department Contracts for the calendar year 2004; and

WHEREAS, The contract with the WNY Children's Mental Health Coalition which provides for parent advocate services for Coordinated Care Services Incorporated Program in the amount of Thirteen thousand eight hundred seventy - four dollars (\$13,874.00); now therefore

BE IT RESOLVED, That resolution number 03-344 be amended to increase the contract amount by One thousand five hundred dollars (\$1,500.00) to cover mileage and training expenses for the parent advocate who is employed through WNY Children's Mental Health Coalition for Wyoming County's Coordinated Children's Services System to bring the total amount of this contract to Fifteen thousand three hundred seventy - four dollars (\$15,374.00); contingent upon the availability of funds.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

#16

RESOLUTION NO. 05-18
(January 11, 2005)

By Mr. Rogers, Chairman of the Public Health Committee:

KATHY HOLMES APPOINTED TO THE
MENTAL HEALTH SUBCOMMITTEE

BE IT RESOLVED, That Kathy Holmes of 30 Telegraph Road, P.O. Box 99, Pike, NY 14130 is hereby appointed to the Mental Health
January 11, 2005

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Subcommittee to fill the unexpired four - year term of Howard Payne. Term to be effective January 11, 2005 through December 31, 2006.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

#17

**RESOLUTION NO. 05-19
(January 11, 2005)**

By Mr. Rogers, Chairman of the Public Health Committee:

AMEND RESOLUTION NUMBER 04-15

WHEREAS, Resolution number 04-15 provides for the Authorization of the Chairman's signature on various Wyoming County Public Health Department Grant Applications/Awards for the calendar year 2004; now therefore

BE IT RESOLVED, That Resolution number 04-15 be amended to increase the award amount of the Cancer Screening Program with NYS Department of Health by Nine thousand six hundred fifty – six dollars (\$9,656.00) to a total grant award of Forty two thousand six hundred sixty - four dollars (\$42,664.00). All other provisions remain the same.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

#18

**RESOLUTION NO. 05-20
(January 11, 2005)**

By Mr. Rogers, Chairman of the Public Health Committee:

**ABOLISH ONE POSITION OF CERTIFIED HOME
HEALTH ADMINISTRATOR**

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BE IT RESOLVED, That one position of Certified Home Health Administrator in the Public Health Department be abolished effective January 01, 2005.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

#19

RESOLUTION NO. 05-21
(January 11, 2005)

By Mr. Rogers, Chairman of the Public Health Committee:

ABOLISH 1 (ONE) POSITION OF RPN PER DIEM
IN THE PUBLIC HEALTH DEPARTMENT

BE IT RESOLVED, That one position of RPN Per Diem in the Public Health Department be abolished effective immediately.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

There was a motion by Supervisor Meeder, T/Middlebury, to combine resolutions #20 through #21. A voice vote was taken and all voted aye.

#20

RESOLUTION NO. 05-22
(January 11, 2005)

By Mrs. Meeder, Chairman of the Human Resource Committee:

AMEND RESOLUTION NUMBERS 04-94 AND 04-344

BE IT RESOLVED, That Resolution numbers 04-94 and 04-344 be amended to correct the title of Director of Emergency Medical Services in the Wyoming County Emergency Services Department to ***Medical Director for Pre-Hospital Care Agencies*** and amend Salary Schedule "D" to reflect the same change in title.

January 11, 2005

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)
#21

**RESOLUTION NO. 05-23
(January 11, 2005)**

By Mrs. Meeder, Chairman of the Human Resource Committee:

**AUTHORIZE CHAIRMAN TO SIGN A LEASE
AGREEMENT WITH TOMPKINS LEASING SERVICES**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a lease agreement with Tompkins Leasing Services on behalf of Wyoming County Board of Elections to provide for a copier lease for 60 months with a payment of \$155.83 (One hundred fifty - five dollars and eighty three cents) per month for a total contract price of Nine thousand three hundred forty - nine dollars and eighty cents (\$9,349.80); contingent upon the availability of funds.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

There was a motion by Supervisor Kushner, T/Eagle, to combine resolutions #22 through #23. A voice vote was taken and all voted aye.

#22

**RESOLUTION NO. 05-24
(January 11, 2005)**

By Mr. Kushner, Chairman of the Public Safety Committee:

**AUTHORIZE CHAIRMAN TO SIGN A CONTRACT WITH
THE TOWN OF COVINGTON ON BEHALF OF THE
SHERIFF'S DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board, with the approval of the County Attorney, is hereby authorized and directed to sign a contract with Town of Covington, 7414 Court Road, Pavilion, NY for the provision of additional enforcement of the Vehicle and Traffic Laws on Route

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63; effective January 01, 2005 through December 31, 2005, said amount shall be per the language of the contract.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

#23

RESOLUTION NO. 05-25
(January 11, 2005)

By Mr. Kushner, Chairman of the Public Safety Committee

AUTHORIZE CHAIRMAN TO SIGN A CONTRACT
WITH SIMPLEXGRINNELL

BE IT RESOLVED, That the Chairman of this Board, with the approval of the County Attorney is hereby authorized and directed to sign a contract with SimplexGrinnell located at 1999 Mt. Read Blvd, Bldg. 1, Rochester NY 14615 on behalf of the Wyoming County Sheriff's Department, for the maintenance and repair of the control room equipment; smoke and fire alarm maintenance for the building in the amount of Eleven thousand thirty - one dollars (\$11,031.00) effective January 01, 2005 through December 31, 2005; contingent upon the availability of funds.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

There was a motion by Supervisor Knab, T/Sheldon, to combine resolutions #24 through #31. A voice vote was taken and all voted aye.

#24

RESOLUTION NO. 05-26
(January 11, 2005)

By Mr. Knab, Chairman of the Planning Committee:

MEMBERS APPOINTED/REAPPOINTED
TO GLOW SOLID WASTE COMMITTEES

BE IT RESOLVED, That the following persons are hereby appointed/reappointed to the GLOW Regional Solid Waste Management Committee, to serve a one year term, said term to expire 12/31/05:

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<u>MEMBER</u>	<u>TOWN</u>	<u>ADDRESS</u>
Larry Rogers	Pike	14 East Koy Road, Pike, NY 14130
Kyle Glosser	Orangeville	4088 Route 20A Warsaw, NY 14569
Joseph Gozelski	Castile	6175 East Lake Road Silver Springs, NY 14550

and be it

FURTHER RESOLVED, That the following person is hereby appointed/reappointed to the GLOW Advisory Committee, to serve a one year term, said term to expire 12/31/05:

<u>MEMBER</u>	<u>TOWN</u>	<u>ADDRESS</u>
Larry Rogers	Pike	14 East Koy Road Pike, NY 14130

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)
#25

RESOLUTION NO. 05-27
(January 11, 2005)

By Mr. Knab, Chairman of the Planning Committee:

MEMBERS APPOINTED TO THE
GENESEE/FINGER LAKES REGIONAL PLANNING
COUNCIL

BE IT RESOLVED, That the following persons are hereby appointed to the Genesee/Finger Lakes Regional Planning Council for a one year term to expire December 31, 2005.

- ***A. D. Berwanger (Arcade)***, 6608 East Arcade Road, Arcade, NY 14009
- ***Howard Miller (Warsaw)***, 5454 Keeney Road, Warsaw, NY 14569
- ***Jerry Davis (Covington)***, PO Box 445, 7414 Court Road, Pavilion, NY 14525

and be it

FURTHER RESOLVED, That *Anne C. Humphrey (Perry)*, 50 St. Helena Street, Perry, New York, 14530 is hereby appointed as an Alternate Supervisor Member Representative to the Genesee/Finger Lakes Regional Planning Council for a one year term to expire December 31, 2005.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

#26

RESOLUTION NO. 05-28
(January 11, 2005)

By Mr. Knab, Chairman of the Planning Committee:

**AUTHORIZE CHAIRMAN TO SIGN CONTRACT WITH
GENESEE/FINGER LAKES REGIONAL PLANNING
COUNCIL FOR GIS MAPPING SERVICES**

BE IT RESOLVED, That the Chairman of the Board, with the approval of the County Attorney, is hereby authorized and directed to sign a contract with the Genesee Finger Lakes Regional Planning Council (GFLRPC), City Place, 50 West Main Street, Suite 8107, Rochester, NY 14614 for the purpose of providing the Wyoming County Department of Planning & Development with consulting services to assist in the digitizing of information layers that will be used to produce Geographic Information System (GIS) maps for the County; said contract not to exceed Nine thousand five hundred dollars (\$9,500.00); effective January 1, 2005 through December 31, 2005, contingent upon the availability of funds.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

#27

RESOLUTION NO. 05-29
(January 11, 2005)

By Mr. Knab, Chairman of the Planning Committee:

January 11, 2005

**AUTHORIZE CHAIRMAN TO SIGN AGREEMENT
WITH WYOMING COUNTY CHAMBER OF COMMERCE
ON BEHALF OF PLANNING AND DEVELOPMENT**

BE IT RESOLVED, That the Chairman of the Board, with the approval of the County Attorney, is hereby authorized and directed to sign an agreement with the Wyoming County Chamber of Commerce, 6470 Route 20A, Suite 2, Perry, NY 14530-9798 for the purpose of providing economic development marketing services for Wyoming County; effective January 1, 2005 through December 31, 2005, cost of said agreement not to exceed Nineteen thousand seven hundred fifty dollars (\$19,750.00); contingent upon the availability of funds.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

#28

**RESOLUTION NO. 05-30
(January 11, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

**AUTHORIZE CHAIRMAN TO SIGN AN AGREEMENT
WITH WYOMING COUNTY SOIL & WATER
CONSERVATION DISTRICT**

WHEREAS, The County of Wyoming needs to review and recertify the County's NYS Agricultural Districts on a regular basis to help support Wyoming County's farm businesses; now therefore

BE IT RESOLVED, That the Chairman of the Board, with the approval of the County Attorney, is hereby authorized and directed to sign an agreement with the Wyoming County Soil & Water Conservation District, 31 Duncan Street Extension, Warsaw, New York 14569 to review County Agricultural Districts in compliance with NYS Agriculture District regulations and guidelines; said contract not to exceed Fifteen thousand dollars (\$15,000.00), effective January 1, 2005 through December 31, 2005; contingent upon the availability of funds.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

RESOLUTION NO. 05-31
(January 11, 2005)

By Mr. Knab, Chairman of the Planning Committee:

**APPROVING PUBLIC EMPLOYEES FIDELITY
(BLANKET) BOND FOR GENESEE/FINGER LAKES
REGIONAL PLANNING COUNCIL**

WHEREAS, The County of Wyoming has appropriated the sum of Six thousand six hundred forty – seven dollars (\$6,647.00) as its share of the Year 2005 operating funds of the Genesee/Finger Lakes Regional Planning Council; and

WHEREAS, Pursuant to Section 119-00 of the General Municipal Law of the State of New York, the County is authorized to provide for the payment of such appropriations to an officer of an agency designated by the agency to receive such monies, provided that such officer shall have executed an official undertaking approved by the governing body of the County; and

WHEREAS, The Genesee/Finger Lakes Regional Planning Council has designated David S. Zorn, Executive Director of the Council, as the officer to receive payments of such monies; and

WHEREAS, The Genesee/Finger Lakes Regional Planning Council has secured a Public Employees Fidelity (Blanket) Bond, issued by National Grange Mutual Insurance Company, providing faithful performance blanket bond coverage for officers and employees of the Council in the amount of Two hundred twenty thousand dollars (\$220,000.00); now, therefore,

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby approves such bond as the official undertaking required pursuant to Section 119-00 of the General Municipal Law.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

#30

RESOLUTION NO. 05-32

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By Mr. Knab, Chairman of the Planning Committee:

**AUTHORIZE CHAIRMAN TO SIGN
SMALL CITIES GRANT APPLICATION**

WHEREAS, The County of Wyoming wishes to apply for a joint Four hundred thousand dollar (\$400,000) Small Cities grant to continue the Wyoming and Livingston Counties Microenterprise and Downtown Revitalization Programs that provides assistance to existing and start-up small businesses; now therefore

BE IT RESOLVED, That the Chairman of this Board of Supervisors, is hereby authorized as the official representative of Wyoming County, New York to execute and submit a joint grant application with Livingston County acting as the lead applicant, to the Governor's Office For Small Cities for a NYS Community Development Block Grant, and is hereby authorized and directed, upon the approval of the County Attorney, to take all actions needed for the submission of the grant application, and be it

FURTHER RESOLVED, that the Chairman of this Board of Supervisors is also hereby authorized and directed, upon the approval of the County Attorney, to execute a cooperation agreement with Livingston County, and be it

FURTHER RESOLVED, That two public hearings by this Board of Supervisors will be held on the 25th day of January, 2005 and the 25th day of February, 2005 at 3:00 p.m. at the Wyoming County Business Center, 6470 Route 20A, in the Town of Perry, New York, and at least five days notice of such hearings shall be given by the Clerk of this Board by publishing such notice at least once in official newspapers of the county designated for such publications.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

#31

RESOLUTION NO. 05-33
(January 11, 2005)

By Mr. Knab, Chairman of the Planning Committee:

Regular Session

**AUTHORIZE CHAIRMAN TO SIGN AN AGREEMENT
WITH H. SICHERMAN & COMPANY INC. FOR SMALL
CITIES GRANT SERVICES**

BE IT RESOLVED, That the Chairman of this Board, with the approval of the County Attorney, is hereby authorized and directed to sign a contract with H. Sicherman & Company Inc., 5852 Forest Creek Drive, East Amherst, NY 14051 to prepare a CDBG Small Cities grant application of Four hundred thousand dollars (\$400,000.00). If the grant funds are awarded they will be used to continue the Wyoming and Livingston Counties Microenterprise and Downtown Revitalization Programs that provide assistance to small businesses. Total cost of said contract not to exceed Four thousand five hundred dollars (\$4,500.00), contingent upon the availability of funds.

**Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)**

There was a motion by Supervisor Davis, T/Covington, to combine resolutions #32 through #44. A voice vote was taken and all voted aye.

#32

**RESOLUTION NO. 05-34
(January 11, 2005)**

By Mr. Knab, Chairman of the Planning Committee & Mr. Davis, Chairman of the Finance Committee:

**RESOLUTION OF SUPPORT FOR BUSINESS PARK
DEVELOPMENT**

WHEREAS, the Wyoming County Board of Supervisors has demonstrated its desire to improve the economic wealth of Wyoming County through its approval of the Target Tomorrow report; and

WHEREAS, Target Tomorrow identifies a lack of ready sites as a detriment to business attraction and economic development and recommends county action in acquiring and preparing such sites; and

WHEREAS, Wyoming County's economic development team, comprised of the Wyoming County Chamber of Commerce, The Wyoming County Industrial Development Agency, and the Wyoming County Department

January 11, 2005

of Planning & Development, has located an available site that meets many of the criteria commonly considered for business attraction; now therefore

BE IT RESOLVED, that the Wyoming County Board of Supervisors supports and encourages the creation of a business park at the site identified by the economic development team and demonstrates this support by agreeing to provide appropriate letters of support for grant applications that may be sought to help finance this project; and

BE IT FURTHER RESOLVED, that where appropriate, the Board of Supervisors will consider the utilization of county equipment and employees to provide “in-kind” services that could reduce the cost of this project; and finally

BE IT FURTHER RESOLVED, that when appropriate the Board of Supervisors will support this project by advancing financial resources through proper channels. Such channels will be determined by the Board of Supervisors and will contain arrangements for the repayment of these advanced funds. Any disbursement of such funds will be in compliance with the rules of the Board of Supervisors.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

#33

RESOLUTION NO. 05-35
(January 11, 2005)

By Mr. Davis, Chairman of the Finance Committee:

AUTHORIZE CHAIRMAN TO SIGN A CONTRACT WITH
F. ELIZABETH HILDEBRANT ON BEHALF OF
WYOMING COUNTY INSURANCE OFFICE / WORKERS’
COMPENSATION AND HEALTH CARE

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with F. Elizabeth Hildebrant of 16 Cottage Court, Warsaw, NY 14569 for a temporary service agreement on behalf of Wyoming County Insurance Office / Workers’ Compensation and Health Care for the year 2005 at an hourly rate not to exceed Eleven dollars and forty – seven cents (\$11.47); contingent upon the availability of funds.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

Regular Session

**RESOLUTION NO. 05-36
(January 11, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**AUTHORIZE CHAIRMAN TO SIGN A CONTRACT WITH
EBS BENEFIT SOLUTIONS, INC ON BEHALF OF
WYOMING COUNTY INSURANCE OFFICE / WORKERS'
COMPENSATION AND HEALTH CARE**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with EBS Benefit Solutions, Inc. with offices at 30 Perinton Hills Mall, Fairport, NY 14550 on behalf of the Wyoming County Insurance Office / Workers' Compensation and Health Care. This contract will provide for the administration of the Health Reimbursement Accounts of the County of Wyoming's participating employees. The effective date of this contract is January 01, 2005 and will continue until such time as cancelled per the terms of the contract. All fees associated will be paid per the terms of the contract.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

#35

**RESOLUTION NO. 05-37
(January 11, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

APPROVES PROPERTY AUCTION SALES

WHEREAS, the County has acquired the right to transfer the following properties pursuant to a Judgement of Foreclosure under Article 11 of the Real Property Tax Law, and

WHEREAS, the Finance Committee of the Board has obtained an offer to purchase said properties and recommends the acceptance thereof, namely:

January 11, 2005

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Parcel #210

Norman G. & JoAnne M. Kibler, 6749 Oatka Road, Perry, NY 14130 has offered Fourteen thousand eight hundred fifty dollars (\$14,850.00) for property located in the Town of Perry, 2320 Silver Lake Road, Tax Map #64.-1-49.

Now, therefore, be it

RESOLVED, That the above are hereby approved and accepted and the County Treasurer, in the name of the County, is hereby authorized to execute and deliver a referee deed to the purchaser, providing payment of said purchase price is received by him on or before February 15, 2005.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

#36

**RESOLUTION NO. 05-38
(January 11, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**AUTHORIZE CHAIRMAN TO SIGN CONTRACT
EXTENSION WITH LIVINGSTON / WYOMING ARC,
HILLTOP INDUSTRIES ON BEHALF OF WYOMING
COUNTY**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a one year contract extension with Livingston / Wyoming ARC, Hilltop Industries of 18 Main Street, Mt. Morris, NY 14510 on behalf of Wyoming County. The original contract effective dates were December 10, 2002 through December 10, 2004. This would be the first of up to three one - year extensions. This contract provides for printing services for the various Wyoming County departments per bid specs and acceptance of offer. Contingent upon the availability of funds.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

#37

**RESOLUTION NO. 05-39
(January 11, 2005)**

Regular Session

Proceedings of the Board of Supervisors

By Mr. Davis, Chairman of the Finance Committee:

HOME RULE REQUEST TO EXTEND SALES TAX INCREASE APPROVED

WHEREAS, the County of Wyoming desires to maintain the additional one percent (1%) to the local sales tax charged to purchases, etc., made within the County under Resolution No. 03-252, passed September 9, 2003, and as amended, now, therefore

BE IT RESOLVED, That the county of Wyoming hereby requests the New York State Legislature to support and pass legislation necessary to amend Section 1210 of the Tax Law to authorize Wyoming County to continue to add an additional one percent (1%) to the present three percent (3%) through November 30, 2007; and be it

FURTHER RESOLVED, That the Chairman of this Board and the Clerk of the Board are hereby authorized and directed to file the necessary Home Rule Request upon its introduction to the New York State Assembly and Senate.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)
#38

RESOLUTION NO. 05-40 (January 11, 2005)

By Mr. Davis, Chairman of the Finance Committee:

RULES OF PROCEDURE AMENDED

BE IT RESOLVED, That the Rules of Procedure as adopted May 11, 1999 and revised May 11, 2004 be amended as follows:

Rule 1. Sessions.

Regular Sessions of this Board shall be held on the second Tuesday of each month at 3:00 PM.

Effective February 8, 2005.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

January 11, 2005

**RESOLUTION NO. 05-41
(January 11, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

PAULA A. PARKER APPOINTED COUNTY AUDITOR

BE IT RESOLVED, That Paula A. Parker of 146 Lake Street, Perry, NY 14530 is hereby appointed as County Auditor effective January 01, 2005 through December 31, 2005.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)
#40

**RESOLUTION NO. 05-42
(January 11, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**REASSIGNMENT OF SENIOR ACCOUNT CLERK
TO THE BOARD OF SUPERVISORS**

BE IT RESOLVED, That one position of Senior Account Clerk in the County Treasurer's Office be reassigned to the Board of Supervisors Department effective January 01, 2005; and be it

FURTHER RESOLVED, That the County Treasurer is hereby authorized to complete the necessary budgetary transfers to reflect this reassignment.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

RESOLUTION NO. 05-43
(January 11, 2005)

By Mr. Davis, Chairman of the Finance Committee:

**RPTS DIRECTOR AUTHORIZED TO APPROVE
CORRECTION OF ERRORS**

BE IT RESOLVED, That in accordance with Chapter 515 of Laws of 1997, the Wyoming County Board of Supervisors amends the Correction of Errors procedure (RPTL 550-559) by authorizing the Director of Real Property Tax Services to approve the correction of the tax roll and tax bill, in an amount not to exceed One Thousand Dollars (\$1,000.00) (RPTL 554 (9)); and be it

FURTHER RESOLVED, That the Director of Real Property Tax Service is also authorized to issue a tax refund and direct the Wyoming County Treasurer to issue refund, in an amount not to exceed One Thousand Dollars (\$1,000.00) (RPTL 556 (8) (a)).

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

#42

RESOLUTION NO. 05-44
(January 11, 2005)

By Mr. Davis, Chairman of the Finance Committee:

**CREATE 1 (ONE) POSITION OF
ACTING COMMISSIONER OF SOCIAL SERVICES**

BE IT RESOLVED, That one position of Acting Commissioner of Social Services be created in the Department of Social Services and be placed on Wyoming County Salary Schedule "D" effective December 27, 2004 and set the salary of said position to Eight thousand five hundred twelve dollars (\$8,512.00) annually.

January 11, 2005

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)
#43

**RESOLUTION NO. 05-45
(January 11, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

AMEND SALARY SCHEDULE “S”

BE IT RESOLVED, That the Wyoming County Salary Schedule “S” be amended to set the salary of the Public Health Administrator in the Public Health Department to Forty thousand twenty - four dollars (\$40,024.00) annually; and be it

FURTHER RESOLVED, That the salary of the Fiscal Administrator in the Public Health Department be amended to Thirty eight thousand two hundred twenty dollars (\$38,220.00) annually; both increases effective January 01, 2005.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)
#44

**RESOLUTION NO. 05-46
(January 11, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**MEMBERS REAPPOINTED TO THE
WYOMING COUNTY COMMUNITY HOSPITAL
BOARD OF MANAGERS**

BE IT RESOLVED, That the follow individuals are reappointed to the Wyoming County Community Hospital Board of Managers for the effective terms provided below:

Proceedings of the Board of Supervisors**1. Member:****(Five year term effective 01/01/05 – 12/31/09)**

- Dr. James Wawrzyniak (Vice President) 727 German Dr., Alden, NY 14004

2. Supervisor Member:**(One Year Term effective 01/01/2005 – 12/31/2005)**

- Howard Miller (Town of Warsaw) 5454 Keeney Road, Warsaw, NY 14569.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

A voice vote was taken to see if any Supervisor objected to the presentation of Unanimous Consent Resolution UC45. There were no objections. The following resolution was then presented for consideration.

#UC45

RESOLUTION NO. 05-47
(January 11, 2005)

By Mr. Berwanger, Chairman of the Committee of the Whole:

APPROVES PROPERTY AUCTION SALES

WHEREAS, the County has acquired the right to transfer the following properties pursuant to a Judgement of Foreclosure under Article 11 of the Real Property Tax Law, and

WHEREAS, the Board of Supervisors has obtained an offer to purchase said properties and recommends the acceptance thereof, namely:

Parcel #156 N.R.L.L. East, LLC has offered Eight hundred eighty dollars (\$880.00) for property located in the Town of Middlebury, off Lemley Road, Tax Map #23.-1-43.2.

Now, therefore, be it

RESOLVED, That the above are hereby approved and accepted and the County Treasurer, in the name of the County, is hereby authorized to execute and deliver a referee deed to the purchaser, providing payment of said purchase price is received by him on or before February 15, 2005.

Carried: XXX Ayes: 1524 Noes: Absent: 48 (Glosser) Abstain:
46 (Rogers)

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There being no further business to come before this Board the meeting was adjourned by Mrs. Humphrey at 2:45 p.m.

Respectfully Submitted,

**Cheryl J. Ketchum
Deputy Clerk
Board of Supervisors**

**REGULAR SESSION
(February 08, 2005)****Tuesday****3:00 PM**

The regular Session of the Wyoming County Board of Supervisors was held at the Wyoming County Government Center in the Board of Supervisors' Chambers located at 143 North Main Street, Warsaw, New York with all but Supervisor Glosser T/Orangeville present. Also present was County Attorney Eric T. Dadd; County Treasurer, John Edwards; Clerk to the Board of Supervisors, Paula Parker and Deputy Personnel Officer, Cheryl Ketchum.

At **3:10 PM** Chairman Berwanger, T/Arcade, called the meeting to order.

The Wyoming County Veteran leading the Pledge of Allegiance for the month of February is:

Stanley M. Rutherford

Mr. Rutherford attended Silver Springs High School until he entered the United States Navy on November 17, 1944. He attended basic training at the United States Navy Training Center located in Sampson, NY. After basic training Mr. Rutherford was sent to the United States Navy Training Center at Newport, Rhode Island for individualized training. Then assigned to the USS Little Rock, a destroyer escort, which is presently docked in the Buffalo Harbor.

For his service to his country Mr. Rutherford was awarded the *American Service Medal*, and the *World War II Victory Medal*.

Mr. Rutherford has worked for the Wyoming County Highway Department for a total of 37 years before his retirement in 1989. He has also been the Town of Gainesville Historian since 1987.

Mr. Rutherford and his wife, Judy, of 57 years live in Silver Springs.

The pledge of Allegiance was said and Mr. Rutherford was presented with a Certificate of Appreciation from the Board of Supervisors.

The Department of Information Technology made a request for old cell phones that are no longer in service. The phones will be traded for their value for calling cards for local service men and women serving in Iraq and Afghanistan.

February 08, 2005

I'd like to take this opportunity to recognize the Department of Social Services Employee of the Month. In addition to recognizing outstanding employees, Commissioner Wallace invites them to attend a Human Service Committee meeting and Board meeting to better understand the relationship between individual Departments and the Board of Supervisors.

This month's recipient has been with the department since 1991. She was first hired as a Clerk and presently a Senior Program Specialist. She has been nominated for an excellent job in bringing CSR to fruition. Please join me in recognizing *Amber Stackhouse*.

Communications:

C1: Inter – County of Western New York reminder for Friday, February 18, 2005.

#1

**RESOLUTION NO. 05-48
(February 08, 2005)**

By Mr. Davis, Chairman of Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2004 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2004 accounts as follows:

District Attorney			Dept. Totals:
To: #01.37.3315.4.41313 2004 STOP DWI Patrols w/01.11.3315.308913 State Aid (Impaired Driving) Reason: monies from the Governor's Traffic Safety Committee Impaired Driving Deterrence Program (Copy of Treasurer's Office Receipt #48838 attached) Reimbursement of law enforcement agencies for 2004 State designated patrols.	\$4,116.62	\$4,116.62	
District Attorney Total			\$4,116.62
Probation			
To: 01.37.3140.4.43004 Juvenile Officer W/01.12.3140.431001 Juvenile Officer Grant increased by same Reason: For the 1 st Qtr (federal) of the Juvenile Officer 2004 – 2005 grant.	\$2,920.75	\$2,920.75	
Probation Total			\$2,920.75
Public Defender			
To: 01.32.1171.4.40902 Legal Services W/off setting revenues to 01.11.1171.3089 in same amount. Reason: To balance up program year for Byrne & IPP grant funds expended in 2004.	\$12,844.00	\$12,844.00	
Public Defender Total			\$12,844.00

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**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#2

**RESOLUTION NO. 05-49
(February 08, 2005)**

By Mr. Davis, Chairman of Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2005 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2005 accounts as follows:

Emergency Services & Building/Grounds			Dept. Totals:
To: 01.34.1620.2.20401 Misc. Equipment 01.34.1620.4.40004 Propane w/01.03.1620.1289 Dept. Rev increased by Reason: To purchase and fill the new propane tank at the Training center (Wethersfield).	\$1,000.00 449.50	\$1,449.50	
To: 01.37.3640.4.42102 Safety Expenses w/01.03.3640.1289 Dept. Rev Reason: To purchase fire fighting foam.	\$ 1,004.10	\$ 1,004.10	
Emergency Services & Building/Grounds Totals			\$2,453.60
Planning			
To: 01.48.8020.4.40307 Strategic Plan Funds w/01.11.8020.3089 State Revenue increased by same Reason: To reallocate the unused portion of funds from the State grant for Ag Protection Plan Expenses.	\$8,905.90	\$8,905.90	
Planning Totals			\$8,905.90

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

Mrs. Totslin, T/Genesee Falls, Chairman of the Audit Committee, presented bills totaling **\$1,139,601.79**.

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

There was a motion by Supervisor Humphrey, T/Perry, to combine resolutions #3 through #6. A voice vote was taken and all voted aye.

#3

**RESOLUTION NO. 05-50
(February 08, 2005)**

February 08, 2005

By Mrs. Humphrey, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH ROWENA MEAD ON BEHALF OF DEPARTMENT
OF SOCIAL SERVICES**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Rowena Mead, 39 Maple Street, Wyoming NY 14591, for the provision of a Merit Incentive Case Manager and Family Advocate for non-residential Domestic Violence services not to exceed Thirty thousand dollars (\$30,000.00); effective March 01, 2005 through February 28, 2006; contingent upon the availability of funds.

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#4

**RESOLUTION NO. 05-51
(February 08, 2005)**

By Mrs. Humphrey, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN 2005 ANNUAL
STATE GRANTS ON BEHALF OF WYOMING COUNTY
OFFICE FOR THE AGING**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign the following grant applications/acceptances on behalf of the Wyoming County Office for the Aging for the year 2005:

- HIICAP – Health Insurance Information Counseling, \$9,000
- LTCOP – Long Term Care Ombudsman, \$4,000
- Title V – Sr. Community Service Employment, \$27,215
- Title VII – Long Term Care Ombudsman, \$8,000
- POMP – Performance Improvement Outcome Measurement Program, \$4,000

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The numbers are based on current awards and are all 100% monies, with no county levy. The Title V grant is not 100% money but is administered through Wyoming County Community Action, and they provide the needed match.

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#5

**RESOLUTION NO. 05-52
(February 08, 2005)**

By Mrs. Humphrey, Chairman of Human Services Committee:

**DELMAR ACKER, TOWN OF MIDDLEBURY,
APPOINTED TO THE WYOMING COUNTY OFFICE FOR
THE AGING ADVISORY COUNCIL**

BE IT RESOLVED, That *Delmar Acker* of 5690 Durfee Road, Wyoming, Town of Middlebury, NY 14591 is hereby appointed to the *Wyoming County Office for the Aging Advisory Council* for a *three year term* effective *January 01, 2005 through December 31, 2007*.

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#6

**RESOLUTION NO. 05-53
(February 08, 2005)**

By Mrs. Humphrey, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
ACCEPTANCE AWARD ON BEHALF OF WYOMING
COUNTY OFFICE FOR THE AGING**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a Grant Acceptance Award from the Empire State Development Agency in the

February 08, 2005

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amount of Five thousand dollars (\$5,000.00). Grant funding is to assist the Senior meal program. Grant period to end December 31, 2005.

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

There was a motion by Supervisor Rogers, T/Pike, to combine resolutions #7 through #9. A voice vote was taken and all voted aye.

#7

**RESOLUTION NO. 05-54
(February 08, 2005)**

By Mr. Rogers, Chairman of the Public Health Committee:

**LARRY ROGERS REAPPOINTED TO MENTAL HEALTH
COMMUNITY SERVICES BOARD**

BE IT RESOLVED, That *Larry Rogers*, Town of Pike Supervisor, P. O. Box 82, Pike, NY 14130 is hereby reappointed to the *Mental Health Community Services Board* as the *Supervisor Member* for a *one year term effective January 01, 2005 through December 31, 2005*.

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#8

**RESOLUTION NO. 05-55
(February 08, 2005)**

By Mr. Rogers, Chairman of the Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN AGREEMENTS FOR
2005 ON BEHALF OF PUBLIC HEALTH DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign the

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following agreements on behalf of Wyoming County Public Health Department for 2005:

- Tammy Farnham, NP of 400 Country Parkway, Williamsville, NY 14221 for the provision of Nurse Practitioner Services for Men's & Women's Health Services in the amount of \$35.00 per hour from February 01, 2005 through December 31, 2005 not to exceed amount budgeted.
- Quest Diagnostics Incorporated, One Sylvan Parkway, West Amherst, New York 14228 to provide for laboratory testing services for clients of Men's & Women's Health Services according to the fee schedule from February 01, 2005 through December 31, 2005; not to exceed amount budgeted.

All contracts contingent upon availability of funding.

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#9

**RESOLUTION NO. 05-56
(February 08, 2005)**

By Mr. Rogers, Chairman of the Public Health Committee:

**LARRY ROGERS APPOINTED TO THE WYOMING
COUNTY BOARD OF HEALTH**

BE IT RESOLVED, That *Larry Rogers*, Town of Pike Supervisor, 14 East Koy Road, P. O. Box 82, Pike, NY 14130 is hereby appointed to the *Wyoming County Board of Health* as a Supervisor Member for a *one year term effective January 01, 2005 through December 31, 2005*.

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

There was a motion by Supervisor Meeder T/Middlebury, to combine resolutions #10 through #11. A voice vote was taken and all voted aye.

#10

RESOLUTION NO. 05-57

February 08, 2005

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FEBRUARY 8, 2005

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By Mrs. Meeder, Chairman of the Human Resource Committee:

**AUTHORIZE HOME RULE REQUEST AUTHORIZING
THE COUNTY OF WYOMING TO IMPOSE AN
ADDITIONAL MORTGAGE TAX**

WHEREAS, By Resolution No. 04-232 of August 17, 2004, the Wyoming County Board of Supervisors, requested the New York State Legislature to enact state legislation authorizing the County of Wyoming to impose an additional mortgage tax; and

WHEREAS, Assembly Bill A312 and Senate Bill S80 have been introduced into the New York State Assembly and Senate respectively to amend the tax law in relation to authorizing the County of Wyoming to impose an additional mortgage tax, and

WHEREAS, Pursuant to Article IX of the Constitution of the State of New York it is necessary for this legislature to enact a Home Rule Request for the passage of said legislation, now therefore,

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby urges and approves the adoption and passage of said Assembly Bill A312 and Senate Bill S80 entitled "*An Act to amend the tax law, in relation to authorizing the County of Wyoming to impose a county recording tax on obligations secured by a mortgage on real property*" and hereby declares that a necessity exists for the passage of such bills in that the local legislative body of the County of Wyoming does not have the power to enact such legislation by local law, and

BE IT FURTHER RESOLVED, That a Home Rule Request be submitted to the Assembly and Senate of the New York State Legislature indicating that the necessity exists for the enactment of said legislation.

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#11

**RESOLUTION NO. 05-58
FEBRUARY 8, 2005**

By Mrs. Meeder, Chairman of the Human Resource Committee:

Regular Session

**COUNTY CLERK
ANNUAL MORTGAGE TAX RETENTION FEE**

WHEREAS, Section 262 of the New York State Tax Law provides that the recording office of the County Clerk shall be entitled to recover necessary expenses for the purpose of the collection of mortgage taxes; and

WHEREAS, The County Clerk is now and has been receiving annual expenses of One Hundred Forty Two Thousand Four Hundred Forty Eight Dollars and No Cents (\$142,448.00) per Resolution No. 03-307, dated November 12, 2003; and

WHEREAS, The State Tax Commission has adopted a resolution stating, that if the allowance of a recording officer for expenses is certified by the County Board of Supervisors as a reasonable allowance, an allowance can be made; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors does hereby request the State Tax Commission to allow the Wyoming County Clerk the sum of One Hundred Forty Two Thousand Four Hundred Forty Eight Dollars and No Cents (\$142,448.00) annually (April 2005 through March 2006) for necessary expenses in carrying out the provisions of Article 11 of the New York State Tax Law.

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

There was a motion by Supervisor Kushner, T/Eagle, to combine resolutions #12 through #16. A voice vote was taken and all voted aye.

#12

**RESOLUTION NO. 05-59
FEBRUARY 8, 2005**

By Mr. Kushner, Chairman of the Public Safety Committee:

**STEPHEN TARBELL APPOINTED AS
WYOMING COUNTY STOP DWI COORDINATOR**

February 08, 2005

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BE IT RESOLVED, That *Stephen Tarbell* of 4270 Fairview Rd. Castile NY 14427 is appointed as the *Wyoming County Stop DWI Coordinator* for a *one-year term effective January 1, 2005 through December 31, 2005*.

Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

#13

**RESOLUTION NO. 05-60
FEBRUARY 8, 2005**

By Mr. Kushner, Chairman of the Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT
WITH STEPHEN TARBELL ON BEHALF OF THE BOARD
OF SUPERVISORS AND THE PUBLIC SAFETY
COMMITTEE**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign an agreement with Stephen Tarbell of 4270 Fairview Rd. Castile NY 14427 for the provision of Stop DWI Coordinating services. Said contract to be effective January 1, 2005 through December 31, 2005; in an amount not to exceed Eight thousand five hundred dollars (\$8,500), contingent upon availability of funds.

Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

#14

**RESOLUTION NO. 05-61
FEBRUARY 8, 2005**

By Mr. Kushner, Chairman of the Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
ACCEPTANCE AWARD WITH NEW YORK STATE
DIVISION OF CRIMINAL JUSTICE SYSTEM ON BEHALF
OF THE PUBLIC DEFENDERS OFFICE**

Regular Session

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a Grant Acceptance Award with New York State Division of Criminal Justice System for the **2004 BYRNE Grant Funds** in the amount of ***Fifty thousand dollars (\$50,000.00)*** on behalf of the Public Defender's Office.

Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

#15

RESOLUTION NO. 05-62
FEBRUARY 8, 2005

By Mr. Kushner, Chairman of the Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH ATTICA LEGAL AID ON BEHALF OF THE PUBLIC
DEFENDER'S OFFICE**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Attica Legal Aid, 14 Main Street, Attica, NY 14011 for the Provision of IPP (Indigent Parole Program) not to exceed Seventy two thousand dollars (\$72,000.00), ATI (Alternatives to Incarceration) Nineteen thousand dollars (\$19,000.00) and a Legislative Grant for Two thousand five hundred (\$2,500.00) for a total cost of Ninety three thousand five hundred dollars (\$93,500.00); effective January 01, 2005 through December 31, 2005; contingent upon the availability of funds.

Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

#16

RESOLUTION NO. 05-63
FEBRUARY 8, 2005

By Mr. Kushner, Chairman of the Public Safety Committee:

JOSEPH KUSHNER APPOINTED TO THE

February 08, 2005

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MERCY FLIGHT ADVISORY COMMITTEE

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BE IT RESOLVED, That *Joseph Kushner* (Town of Eagle Supervisor) of 3468 E. Main Street, Bliss NY 14024 is hereby appointed to the *Mercy Flight Advisory Committee* as the Supervisor Member for *a one-year term effective January 01, 2005 through December 31, 2005.*

Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

There was a motion by Supervisor Patti, T/Attica, to combine resolutions #17 through #21. A voice vote was taken and all voted aye.

#17

RESOLUTION NO. 05-64
(February 08, 2005)

By Mr. Patti, Chairman of Public Works Committee:

**AUTHORIZING THE IMPLEMENTATION, AND
FUNDING IN THE FIRST INSTANCE 100% OF THE
FEDERAL-AID AND STATE “MARCHISELLI”
PROGRAM-AID ELIGIBLE COSTS, OF A
TRANSPORTATION FEDERAL-AID PROJECT, AND
APPROPRIATING FUNDS THEREFOR**

WHEREAS, a Project for the, **Replacement of East Koy Road Bridge over East Koy Creek, Town of Pike, Wyoming County, P.I.N. 475314; BIN 3320090**(“the Project”) is eligible for funding under Title 23 U.S. code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of **80%** Federal funds and 20% non-federal funds; and

WHEREAS, the **County of Wyoming** desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of **Preliminary Engineering and Row Incidentals.**

NOW, THEREFORE, the **Board of Supervisors**, duly convened does hereby

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RESOLVE, that the **Board of Supervisors** hereby approves the above-subject project; and it is hereby further

RESOLVED, that the **Board of Supervisors** hereby authorizes the **Chairman** to pay in the first instance 100% of the federal and non-federal share of the cost of **Preliminary Engineering and Row Incidentals** work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$173,000** is hereby appropriated from the **Board of Supervisors** and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the **Board of Supervisors** shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the **New York State Department of Transportation** thereof, and it is further

RESOLVED, that the **Chairman** of the **Board of Supervisors** be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the **Board of Supervisors** with the **New York State Department of Transportation** in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible

Project costs and all Project costs within appropriations therefor that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project. And it is further

RESOLVED, this Resolution shall take effect immediately.

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#18

**RESOLUTION NO. 05-65
(February 08, 2005)**

February 08, 2005

By Mr. Patti, Chairman of Public Works Committee:

**AUTHORIZING THE IMPLEMENTATION, AND
FUNDING IN THE FIRST INSTANCE 100% OF THE
FEDERAL-AID AND STATE “MARCHISELLI”
PROGRAM-AID ELIGIBLE COSTS, OF A
TRANSPORTATION FEDERAL-AID PROJECT, AND
APPROPRIATING FUNDS THEREFOR**

WHEREAS, a Project for the, **Replacement of Mungers Mill Road (Town Highway) Bridge over Oatka Creek, Town of Warsaw, Wyoming County, P.I.N. 475321**(“the Project”) is eligible for funding under Title 23 U. S. code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of **80%** Federal funds and 20% non-federal funds; and

WHEREAS, the County of Wyoming desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of **Preliminary Engineering and Row Incidentals**.

NOW, THEREFORE, the **Board of Supervisors**, duly convened does hereby

RESOLVE, that the **Board of Supervisors** hereby approves the above-subject project; and it is hereby further

RESOLVED, that the **Board of Supervisors** hereby authorizes the **Chairman** to pay in the first instance 100% of the federal and non-federal share of the cost of **Preliminary Engineering and Row Incidentals**. Work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$92,000** is hereby appropriated from the **Board of Supervisors** and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the **Board of Supervisors** shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the **New York State Department of Transportation** thereof, and it is further

RESOLVED, that the **Chairman** of the **Board of Supervisors** be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the

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Board of Supervisors with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible

Project costs and all Project costs within appropriations therefor that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project. And it is further

RESOLVED, this Resolution shall take effect immediately.

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#19

**RESOLUTION NO. 05-66
(February 08, 2005)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN LEASE
AGREEMENT WITH FIRST NIAGARA LEASING, INC. ON
BEHALF OF HIGHWAY DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney, is hereby authorized and directed to sign a contract with First Niagara Leasing Inc., 6950 Transit Road, Lockport, NY 14095, for the lease of a copier and maintenance agreement for thirty six (36) months. The amount of said contract not to exceed three thousand two hundred eighty four dollars and twenty – eight cents (\$3,284.28); contingent on the availability of funds.

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#20

RESOLUTION NO. 05-67

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By Mr. Patti, Chairman of the Public Works Committee:

**SUPERINTENDENT OF HIGHWAYS AUTHORIZED TO
EXTEND THE SNOW AGREEMENT WITH TOWNS AND
VILLAGES FOR 2005/2006**

WHEREAS, The public interest demands the snow removal and the control of ice on all county roads with the County to bear the entire cost in accordance with Section 135a of the Highway Law; and

WHEREAS, The County is desirous of extending agreements with several Towns and Villages of the County for the removal of snow and for control of ice on county roads; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby authorizes the Superintendent of Highways to enter into agreements with the various Towns and Villages for the purpose of removing snow and the control of ice on county roads for the winter season of **2005/2006**. Payment to be made to the Towns and Villages by the County from the County Snow Funds; contingent upon the availability of funds.

Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

#21

RESOLUTION NO. 05-68
(February 8, 2005)

By Mr. Patti, Chairman of the Public Works Committee:

**SUPERINTENDENT OF HIGHWAYS AUTHORIZED TO
EXTEND THE SNOW AGREEMENT WITH TOWNS AND
VILLAGES FOR 2006/2007**

WHEREAS, The public interest demands the snow removal and the control of ice on all county roads with the County to bear the entire cost in accordance with Section 135a of the Highway Law; and

WHEREAS, The County is desirous of extending agreements with several Towns and Villages of the County for the removal of snow and for control of ice on county roads; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby authorizes the Superintendent of Highways to enter into agreements with
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the various Towns and Villages for the purpose of removing snow and the control of ice on county roads for the winter season of **2006/2007**. Payment to be made to the Towns and Villages by the County from the County Snow Funds; contingent upon the availability of funds.

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

There was a motion by Supervisor Knab, T/Sheldon, to combine resolutions #22 through #28. A voice vote was taken and all voted aye.

#22

**RESOLUTION NO. 05-69
(February 8, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

**BRUCE CAMP APPOINTED TO THE
INDUSTRIAL DEVELOPMENT AGENCY**

BE IT RESOLVED, That *Bruce E. Camp*, 3837 Fullington Road, Attica, New York is hereby appointed to the *Wyoming County Industrial Development Agency's Board of Directors* for a *three-year term, to be effective immediately and will expire on February 7, 2007*.

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#23

**RESOLUTION NO. 05-70
(February 8, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH J. O'CONNELL & ASSOCIATES ON BEHALF OF
PLANNING**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a
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contract with J. O'Connell & Associates located at 10646 Main St., Clarence NY 14031 for Grant Writing Services not to exceed Eighteen thousand dollars (\$18,000.00); effective March 01, 2005 through February 28, 2006; contingent upon the availability of funds.

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#24

**RESOLUTION NO. 05-71
(February 8, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH STUART I BROWN & ASSOCIATES ON BEHALF
OF PLANNING**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Stuart I. Brown & Associates, 640 CrossKeys Office Park, Fairport, NY 14450 for Grant Writing Services not to exceed Eighteen thousand dollars (\$18,000.00); effective March 01, 2005 through February 28, 2006; contingent upon the availability of funds.

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#25

**RESOLUTION NO. 05-72
(February 8, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

**JEAN TOTSLINE APPOINTED TO THE BUSINESS
EDUCATION COUNCIL**

BE IT RESOLVED, That *Jean Totsline* (Genesee Falls) 6940 River Rd., Portageville, NY 14536 is hereby appointed to the *Business Education*

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Council as the Supervisor Member for a one-year term, effective January 01, 2005 through December 31, 2005.

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#26

**RESOLUTION NO. 05-73
(February 8, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

**SUPERVISOR MEMBERS REAPPOINTED TO THE
WYOMING COUNTY TOURIST PROMOTION AGENCY**

BE IT RESOLVED, That the following Supervisors are hereby
reappointed to the Wyoming County Tourist Promotion Agency:

Supervisor Member (one year term 01/01/05 – 12/31/05)

- **Jim Fleischman** (Town of Java) 5824 Java Lake Rd. Arcade, NY 14009.

Supervisor Member/Alternate (one year term 01/01/05 – 12/31/05)

- **Ellen Grant** (Bennington) 134 Clinton St., Alden NY 14004

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#27

**RESOLUTION NO. 05-74
(February 8, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

**RICHARD TINDELL REAPPOINTED TO
GLOW – REGIONAL SOLID WASTE MANAGEMENT**

BE IT RESOLVED, That *Richard Tindell (Planning & Development)* 6470 Route 20A, Suite 4, Perry, NY 14530-9796 is hereby
appointed to **GLOW – Regional Solid Waste Management** as an *Alternate*
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Member for a term of one year effective January 01, 2005 through December 31, 2005.

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#28

**RESOLUTION NO. 05-75
(February 8, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

**ANNE HUMPHREY REAPPOINTED TO THE
GLOW – WORKFORCE INVESTMENT BOARD (W.I.B.)**

BE IT RESOLVED, That *Anne Humphrey* (Town of Perry) of 50 St. Helena Street, Perry NY 14530 is hereby appointed to the ***GLOW – Workforce Investment Board (W. I. B.)*** as a *Supervisor Member* for a *term of one year effective January 01, 2005 through December 31, 2005.*

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

There was a motion by Supervisor Gozelski, T/Castile, to combine resolutions #29 through #36. A voice vote was taken and all voted aye.

#29

**RESOLUTION NO. 05-76
(February 8, 2005)**

By Mr. Gozelski, Chairman of the Agriculture Committee:

**CHAIRMAN AUTHORIZED TO SIGN AN
INTERDEPARTMENTAL MEMORANDUM OF
AGREEMENT WITH WYOMING COUNTY DOG /
ANIMAL CONTROL**

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BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a Memorandum of Understanding with Wyoming County Dog / Animal Control Department for the provision of Rabies related services in the amount of Eleven thousand one hundred forty – five dollars (\$11,145.00); effective January 01, 2005 through December 31, 2005; contingent upon the availability of funds.

Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

#30

RESOLUTION NO. 05-77
(February 8, 2005)

By Mr. Gozelski, Chairman of the Agriculture Committee:

**CHAIRMAN AUTHORIZED TO SIGN A MEMORANDUM
 OF AGREEMENT WITH CORNELL COOPERATIVE
 EXTENSION OF WYOMING COUNTY**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a Memorandum of Agreement with Cornell Cooperative Extension of Wyoming County for the payment of County Appropriations in the amount of Three hundred seventy eight thousand one hundred ninety – six dollars (\$378,196.00) to be allocated as follows:

- **\$156,963.73** to fully fund the Agricultural Dept.
- **193,117.24** to fully fund the 4-H Dept.
- **28,115.03** to partially fund the FCS Dept.
\$378,196.00

Effective January 01, 2005 through December 31, 2005; contingent upon the availability of funds.

Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

#31

RESOLUTION NO. 05-78
(February 8, 2005)

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By Mr. Gozelski, Chairman of the Agriculture Committee:

**JOHN COPELAND APPOINTED TO THE
NYS DEC REGIONAL ADVISORY COMMITTEE**

BE IT RESOLVED, That *John Copeland* (Town of Wethersfield) 5888 Sheppard Rd. Bliss, NY 14024 is hereby appointed to the *New York State Department of Environmental Conservation Advisory Committee* for a term of *one year* effective *January 01, 2005 through December 31, 2005*.

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#32

**RESOLUTION NO. 05-79
(February 8, 2005)**

By Mr. Gozelski, Chairman of the Agriculture Committee:

**E. JOSEPH GOZELSKI APPOINTED TO THE
COOPERATIVE EXTENSION'S BOARD OF DIRECTORS**

BE IT RESOLVED, That *E. Joseph Gozelski, (Town of Castile)* 6175 E. Lake Rd., P.O. Box 331, Silver Springs, NY 14550 is hereby appointed to the *Cornell Cooperative Extension's Board of Directors* as a *Supervisor Member* for a term of *one year* effective *January 01, 2005 through December 31, 2005*.

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#33

**RESOLUTION NO. 05-80
(February 8, 2005)**

By Mr. Gozelski, Chairman of the Agriculture Committee:

Proceedings of the Board of Supervisors**SUPERVISOR MEMBERS APPOINTED/REAPPOINTED
TO THE REGION 9 – FISH & WILDLIFE MANAGEMENT
BOARD**

BE IT RESOLVED, That the following Supervisors have been appointed to the Region 9 – Fish & Wildlife Management Board for a term of *one year* effective *January 01, 2005 through December 31, 2005*:

Supervisor Member

- ***Jerry Davis*** (Town of Covington) 7414 Court Rd., Pavilion, NY 14525

Supervisor Member - Alternate

- ***John Copeland*** (Town of Wethersfield) 5888 Sheppard Rd. Bliss, NY 14024

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#34

**RESOLUTION NO. 05-81
(February 8, 2005)**

By Mr. Gozelski, Chairman of the Agriculture Committee:

**MEMBERS APPOINTED TO THE AG & FARMLAND
PROTECTION BOARD**

BE IT RESOLVED, That the following individuals are appointed to the Ag & Farmland Protection Board:

Supervisor Member (one year term 01/01/05 – 12/31/05)

- ***E. Joseph Gozelski***, (Town of Castile) 6175 E. Lake Rd., P.O. Box 331, Silver Springs, NY 14550

Wyoming County Cooperative Extension Agent (to fill the unexpired four year term left by the resignation of S. Childs effective 02/08/05 – 12/31/07)

- ***Jason Murphy***, Town of Warsaw, 401 N. Main Street, Warsaw, NY 14569

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

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**RESOLUTION NO. 05-82
(February 8, 2005)**

By Mr. Gozelski, Chairman of the Agriculture Committee:

**E. JOSEPH GOZELSKI APPOINTED TO THE SENECA
TRAIL RESOURCE CONSERVATION AND
DEVELOPMENT COUNCIL**

BE IT RESOLVED, That *E. Joseph Gozelski* (Town of Castile Supervisor / Agriculture Committee Chair) 6175 East Lake Rd. P. O. Box 331, Silver Springs, NY 14550 is hereby appointed to the *Seneca Trail Resource Conservation and Development Council* as the *Supervisor Member* for a *term of one year* effective **January 01, 2005 through December 31, 2005.**

**Carried: XXX Ayes 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#36

**RESOLUTION NO. 05-83
(February 8, 2005)**

By Mr. Gozelski, Chairman of the Agriculture Committee:

**MEMBERS APPOINTED/REAPPOINTED TO THE
SOIL & WATER CONSERVATION DISTRICT BOARD OF
DIRECTORS**

BE IT RESOLVED, That the following individuals are hereby appointed to the Soil & Water Conservation District Board of Directors:

Supervisor Members (one year term 01/01/05 – 12/31/05)

- ***E. Joseph Gozelski*** (Town of Castile / Ag Chair) 6175 East Lake Rd. P. O. Box 331, Silver Springs, NY 14550
- ***Sally Meeder*** (Town of Middlebury / Ag Vice Chair) 4631 Gay Rd.,

Wyoming County Soil & Water Conservation District Rep.

At Large Member (three year term 01/01/05 – 12/31/07)

- *Daryl E. Heiby*, 31 Duncan St. Ext., Warsaw, NY 14569

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#37

**RESOLUTION NO. 05-84
(February 8, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**CORRECTION OF ERRORS IN THE TOWN OF CASTILE
APPROVED**

WHEREAS, Pursuant to the Real Property Tax Law, application has been made for correction of error, assessment or levy on the parcel of real property hereafter described, said application having been reviewed and approved by the Finance Committee, now, therefore,

BE IT RESOLVED, That the indicated error is hereby corrected in accordance with the applicable section of the Real Property Tax Law, and the Wyoming County Treasurer shall charge back and apportion the various amounts thereof, as and if applicable, to the appropriate taxing authorities to the extent to which each has been benefited thereby:

PARCEL ONE: Town of Castile
Tax Map # 562601 147.7-1-7

ASSESSED TO: Oakfield Country Mart Inc.
C/o Bruce Carney
22 N. Main St.
Castile, NY 14427

ERROR TYPE: Clerical – Erroneous Assessment & Tax Computation Error

AUTHORITY: **RPTL § 550.2(a)** *“an incorrect entry of assessed valuation on a tax roll which, does not conform to the*

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entry for the same parcel which appears on the property record card, field book or other final work product of the assessor”

RPTL §550.2(d) *“an entry which is a mathematical error in the computation of a tax”*

ACTION: Recompute Omitted Tax amount.
Adjusted Tax Bill amount - \$ 590.40

Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

#38

RESOLUTION NO. 05-85
(February 8, 2005)

By Mr. Davis, Chairman of the Finance Committee:

HOME RULE REQUEST TO EXTEND SALES TAX
INCREASE APPROVED

WHEREAS, the County of Wyoming desires to maintain the additional one percent (1%) to the local sales tax charged to purchases, etc., made within the County under Resolution No. 03-259, passed September 9, 2003, and as amended, now, therefore

BE IT RESOLVED, That the county of Wyoming hereby requests the New York State Legislature to support and pass Senate bill, S.20, and Assembly bill, A.311, which is the legislation necessary to amend Section 1210 of the Tax Law to authorize Wyoming County to continue to add an additional one percent (1%) to the present three percent (3%) through November 30, 2007; and be it

FURTHER RESOLVED, That the Chairman of this Board and the Clerk of the Board are hereby authorized and directed to file the necessary Home Rule Request.

Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

**RESOLUTION NO. 05-86
(February 8, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN LETTERS OF
UNDERSTANDING WITH CONTRACT AGENCIES FOR
2005**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign Letters of Understanding with the following Contract Agencies for 2005:

<i>Contract Agency</i>	<i>2005 Expenditures</i>
Wyoming County Soil & Water	\$141,903.00
Pioneer Library System	26,687.00
Wyoming County Fair Association	19,569.00
Arts Council for Wyoming County	15,878.00
Erie Wyoming County Soil & Water	2,514.00
Wyoming County Tourist Promotion Agency	109,145.00
Wyoming County Business Education Council	<u>6,413.00</u>
Totals	\$322,109.00

Contingent upon the availability of funds.

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

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**RESOLUTION NO. 05-87
(February 8, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH MERCY FLIGHT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Mercy Flight in an amount not to exceed Nine thousand dollars (\$9,000.00); effective January 01, 2005 through December 31, 2005; contingent upon the availability of funds.

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#41

**RESOLUTION NO. 05-88
(February 8, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**SUPERVISOR MEMBERS APPOINTED TO
INTER – COUNTY OF WESTERN NEW YORK**

BE IT RESOLVED, That the following Town Supervisors are hereby appointed to Inter – County of Western New York:

Supervisor Members (One year term 01/01/05 – 12/31/05)

- **Anne Humphrey** (Town of Perry) 50 St. Helena Street, Perry, NY 14530
- **Jerry Davis** (Town of Covington) 7414 Court Road, P.O. Box 445, Pavilion, NY 14525
- **John Knab** (Town of Sheldon) 2246 Thomas Road, Varysburg, NY 14167

Supervisor Member - Alternates (One year term 01/01/05 – 12/31/05)

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- **Larry Rogers** (Town of Pike) P.O. Box 82, Pike, NY 14130
- **Joseph Kushner** (Town of Eagle) 3468 E. Main Street, Bliss, NY 14024

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#42

**RESOLUTION NO. 05-89
(February 8, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**SALLY MEEDER APPOINTED
HIPAA CORPORATE COMPLIANCE OFFICER**

BE IT RESOLVED, That *Sally Meeder* (Town of Middlebury) 4631 Gay Road, Warsaw, NY 14569 is hereby appointed as the *HIPAA Corporate Compliance Officer* for a term of *one year* effective *January 01, 2005 through December 31, 2005*.

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#43

**RESOLUTION NO. 05-90
(February 8, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**AUTHORIZATION TO ACQUIRE SURPLUS DOT
PROPERTY AT ROUTES 20A AND 98 IN THE
TOWN OF ORANGEVILLE**

WHEREAS, the County of Wyoming has learned that the New York State Department of Transportation (hereinafter "DOT") has determined that certain property located at the corner of Routes 98 and 20A in the Town of

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Orangeville, New York is no longer needed for State purposes and that such property may be available to the County of Wyoming; now therefore

BE IT RESOLVED, That the Chairman of this Board and the Wyoming County Attorney are hereby authorized to take whatever steps are necessary to effectuate a request to the New York State Department of Transportation to abandon and turn over to the County DOT surplus property at the corner of Routes 98 and 20A in the Town of Orangeville, New York.

Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

#44

RESOLUTION NO. 05-91
(February 8, 2005)

By Mr. Davis, Chairman of the Finance Committee:

**COUNTY OF WYOMING NAMED AS LEAD
AGENCY FOR THE PURPOSE OF CONDUCTING A
STATE ENVIRONMENTAL QUALITY REVIEW
ACT (“SEQRA”)**

WHEREAS, The New York State Department of Transportation (hereinafter “DOT”) is considering abandoning and turning over to the County DOT surplus property located at the corner of Routes 98 and 20A in the Town of Orangeville, New York; and

WHEREAS, An application must be made to the Property Executive Review Group (“PERG”) in Albany, New York who must approve any abandonment of DOT surplus property; and

WHEREAS, The entire process is subject to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, This resolution is contingent upon the approval of Resolution Office Number 44 dated, February 08, 2005; now therefore

BE IT RESOLVED, That the County of Wyoming is named to act as lead agency in connection with the “SEQRA” process.

Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

**RESOLUTION NO. 05-92
(February 8, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**SANDRA KUSHNER APPOINTED TO THE WYOMING
COUNTY COMMUNITY HOSPITAL BOARD OF
MANAGERS**

BE IT RESOLVED, That *Sandra Kushner* (Town of Eagle) 3468 East Main Street, Bliss NY 14024 is hereby appointed to *the Wyoming County Community Hospital Board of Managers* for a *five-year* term effective *January 01, 2005 through December 31, 2009*.

**Carried: XXX Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

There being no further business to come before this board Mrs. Humphrey declared the meeting adjourned with a knock on her desk at 3:35 PM.

Respectfully submitted,

**Cheryl J. Ketchum
Deputy Clerk
Board of Supervisors**

February 08, 2005

**REGULAR SESSION
(March 08, 2005)**

Tuesday

3:00 PM

The regular Session of the Wyoming County Board of Supervisors was held at the Wyoming County Government Center in the Board of Supervisors' Chambers located at 143 North Main Street, Warsaw, New York with all but Supervisor Glosser T/Orangeville present. Also present was County Attorney Eric T. Dadd; County Treasurer, John Edwards; Clerk to the Board of Supervisors, Paula Parker and Deputy Personnel Officer, Cheryl Ketchum.

At 3:23 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Wyoming County Veteran leading the Pledge of Allegiance for the month of March is:

Rebecca A. (Moen) Phelps

Mrs. Phelps is a 1960 graduate of Edmonds High School in Edmonds, Washington. She enlisted into the U.S. Army in September of 1960. After completing her Basic Training at Ft. McClellan, Alabama, she received her Advance Training for the Signal Corps at Fort Jay, Governor's Island, NYC. Mrs. Phelps was then assigned U.S. Army - Europe and stationed at Poitiers, France. She was Honorably Discharged from the U.S. Army in October 1963. For her service to her Country, Mrs. Phelps was awarded the National Defense Service Medal and the Good Conduct Medal.

Mrs. Phelps returned to her home state of Washington where she met her future husband, George A. Phelps. They returned to the Attica area where they were married on November 28, 1964. They raised two (2) boys and two (2) girls before she established her own Home Day-Care Provider. She attended Genesee Community College and received her Associates Degree in Human Services. Mrs. Phelps presently works through Wyoming County in the Family Child Care Program.

Rebecca and her husband, George, are both members of Harder-O'Donnell Post #734 of the American Legion in Attica, N.Y.

The pledge of Allegiance was said and Mrs. Phelps was presented with a Certificate of Appreciation from the Board of Supervisors.

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The Chairman continues with, "The Commissioner of Social Services routinely recognizes outstanding employees and educates them on the inter-relationship between the Department of Social Services and the Board of Supervisors. Each month Commissioner Wallace brings the "Employee of the Month" to the Human Services Committee meeting to show how departmental requests are processed by the Board.

*This month's participant is **Rhonda Cook**. Rhonda was employed by Social Services in October 2003 as a Caseworker Trainee and now serves as a Caseworker in the Services Department. She has been nominated because of her never tiring effort in working with her clients providing them with support and encouragement to move forward. Please join me in recognizing **Rhonda Cook**."*

Communications:

C1: Cazenovia College in conjunction with the Center for Economic and Environmental Partnership, Inc. will present: **SYMPOSIUM ON ENERGY in the 21st CENTURY Problems and Solutions**, on April 15, 2005 from 8:15 a.m. – 4:00 p.m. at Cazenovia College

C2: Wyoming County Community Health System and Western New York Healthcare Association is holding a **Legislative Luncheon** on March 11, 2005 at 12 noon in the Wyoming Suite at the hospital. Reservations were to be in by March 4, 2005. Anyone interested in attending please let us know today so that we can complete the reservations.

C3: Inter – County of WNY will be holding its monthly meeting at the Montour Falls Fire Department in Montour Falls, NY. The Program will be, **"Meth Lab Awareness,"** presented by Schuyler County Sheriff Investigators Breck Spaulding and Craig Gallow. RSVP no later than Thursday, March 10, 2005.

C4: The Greater Warsaw Chamber of Commerce will be holding its Annual Membership Meeting on March 31st, 2005 from 5:00 PM to 7:00 PM at the Legion Hall in Warsaw. Linda Pellegrino will be the guest speaker.

C5: Reminder that Wyoming County Student Solutions will be April 12, 2005. Lunch is at noon with the Board of Supervisors & Students at the Warsaw Central School Conference Room. Presentations begin at 1:00 PM in the Government Center Chambers.

**RESOLUTION NO. 05-93
(March 08, 2005)**

By Mr. Davis, Chairman of Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2005 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2005 accounts as follows:

Office for the Aging			Dept. Totals:
To: 01.44.6772.2.20201 computer equipment 01.44.6772.4.42306 misc. other w/ 01.12.6772.477211 revenue acct. Reason: Increase in HICAP grant funds.	\$3,201.00 3,449.00	\$6,650.00	
Office for the Aging Total			\$6,650.00
Mental Health			
To: 01.38.4324.4.40301 Contract Professional Svcs w/ 01.03.4324.1289 Other Dept. Revenue increased by same. Reason: 2005 Contract with Coordinated Care Services Inc. provided cost of living increase to funds paid to the County for WNY PFAG project oversight.	\$300.00	\$300.00	
Mental Health Total			300.00
County Clerk			
To: 01.34.1460.2.20201 capital equip (cpu's) 01.34.1460.4.40301 prof. service contracts w/ 01.11.1460.3060 increased by Reason: To reallocate funds from the State Archives Grant for 2004 –2005 period for Building Codes Department.	\$22,839.00 4,647.00	\$27,486.00	
County Clerk Total			\$27,486.00
Weights and Measures			
To: 01.43.6610.2.20201 capital equip (cpu's) w/ 01.11.6610.3089 increased by the same amount Reason: to allow for the purchase of a laptop computer.	\$877.18	\$877.18	
Weights and Measures Total			\$877.18
Emergency Services			
To: 01.37.3645.2.20401 Capital Equip. Purchase w/ 01.11.3645.3306 Homeland Security Grant T838820 increased by same Reason: To purchase training equipment before grant period terminates.	\$11,768.10	\$11,768.10	
To: 01.37.3645.2.20401 Capital Equip. Purchase w/ 01.11.3645.3306 Homeland Security Grant T838840 increased by same Reason: To purchase training equipment before grant period terminates	\$50,000.00	\$50,000.00	
To: 01.37.3645.2.20401 Capital Equip. Purchase w/ 01.11.3645.3306 Homeland Security Grant T838830 increased by same Reason: To purchase training equipment before grant period terminates	\$25,000.00	\$25,000.00	
Emergency Services Total			\$86,768.10
Building Code Enforcement			
4. Appropriation: To: 01.37.3620.4.42306 Other Misc. Supplies w/ any funds available Reason: Appropriation for signs to be made available for code compliance to 19NYCRR Part 1264, for which a \$50 fee will be collected.	\$1,275.00	\$1,275.00	
Building Code Enforcement Total			\$1,275.00
Highway & Bridges			
1. 2005 Appropriation: To: 04.53.5112.4.40940 HBRR Contract Offsetting revenue 04.12.5112.4089 Corp of Engineers	\$227,764.53	\$182,211.62	

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with the balance of \$45,552.91 to come from any available funds from Highway Fund. Reason: Funds not used in 2004 are to be carried over for the 2005 expenses, which are being incurred.		45,552.91	
Highway & Bridges Total			\$227,764.53
CIP / (Buildings & Grounds)			
To: 12.61.1620.2.21003 Government Center Repairs From: Any Funds Available within the Capital Improvements Fund. Reason: Money to be used for Government Center; Roof, Exterior Paint, Probation Entrance.	\$40,000.00	\$40,000.00	
Buildings & Grounds Total			\$40,000.00

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#2

RESOLUTION NO. 05-94
(March 08, 2005)

By Mr. Davis, Chairman of Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2005 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2005 accounts as follows:

Public Health			<u>Dept.</u> <u>Totals:</u>
FROM: 01.38.4050.1.11001 PS/Fees 01.38.4050.4.41216 BOH Exp TO: 01.38.4010.1.11001 PS/Fees 01.38.4010.4.41216 BOH Exp Reason: Transfer BoH expenses from CHHA to PH	\$ 240.00 <u>600.00</u>	\$240.00 <u>600.00</u>	
FROM: 01.11.4050.3401 State Aid TO: 01.11.4010.340104 Add'l State Aid Reason: Transfer revenue from CHHA to PH to accommodate the BoH expenses that were transferred.	\$ 840.00	\$ 840.00	
FROM: 01.38.4011.1.10502 On Call Pay TO: 01.38.4011.2.20201 Computer Equip 01.38.4011.2.20401 Misc Ofc Equip 01.38.4011.4.40301 Professional Serv. 01.38.4011.4.41004 Computer Supplies 01.38.4011.4.41010 Misc Ofc Supplies 01.38.4011.4.42306 Misc Other Reason: Move Water Enhancement On-Call money to contractual expenses to fulfill grant requirements.	\$8,600.00	3,356.00 1,640.00 1,334.00 1,720.00 350.00 <u>200.00</u>	
Public Health Total			\$10,280.00
Weights and Measures			
FROM: 01.34.1681.2.20201 CPU's 01.34.1681.4.41410 Software Purchase TO: 01.43.6610.2.20201 CPU's 01.43.6610.4.41410 Software Purchase Reason: To purchase laptop computer.	622.98 284.83	622.98 284.83	
Weights and Measures Total			\$907.81

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

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Mrs. Totslie, T/Genesee Falls, Chairman of the Audit Committee, presented bills totaling \$1,664,668.70.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Supervisor Humphrey, T/Perry, to combine resolutions #3 and #4. A voice vote was taken and all voted aye.

#3

**RESOLUTION NO. 05-95
(March 08, 2005)**

By Mrs. Humphrey, Chairman of Human Services Committee:

**DEBORAH FUEST REAPPOINTED
ACTING COMMISSIONER OF SOCIAL SERVICES**

BE IT RESOLVED, That *Deborah Fuest* of 3062 Suckerbrook Rd., Perry NY 14530 is hereby reappointed to the position of Acting Commissioner of Social Services for an indefinite term effective February 13, 2005.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#4

**RESOLUTION NO. 05-96
(March 08, 2005)**

By Mrs. Humphrey, Chairman of Human Services Committee:

**MEMBERS APPOINTED / REAPPOINTED TO THE
WYOMING COUNTY OFFICE FOR THE AGING
ADVISORY COUNCIL**

BE IT RESOLVED, That the following individuals are hereby appointed / reappointed to the Wyoming County Office for the Aging Advisory Council according to Council By – Laws amended 12/02/04:

Community Representatives

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- **Stephen Tarbell**, 4270 Fairview Rd. Castile, NY 14427
- **John Barrett** (Cloisters), 170 N. Maple Street, Warsaw NY 14569
- **Deb Gage** (Foster Grand Parent Program) Campus Bldg. #8, Mt. Morris, NY 14510

(Three year term effective through December 31, 2006)

- **Esther Goodrich** (Home Care & Hospice) 204 – 206 N. Main Street, Perry, NY 14530

Supervisor Member**(One year term effective January 01, 2005 through December 31, 2005)**

- **Harold Bush** (Town of Gainesville) 4579 Miller Road, Silver Springs, NY 14550

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Supervisor Rogers, T/Pike, to combine resolutions #5 through #6. A voice vote was taken and all voted aye.

#5

RESOLUTION NO. 05-97**(March 08, 2005)**

By Mr. Rogers, Chairman of Public Health Committee:

**RESOLUTION URGING THE STATE LEGISLATURE TO
AMEND THE ADOLESCENT TOBACCO USE
PREVENTION ACT (ATUPA) RELATING TO THE
IMPOSITION OF PENALTIES AND SANCTIONS FOR
VIOLATIONS THEREOF.**

WHEREAS, the New York State Legislature has enacted legislation known as the Adolescent Tobacco Use Prevention Act, or “ATUPA” (Article 13-F of the New York State Health Law, Sections 1399-II) (hereinafter, “ATUPA” or “The Act”) which regulates the sale and distribution of tobacco products, including the sale and distribution of tobacco products to

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minors; and

WHEREAS, the Act contains provisions for the enforcement of violations of the Act, particularly violations of the Act that prohibit the sale and distribution of tobacco products to minors; and

WHEREAS, The Wyoming County Department of Health is charged by law with the responsibility to enforce violations of the Act within Wyoming County; and

WHEREAS, the Wyoming County Board of Supervisors recognizes that the health and safety of minors is of paramount importance and strongly support the Act's goals to prevent the sale of tobacco products to minors, and to fairly punish those who violate the provisions of the Act; and

WHEREAS, in the course of the County's enforcement of violations of the Act it has become evident that the enforcement provisions contained in the Act and elsewhere, and which the Counties, including the County of Wyoming, are compelled to implement, are inherently inflexible, inequitable and unfair in the treatment of small businesses and business owners in Wyoming County in that the Act:

- a) unjustly singles out and punishes business owners who also sell lottery tickets by revoking such owners' licenses to sell lottery tickets, thus unfairly depriving such
- b) business of a significant and necessary source of income without imposing similar sanctions on owners who do not sell lottery tickets;
- c) unfairly fails to allow consideration for business owners who have voluntarily obtained training and education in how to comply with the provisions of ATUPA and have acted in good faith to prevent the sale of tobacco products to minors; and

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- d) otherwise fails to provide adequate safeguards to ensure that compliance checks and random spot checks required by ATUPA are fairly and reasonable calculated to detect those who sell or distribute tobacco products to minors in violation of the Act; and
- e) unjustly punishes a business owner where an employee sells tobacco products to a minor without owners' knowledge and consent; and

WHEREAS, this Board of Supervisors agrees that such reforms are necessary and appropriate.

NOW, THEREFORE, it is hereby resolved as follows:

1. That this Board of Supervisors hereby finds that the enforcement provisions of Article 13-F of the Public health Law are unfair and inequitable in their application to certain Wyoming County businesses that depend for their survival on the sale of tobacco products and lottery tickets.
2. That the Wyoming County Board of Supervisors hereby urges the Legislature of the State of New York to enact the following amendments to existing state legislation:
 - a. a provision amending Article 13-F of the Public Health Law that would allow for a reduction of points assessed against a business for violations, which has participated and completed an approved training and education program for the prevention of sale of tobacco products to minors, before or after the commission of a violation of the Act;
 - b. a provision amending Article 13-F of the Public Health Law that a business owner may assert as a defense to an enforcement proceeding that an employee sold tobacco products to a minor without the owners' knowledge and consent where the employer has acted in good faith to prevent such sales;
 - c. repealing section 1607 of the State Tax Law, which provides for the suspension or revocation of a license to sell lottery tickets for violations of Article 13-F of the

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Public Health Law, and a provision reinstating licenses that have heretofore been revoked or suspended under said section.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#6

**RESOLUTION NO. 05-98
(March 08, 2005)**

By Mr. Rogers, Chairman of Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT
WITH COMMUNITY CARE OF WNY ON BEHALF OF
PUBLIC HEALTH**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign an agreement with Community Care of WNY, Inc., d.b.a. Home Care & Hospice for Home Health Aide services on behalf of Wyoming County Public Health, according to the fee schedule for the period from January 01, 2005 through December 31, 2005; contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#7

**RESOLUTION NO. 05-99
(March 08, 2005)**

By Mrs. Meeder, Chairman of the Human Resource Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH DAVID H. NELSON ON BEHALF OF THE COUNTY
ATTORNEY AND THE DEPARTMENT OF SOCIAL
SERVICES**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with David H. Nelson, 11 Exchange Street, P.O. Box 238, Attica, NY

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14011 for resource recovery services at the Department of Social Services in the amount of \$70.00 per hour. Said contract to be effective January 01, 2005 through December 31, 2005; contingent upon the availability of funds. Contract.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Supervisor Kushner, T/Eagle, to combine resolutions #8 through #12. A voice vote was taken and all voted aye.

#8

**RESOLUTION NO. 05-100
(March 08, 2005)**

By Mr. Kushner, Chairman of the Public Safety Committee:

**AUTHORIZING SUBMISSION OF APPLICATION TO THE
NEW YORK STATE DIVISION OF PROBATION AND
CORRECTIONAL ALTERNATIVES FOR ALTERNATIVES
TO INCARCERATION CLASSIFICATION FUNDING**

WHEREAS, The Director of the Wyoming County Probation Department and the Criminal Justice Advisory Board requests permission to submit an application to the New York State Division of Probation and Correctional Alternatives, in order to receive grant funds in the maximum amount of Twenty four thousand eight hundred ninety dollars (\$24,890.00), now therefore,

BE IT RESOLVED, That the Chairman of this Board is hereby, authorized and directed to execute and submit an application to the New York State Division of Probation and Correctional Alternatives, 80 Wolf Road, 5th Floor, Albany, New York 12205, for receipt of grant funds in the maximum amount of twenty four thousand eight hundred ninety dollars (\$24,890.00) for Alternatives to Incarceration Funding, for a term commencing January 01, 2005 and terminating December 31, 2005; and

BE IT FURTHER RESOLVED, That upon notification of the award of said grant funds, the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to execute any and all grant documents on behalf of the County of Wyoming relative to the above.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

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**RESOLUTION NO. 05-101
(March 08, 2005)**

By Mr. Kushner, Chairman of the Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS
CONTRACTS ON BEHALF OF THE SHERIFF'S
DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign the following contracts on behalf of the Sheriff's Department:

- "STEP" Enforcement Program (Selective Traffic Enforcement Program) in the amount of Six thousand dollars (\$6,000.00) for the period of October 01, 2004 through December 30, 2005.
- Town of Bennington in the amount of Six hundred dollars (\$600.00) for the rental of the Bennington Substation for the period of April 01, 2005 through March 31, 2006.
- United Uniform Company Inc. for the purchase of uniforms for the Sheriff and Jail (prices are reduced from last contract) for the period of March 01, 2005 through February 28, 2006.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#10

**RESOLUTION NO. 05-102
(March 08, 2005)**

By Mr. Kushner, Chairman of the Public Safety Committee:

Regular Session

Proceedings of the Board of Supervisors**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH EXCELL FENCING COMPANY ON BEHALF OF
EMERGENCY SERVICES**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Excell Fencing Company located at 433 Geise Road, Darien Center, NY 14040 for the provision of fencing around the guide wire anchors for the communications tower located on Wethersfield Road in the Town of Wethersfield in the amount of five thousand nine hundred fifty dollars and ninety – six cents (\$5,950.96); contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#11

**RESOLUTION NO. 05-103
(March 08, 2005)**

By Mr. Kushner, Chairman of the Public Safety Committee:

**WYOMING COUNTY BOARD OF SUPERVISORS
EXPRESS OPPOSITION TO PROPOSED REVISIONS OF
19 NYCRR PART 1203 – MINIMUM STANDARDS FOR
ADMINISTRATION AND ENFORCEMENT OF THE
UNIFORM CODE**

WHEREAS, The proposed revision of 19 NYCRR Part 1203, “Minimum Standards for Administration and Enforcement of the Uniform Code,” presents requirements that would adversely affect the capabilities of the Wyoming County Building Department; and

WHEREAS, NYCRR Part 1203 7 (e)(f)(g) will require the issuance of permits and inspections beyond the current mandates making it impossible to meet the provisions of the Code with the existing staff. Currently, two full time building officials conduct 2500 inspections covering 601 square miles while driving 44,000 miles annually, leaving no time for further responsibilities; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors wishes to oppose these proposed revisions of NYCRR Part 1203, “Minimum Standards for Administration and Enforcement of the Uniform Code;” and be it

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FURTHER RESOLVED, That copies of this resolution be distributed to Senator Volker, Congressman Reynolds, Assemblyman Burling and to Inter – County of Western New York

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#12

**RESOLUTION NO. 05-104
(March 08, 2005)**

By Mr. Kushner, Chairman of the Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
ACCEPTANCE / AWARD WITH NYS DEPARTMENT OF
CRIMINAL JUSTICE SERVICE ON BEHALF OF PUBLIC
DEFENDER'S OFFICE**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with the New York State Department of Criminal Justice Service (DCJS) in the amount of two thousand five hundred dollars (\$2,500.00) for the provision of computer software and hardware to upgrade current reporting mechanisms in the Public Defender's office. Contract effective dates are April 01, 2004 through September 15, 2006.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Supervisor Patti, T/Attica, to combine resolutions #13 through #15. A voice vote was taken and all voted aye.

#13

**RESOLUTION NO. 05-105
(March 08, 2005)**

By Mr. Patti, Chairman of the Public Works Committee:

Proceedings of the Board of Supervisors**CHAIRMAN AUTHORIZED TO SIGN PURCHASE
CONTRACT RE: RIGHT OF WAY FOR ARCADE BRIDGE**

WHEREAS, That the real property purchase contracts in the Town of Arcade, obtained by the Public Works Committee on February 25, 2005, needed for the replacement of Arcade Bridge #3, BIN #3319450 Hurdville Road over the Cattaraugus Creek, as described on maps on file in the Office of the Wyoming County Superintendent of Highways is hereby ratified and accepted; and

BE IT RESOLVED, That the Chairman of this Board, with the approval of the County Attorney, and on behalf of the County of Wyoming, is hereby authorized and directed to sign purchase contracts regarding the aforementioned acquisition of lands and land improvement projects; and

BE IT FURTHER RESOLVED, That the County of Wyoming Superintendent of Highways and the Wyoming County Treasurer are hereby authorized to make payment for said conveyance upon advice from the County Attorney as titles become available as follows:

				Fee	Total Fee
Riefler Concrete Products	<i>Map # 1</i>	Parcel # 1	3606sf	\$ 500.00	\$ 500.00
Joseph & Gloria Welinski **	<i>Map # 3</i>	Parcel # 6	904sf	\$ 100.00	
	Improvements : Drive way			\$ 100.00	
	Lawn			\$ 400.00	
	Some trees			\$ 500.00	
	Sub-total			\$ 1,000.00	
	TE	Parcel # 7	2196sf	\$ 100.00	
	Total Costs				\$ 1,200.00
**as per telephone conversation 2/11/05, Mr Welinski will give	County Savings				\$ (1,200.00)
Kennth Matusik & Joseph Keem	<i>Map # 4</i>	Parcel # 8	7578sf	\$ 800.00	
	Improvements : Some trees			\$ 500.00	
	Total Costs				\$ 1,300.00
Village of Arcade	<i>Map # 5</i>	Parcel # 9	1916sf	\$ 200.00	
	TE	Parcel # 10	4209sf	\$ 100.00	
	Total Costs				\$ 300.00
	Grand Total				\$ 2,100.00

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#14

RESOLUTION NO. 05-106

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By Mr. Patti, Chairman of the Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH THYSENKRUPP ELEVATOR ON BEHALF OF
BUILDINGS & GROUNDS**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with ThyssenKrupp Elevator located at 245 Summit Point Drive, Suite 2-B, Henrietta, NY 14467 for the provision of monthly elevator service and an annual pressure test; effective March 01, 2005 through February 28, 2008 in the amount of eleven thousand five hundred twenty dollars (\$11,520.00); contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#15

**RESOLUTION NO. 05-107
(March 08, 2005)**

By Mr. Patti, Chairman of the Public Works Committee:

**WYOMING COUNTY PURCHASING POLICY
TO BE FOLLOWED AT COUNTY HIGHWAY
DEPARTMENT**

BE IT RESOLVED, That effective immediately, the Board of Supervisors is mandating that the Wyoming County Purchasing Policy is followed at the County Highway Department. All highway bid awards, contracts, and agreements must be approved by the Public Works Committee and proceed to full board for approval via resolution as per the purchasing guidelines for the County of Wyoming.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Supervisor Knab, T/Sheldon, to combine resolutions #16 and #17. A voice vote was taken and all voted aye.

RESOLUTION NO. 05-108
(March 08, 2005)

By Mr. Knab, Chairman of the Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN AGREEMENT
WITH ENVIRONMENTAL ENTERPRISES FOR GLOW
REGION 2005 HOUSEHOLD HAZARDOUS WASTE
COLLECTION PROGRAM**

WHEREAS, The GLOW Region Solid Waste Management Committee has received funding from the NYS Department of Environmental Conservation (NYS DEC) for the 2005 Household Hazardous Waste Collection Program; and

WHEREAS, The GLOW Committee has requested, received and evaluated five proposals from hazardous waste service providers to conduct a household hazardous waste collection day to be held on May 14, 2005; and

WHEREAS, The GLOW Committee has recommended that the Environmental Enterprises proposal be accepted to provide the needed services for the 2005 Household Hazardous Waste Collection Program; now therefore

BE IT RESOLVED, That upon the approval of the County Attorney, the Chairman of the Wyoming County Board of Supervisors is authorized and directed to sign a contract with the other GLOW Counties and Environmental Enterprises for the 2005 GLOW Household Hazardous Waste Collection Program in an amount not to exceed twenty five thousand dollars (\$25,000.00).

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#17

RESOLUTION NO. 05-109
(March 08, 2005)

By Mr. Knab, Chairman of the Planning Committee:

HOME RULE REQUEST IN SUPPORT OF A

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THREE PERCENT HOTEL MOTEL OCCUPANCY TAX

WHEREAS, the County of Wyoming desires to implement up to a three percent (3%) Hotel / Motel Occupancy Tax in light of the fiscal challenges it is now facing; and

WHEREAS, Wyoming County is requesting the authority to impose an occupancy tax in addition to the current State Sales and Use Tax on rent for occupancy of a hotel / motel room. This tax mirrors the State tax except that it directs the deposit of all revenue, after deducting the administrative expenses for the occupancy tax, into the general fund of Wyoming County. With the approval of the County Board of Supervisors, the revenue from the occupancy tax may be used for the support of the Wyoming County Tourism Agency as well as for any other county purpose; and

WHEREAS, The County of Wyoming hereby requests the New York State Legislature to support and pass Senate Bill, S.989, and Assembly Bill, A.4999, which is the legislation necessary to authorize Wyoming County to implement this Hotel / Motel Occupancy Tax; now therefor

BE IT RESOLVED, That the Chairman of this Board and the Clerk to the Board are hereby authorized and directed to file the necessary Home Rule Request documents.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
Non – Consent Item #18

RESOLUTION NO. 05-110
(March 08, 2005)

By Mr. Knab, Chairman of the Planning Committee & Mr. Gozelski, Chairman of the Agriculture Committee:

**PUBLIC HEARING FOR AGRICULTURAL DISTRICT
ADDITIONS**

WHEREAS, NYS Agriculture and Markets Law section 303-b was enacted to provide for the designation of an annual thirty-day period during which land owners may submit requests for the inclusion of predominantly viable agricultural land within an existing certified agricultural district; and

WHEREAS, The thirty-day period for Wyoming County was December 1 to December 30, 2004; and

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WHEREAS, This Board has referred the three requests that were received to the Wyoming County Agricultural and Farmland Protection Board for their review and recommendation; and

WHEREAS, This Board is required to hold a Public Hearing prior to making a decision to adopt or reject the requests to include this land within existing certified agricultural districts; now therefore

BE IT RESOLVED, That a Public Hearing will be held by the Wyoming County Board of Supervisors at the Wyoming County Government Center in Warsaw, on the 12th day of April, 2005 at 3:00 PM to consider the inclusion of the following properties in Agricultural Districts Two and Three in the Towns of Covington, Gainesville, and Perry and the recommendations of the Wyoming County Agricultural and Farmland Protection Board, and be it

<u>SBL No.</u>	<u>Property Owner</u>	<u>Location</u>
108-4-14.1	Gary Gardner	4715 Wethersfield
Road, Gainesville		
89.-1-9.1	Jean Rozanski	Route 39, Perry
89.-1-12.1	Jean Rozanski	7474 Route 39,
Perry		
50.-2-14	Synergy, LLC	Cowie Road, Perry
50.-2-24	Synergy, LLC	Cowie Road, Perry
24.-2-38.1	Synergy, LLC	Lemley Road,
Covington		
37.-1-22.1	Synergy, LLC	6534 Lemley Road,
Covington		
37.-1-27.1	Synergy, LLC	Van Allen Road,
Covington		
37.-1-27.3	Synergy, LLC	Van Allen Road,
Covington		
37.-1-34.122	Synergy, LLC	Van Allen Road,
Covington		
37.-1-42	Synergy, LLC	Van Allen Road,
Covington		

FURTHER RESOLVED, That the Clerk of this Board is authorized and directed to publish the hearing notice and that the Department of Planning and Development is directed to provide notices to the property owners, the Towns of Covington, Gainesville and Perry and the NYS Commissioner of Agriculture and Markets, and be it

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FURTHER RESOLVED, That information about this action will be available for public review at: Wyoming County Planning & Development, 6470 Route 20A, Perry, NY; and the Wyoming County Soil & Water Office, 31 Duncan Street Extension, Warsaw, NY.

Carried: Ayes: 1356 Noes: 214 (Perry) Absent: 48 (Orangeville) Abstain:

There was a motion by Supervisor Davis, T/Covington, to combine resolutions #19 through #24. A voice vote was taken and all voted aye.

At 3:45 Chairman Berwanger called for a short recess to confer with the County Attorney and Finance Chair Davis. The meeting resumed at 3:47.

Finance Chair Davis requested that office resolution number 21 be withdrawn at this time.

The roll call continued for resolutions number 19, 20, 22, 23 and 24.

#19

**RESOLUTION NO. 05-111
(March 08, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**CORRECTION OF ERRORS IN THE TOWN OF SHELDON
APPROVED**

WHEREAS, Pursuant to the Real Property Tax Law, application has been made for correction of error, assessment or levy on the parcel of real property hereafter described, said application having been reviewed and approved by the Finance Committee, now, therefore

BE IT RESOLVED, That the indicated error is hereby corrected in accordance with the applicable section of the Real Property Tax Law, and the Wyoming County Treasurer shall charge back and apportion the various amounts thereof, as and if applicable, to the appropriate taxing authorities to the extent to which each has been benefited thereby:

ORIGINAL BILL: \$ 3,349.25 (before interest and penalty)

CORRECTED BILL: \$ 356.86 “ “ “ “
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TAX MAP PARCEL: Town of Sheldon 56.-2-20.1

LOCATION: Route 20A (vacant farmland)

OWNER: Hans Boxler
2706 Big Tree Rd.
Varysburg, NY 14427

AUTHORITY: RPTL §550.3(b) *“an incorrect entry on the Tax roll, of the assessed valuation of an improvement to real property which was not in existence...”*

RPTL §550.2(e) *“an entry on a tax roll which is incorrect by reason of a mistake in the determination of a charge based on units of service”* (Recycle Fee)

ACTION: Approve / resolution

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#20

RESOLUTION NO. 05-112
(March 2005)

By Mr. Davis, Chairman of the Finance Committee:

**CORRECTION OF ERRORS IN THE TOWNS OF
ARCADE, JAVA, PERRY AND SHELDON DENIED**

WHEREAS, Pursuant to the Real Property Tax Law, application has been made for correction of error, assessment or levy on the parcel of real property hereafter described, said application having been reviewed and denied by the Finance Committee, now, therefore, be it

RESOLVED, That the indicated error is hereby **DENIED** in accordance with the applicable section of the Real Property Tax Law.

TOWN OF ARCADE TAX MAP PARCELS:

562089 620.89-9999-810.500/1001
562089 620.89-9999-810.500/2881
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TOWN OF JAVA TAX MAP PARCELS:

563600 636.-9999-810.500/2001
563600 636.-9999-810.500/2018
563600 636.-9999-810.500/2028
563600 636.-9999-810.500/2038
563600 639.-9999-810.500/2002

TOWN OF PERRY TAX MAP PARCELS:

564289 642.89-9999-810.500/2006
564289 642.89-9999-810.500/2016
564289 642.89-9999-810.500/2026

TOWN OF SHELDON TAX MAP PARCELS:

564600 646.-9999-810.500/2002
564600 646.-9999-810.500/2012
564600 646.-9999-810.500/2002

ASSESSED TO:

Columbia Gas Transmissions
Attn: Tax Dept
200 Civic Center Dr.
Columbus, OH 43215

ERROR:

NO ERROR EXISTS

ACTION:

DENY Refund Application - Tax Year 2004.

Carried: Ayes: 1570

Noes: Absent: 48 (Orangeville) Abstain:

Withdrawn
#21

**RESOLUTION NO. 05-
(March 08, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT FOR
2003 COLLECTION OF DELINQUENT PROPERTY TAXES**

BE IT RESOLVED, That the Chairman of this Board of Supervisors, with the approval of the County Attorney, is hereby authorized and directed to execute a contract with Phillips Lytle LLP, 1400 First Federal Plaza, Rochester NY 14614, for the purpose of collection of fiscal year 2003 delinquent Town and County real property taxes pursuant to the New York State Real Property Tax Law Article 11; and be it

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FURTHER RESOLVED, That its fee for such services shall be a maximum of two hundred dollars (\$200.00) per redeemed parcel or such other sum as may be allowed by New York State Real Property Tax Law.

Carried:**Ayes:****Noes:****Absent: Abstain:**

#22

**RESOLUTION NO. 05-113
(March 08, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH TIME WARNER ON BEHALF OF INFORMATION
TECHNOLOGY**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Time Warner Cable having offices located at 71 Mt. Hope Ave., Rochester, NY 14620 on behalf of Information Technology for the provision of broad band internet services. This contract is in the amount of three thousand eight hundred thirty – eight dollars and eighty cents (\$3,838.80) and is effective for 24 months starting March 05, 2005 through March 4, 2007; contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#23

**RESOLUTION NO. 05-114
(March 08, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**WYOMING COUNTY ADOPTS MEDICAL EXPENSE
REIMBURSEMENT PLAN**

WHEREAS, This plan shall be interpreted and administered in a manner consistent with the Internal Revenue Code. It is maintained for the exclusive benefit of its participants, and is intended to satisfy the requirements of Section 106 of the Internal Revenue Code (such that Employer contributions
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made on behalf of Participants are excluded from their gross income), and the requirements of Section 105 of the Internal Revenue Code (such that benefits paid to or on behalf of Participants are excluded from their gross income); now therefor

BE IT RESOLVED, That this Board of Supervisors with the approval of the County Attorney hereby adopts the Medical Expense Reimbursement Plan as set forth by Employee Benefits Solutions (EBS) with offices located at 30 Perinton Hills Mall, Fairport, NY 14450. This plan shall become effective on January 01, 2005 and will be administered by Employee Benefits Solutions.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#24

**RESOLUTION NO. 05-115
(March 08, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**RESOLUTION URGING THE STATE LEGISLATURE TO
AMEND TAX LAW SECTION 1210 RELATING TO THE
MAXIMUM AMOUNT OF THE COUNTY SALES TAX**

WHEREAS, Section 1210 of the New York Tax Law sets a maximum rate of County sales tax of three percent (3%), while allowing for Home Rule Requests by individual Counties which would enact a higher rate; and

WHEREAS, Pursuant to such a Home Rule message, enacted into State law as part of Tax Law section 1210, the current County sales tax rate is four percent (4%); and

WHEREAS, The enactment setting the County sales tax rate at four percent (4%) is scheduled to expire on November 30, 2005; and

WHEREAS, It will be necessary for the County to send to the State Legislature another such Home Rule request renewing the sales tax rate of four percent (4%); and

WHEREAS, The reason for such Home Rule request will be to provide revenue to meet the costs associated with certain mandated and/or under-funded programs, including the assigned counsel program, Medicaid and employee pension plans; and

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WHEREAS, Forty-six of sixty-two Counties in this State have had to make similar Home Rule requests enacting a sales tax at a rate of greater than three percent (3%); and

WHEREAS, It is anticipated that the need for a sales tax at a rate of greater than three percent (3%) will continue in this and other Counties in the future; and

WHEREAS, The need for annual Home Rule messages creates uncertainty in the budgeting process for the County of Wyoming, and for other municipalities in the County that benefit from the sales tax; and

WHEREAS, The need for annual Home Rule messages creates an inefficient use of limited municipal resources; and

WHEREAS, The Wyoming County Finance Chairman, Jerry Davis, has recommended to this Board of Supervisors that it urge the State of New York to amend Tax Law section 1210 to set the maximum rate at four percent (4%) so as to cure these inefficiencies; and

WHEREAS, This Legislature agrees that such reforms are necessary and appropriate.

NOW, THEREFORE, It is hereby resolved as follows:

1. That this Board of Supervisors hereby finds that Tax Law section 1210 establishes an unrealistically low maximum rate for County sales tax, in the light of the many programs that Counties are obligated to administer at increased cost without adequate funding from the State.
2. That upon the recommendation of the Wyoming County Finance Chairman, the Wyoming County Board of Supervisors hereby urges the Legislature of the State of New York to amend Tax Law section 1210 so as to allow for County sales taxes to be set at the rate of up to four percent (4%) without the need for Home Rule messages and legislation.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

Chairman Berwanger presented Unanimous Consent resolution number 25 to the Board for their consideration and asked if any Supervisor objected to the presentation of this resolution. There being no objections the roll was called.

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**RESOLUTION NO. 05-116
(March 08, 2005)**

By Mr. Berwanger, Chairman of the Committee of the Whole:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH ROBERT JAE ON BEHALF OF EMERGENCY
SERVICES**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Robert Jae located at 227 Route 20A, Varysburg, New York 14167. Consultant to provide the necessary information, detailed analysis, and recommendations regarding the Wyoming County Communications Systems. The objective will be to improve public safety response through more effective and efficient interoperable wireless communications. The effective dates of this contract are March 01, 2005 through February 28, 2006. The cost of this contract is Fifty dollars (\$50.00) per hour not to exceed Ten thousand dollars (\$10,000.00) and will be funded by the Law Enforcement Homeland Security grant funds; contingent upon the availability of the funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There being no further business to come before this Board Mrs. Humphrey adjourned this meeting with a rap on her desk at 3:48 PM.

REGULAR SESSION
(April 12, 2005)**Tuesday****3:00 PM**

The regular Session of the Wyoming County Board of Supervisors was held at the Wyoming County Government Center in the Board of Supervisors' Chambers located at 143 North Main Street, Warsaw, New York with all but Supervisor Glosser T/Orangeville present. Also present was County Attorney Eric T. Dadd; County Treasurer, John Edwards; Clerk to the Board of Supervisors, Paula Parker and Deputy Personnel Officer, Cheryl Ketchum.

At **3:08 PM** Chairman Berwanger, T/Arcade, called the meeting to order. The Public Hearing regarding the inclusion of Ag land in Ag Districts No. 2 and 3 was opened.

The Veteran leading us in the Pledge of Allegiance for the month of April 2005 is:

FRANK A. WALKLEY

Mr. Walkley is a 1938 graduate of Castile High School. He attended and graduated from Cornell College in 1943 with a degree in Agriculture/Economics. Mr. Walkley entered the U.S. Navy on August 2, 1943 and was commissioned as an officer on November 24, 1943. He then trained in the highly classified "Beach Jumper Unit" before being shipped to the Pacific Theater of Operation, and was stationed in the Philippines. Lieutenant (JG) Walkley was released from active duty on July 8, 1946. For his service to his country, Mr. Walkley was awarded the American Theatre Ribbon, the Asiatic-Pacific Theatre Ribbon with 1 star, the Philippine Liberation Ribbon with 1 star, and the Victory Ribbon.

After returning home, Mr. Walkley worked on the family farm and along with his father, established the Walkley Farm Equipment Company and the G.L.F. Agency in Castile, N.Y. Walkley Farm Equipment Co. moved to Perry, N.Y. in 1961 and was dissolved in 1966/1967. He maintained his dairy farm and orchard and also became a Justice of the Peace for Castile, then the Town Supervisor for two (2) terms. His interests in politics encouraged him to be a member of the New York State Assembly from 1964 to 1972. Mr. Walkley was then appointed the N.Y.S. Commissioner of Ag & Markets from 1972 to 1975, followed by his appointment as State Executive Director of Ag Stabilization & Conservation Services (A.S.C.S.) until his retirement in 1988.

Now "retired", Mr. Walkley enjoys woodworking and built the kitchen cabinets
April 12, 2005

in the Castile Youth Building for the Boy Scouts and Girl Scouts. He and his wife of fifty-nine (59) years, Margaret "Pat," live on School Road, Gainesville.

The pledge was said and Mr. Walkley thanked the Board for his invitation to lead in the pledge. He shared a few interesting facts from his tenure as Town Supervisor.

Chairman Berwanger then introduced Social Services Employee of the month by stating, "The Commissioner of Social Services recently began a new initiative to recognize outstanding employees and educate them on the inter-relationship between the Department of Social Services and the Board of Supervisors. Each month Commissioner Wallace brings an employee of the month to the Health and Human Services Committee meeting to see how Departmental requests are processed by the Board.

This month's participant is Julie Yunker. Julie has been employed by Social Services since 1980 and presently is a Data Entry Machine Operator working with the AFIS administration, WMS technical support and the EBT administration. Her great work ethics and professionalism led to her nomination as employee of the month."

Communications:

C1: Wyoming County Community Action is please to inform you that they are sponsoring another emergency Food Distribution. This event will be held at the Cornerstone Building at 204 N. Main Street, Perry, NY, from 10:00 am to 6:00 pm on Thursday, April 21, 2005.

C2: Inter-County Association of Western New will be held in Allegany this month on Friday April 15, 2005. The program will be held at the Crossroads Commerce & Conference Center. Reservations were due Thursday, April 7, 2005 so please respond to the Deputy Clerk before leaving today.

#1

**RESOLUTION NO. 05-117
(April 12, 2005)**

By Mr. Davis, Chairman of Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2005 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2005 accounts as follows:

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Treasurer			Dept. Totals:
To: 12.61.9950.9.99004 Transfer to Capital To: 12.12.1620.4089 Federal Aid Reason: To cover expenses Federal Government promised aid to complete Communication Tower	\$90,000.00	\$90,000.00	
To: 25.72.3641.2.22001 Communication Tower To: 25.13.3641.5031 Interfund Transfer Reason: To cover expenses Federal Government promised aid to complete Communication Tower	\$90,000.00	\$90,000.00	
To: 25.72.3640.4.40301 Professional Services To: 25.13.3640.5031 Interfund Revenue. Reason: To appropriate to cover the additional costs for the Training Center project.	\$75,000.00	\$75,000.00	
Treasurer Total			\$255,000.00
Buildings & Grounds			
To: 01.34.1620.4.40802 Contracted Building Repairs To: 01.08.1620.2680 Insurance Recovery Reason: For electric repairs at the Fire Training Center	\$997.50	\$997.50	
Buildings & Grounds Total			\$997.50
Social Services			
To: 01.39.6010.4.42450 Food Stamp Nutrition To: 01.12.6010.4610 Fed. Aid increased by same Reason: Reappropriate from 2004 to 2005 the balance left in 2004 appropriation needed to cover contract period of Oct. 2004 to Sept. 2005	\$3,658.00	\$3,658.00	
Social Services Total			\$3,658.00
Mental Health			
To: 01.38.4220.4.42476 CCSI To: 01.11.4220.3490 State Aid increased by same Reason: Increased state aid allocation for program administration.	\$34,419.00	\$34,419.00	
Mental Health Total			\$34,419.00
STOP DWI			
To: 01.37.3315.4.40301 Professional Services 01.37.3315.4.41313 STOP DWI Patrols To: 01.07.3315.2615 STOP DWI Fines – Clerk 01.07.3315.261502 STOP DWI Fines – State Reason: To appropriate expenses and revenues to reflect the 2005 STOP DWI Plan.	\$8,500.00 <u>9,404.00</u>	2,000.00 <u>15,904.00</u>	
STOP DWI Total			\$517,904.00

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#2

RESOLUTION NO. 05-118 (April 12, 2005)

By Mr. Davis, Chairman of Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2005 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2005 accounts as follows:

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Sheriff			<u>Dept. Totals:</u>
To: 01.37.3110.2.23001 Cars From any funds available Reason: To allow for the purchase of marked sheriff's road patrol cars.	\$188,000.00	\$188,000.00	
Sheriff Total			\$188,000.00

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#3

**RESOLUTION NO. 05-119
(April 12, 2005)**

By Mr. Davis, Chairman of Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2005 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2005 accounts as follows:

Treasurer			<u>Dept. Totals:</u>
From: 01.33.1325.8.89001 Hospital Ins. To: 01.34.1660.4.40603 Postage Meter Reason: To cover final payment on old postage machine	\$1,023.00	\$1,023.00	
Treasurer Total			\$1,023.00
Civil Service / Personnel			
From: 01.34.1430.1.10001 S/D/I Salaries To: 01.34.1430.4.40301 Professional Services Reason: To cover cost of expenses related to the contract with Stuart Hempel and other related expenses.	\$3,584.75	\$3,584.75	
Civil Service / Personnel Total			\$3,584.75
STOP DWI			
From: 01.37.3315.4.41401 Maintenance Agreements 01.37.3315.8.81001 Retirement 01.37.3315.8.89001 Hospitalization Ins. To: 01.37.3315.4.40406 Employee Mileage 01.37.3315.4.41010 Misc. Office Supplies 01.37.3315.4.41303 Stenographers 01.37.3315.4.41313 STOP DWI Patrols 01.37.3315.4.42101 Law Enforcement Supplies 01.37.3315.4.42306 Other – Educational Supplies Reason: To transfer amounts to reflect the 2005 STOP DWI plan.	\$770.00 1,636.00 <u>7,216.00</u>	200.00 300.00 2,230.00 3,187.00 1,205.00 <u>2,500.00</u>	
STOP DWI Total			\$9,622.00

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

Mrs. Totslie, T/Genesee Falls, Chairman of the Audit Committee, presented bills totaling **\$1,707,091.07** for the Month of March.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Supervisor Patti, T/Attica, to combine resolutions #4 through #9. A voice vote was taken and the Chairman requested that Resolutions #5 and #6 be voted on separately all voted aye.

#4

**RESOLUTION NO. 05-120
(April 12, 2005)**

By Mr. Patti, Chairman of Public Works Committee:

AMEND RESOLUTION NUMBER 05-105

BE IT RESOLVED, That Resolution 05-105 is hereby amended as follows:

From:

Riefler Concrete Products	Map #1	Parcel #1	3606sf	\$500.00	\$ 500.00
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To:

Riefler Concrete Products	Map #1	Parcel #1	3606sf	\$400.00	\$ 400.00
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The change in price reflects Riefler's retaining ownership and collecting a one time permanent Easement fee.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#5 Defeated

**RESOLUTION NO. 05-121
(April 12, 2005)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN CONTRACTS
ON BEHALF OF THE HIGHWAY DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Bryant Associates, P.C. with its office at 108 W. Jefferson St., Suite 400, Syracuse, NY 13202, in an amount not to exceed \$5,000.00 (Five

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thousand dollars) with a local share cap to be set at \$1,000.00, on behalf of Wyoming County's Highway Department. The purpose of the contract is to provide the county with consultation and administrative services for the Town of Pike's Bridge No. 2, located on East Koy Road. Said contract will terminate at the end of the project and is contingent upon the availability of funds.

Vote:

Carried: Ayes: 984 Noes: 162 (Arcade) Absent: 48 (Orangeville) Abstain:
164 (Attica)
214 (Perry)
46 (Pike)
586

Re-vote:

Carried: Ayes: 771 Noes: 162 (Arcade) Absent: 48 (Orangeville) Abstain:
164 (Attica)
214 (Perry)
46 (Pike)
213 (Warsaw)
799

#6 Defeated

RESOLUTION NO. 05-122 (April 12, 2005)

By Mr. Patti, Chairman of the Public Works Committee:

CHAIRMAN AUTHORIZED TO SIGN CONTRACTS ON BEHALF OF THE HIGHWAY DEPARTMENT

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Bryant Associates, P.C. with its office at 108 W. Jefferson St., Suite 400, Syracuse, NY 13202, in an amount not to exceed \$5,000.00 (Five thousand dollars) with a local share cap to be set at \$1,000.00, on behalf of Wyoming County's Highway Department. The purpose of the contract is to provide the county with consultation and administrative services for the Town of Warsaw's Bridge No. 9, located on Mungers Mill Road. Said contract will terminate at the end of the project and is contingent upon the availability of funds.

Carried: Ayes: 771 Noes: 162 (Arcade) Absent: 48 (Orangeville) Abstain:
164 (Attica)
214 (Perry)

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46 (Pike)

213 (Warsaw)

799

#7

RESOLUTION NO. 05-123**(April 12, 2005)**

By Mr. Patti, Chairman of the Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN CONTRACTS
ON BEHALF OF BUILDINGS AND GROUNDS**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a one year contract with Wolcott Lawn Care, 3820 Hermitage Rd., Warsaw NY 14569 for lawn maintenance in the amount of Eleven thousand four hundred twenty – six dollars (\$11,426.00); effective April 01, 2005 through December 31, 2005; contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#8

RESOLUTION NO. 05-124**(April 12, 2005)**

By Mr. Patti, Chairman of the Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN CONTRACTS
ON BEHALF OF BUILDINGS AND GROUNDS**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a one year contract with TCCT Inc, 2276 Silver Lake Road, Perry NY 14530 for janitorial services at the Board of Elections, Human Services, Courthouse, and Public Health buildings in the amount of Sixty four thousand two hundred fifty – four dollars (\$64,254.00); effective May 15, 2005 through May 14, 2006; contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

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**RESOLUTION NO. 05-125
(April 12, 2005)**

By Mr. Patti, Chairman of the Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN CONTRACTS
ON BEHALF OF BUILDINGS AND GROUNDS**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a one year contract with Michael J. Hendry Cleaning Service, 12 East Court Street, Warsaw, NY 14569 for janitorial services at both DSS buildings and the Highway department office building in the amount of Twenty eight thousand six hundred eighty dollars (\$28,680.00); effective May 15, 2005 through May 14, 2006; contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Supervisor Humphrey, T/Perry, to combine resolutions #10 through #16. A voice vote was taken and all voted aye.

#10

**RESOLUTION NO. 05-126
(April 12, 2005)**

By Mrs. Humphrey Chairman of the Human Services Committee:

AMEND RESOLUTION NUMBER 05-13

BE IT RESOLVED, That Resolution number 05-13 be amended to reflect an increase in the contracted amount with Genesee County YWCA by Two hundred twenty eight dollars (\$228.00) per year. This service is funded by the Office of Children and Family Services performance based contract for the Registration and Inspection of Child Care Providers. After final revisions from Office of Children and Family Services the dollar amount had to be changed from Thirty one thousand six hundred ninety – nine dollars (\$31,699.00) to Thirty one thousand nine hundred twenty seven dollars (\$31,927.00) creating this amendment; contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

RESOLUTION NO. 05-127
(April 12, 2005)

By Mrs. Humphrey Chairman of the Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN AGREEMENT ON
BEHALF OF THE DEPARTMENT OF SOCIAL SERVICES**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign an agreement with Renee Wilmoth for the operation of the Family Resolution Project and Family Advocate for non-residential Domestic Violence. This contract is for the period of July 01, 2005 through June 30, 2006 not to exceed Thirty seven thousand two hundred eighty dollars (\$37,280.00), contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#12

RESOLUTION NO. 05-128
(April 12, 2005)

By Mrs. Humphrey Chairman of the Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A
CONTRACT ON BEHALF OF SOCIAL SERVICES**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Community Care of Western New York, having offices located at 1225 West State Street, Olean, NY 14760 for the provision of providing Parent Aide Services. This contract is for the period January 01, 2005 through December 31, 2005 in the amount of Five thousand dollars (\$5,000.00); contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

April 12, 2005

**RESOLUTION NO. 05-129
(April 12, 2005)**

By Mrs. Humphrey Chairman of the Human Services Committee:

**SHIRLEY SAFFORD APPOINTED TO THE
OFFICE FOR THE AGING ADVISORY COUNCIL**

BE IT RESOLVED, That *Shirley Safford* of 5342 Broughton Rd., Silver Springs, NY 14550 is hereby appointed to the *Office for the Aging Advisory Council* to fill the unexpired *three-year term* of John Barrett set to expire December 31, 2006 as a Town of Gainesville Representative.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#14

**RESOLUTION NO. 05-130
(April 12, 2005)**

By Mrs. Humphrey Chairman of the Human Services Committee:

NATIONAL VOLUNTEER WEEK PROCLAIMED

WHEREAS, the entire community can effect positive change with any volunteer action no matter how big or small; and

WHEREAS, volunteers can connect with local community service opportunities through hundreds of community service organizations like Volunteer Centers; and

WHEREAS, millions of volunteers working in their communities utilize their time and talent daily to make a real difference in the lives of children, adults and the elderly; and

WHEREAS, during this week, all over the nation, service projects will be performed and volunteers recognized for their commitment to service; and

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WHEREAS, the giving of oneself in service to another empowers the giver and the recipient; and

WHEREAS, experience teaches us that government by itself cannot solve all of our nation's social problems; and

WHEREAS, our country's volunteer force of over 64 million people is a great treasure; and

WHEREAS, volunteers are vital to our future as a caring and productive nation;

NOW, THEREFORE, The Wyoming County Board of Supervisors does hereby proclaim

April 17-23, 2005

As

National Volunteer Week

In Wyoming County, and urges fellow citizens to volunteer and "*inspire by example*" in their communities. By volunteering and recognizing those who serve, we can replace disconnection with understanding and compassion.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#15

RESOLUTION NO. 05-131

(April 12, 2005)

By Mrs. Humphrey Chairman of the Human Services Committee:

OLDER AMERICANS MONTH PROCLAIMED

WHEREAS, Wyoming County is home to an estimated 6984 citizens aged 60 years or older; and

WHEREAS, The older Americans of Wyoming County are a vital part of our nation's demographic makeup; and

WHEREAS, Older citizens are members of our community entitled to dignified, independent lives free from fears, myths, and misconceptions about aging; and

April 12, 2005

WHEREAS, Each community in America must strive to recognize the contributions of our older citizens, understand and address their evolving needs, and support their caregivers; and

WHEREAS, Our society is dependent upon intergenerational cooperation and support, and benefits from our collective efforts to serve older Americans and the people who love them; and

WHEREAS, This year marks the 40th anniversary of the passage of the older Americans Act by the United State Congress;

NOW THEREFORE BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby proclaim the month of May 2005 as Older Americans Month.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#16

**RESOLUTION NO. 05-132
(April 12, 2005)**

By Mrs. Humphrey Chairman of the Human Services Committee:

NATIONAL NURSING HOME WEEK PROCLAIMED

WHEREAS, Our community's citizens now residing in nursing homes have contributed immeasurably to Wyoming County's heritage of the years; and

WHEREAS, Our community's nursing home residents are themselves living history; and

WHEREAS, Member facilities of the American Health Care Association and the Wyoming County Office for the Aging are sponsoring many activities in observance of National Nursing Home Week guided by this year's theme, "*Taking Center Stage*," which begins on Mother's Day, *May 8*; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors urges all members of this community to join in this year's

National Nursing Home Week

observance by visiting our County's nursing home residents and by recognizing the high quality of care that our long term care facilities are providing.

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Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

Mrs. Humphrey was then asked to approach the podium to present the Proclamations that go with resolutions numbered 14, 15, and 16. Mrs. Humphrey also requested that Deb Fuest join her as a representative from the Office for the Aging.

There was a motion by Supervisor Rogers, T/Pike, to combine resolutions #17 through #22. A voice vote was taken and all voted aye.

#17

**RESOLUTION NO. 05-133
(April 12, 2005)**

By Mr. Rogers Chairman of the Public Health Committee:

AMEND RESOLUTION NUMBER 04-331

BE IT RESOLVED, That resolution Number 04-331 be amended to reflect an increase of Twenty three thousand two hundred ninety-two dollars (\$23,292.00) with Coordinated Care Services, Inc. (CCSI) located at 1099 Jay Street, Building J. Rochester, NY 14611-1153 to cover staffing and expenses. All payments to Partners of Prevention will be contingent upon the Public Health Committee approval of a detailed description of expenses. All other terms and conditions specified in resolution 04-331 will remain unchanged.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#18

**RESOLUTION NO. 05-134
(April 12, 2005)**

By Mr. Rogers Chairman of the Public Health Committee:

MENTAL HEALTH MONTH PROCLAIMED

WHEREAS, Each May for more than 50 years, Mental Health Month has improved the health and lives of millions of Americans. This year, the Wyoming County Board of Supervisors wants even more people to know that

April 12, 2005

caring for their minds, as well as their bodies, is good for overall health and key to their success at home, at work and at school; and

WHEREAS, The theme for this year's observance is ***MIND Your Health***, which focuses on the mind-body connection. It highlights the latest research that draws more clearly than ever the link between our mental and physical health; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby proclaims

May 2005
as
Mental Health Month

And encourages the entire community to join the fight for mental health this May and send the message louder than ever — everywhere we live, work, learn and play.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#19

RESOLUTION NO. 05-135
(April 12, 2005)

By Mr. Rogers Chairman of the Public Health Committee:

CHILDREN'S MENTAL HEALTH WEEK PROCLAIMED

WHEREAS, The future of Wyoming County lies with our youth; and

WHEREAS, Almost twenty-one percent of children and adolescents in the United States have a mental health disorder; and eleven percent experience major mental health illnesses that result in significantly impaired behavior at home, at school and among peers; and

WHEREAS, Children and adolescents, along with their families and communities, need to be informed concerning the warning signs of mental health problems as well as where to obtain necessary assistance and treatment; and

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WHEREAS, Quality care is everyone's concern, and is based on collaborative, strength-based, individualized treatment planning which assists both children and families; and

WHEREAS, Early diagnosis and appropriate treatment of mental health problems among children and adolescents, including the full partnership of families and caretakers, provide them better opportunities to lead full and productive lives; and

WHEREAS, Children's Mental Health Week was developed by families of children with special mental, emotional and behavioral needs, to focus on the needs of their children and families; now therefore

NOW THEREFORE BE IT RESOLVED, That the Wyoming County Board of Supervisors does hereby proclaim *May 1st through May 7th in the year 2005* as

"CHILDREN'S MENTAL HEALTH WEEK"

in Wyoming County.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#20

RESOLUTION NO. 05-136
(April 12, 2005)

By Mr. Rogers Chairman of the Public Health Committee:

CHAIRMAN AUTHORIZED TO SIGN AN
AGREEMENT ON BEHALF OF PUBLIC HEALTH

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign an agreement on behalf of the Public Health Department with Quality Care – USA, Inc d.b.a. Gentiva Health Services, having offices located at 573 East Main Street, Batavia, NY and 1526 Walden Avenue, Suite 900, Cheektowaga, NY. This contract provides for Home Health Aide Services, according to a fee schedule, for the period from January 1, 2005 through December 31, 2005, not to exceed the amount budgeted. Said contract is contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
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**RESOLUTION NO. 05-137
(April 12, 2005)**

By Mr. Rogers Chairman of the Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN AN EXTENSION
OF AN AGREEMENT ON BEHALF OF PUBLIC HEALTH**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign an extension for an indefinite period of time with the County of Livingston on behalf of the Livingston County Department of Health located at 2 Livingston County Campus, Mt. Morris, NY 14510, to provide office space for the WIC Program Warsaw Clinic in the Human Services Building located at 4362 Mungers Mill Road, Silver Springs, NY.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#22

**RESOLUTION NO. 05-138
(April 12, 2005)**

By Mr. Rogers Chairman of the Public Health Committee:

AMEND RESOLUTION NUMBER 04-255

BE IT RESOLVED, That resolution number 04-255 provides for reimbursement of patient service fees associated with the Breast Health Partnership with Health Research, Inc. located at One University Place, Rensselaer, NY 12144-3455. This amendment is needed to reflect the increased reimbursement amount by Seven thousand dollars (\$7,000.00) for a new total of Twelve thousand seven hundred ninety – one dollars (\$12,791.00).

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

Mr. Rogers was asked to approach the podium to present the Proclamations that go with resolutions numbered 17 and 18. Mr. Rogers invited Steve Snell to join him as a representative from the Mental Health Department.

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There was a motion by Supervisor Meeder, T/Middlebury, to combine resolutions #23 through #25. A voice vote was taken and all voted aye.

#23

**RESOLUTION NO. 05-139
(April 12, 2005)**

By Mrs. Meeder, Chairman of the Human Resource Committee:

**PAUL DZIAMA APPOINTED AS HUMAN RESOURCE
DIRECTOR**

BE IT RESOLVED, That *Paul Dziama*, 5782 Kippen Drive, East Amherst, NY 14051 is hereby appointed to the position of Human Resource Director in the Civil Service / Personnel Department for a *term of two years effective March 21, 2005 through March 20, 2007*.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#24

**RESOLUTION NO. 05-140
(April 12, 2005)**

By Mrs. Meeder, Chairman of the Human Resource Committee:

**CHERYL J. KETCHUM APPOINTED AS PERSONNEL
OFFICER**

BE IT RESOLVED, That *Cheryl J. Ketchum*, 6578 Pearl Street, Bliss, NY 14024 is hereby appointed to the position of Personnel Officer in the Civil Service / Personnel Department until such time as the Wyoming County Civil Service Commission is established; effective March 08, 2005.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

**RESOLUTION NO. 05-141
(April 12, 2005)**

By Mrs. Meeder, Chairman of the Human Resource Committee:

ABOLISH DEPUTY PERSONNEL OFFICER POSITION

BE IT RESOLVED, That the position of Deputy Personnel Officer in the Civil Service / Personnel Department is hereby abolished; effective immediately.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

Chairman Berwanger Introduced Paul Dziama as Wyoming County's Human Resource Director. Mr. Dziama stated that he was glad to be here.

There was a motion by Supervisor Kushner, T/Eagle, to combine resolutions #26 through #30. A voice vote was taken and all voted aye.

#26

**RESOLUTION NO. 05-142
(April 12, 2005)**

By Mr. Kushner, Chairman of the Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A
CONTRACT ON BEHALF OF THE COUNTY JAIL**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with AT&T located at 1002 Hatlee Road, Ballston Lake, NY 12019 that will provide for commissions from the Inmate Calling Program Agreement. Contract to be effective August 17, 2005 through August 16, 2010.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

RESOLUTION NO. 05-143
(April 12, 2005)

By Mr. Kushner, Chairman of the Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN
CONTRACT ON BEHALF OF PROBATION**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with QC MicroSystems, Inc. located at 5658 Vineyard Road, Fitchburg, WI 53575 in the amount of Three thousand two hundred forty – seven dollars (\$3,247.00). This contract will provide for software maintenance services and is effective June 19, 2005 through June 18, 2005; contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#28

RESOLUTION NO. 05-144
(April 12, 2005)

By Mr. Kushner, Chairman of the Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
ACCEPTANCE ON BEHALF OF EMERGENCY SERVICES**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant acceptance with the New York State Emergency Management Office, located at 1220 Washington Avenue, Albany, New York 12226. This contract is for the provision of the Local Emergency Management Performance Grant in the amount of Thirteen thousand one hundred fifty nine dollars (\$13,159.00); effective September 01, 2004 through August 31, 2005.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

April 12, 2005

**RESOLUTION NO. 05-145
(April 12, 2005)**

By Mr. Kushner, Chairman of the Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
ON BEHALF OF EMERGENCY SERVICES**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Genesee Finger Lakes Regional Planning Council at 50 West Main Street Rochester, NY on behalf of Emergency Services. This contract will be for assistance in the writing of the All-Hazardous Mitigation Plan for Wyoming County and all of Wyoming County's municipalities in the amount of Thirty one thousand nine hundred thirty – five dollars (\$31,935.00); effective April 12, 2005 through April 11, 2006; contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#30

**RESOLUTION NO. 05-146
(April 12, 2005)**

By Mr. Kushner, Chairman of the Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
ON BEHALF OF THE PUBLIC DEFENDER'S OFFICE**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney authorized to sign a contract with NYS Division of Criminal Justice Services, 4 Tower Place, Albany, New York, 12203 for the provision of the Wyoming County Indigent Parolee Program legal services for the 2004 and 2005 fiscal years in the amount of One hundred eighty thousand (\$180,000.00); effective April 01, 2004 through September 15, 2006; contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

RESOLUTION NO. 05-147
(April 12, 2005)

By Mr. Knab, Chairman of the Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN SUB-RECIPIENT
AGREEMENT WITH THE GENESEO FOUNDATION, INC.
TO PROVIDE SERVICES TO MICROENTERPRISE
ASSISTANCE AND DOWNTOWN REVITALIZATION
PROGRAMS**

WHEREAS, Wyoming County has received federal grant funds to operate the Microenterprise Assistance and Downtown Revitalization Programs and the Geneseo Foundation is providing needed administrative services, and program office/classroom space; therefore

BE IT RESOLVED, That the Chairman of this Board, with the approval of the County Attorney, is hereby authorized to sign a contract with the Geneseo Foundation, Inc., Erwin Hall - Room 202, One College Circle, SUNY Geneseo, Geneseo, New York 14454, cost of said contract not to exceed Fifty Thousand Dollars (\$50,000.00); said contract effective January 1, 2005 through December 31, 2005, contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Supervisor Davis, T/Covington, to combine resolutions #32 through #35. A voice vote was taken and all voted aye.

#32

RESOLUTION NO. 05-148
(April 12, 2005)

By Mr. Davis, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
ON BEHALF OF THE TREASURER'S OFFICE**

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BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to execute a contract with Phillips Lytle, LLP with offices at 1400 First Federal Plaza, Rochester, New York 14614, for the purpose of the collection of fiscal year 2003 delinquent Town and County real property taxes pursuant to the New York State Real Property Tax Law Article 11; and be it

FURTHER RESOLVED, That the fee for such services shall be a maximum of two hundred dollars (\$200.00) per redeemed parcel or such other sum as may be allowed by New York State Real Property Tax Law, contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#33

RESOLUTION NO. 05-149 (April 12, 2005)

By Mr. Davis, Chairman of the Finance Committee:

2005 UNITED WAY CAMPAIGN SUPPORTED

WHEREAS, The United Way of Wyoming County has raised much needed funding for vital services provided by a number of human services agencies to residents of Wyoming County; and

WHEREAS, The United Way has a 2005 campaign goal of \$300,000 (Three hundred thousand dollars) for these needed services to county residents; now, therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors does hereby endorse and support the 2005 United Way Campaign, and encourages county and municipal employees, and county residents and employers to make a critical investment in their community and help us “take care of our own”, by participating in this year’s campaign.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

**RESOLUTION NO. 05-150
(April 12, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**POSITIONS CREATED IN THE
DEPARTMENT OF SOCIAL SERVICES**

BE IT RESOLVED, That the following positions are hereby created in the department of Social Services:

- Social Services Program Specialist Trainee (FTE) and is placed on Wyoming County CSEA Salary Schedule “A” Grade 8 (\$13.74 - \$15.49/hr. / \$25,005 - \$28,192/annually), effective immediately.
- Senior Social Services Program Specialist (FTE) and is placed on Wyoming County CSEA Salary Schedule “A” Grade 13 (\$15.16 - \$17.43/hr. / \$27,593 - \$31,722/annually), effective immediately.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#35

**RESOLUTION NO. 05-151
(April 12, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

SALARY SCHEDULES “S” AND “D” AMENDED

BE IT RESOLVED, That Wyoming County Salary Schedules “S” and “D” be amended to reflect the following amendments:

Schedule “S”:

April 12, 2005

- Create one position of Director of Children and Family Services in the Department of Social Services and set the salary at \$40,794.00 annually, effective immediately.

Schedule “D”:

- Set the salary of the Acting Commissioner in the Department of Social Services at \$64,000.00 annually, effective April 11, 2005.
- Create the position of Human Resource Director in the Civil Service / Personnel Department and set the salary at \$65,000.00 annually, effective March 21, 2005.
- Amend the salary of the Personnel Officer in the Civil Service / Personnel Department to \$30,000.00 annually, effective March 8, 2005.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

Mr. Davis was asked to approach the podium to present the United Way Proclamation. Mr. Davis was joined by this year’s United Way Campaign Co-Chairmen, Mitch McLaughlin and Marty Griffith. The Co-Chairmen also wanted to recognize two dedicated United Way co-workers, Karen Rumfola, and Karen DuBois.

Chairman Berwanger asked if any Supervisor objected to the following Unanimous Consent resolutions being presented to the Board for their consideration. There being none the following resolutions were presented.

#UC36

**RESOLUTION NO. 05-152
(April 12, 2005)**

By Mr. Berwanger, Chairman of the Committee of the Whole:

**THE WYOMING COUNTY BOARD OF SUPERVISORS
SUPPORTS THE COMMUNITY SERVICES BLOCK
GRANT (CSBG) AND WYOMING COUNTY COMMUNITY
ACTION, INC. WHICH ADMINISTERS THIS PROGRAM
FOR LOW-INCOME FAMILIES THROUGHOUT
WYOMING COUNTY
Regular Session**

WHEREAS, the Community Services Block Grant (CSBG) provides core funding for a network of 1,100 local organizations, including Wyoming County Community Action, Inc., to fight poverty and promote self-sufficiency for low-income individuals, families and communities in 96 percent of the nation's counties;

WHEREAS, CSBG supports programs for the neediest in our communities, targeted to individuals and families with incomes at or below the poverty line (\$15,670.00 for a family of 3 in 2004), including the working poor;

WHEREAS, CSBG assisted more than 13 million individuals in 6 million families, reaching as many as 27% of people in poverty in 2002 (the most recent year for which data has been reported);

WHEREAS, the flexibility of CSBG allows Community Action Agencies to provide a broad range of programs and services, such as affordable housing, health care, job development and placement, education, elderly services, energy assistance and homeless prevention, which are integrated into a comprehensive, systematic approach to fighting poverty and promoting self-sufficiency;

WHEREAS, the tripartite boards of Community Action Agencies, with equal representation from the local private sector, local public sector, and low-income communities being served, define the roles of local Community Action Agencies, establish their priorities for serving the local communities, and design solutions to meet the needs of the low-income individuals and communities being served;

WHEREAS, CSBG provides resources to Wyoming County Community Action, Inc. to serve as catalysts for engaging local partners, including government representatives, area citizens, local business, neighborhood civic groups, and the faith community, in rebuilding and strengthening low-income families and individuals throughout Wyoming County;

WHEREAS, CSBG leveraged almost \$9 billion in other federal, state, local and private resources in fiscal year 2002 for services administered by Community Action Agencies and their partners. Every CSBG dollar was matched by \$15.52 from all other sources, with \$5 of that match coming from state, local and private resources;

THEREFORE, BE IT RESOLVED, that the Wyoming County Board of Supervisors requests the Governor of the State of New York to work with the

April 12, 2005

United States Congress to preserve the Community Services Block Grant as an independent program administered by the U.S. Department of Health and Human Services, and to provide an appropriation for fiscal year 2006 that meets the fiscal year 2005 level of \$636.6 million.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#UC37

**RESOLUTION NO. 05-153
(April 12, 2005)**

By Mr. Berwanger, Chairman of the Committee of the Whole:

45th ARMED FORCES WEEK PROCLAIMED

WHEREAS, The first Armed Forces Day was established by President Harry S. Truman on August 31, 1949, toward the goal of paying special tribute to the men and women of the Armed Forces who in the service of their country protect and defend the United States of America, and

WHEREAS, The tradition continues with the 45th Anniversary of Armed Forces Day, with the eight Western New York Counties joining together in celebration, beginning on **May 01, 2005** and ending on **May 7, 2005**,

WHEREAS, This great event remembers and honors those members of the Armed Forces currently serving, many of them, many miles away from their homes, their family and friends and

WHEREAS, This special time of remembrance includes and honors the Veterans of our communities who shouldered the burden of defense and because of their service, they, their families and the citizens of United State savor the blessings of citizenship, and

WHEREAS, The citizens of the area counties recognize the debt of gratitude we owe to our armed Service members for their dedication and commitment to the service of their Country, and

WHEREAS, The United States Coast Guard, is the host service for this year's event, we offer through this special week of celebration and remembrance as our salute to those brave men and women who have, and are still serving proudly and call on the citizens of our communities to join us in this celebration and recognition Armed Forces Week, and

Regular Session

WHEREAS, We stop to remember in prayer the members of the Armed Services and their families from our area counties, who have lost their lives in the service to their country, they are evidence of a harsh and inescapable truth – that freedom requires sacrifices, now therefore

BE IT RESOLVED, That our eight Western New York counties are rightly proud of our legacy of patriotism and dedication as manifested in the persons of our active and reserve component Armed Forces and our veterans,

NOW THEREFORE, the Wyoming County Board of Supervisors does hereby proclaim the week of **May 1, 2005** through **May 7, 2005**:

Armed Forces Week

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

Chairman Berwanger asked Mr. Miller to join him at the podium so that the Armed Forces Week proclamation could be presented to the senior most veteran on the Board of Supervisors. The Chairman read the proclamation and entrusted Mr. Miller to deliver such to the proper hands. Mr. Miller was glad to do so.

After taking his seat Mr. Miller, T/Warsaw made a motion to change his vote on resolution number 5. The Chairman called a brief recess (3:50 PM) to confer with the County Attorney.

During the recess the United Way Campaign video was viewed.

*After the presentation of the United Way Campaign video the Chairman called the meeting back to order (4:10 PM). County Attorney Eric Dadd explained that according to Wyoming County's Rules of Procedure, **Rule #35**, "No motion for reconsideration shall be in order unless made by a member who voted in favor thereof on passage of the motion or resolution proposed to be reconsidered."*

Mr. Miller, T/Warsaw made the motion to reintroduce resolution number 5 for reconsideration according to Rule #35 of the Wyoming County Rules of Procedure.

There was some discussion by many of the Supervisors stating their position either in favor of or in opposition to resolution number 5 and the revote.

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The Chairman instructed the Clerk to the Board to call the roll for consideration of reintroducing resolution number 5.

Carried: Ayes: 1067 Noes: 127 (Castile) Absent: 48 (Orangeville) Abstain:
54 (Covington)
49 (Eagle)
96 (Gainesville)
20 (Genesee Falls)
93 (Java)
64 (Middlebury)
503

Chairman Berwanger then instructed the Clerk to read resolution number 5. He then asked if there were any questions concerning this resolution. There being none the Clerk was instructed to call the roll on the revote for resolution number 5. That vote is included as a revote and is illustrated on resolution number 5 above. The resolution was defeated.

Chairman Berwanger stated that the Board would now entertain comments from the public regarding the inclusion of Ag land in Ag Districts No. 2 and 3.

- *Tracy Rozanski spoke on behalf of Jean Rozanski of Perry, stating that there were two parcels under consideration. She stated that certain conditions had to be met by each parcel and that the Farm has been used historically and is currently yielding high rates of produce. Two hundred pine trees are scheduled for harvest. The house is used to make basic decisions regarding the farming business. That property has an access road to the farmlands. The family intends to farm this land well after Jean's death.*
- *Gary Gardner of Wethersfield spoke on behalf of himself and stated that he was serving in Iraq during the 18 mos. in which his 70 acre working farm was taken out of the Ag District.*

After all had a chance to speak Mr. Davis made a motion to close the public hearing. Mr. Bush seconded that motion. A voice vote was taken all voted aye and the public hearing was closed.

There being no further business to come before this board Mrs. Humphrey closed the meeting with a rap on her desk at 4:30 PM.

*Respectfully submitted,
Cheryl J. Ketchum*

Regular Session

**REGULAR SESSION
(May 10, 2005)****Tuesday****3:00 PM**

The regular Session of the Wyoming County Board of Supervisors was held at the Wyoming County Government Center in the Board of Supervisors' Chambers located at 143 North Main Street, Warsaw, New York with all Supervisors present except Supervisor Glosser T/Orangeville and Supervisor Davis T/Covington present. Also present was Assistant County Attorney Jane Monaghan; County Treasurer, John Edwards; Clerk to the Board of Supervisors, Paula Parker and Personnel Officer, Cheryl Ketchum.

At **3:15 PM** Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading us in the Pledge of Allegiance for the month of May is:

ALLEN A. WILLEQUER

Mr. Willequer attended Emanuel Luther School, in Bristol, Connecticut, until January 1948. He enlisted into the U.S. Army on January 25, 1949, in Hartford, Conn. He attended Basic Training at Ft. Benning, Georgia, and then went to Ft. Gordon, Georgia, for Radio Operator Training. He was deployed to Korea in November 1950 and remained in Korea until December 1951. He returned to Ft. Stewart, Georgia, for the remainder of his enlistment, and was Honorably Discharged from the U.S. Army on June 25, 1952. Mr. Willequer then enlisted into the U.S. Air Force as a Communications Specialist on September 24, 1952, and remained in the Air Force until his retirement on July 31, 1969.

For his service to his Country, Mr. Willequer was awarded the Army Occupation Medal (Japan), the Combat Infantry Badge, the Korean Service Medal w/5 Bronze Stars, the United Nations Medal, the Army Good Conduct Medal, the National Defense Service Medal, the Air Force Good Conduct Medal w/ 1 Oak Leaf Cluster, the Air Force Outstanding Unit Award w/ 3 Oak Leaf Clusters and the Air Force Longevity Service Medal w/ 4 Oak Leaf Clusters.

After his retirement from the military, Mr. Willequer worked at Westinghouse - Attica for approx. one (1) year before accepting an appointment with the New York State Department of Correctional Services as a Corrections Officer. He started at Sing Sing Correctional Facility before being transferred to Attica, C.F. in early 1971. In 1977, he transferred to Otisville, C.F., where he retired in 1992.

May 10, 2005

Since his retirement, he and his wife, Penny, travel south in the winter and return to Western New York in the summer. They have four (4) sons and two (2) daughters and are proud to state that all four sons have served in the military and that three of their sons have retired from military service. They live in Wyoming, N.Y.

The pledge was said and Chairman Berwanger presented Mr. Willequer with a Certificate of Appreciation to commemorate today's event. Mr. Willequer thanked the Frank Hollister for his continued assistance with his Veteran's Services. He informed the Board of a few Retirement Communities available in Florida for Military Widows. Mr. Willequer also invited all in attendance to contact his wife for more information. Chairman Berwanger then introduced Social Services Employee of the month by stating, "I'd like to take this opportunity to recognize the Department of Social Services Employee of the Month. In addition to recognizing outstanding employees, the Commissioner invites them to attend a Human Service Committee meeting and Board meeting to better understand the relationship between individual Departments and the Board of Supervisors.

Ramona started in 1988 as a Clerk in social Services and she also held the position of Program Specialist in the Medicaid Department. This employee was nominated because she goes above and beyond to help others and is always pleasant and cheerful. Please join me in recognizing Ramona Mandeville."

Ms. Mandeville thanked the Supervisors for the opportunity to serve.

Communications:

C1: Inter-County Association of Western New will be held in Machias this month on Friday May 13, 2005. The program will be held at The Pines-Machias Campus (Cattaraugus County Nursing Home Facility). John Ognibene, Director, Cattaraugus County Nursing Homes will deliver a program on the history of The Pines-Machias Campus and a tour of the new state of the art facility. Please let me know by the end of the Board meeting today so that we can call in reservations.

Mrs. Humphrey, Vice Chairman of the Finance Committee presented resolutions #1 and #2 in the absence of the Finance Chair.

#1

**RESOLUTION NO. 05-154
(May 10, 2005)**

Regular Session

By Mr. Davis, Chairman of Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2005 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2005 accounts as follows:

			<u>Dept. Totals:</u>
Office for the Aging			
To: 01.44.6772.4.42401 Cont. Title V Serv W/ revenue to 01.12.6772.477205 (Fed) Reason: Title V - \$2,250.00. Increase in allocation, no county match, WCCA is responsible for match.	\$2,250.00	\$2,250.00	
To: 01.44.6772.4.40402 Conf. / Convent. 01.44.6772.4.40406 Mileage 01.44.6772.4.41010 Misc. Office Supplies 01.44.6772.4.41410 Software w/ revenue to 01.12.6772.477214 Reason: POMP - \$2,200.00. was not included in budget due to uncertainty of obtaining funds.	\$500.00 250.00 600.00 <u>850.00</u>	\$2,200.00	
Office for the Aging Total			\$4,450.00
Mental Health			
To: 01.38.4220.4.41204 Advertising w/ 01.12.4220.4490 Federal funding increased by the same amount Reason: Allocation of Federal Salary Sharing funds from NYS OASAS pass-through	\$1,637.00	\$1,637.00	
Reduce: 01.38.4325.4.40926 ARA, Inc Reduce: 01.11.4325.3490 State Aid Reason: Reduction in 2005 State Aid allowance for WNY Coordinated Care Project.	(23,370.00)	(23,370.00)	
Mental Health Total			(\$21,733.00)
District Attorney			
<u>Aid to Prosecution Program</u>			
To: 01.32.1165.4.41010 Misc. Office Supplies w/01.11.1165.3089 State Aid increased by same. Reason: Reallocate unexpended grant funds from the 04/01/03 to 03/31/05 year to be spent by 03/31/05	\$1,333.48	\$1,333.48	
To: 01.32.1167.1.10101 Salaries 01.32.1167.8. 81001 Retirements 01.32.1167.8.83001 FICA 01.32.1167.8.85001 Medicaid/FICA w/ 01.12.1167.4389 Fed Aid offsetting revenue to Reason: To appropriate remaining 2004 VAWA (Stop Violence Against Women) monies to the 2005 VAWA budget. Social Services	\$4,000.00 461.84 248.00 <u>58.00</u>	\$4,767.84	
District Attorney Total			\$6,101.32
Public Defender			
<u>Indigent Parolee Program</u>			
To: 01.32.1171.4.40902 Legal Services (paid to Attica Legal Aid) w/01.11.1171.3089 State Aid IPP Program increased by same. Reason: To appropriate estimated Indigent Parolee Program funding for 2005 fiscal year / State program years 04/2004-03/2005.	\$120,000.00	\$120,000.00	
Public Defender Total			\$120,000.00

Carried: Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

#2

RESOLUTION NO. 05-155
(May 10, 2005)

May 10, 2005

By Mr. Davis, Chairman of Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2005 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2005 accounts as follows:

Treasurer			<u>Dept. Totals:</u>
From: 01.33.1325.8.89001 Hospital Ins.	\$341.00		
To: 01.34.1660.4.40603 Central Stores Postage Meter		\$341.00	
Reason: To cover Buy Out to Return old Postage machine.			
Treasurer Total			\$341.00
Social Services			
From: 01.39.6010.2.23001 (Motor Vehicle)	\$4,872.00		
To: 01.39.6010.4.40301 (Prof. Sv. Contract)		\$4,872.00	
Reason: Transfer necessary to cover costs for the bal. of 2005			
Social Services Total			\$4,872.00
Public Health Department			
From: 01.38.4050.1.10001 Salaries SDI	\$15,000.00		
01.38.4050.8.81001 Retirement	1,725.00		
01.38.4050.8.83001 FICA	930.00		
01.38.4050.8.85001 Medicare	<u>217.50</u>		
To: 01.38.4010.1.10001 Salaries SDI		\$15,000.00	
01.38.4010.8.81001 Retirement		1,725.00	
01.38.4010.8.83001 FICA		930.00	
01.38.4010.8.85001 Medicare		<u>217.50</u>	
Transfer budgeted CHHA salary & fringe expense to PH in order to enhance reimbursement.			
From: 01.04.4050.161002 Medicare			
01.11.4050.3401 State Aid	\$ 5,712.50		
To: 01.04.4010.160105 Env Revenue	12,160.00		
01.11.4010.340104 Add'l State Aid		\$ 5,712.50	
Transfer Revenue from CHHA to PH to accommodate salary and fringe expenses transferred above.		<u>12,160.00</u>	
Public Health Department Total			\$35,745.00
Civil Service / Personnel			
From: 01.34.1430.1.10001 S/D/I Salary	\$528.00		
To: 01.34.1430.4.41410 Software Purchase		\$528.00	
Reason: Supervisory Training Program. BLR (Business & Legal Reports). Cost of the program will be a maximum of \$528.00 (495.00 for the program/subscription and \$33 for shipping). However, the first year may be discounted by \$100.00. Authorization was given to purchase this training program and make this transfer.			
Civil Service / Personnel Total			\$528.00
District Attorney			
Violence Against Women			
From: 01.32.1167.1.10001 S/D/I Salary	\$2,367.74		
01.32.1167.8.81001 Retirement	284.12		
01.32.1167.8.83001 FICA	146.80		
01.32.1167.8.85001 Medicare / FICA	<u>34.34</u>		
To: 01.32.1167.4.40401 Training/Education		\$1,500.00	
01.32.1167.4.41010 Misc. Office Supplies		833.00	
01.32.1167.4.41103 Film / Processing		<u>500.00</u>	
Reason: Transfer funds for 2005 project year for training and supplies needed.			
District Attorney Total			\$2,833.00

Carried: Ayes: 1516 Noes: Absent: 54 (Covington) Abstain: 48 (Orangeville)

Mrs. Totslie, T/Genesee Falls, Chairman of the Audit Committee, presented bills totaling **\$1,018,233.27** for the Month of April.

**Carried: Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

There was a motion by Mrs. Humphrey, T/Perry, to combine resolutions #3 and #4. A voice vote was taken and all voted aye.

#3

**RESOLUTION NO. 05-156
(May 10, 2005)**

By Mrs. Humphrey, Chairman of Human Services Committee:

**CAROL SCHUTT APPOINTED TO THE WYOMING
COUNTY OFFICE FOR THE AGING ADVISORY
COUNCIL**

BE IT RESOLVED, That *Carol Schutt*, CPRP of Peers Helping Peers, Inc., 27 West Buffalo Street, Warsaw, NY 14569 is hereby appointed to the Wyoming County Office for the Aging Advisory Council for an *unexpired term of three years* effective immediately *through December 31, 2007* as a *Community Representative*.

**Carried: Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#4

**RESOLUTION NO. 05-157
(May 10, 2005)**

By Mrs. Humphrey, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN CONTRACTS ON
BEHALF OF WYOMING COUNTY YOUTH BUREAU**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign the list of contracts below.

All contracts are for the period of July 1, 2005 – June 30, 2007 (two year contract) with the exception of Wyoming County Community Hospital that is from July 1, 2005 – June 30, 2006 (one year contract).

Aurora Audiology
112 Olean Street, Suite 124
East Aurora, New York 14052

Maria Benzoni
PO Box 31
Geneseo, New York 14454

Buffalo Hearing and Speech
50 East North Street
Buffalo, New York 14203

Catt-Allegany BOCES
1845 Windfall Road
Olean, New York 14760

Trudy Chapman
9736 Alexander Road
Alexander, New York 14005

Community Hearing Services
117 Franklin Street, Suite 300
Dansville, New York 14437

Sandra DeVoe
10725 Molasses Hill Road
Alexander, New York 14005

Adam Finley
9621 Savage Road
Holland, New York 14080

Genesee Valley BOCES
80 Munson Street
Leroy, New York 14482

Hearing and Speech Center of
WNY
15 South Forest Road
Williamsville, New York 14221

Hearing Impaired Instructional
Services, LLC
162 Highland Drive
Williamsville, New York 14221

Terri Humberstone
7064 Standpipe Road
Perry, New York 14530

Preschool Learning Center
393 North Street
Springville, New York 14141

Rainbow Preschool
The ARC of Orleans County
243 South Main Street
Albion, New York 14411

Rehabilitation Today
2416 Constitution Avenue
Olean, New York 14760

Rochester School for the Deaf
Outreach Center
1545 St. Paul Street
Rochester, New York 14621-1842

Elizabeth Wascak
3820 Euclid Avenue
Perry, New York 14530

Wyoming County Community
Hospital
422 North Main Street
Warsaw, New York 14569

Integrated Therapy Services
25 Liberty Street
Batavia, New York 14020

Carla Jennetti
251 South Grove Street
East Aurora, New York 14052

Karen Nelson
7138 Lyman Road
Bergen, New York 14416

Kidstart
18 Main Street
Mt. Morris, New York 14510-1036

Danette Pollock
9512 South Main Street
Machias, New York 14101

Letchworth Central School
5550 School Road
Gainesville, New York 14066

Mary Angela Maines
88 St. Mary's Court, PO Box 213
Silver Springs, New York 14550

Sarah Miller
2845 Maxon Road
Varysburg, New York 14167

Olmsted Center for the Visually
Impaired
1170 Main Street, PO Box 398
Buffalo, New York 14209-0398

**Preschool Special Education
Programs**

Catt-Allegany BOCES
1845 Windfall Road
Olean, New York 14760

Warsaw, NY 14569

Genesee Valley BOCES
80 Munson Street
Leroy, New York 14482

Letchworth Little Learners
5550 School Road
Gainesville, New York 14066

Kidstart
18 Main Street
Mt. Morris, New York 14510-1036

Preschool Learning Center
393 North Street
Springville, New York 14141

Wyoming County Community
Hospital
422 North Main Street

Rainbow Preschool
The ARC of Orleans County
243 South Main Street
Albion, New York 14411

The contracts are not to exceed 2005 budget, variable – depending on the number of services and the rates as set by New York State. Local County Share is 40.5%, Reimbursement is 59.5%

**Carried: Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

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There was a motion by Supervisor Rogers, T/Pike, to combine resolutions #5 and #6. A voice vote was taken and all voted aye.

#5

**RESOLUTION NO. 05-158
(May 10, 2005)**

By Mr. Rogers, Chairman of Public Health Committee:

**WYOMING COUNTY NO LONGER TO ADMINISTER
ADOLESCENT TOBACCO USE PREVENTION ACT
(ATUPA) PROGRAM**

BE IT RESOLVED, That the County of Wyoming will no longer administer the *Adolescent Tobacco Use Prevention Act (ATUPA) Program* through the New York State Department of Health. As such the contract is deemed ended as of March 31, 2005. Correspondence to this effect will be sent to the State Department of Health with the approval of the County Attorney.

Carried: Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

#6

**RESOLUTION NO. 05-159
(May 10, 2005)**

By Mr. Rogers, Chairman of Public Health Committee:

**POSITION ABOLISHED IN THE PUBLIC HEALTH
DEPARTMENT**

BE IT RESOLVED, That the position of Dental Hygienist in the Wyoming County Health Department be abolished effective March 31, 2005.

Carried: Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

There was a motion by Supervisor Kushner, T/Eagle, to combine resolutions #7 and #8. A voice vote was taken and all voted aye.

May 10, 2005

**RESOLUTION NO. 05-160
(May 10, 2005)**

By Mr. Kushner, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A MAINTENANCE
AGREEMENT WITH FRONTIER COMMUNICATIONS ON
BEHALF OF EMERGENCY SERVICES**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a Maintenance Agreement with Frontier Communications of Rochester, 180 South Main Street, Rochester, NY 14646. This agreement will provide for maintenance of the positron equipment. This agreement is for all Positron and/or Frontier equipment of the public safety dispatch center and is in an amount not to exceed Forty Two thousand dollars (\$42,000) per year for each of the next five years. Effective date of contract is March 01, 2005 through February 28, 2010; contingent upon the availability of funds.

**Carried: Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#8

**RESOLUTION NO. 05-161
(May 10, 2005)**

By Mr. Kushner, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN GRANT
ACCEPTANCE AWARD ON BEHALF OF EMERGENCY
SERVICES**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant acceptance with the Office of Fire Prevention and Control, 41 State Street, Albany, NY 12231 on behalf of Emergency Services. This 911 grant is in the amount of Eighty one thousand five hundred ninety – seven dollars and seventy two cents (\$81,597.72) and will be used to purchase a digital recorder,

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synchronized time clocks, and to digitize tax maps; effective April 1, 2005 through March 31, 2006 or until funds are expended.

**Carried: Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

Before the roll was called on non-consent resolution #9 Supervisor Kushner explained to the Board that this resolution did not come out of Public Safety with a unanimous vote. There was some concern over the maintenance of equipment at the Training Center. The question was asked, "When the grant expires where do we go for the funds to cover these expenses?" The County may have this responsibility. Chairman Berwanger asked for a recommendation. Supervisor Kushner stated that he didn't feel comfortable telling the others how to vote. However, the Deputy Fire Coordinators will be used as maintenance people; at least two of them, William Streicher will do an excellent job however the fact still remains that the money may run out.

**Non-Consent
#9**

**RESOLUTION NO. 05-162
(May 10, 2005)**

By Mr. Kushner, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN HOMELAND
SECURITY GRANT ACCEPTANCE AWARD
ON BEHALF OF EMERGENCY SERVICES**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign the homeland security grant acceptance for Thirty thousand dollars (\$30,000.00) on behalf of Wyoming County Emergency Services Department. (\$10,000.00 for interoperability, \$10,000.00 for equipment, \$10,000 for maintenance of equipment at training center.) This is a two-year contract; effective April 01, 2005 through March 31, 2007.

**Carried: Ayes: 1302 Noes: 214 (Perry) Absent: 54 (Covington) Abstain:
48 (Orangeville)**

#10

RESOLUTION NO. 05-163

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By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO ACCEPT A LAND
DONATION BY KENNETH MATUSIK**

WHEREAS, That the real property purchase contract in the Town of Arcade, approved by this Board of Supervisors on March 8, 2005 in Resolution 05-105, with Mr. Kenneth Matusik, known as Map number 4, parcel number 8 with a tax map number of 182.-1-39.1, was needed for the replacement of Arcade Bridge #3, BIN #3319450 Hurdville Road over the Cattaraugus Creek, as described on maps on file in the Office of the Wyoming County Superintendent of Highways; and

WHEREAS, It is the desire of Mr. Kenneth Matusik, the owner of parcel SBL number 182.-1-39.1, to donate the rest of that property within this parcel, located on East and West sides of Hurdville Road, to the County of Wyoming.

BE IT RESOLVED, That the Chairman of this Board, with the approval of the County Attorney, and on behalf of the County of Wyoming, is hereby authorized and directed to accept this donation and to obtain ownership of the said property, and

BE IT FURTHER RESOLVED, That the County Attorney is hereby authorized and directed to complete and file any and all necessary documents to accept the said conveyance.

Carried: Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

There was a motion by Supervisor Knab, T/Sheldon, to combine resolutions #11 through #16. A voice vote was taken and all voted aye.

#11

RESOLUTION NO. 05-164
(May 10, 2005)

By Mr. Knab, Chairman of Planning Committee:

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2006 MATCHING FUNDS PROGRAM APPROVED ON
BEHALF OF THE WYOMING COUNTY TOURISTS
PROMOTION AGENCY

BE IT RESOLVED, That the Wyoming County Board of Supervisors does hereby approve taking part in the 2006 Matching Funds Program for tourist promotional activities;
and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors hereby designates the Wyoming County Tourist Promotion Agency, Inc. as the official tourist promotion agency for the County of Wyoming and as the agency to apply for and receive matching funds on behalf of the County, under the Matching Funds Program.

Carried: Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

#12

RESOLUTION NO. 05-165
(May 10, 2005)

By Mr. Knab, Chairman of Planning Committee:

FUNDS APPROVED FOR MATCHING FUNDS PROGRAM
FOR TOURIST PROMOTION

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby approves taking part in the 2006 Matching Funds Program for tourists promotional activities and hereby commits the County of Wyoming to \$30,000.00 (Thirty thousand dollars) in matching funds, which is in addition to the operational budget amount to be included in the year 2006 County Budget; contingent upon the availability of funds from New York State.

Carried: Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

#13

RESOLUTION NO. 05-166
May 10, 2005

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By Mr. Knab, Chairman of Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN AMENDED
AGREEMENTS WITH WYOMING COUNTY CORNELL
COOPERATIVE EXTENSION AND AMERICAN
FARMLAND TRUST**

WHEREAS, The County of Wyoming has been awarded a Fifty Thousand Dollar (\$50,000) grant (Resolution No. 03-187) from NYS Agriculture and Markets to develop an Agriculture Farmland Protection & Development Plan; and

WHEREAS, There is a need to extend contract end dates with Wyoming County Cornell Cooperative Extension and American Farmland Trust from April 30, 2005 to August 31, 2005 with no additional cost to the county; now therefore

BE IT RESOLVED, That the Chairman of the Wyoming County Board of Supervisors, with the approval of the County Attorney, is hereby authorized and directed to sign an amendment to the existing agreements with Wyoming County Cornell Cooperative Extension, 401 North Main Street, Warsaw, New York 14569 and American Farmland Trust, Northeast Regional Office, Six Franklin Square, Suite E, Saratoga Springs, NY 12866, contingent upon the availability of funds.

Carried: Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

#14

RESOLUTION NO. 05-167
(May 10, 2005)

By Mr. Knab, Chairman of Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN SMALL CITIES
GRANT APPLICATIONS**

WHEREAS, That the County of Wyoming wishes to apply for a Small cities grant of up to One Hundred Fifty Thousand Dollars (\$150,000) that will

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be used by the Wyoming County IDA to provide financial assistance to Shur Gain USA, Strykersville, New York, for their continued growth and expansion; and

WHEREAS, The loan repayments from Shur Gain USA can be used by the Wyoming County IDA to provide financial assistance to other Wyoming County businesses that will create additional job opportunities for county residents; now therefore

BE IT RESOLVED, That the Chairman of this Board of Supervisors is hereby authorized as the official representative of Wyoming County, New York, to execute and submit grant applications to the Governor's Office For Small cities for a NYS Community Development Block Grant, Small Cities Economic Development program, and is hereby authorized and directed, upon the approval of the County Attorney, to take all actions needed for the submission of the grant applications and to provide such additional information and assistance as may be necessary.

Carried: Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

#15

RESOLUTION NO. 05-168
(May 10, 2005)

By Mr. Knab, Chairman of the Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN A G.L.O.W. REGION
SOLID WASTE MANAGEMENT COMMITTEE INTER-
MUNICIPAL COOPERATION CONTRACT**

WHEREAS, The Genesee, Livingston, and Wyoming Counties ("GLOW") Region Solid Waste Management Project Inter-municipal Cooperation Contract is scheduled to expire on December 31, 2005; and

WHEREAS, The G.L.O.W. Committee has prepared the Ninth Amended and Restated Inter-municipal Cooperation Contract and has recommended that this contract be submitted to the three counties for their review and approval, said contract to expire December 31, 2007; now therefore

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BE IT RESOLVED, That the Chairman of this Board, with the approval of the County Attorney, is hereby authorized and directed to execute said contract on behalf of the County of Wyoming.

Carried: Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

#16

RESOLUTION NO. 05-169
(May 10, 2005)

By Mr. Knab, Chairman of the Planning Committee:

TRUDY JANSEN APPOINTED TO THE GLOW W.I.B.

BE IT RESOLVED, That **Trudy Jansen**, Regional Administrator of Rural Opportunities, Inc., 140 North Main Street, Albion, NY 14411, is hereby appointed to the GLOW Workforce Investment Board (WIB) as an At-Large member to replace Janette Padilla, effective May 10, 2005.

Carried: Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

Mr. Gozelski, T/Castile, Chairman of the Ag Committee was asked to present Resolution #17 for consideration by the Board. Mr. Knab concurred that both Planning Committee and Ag Committee approved this resolution and move for its adoption.

#17

RESOLUTION NO. 05-170
(May 10, 2005)

By Mr. Knab, Chairman of the Planning Committee and Mr. Gozelski, Chairman of the Agriculture Committee:

AGRICULTURAL DISTRICT ADDITIONS

WHEREAS, NYS Agriculture and Markets Law section 303-b was enacted to provide for the designation of an annual thirty-day period during
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which land owners may submit requests for the inclusion of predominantly viable agricultural land within an existing certified agricultural district; and

WHEREAS, The thirty-day period for Wyoming County was December 1 to December 30, 2004; and

WHEREAS, This Board has referred the three requests that were received to the WC Agricultural and Farmland Protection Board (AFPB) for their review and recommendation, and the AFPB's recommendations have been reviewed by this Board; and

WHEREAS, This Board held a Public hearing on the 12th day of April, 2005 at 3:00 PM at the Wyoming County Government Center in Warsaw, NY after publication of a hearing notice, which was also sent to property owners, the Towns of Covington, Gainesville, Perry and Wethersfield and the NYS Commissioner of Agriculture and Markets; now therefore

BE IT RESOLVED, That this Board has found that the proposed additions in Agricultural Districts Two and Three in the Towns of Covington, Gainesville and Perry will not have a significant adverse environmental impact, and be it

FURTHER RESOLVED, That this Board approves the inclusion of the following properties in Agricultural Districts Two and Three in the Towns of Covington, Gainesville, and Perry because these parcels are being actively used for agricultural purposes and will help maintain a viable agricultural industry in these Districts, and be it,

<u>SBL No.</u>	<u>Property Owner</u>	<u>Location</u>
108-4-14.1	Gary Gardner	4715 Wethersfield Road, Gainesville
50.-2-14	Synergy, LLC	Cowie Road, Perry
50.-2-24	Synergy, LLC	Cowie Road, Perry
24.-2-38.1	Synergy, LLC	Lemley Road, Covington
37.-1-22.1	Synergy, LLC	6534 Lemley Road, Covington
37.-1-27.1	Synergy, LLC	Van Allen Road, Covington
37.-1-27.3	Synergy, LLC	Van Allen Road, Covington
37.-1-34.122	Synergy, LLC	Van Allen Road, Covington
37.-1-42	Synergy, LLC	Van Allen Road, Covington

FURTHER RESOLVED, That this Board rejects the inclusion of the following properties in Agricultural District 3, because their inclusion is not essential to maintaining a viable agricultural industry.

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<u>SBL No.</u>	<u>Property Owner</u>	<u>Location</u>
89.-1-9.1	Jean Rozanski	Route 39, Perry
89.-1-12.1	Jean Rozanski	7474 Route 39, Perry

Carried: Ayes: 1516 Noes: Absent: 54 (Covington) Abstain: 48 (Orangeville)

In the absence of Finance Chair, Supervisor Davis, T/Covington a motion was made by Supervisor Humphrey, T/Perry, Vice Chairman of the Finance Committee to combine resolutions #18 through #23. A voice vote was taken and all voted aye.

#18

**RESOLUTION NO. 05-171
(May 10, 2005)**

By Mr. Jerry Davis, Chairman of the Finance Committee:

SEMI-ANNUAL MORTGAGE TAX REPORT

BE IT RESOLVED, That the Chairman of the Finance Committee, presented the Semi-Annual Mortgage Tax Report for the period of October 1, 2004 through March 31, 2005 and moved that the Clerk draw warrants on the County Treasurer for the various amounts therein.

To: John B. Edwards, County Treasurer of Wyoming County, NY

In accordance with Section 261 of the Tax Law, you are hereby authorized and directed to distribute Mortgage Tax Receipts amounting to **\$287,680.88** to the several tax districts of Wyoming County, in accordance with the report filed with the Clerk of the Board of Supervisors, as follows:

TAX DISTRICTS	MORTGAGE TAX DISTRIBUTED	<u>VILLAGE</u>	TOWN
Arcade	\$42,488.34	\$10,522.96	\$31,965.38
Attica	\$27,791.30	\$5,847.67	\$21,943.63
Bennington	\$24,195.41		\$24,195.41
Castile	\$19,817.27	\$1,495.87	\$17,048.81
Perry Village		\$1,272.59	
Covington	\$8,464.66		\$8,464.66

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Eagle	\$5,922.78		\$5,922.78
Gainesville	\$11,188.98	\$330.94	\$8,809.78
Silver Springs Village		\$2,048.26	
Genesee Falls	\$5,845.13		\$5,845.13
Java	\$15,144.87		\$15,144.87
Middlebury	\$9,998.08	\$981.33	\$9,016.75
Orangeville	\$7,843.05		\$7,843.05
Perry	\$22,784.21	\$6,050.97	\$16,733.24
Pike	\$4,827.31	\$454.31	\$4,373.00
Sheldon	\$16,555.35		\$16,555.35
Warsaw	\$59,568.43	\$21,201.36	\$38,367.07
Wethersfield	\$5,245.71		\$5,245.71
Total		\$50,206.26	\$237,474.62
Grand Total	\$287,680.88		

Let this be your Warrant for Such Payment: **\$287,680.88** IN WITNESS
WHEREOF, I have hereunto set my hand and seal of the Board of Supervisors
this 10th day of May, 2005.

s/ Paula A. Parker, Clerk
Board of Supervisors

Carried: Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

#19

RESOLUTION NO. 05-172
(May 10, 2005)

By Mr. Davis, Chairman of the Finance Committee:

REINSTATEMENT OF TAXES AFTER PARCEL
HAS BEEN WITHDRAWN FROM FORECLOSURE

WHEREAS, pursuant to the Real Property Tax Law §1138(6)(a), the County Legislative Body may direct the cancellation of certain delinquent taxes where it is determined that there is no practical method to enforce collection of the delinquent tax and a supplementary proceeding to enforce collection of the tax would not be effective and

WHEREAS, by resolution dated May 11, 2004, the Board of Supervisors of the County of Wyoming did cancel the delinquent tax liens

May 10, 2005

against the premises know as Tax Map # 100.7-7-37 located in the Town of Perry and assessed to Buell Oil Co., Inc., 111 Riverside Drive, Box 247, Geneseo, NY 14454 (the “Tax Parcel”); and

WHEREAS, it has now been determined that the Town of Perry wishes to acquire the Tax Parcel, thereby providing to the County of Wyoming a practical method to enforce the delinquent tax liens; and

WHEREAS, pursuant to the Real Property Tax Law §1138(4)(a), the County Legislative Body may, by adoption of a resolution, direct the enforcing officer to reinstate a withdrawn foreclosure proceeding against a tax parcel,

NOW, THEREFORE,

BE IT RESOLVED, that the County of Wyoming, in accordance with the Section §1138(4)(a) of the Real Property Tax Law, hereby directs the reinstatement of any and all delinquent taxes levied against the Tax Parcel herein described and directs the Wyoming County Treasurer to reinstate the withdrawn foreclosure proceeding with respect to such Tax Parcel and to issue and file a certificate of such reinstatement pursuant to Section 1138(4)(b) of the Real Property Tax law, and to reinstate to the appropriate municipal corporation the amount of such cancelled delinquent tax as shall have been credited or otherwise guaranteed to such municipal corporation.

AUTHORITY: RPTL §1138(4)(b) - Reinstatement of Tax.

PARCEL ONE: Town of Perry

Tax Map # : 100.7-7-37

ASSESSED TO: Buell Oil, 111 Riverside Dr., Box 247, Geneseo, NY 14454

ACTION: Approved

Carried: Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

#20

RESOLUTION NO. 05-173
(May 10, 2005)

Regular Session

Proceedings of the Board of Supervisors

By Mr. Davis, Chairman of the Finance Committee:

**JUNE 13, 2005 PROCLAIMED
“DRIVE OUT BREAST CANCER DAY”
IN WYOMING COUNTY**

WHEREAS, More than one hundred eighty thousand (180,000) women in the United States will learn for the first time that they have breast cancer and more than forty thousand (40,000) women will lose their lives – three thousand four hundred (3,400) in New York State alone; and

WHEREAS, Early detection and prompt treatment can significantly reduce the suffering and deaths caused by this disease; and

WHEREAS, in recognition of the fact that mammography, an “x-ray” of the breast, is the single most effective method of detecting breast changes that may be cancer long before physical symptoms can be seen or felt; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors does hereby proclaim June 13, 2005 as:

“Drive Out Breast Cancer Day”

in Wyoming County; and be it

FURTHER RESOLVED, That all citizens are urged to take advantage of early detection screenings and participate in the activities sponsored by the American Cancer Society.

Carried: Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

#21

**RESOLUTION NO. 05-174
(May 10, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**FRANK VITAGLIANO, JR. NOMINATED TO THE
ROCHESTER-GENESEE REGIONAL TRANSPORTATION
AUTHORITY**

May 10, 2005

Proceedings of the Board of Supervisors

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WHEREAS, The Wyoming County Board of Supervisors adopted Resolution No. 93-161 on July 13, 1993 to become a member of the Rochester-Genesee Regional Transportation Authority; and

WHEREAS, by virtue of Chapter 1124 of the Laws of 1969 which created the Authority, Wyoming County is entitled to have one seat on the Board of Commissioners of the Rochester-Genesee Regional Transportation Authority; and

WHEREAS, The Laws provide the Board of Supervisors with the responsibility of nominating an individual to represent the County on the Board of Commissioners and offering this nomination for appointment by the Governor; now therefore

BE IT RESOLVED, That the Board of Supervisors hereby nominates Frank Vitagliano, Jr., 329 Wyoming Street, Town of Warsaw, Warsaw, NY 14569 for consideration by the Governor, and be it

FURTHER RESOLVED, That the Clerk of this Board shall transmit a certified copy of this resolution to the Governor with a request that action be taken to appoint the County's representative to the Board of Commissioners as soon as possible.

Carried: Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

#22

RESOLUTION NO. 05-175
(May 10, 2005)

By Mr. Davis, Chairman of the Finance Committee:

DR. THERESITA DOLOJAN REAPPOINTED
TO THE WCCH BOARD OF MANAGERS

BE IT RESOLVED, That **Dr. Theresita Dolojan**, 408 W. Main Street, Warsaw, NY 14569 is hereby reappointed to the Wyoming County Community Hospital Board of Managers as a Medical Staff Representative for a **term of five years effective June 01, 2005 through May 31, 2010.**

Carried: Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

Regular Session

RESOLUTION NO. 05-176
(May 10, 2005)

By Mr. Davis, Chairman of the Finance Committee:

**THREE CIVIL SERVICE COMMISSIONER POSITIONS
CREATED IN PERSONNEL / CIVIL SERVICE**

WHEREAS, Civil Service Law §15.1(a) states a municipal civil service commission shall consist of three persons, not more than two of whom shall at any time be adherents of the same political party; and

WHEREAS, Upon the establishment of a municipal civil service commission, the term of one shall expire on May 31 of the first even-numbered year (May 31, 2006) following the date of appointment; the term of one shall expire on May 31 of the second even-numbered year (May 31, 2008) following the date of appointment; and the term of one shall expire on May 31 of the third even-numbered year (May 31, 2010) following the date of appointment; and

WHEREAS, Upon the expiration of each of such terms, the term of office of each commissioner thereafter appointed shall be six years from the first day of June in the year in which the term of his predecessor expired; now therefore

BE IT RESOLVED, That three positions of Civil Service Commissioner be created in the Civil Service / Personnel Department of Wyoming County effective July 13, 2005; and

BE IT FURTHER RESOLVED, That each Commissioner will be compensated at the rate of One hundred dollars (\$100.00) per meeting as well as any approved mileage and expenses, with no further benefits. In addition, meetings will be held on a monthly or "as needed" basis.

Carried: Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)

Chairman Berwanger called on Mrs. Humphrey to read the proclamation that she will present on June 13, 2005 at the Drive Out Breast Cancer Golf Tournament, Mrs. Humphrey stated that Senator Volker's District
May 10, 2005

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Representative, Joan Harrison, would in all likelihood be happy to accept donations for this event.

Chairman Berwanger presented Unanimous Consent resolution #24 for the Boards consideration and asked if any Supervisor objected to its presentation. There being no objections the roll was called.

UC # 24

**RESOLUTION NO. 05-177
(May 10, 2005)**

By Mr. Berwanger, Chairman of the Committee of Whole:

FUNDS APPROPRIATED TO VARIOUS 2005 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2005 accounts as follows:

Capital Improvement Fund			Dept. Totals:
To: 25.72.3640.4.40301 Professional Services To: 25.13.3640.5031 Interfund Revenue. Reason: To appropriate to cover the additional costs for the Training Center project.	\$100,000.00	\$100,000.00	
Total CIP			100,000.00

**Carried: Ayes: 1516 Noes: Absent: 54 (Covington) Abstain:
48 (Orangeville)**

There being no further business to come before this board the meeting was adjourned by a rap on Mrs. Humphrey's desk.

Respectfully Submitted,

*Cheryl J. Ketchum
Board of Supervisors
Wyoming County*

REGULAR SESSION**(June 14, 2005)****Tuesday****3:00 PM**

The regular Session of the Wyoming County Board of Supervisors was held at the Wyoming County Government Center in the Board of Supervisors' Chambers located at 143 North Main Street, Warsaw, New York with all Supervisors present except Supervisor Glosser T/Orangeville. Also present were County Attorney Eric T. Dadd; County Treasurer, John Edwards; Clerk to the Board of Supervisors, Paula Parker and Personnel Officer, Cheryl Ketchum.

At **3:15 PM** Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading us in the Pledge of Allegiance for the month of June is:

Omer Patrick Gill

Mr. Gill attended Perry Central School until he enlisted into the U.S. Navy on July 7, 1943. His Basic Training was at the U.S. Navy Training Station at Sampson, N.Y. He was then sent to Norfolk, Virginia, where he was assigned to a refrigeration ship enroute to Iran. Upon arrival in Iran, Mr. Gill was assigned to the Destroyer U.S.S. Gleaves from September 23, 1943 to April 13, 1944, at which time he participated in the invasions of Salerno and Anzio. Mr. Gill was next assigned to the Destroyer U.S.S. Hyman and served there from June 16, 1944 to July 18, 1945. There he participated in the invasions of Iwo Jima, Leyte and Okinawa. While off the coast of Okinawa, Mr. Gill's destroyer was attacked and hit by three Japanese's kamikaze airplanes. Shrapnel from an exploding plane injured Mr. Gill on April 6, 1945. He was Honorably Discharged on September 7, 1945.

For his service to his Country, Mr. Gill was awarded the **Purple Heart**, the **European-African-Middle-Eastern Campaign Medal w/2 Bronze Stars**, the **Asiatic-Pacific Campaign Medal w/2 Bronze Stars**, the **Philippine Liberation Medal**, the **American Campaign Medal** and the **New York State Conspicuous Service Cross**.

After his return from active duty, Mr. Gill worked on the family farm until he started working at the Batavia and Buffalo VA Medical Centers. In 1947, he began his employment at W. Glenn Sedams, in Perry, N.Y., until his retirement in 1967. In 1967, he started working for Consolidated Gas Company, and worked there until his retirement in 1987.

June 14, 2005

Mr. Gill is a resident of Perry, N.Y. where he resides with his wife Virginia, whom he married on July 12, 1947.

The pledge was said and Chairman Berwanger presented Mr. Gill with a Certificate of Appreciation to commemorate today's event.

Chairman Berwanger then introduced Social Services Employee of the month by stating, "I'd like to take this opportunity to recognize the Department of Social Services Employee of the Month. In addition to recognizing outstanding employees, Acting Commissioner Fuest invites them to attend a Human Service Committee meeting and Board meeting to better understand the relationship between individual Departments and the Board of Supervisors.

This month's recipient has been with the Department since 2003 as a caseworker in the Child Protective Services Unit. She is dedicated, enthusiastic and always strives to do her best to help those in need. Please join me in recognizing Autumn Sullivan."

Ms. Sullivan thanked the Supervisors for her opportunity to serve Wyoming County residents.

Communications:

C1: Inter-County Association of Western New York will be held in Elmira this month on Friday June 17, 2005. The program will be held at The Hill Top Inn (Chemung County). Ronald E. Piwowarczyk, Senior Special Agent, US Department of Homeland Security, Buffalo, NY. Please let me know by the end of the Board meeting today so that we can call in reservations.

#1

**RESOLUTION NO. 05-178
(June 14, 2005)**

By Mr. Davis, Chairman of Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2005 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2005 accounts as follows:

Public Health			<u>Dept. Totals:</u>
To: 01.38.4011.1.10202 Temporary 01.38.4011.4.40304 Temp Employment Svcs 01.38.4011.4.40704 Lab Fees w/ 01.11.4011.340112 State Aid / Environmental Grant Program Reason: To appropriate for Estimated Expenses in the current year.	\$ 540.00 25,000.00 <u>2,000.00</u>	\$27,540.00	
To: 01.38.4010.4.42455 Healthy Heart Grant w/01.04.4010.160111 Healthy Heart Grant increased by same Reason: To appropriate for Estimated Expenses in the current year.	\$8,144.00	\$8,144.00	
Public Health Total			\$35,684.00
County Attorney			
To: 01.35.1910.4.40301 Professional Services From any funds available. REASON: To cover the cost of a consulting contract for an RFP for an Insurance Consultant.	\$1,500.00	\$1,500.00	
County Attorney Total			\$1,500.00
Sheriff			
To: 01.37.3110.4.40301 Professional Services w/ offsetting rev 01.12.3110.438903 Homeland Security Law Enforcement Reason: To cover costs for the consultant hired for the Wyoming County Communications Systems.	\$10,000.00	\$10,000.00	
Sheriff Total			\$10,000.00
Highway			
To: 04.53.5110.4.41904 Bituminous Products W/ 04.11.5110.3501 Consolidated Highway Aid increased by same Reason: To allocate funds for CHIPS increased funding for 2005	\$67,735.06	\$67,735.06	
Highway Total			\$67,735.06
Buildings & Grounds			
To: 01.34.1620.4.40803 Building Supplies - Repair w/ 01.08.1620.2665 Sale of Equipment increased by same Reason: Money from sale of 1994 Ford pickup truck to be used for tools.	\$1,050.00	\$1,050.00	
Buildings & Grounds Total			\$1,050.00

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #2

RESOLUTION NO. 05-179 (June 14, 2005)

By Mr. Davis, Chairman of Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2005 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2005 accounts as follows:

Department of Social Services			<u>Dept. Totals:</u>
From: 01.39.6010.4.41201 Postage To: 01.39.6010.2.20201 Computer Equip. Reason: Purchase of four (4) State Connections Computers at a cost of \$724.00 each.	\$2,896.00	\$2,896.00	
Department of Social Services Total			\$2,896.00
Public Health			
From: 01.38.4011.8.81001 Retirement	\$1,400.00		

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01.38.4011.8.83001 FICA	499.00		
01.38.4011.8.85001 Medicare - FICA	<u>117.00</u>		
To: 01.38.4011.4.40704 Lab Expense	\$ 2,016.00	\$2,016.00	
Reason: Transfer budgeted WE Fringe Expense to Contractual Expense in order to fulfill grant requirements.			
Public Health Total			\$2,016.00

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Mrs. Humphrey, T/Perry, to combine resolutions #3 through #5. A voice vote was taken and all voted aye.

Mrs. Totslie, T/Genesee Falls, Chairman of the Audit Committee, presented bills totaling **\$1,114,527.63** for the Month of May 2005.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Mrs. Humphrey, T/Perry, to combine resolutions #3 through #5. A voice vote was taken and all voted aye.

#3

**RESOLUTION NO. 05-180
(June 14, 2005)**

By Mrs. Humphrey, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN CONTRACT WITH
STEVE TARBELL ON BEHALF OF DEPARTMENT OF
SOCIAL SERVICES**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Steve Tarbell, 4270 Fairview Road, Castile, NY 14427 on behalf of the Department of Social Services. This contract is for the provision of assistance in Welfare Fraud Investigations and is in an amount not to exceed Six thousand dollars (\$6,000.00); effective April 18, 2005 through December 31, 2005; contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#4

**RESOLUTION NO. 05-181
(June 14, 2005)**

Regular Session

Proceedings of the Board of Supervisors

By Mrs. Humphrey, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN GRANT
ACCEPTANCE WITH NYS OFFICE FOR THE AGING ON
BEHALF OF WYOMING COUNTY OFFICE FOR THE
AGING**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant acceptance award with New York State Office for the Aging, 2 Empire State Plaza, Albany, NY 12223 on behalf of Wyoming County Office for the Aging. This grant is to educate State Pharmaceutical Assistance Program (SPAP) participants about Medicare Prescription Drug coverage and to assist SPAP participants through the transition period and is in the amount of Fifty thousand dollars (\$50,000.00); effective April 01, 2005 through September 30, 2005.

**Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#5**

**RESOLUTION NO. 05-182
(June 14, 2005)**

By Mrs. Humphrey, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS
CONTRACTS ON BEHALF OF THE YOUTH BUREAU**

June 14, 2005

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign the following list of contracts for the contract year beginning July 2005 through June 2007:

Early Intervention Related Services:

- Aurora Audiology
112 Olean Street, Suite 124
East Aurora, NY 14052
- Sandra DeVoe
10725 Molasses Hill Road
Alexander, NY 14005
- Adam Finley
9621 Savage Road
Holland, NY 14080
- Terri Humberstone
4 Main Terrace
Perry, NY 14530
- Integrated Therapy
Services
25 Liberty Street
Batavia, NY 14020
- Carla Janetti
51 South Grove Street
East Aurora, NY 14052
- Kidstart
Holcomb Building
Geneseo, NY 14454
- Sarah Miller
2845 Maxon Road
Varysburg, NY 14167
- Karen Nelson
7138 Lyman Road
Bergen, NY 14416
- Danette Pollock
9512 South Main Street
Machias, NY 14101
- Elizabeth Wascak
CCC SP/Lang Pathologist
3820 Euclid Avenue
Perry, NY 14530
- Wyoming County
Community Hospital
400 North Main Street
Warsaw, NY 14569
- Elizabeth Pierce-Olmstead
Center for the Visually
Impaired
700 Sweet Home Road
Amherst, New York
14226
- Julie Caton
6990 North Pearl Street
Oakfield, NY 14125
- Nancy Small, Nutritionist
10455 Greiner Road
Clarence, New York
14024
- Cynthia Bauman
881 Hinchey Road
Rochester, NY 14524

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Contracts are not to exceed annual budget – depending on number of services. County share is 40.4%, Reimbursement – 59.5%; contingent upon the availability of funds.

Majority of all are renewals

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Mr. Rogers, T/Pike, to combine resolutions #6 through #9. A voice vote was taken and all voted aye.

#6

**RESOLUTION NO. 05-183
(June 14, 2005)**

By Mr. Rogers, Chairman of Public Health Committee:

**MARTIN MUCHER APPOINTED TO THE COMMUNITY
SERVICES BOARD AND THE MENTAL HEALTH
SUBCOMMITTEE**

BE IT RESOLVED, That *Martin Mucher*, 208 State Street, Batavia, NY 14020 is hereby appointed to the *Community Services Board* to fill the vacant term of *four years* created by Patricia Meek in October of 2004 and the *Mental Health Subcommittee* to fill that *vacant term of four years*. *Both appointments to be effective July 01, 2005 through December 31, 2008.*

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#7

**RESOLUTION NO. 05-184
(June 14, 2005)**

By Mr. Rogers, Chairman of Public Health Committee:

JUNE 16th 2005 PROCLAIMED

June 14, 2005

Proceedings of the Board of Supervisors
ALCOHOLISM AND SUBSTANCE ABUSE
PREVENTION DAY IN WYOMING COUNTY

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WHEREAS, Alcohol is the most commonly used drug among adolescents and by their senior year in high school, four out of five students have consumed alcohol. Young people who began drinking before the age of 15 are four times more likely to develop alcohol dependence than those who abstain until age 21; and,

WHEREAS, On average, eight adolescents a day in the United States die in alcohol-related automobile crashes and nine out of ten teenage automobile accidents involve the use of alcohol; and,

WHEREAS, In New York State, if you're under 21 years old, it is a violation of the law to possess alcohol with the intent to consume. If you are under 21 and drink and drive, you face strict penalties. Underage drinkers who drive will have their junior license or driving permits promptly suspended if they are charged with an alcohol-related traffic offense; and,

WHEREAS, It is the intent of this Board of Supervisors to support efforts to educate youth and parents on the consequences and dangers of underage drinking; and to recognize the individuals who are dedicating their time and talents to providing a better, drug-free, future for our residents; now, therefore;

BE IT RESOLVED, that the Wyoming County Board of Supervisors hereby declares

Thursday, June 16th, 2005
Alcoholism and Substance Abuse Prevention Day
in Wyoming County.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #8

RESOLUTION NO. 05-185
(June 14, 2005)

By Mr. Rogers, Chairman of Public Health Committee:

Proceedings of the Board of Supervisors**CHAIRMAN AUTHORIZED TO SIGN LEASE
AGREEMENT WITH FORD MOTOR CREDIT COMPANY
ON BEHALF OF PUBLIC HEALTH DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a lease agreement on behalf of the Wyoming County Health Department's Certified Home Health Agency. The lease is with Ford Motor Credit Company, The American Road, P.O. Box 1739, Dearborn, MI 48121-1739 and will provide for two 2006 Ford Taurus'. Ford Motor Credit Company will provide a 36-month lease agreement in the amount of Twenty seven thousand six hundred fifty – one dollars and eighty – four cents (\$27,651.84) (payments to be made semi-annually at \$4,608.64 each). Contract will be effective from delivery of the vehicles through the last payment with a one-dollar buy-out option; contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #9

**RESOLUTION NO. 05-186
(June 14, 2005)**

By Mr. Rogers, Chairman of Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN SUBCONTRACTS
WITH LAKE PLAINS CONTINUING CARE NETWORK
ON BEHALF OF PUBLIC HEALTH DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a subcontract with Lake Plains Continuing Care Network, 56 Harvester Avenue, 3rd Floor, Ste. 1, Batavia, NY 14020 for the Healthy Heart Grant. Said grant is for the provision of administrative support services in fulfillment of the Heart Disease and Stroke Prevention Work Site Sector Grant award from NYS Department of Health to the Erie County Department of Health on behalf of the WNY Healthy Heart Work Site Alliance. The grant is in the amount of Eight thousand one hundred forty – four dollars (\$8,144.00) per year for a five - year period ending March 31, 2010.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

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There was a motion by Mrs. Meeder, T/ Middlebury, to combine resolutions #10 and 11. A voice vote was taken and all voted aye.

#10

**RESOLUTION NO. 05-187
(June 14, 2005)**

By Mrs. Meeder, Chairman of Human Resource Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH ADECCO ON BEHALF OF THE COUNTY CLERK**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Adecco, 218 West Main Street, Batavia, NY 14020 on behalf of the County Clerk. This contract is for the provision of a person to scan and index all files and maps pertaining to the Local Government Records Management Improvement Fund (LGRMIF) in the amount of Two thousand nine hundred forty dollars (\$2,940.00); effective May 17, 2005 through June 30, 2005; contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #11

**RESOLUTION NO. 05-188
(June 14, 2005)**

By Mrs. Meeder, Chairman of Human Resource Committee:

**ANNA MAE BALMAS APPOINTED AS
DEMOCRAT ELECTIONS COMMISSIONER**

BE IT RESOLVED, That *Anna Mae Balmas*, 1 West Mill Street, Castile, NY 14427 is hereby appointed to the Board of Elections as the *Democratic Elections Commissioner* to fill the unexpired term created by Norm George on May 20, 2005; to be effective *June 20, 2005 through December 31, 2006*.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

Regular Session

**RESOLUTION NO. 05-189
(June 14, 2005)**

By Mrs. Meeder, Chairman of Human Resource Committee:

**SANDRA DOMNISSEY APPOINTED TO THE CIVIL
SERVICE COMMISSION**

BE IT RESOLVED, That *Sandra Domnissey*, 3085 Merchant Road, Warsaw, NY 14569 is hereby appointed to the *Civil Service Commission* as a *Civil Service Commissioner effective August 01, 2005 through May 31, 2006* according to Civil Service Law §15.1; and

BE IT FURTHER RESOLVED, That the Commissioner will be compensated at the rate of One hundred dollars (\$100.00) per meeting as well as any approved mileage and expenses, with no further benefits.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
Non - Consent
#13

**RESOLUTION NO. 05-190
(June 14, 2005)**

By Mrs. Meeder, Chairman of Human Resource Committee:

**TIMOTHY F. MORAN APPOINTED TO THE CIVIL
SERVICE COMMISSION**

BE IT RESOLVED, That *Timothy F. Moran*, 2 Main Street, P.O. Box 268, Attica, NY 14011 is hereby appointed to the *Civil Service Commission* as a *Civil Service Commissioner effective August 01, 2005 through May 31, 2008* according to Civil Service Law §15.1; and

June 14, 2005

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BE IT FURTHER RESOLVED, That the Commissioner will be compensated at the rate of One hundred dollars (\$100.00) per meeting as well as any approved mileage and expenses, with no further benefits.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
Non - Consent
#14

RESOLUTION NO. 05-191
(June 14, 2005)

By Mrs. Meeder, Chairman of Human Resource Committee:

**THOMAS DUTTON APPOINTED TO THE CIVIL
SERVICE COMMISSION**

BE IT RESOLVED, That *Thomas Dutton* of 3062 Route 39, Bliss, NY 14024 is hereby appointed to the *Civil Service Commission* as a *Civil Service Commissioner effective August 01, 2005 through May 31, 2010* according to Civil Service Law §15.1; and

BE IT FURTHER RESOLVED, That the Commissioner will be compensated at the rate of One hundred dollars (\$100.00) per meeting as well as any approved mileage and expenses, with no further benefits.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

At this time Chairman Berwanger pointed out that Resolution Number 7 had a proclamation that should have been presented with the Public Health Resolutions. He asked Supervisor Rogers to come to the podium and present the proclamation. Supervisor Rogers thanked the Chairman and asked Stephen Snell, Community Services Director for Mental Health to join him to accept the proclamation. After Supervisor Rogers read the proclamation Mr. Snell thanked the Supervisors and invited everyone in attendance to the two sessions celebrating Alcoholism and Substance Abuse Prevention Day in Wyoming County on June 16th. One session will be held at Byrnclyff in the morning between the hours 8:30 and 11:00 am with a continental breakfast, the second session will be held that evening between the hours of 6:30 and 8:30 at the Perry Elementary School with dessert being served. All are asked to call ahead for reservations.

There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #15 through #17. A voice vote was taken and all voted aye.

#15

**RESOLUTION NO. 05-192
(June 14, 2005)**

By Mr. Kushner, Chairman of the Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN CONTRACT WITH
WILMAC ON BEHALF OF THE SHERIFF DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Wilmac, P. O. Box 14387, Rochester, NY 14387 on behalf of the Sheriff's Department. This contract is for the provision of maintenance for the Racial Wordnet Digital Voice Logger. The amount of the contract is Two thousand six hundred ninety five dollars (\$2,695.00) payable in quarterly installments and cancelable upon installation of new equipment; effective April 01, 2005 through March 31, 2006. Contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #16

**RESOLUTION NO. 05-193
(June 14, 2005)**

By Mr. Kushner, Chairman of the Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN CONTRACT
WITH PAUL DONNELLY (WYOMING COUNTY
UNDERSHERIFF) ON BEHALF OF THE SHERIFF
DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Paul Donnelly, 2974 Centerline Rd., Varysburg, NY 14167 on behalf of the Sheriff's Department. This contract is for the provision of tuition reimbursement to Mr. Donnelly for continuing education per the written contract in the amount of Three thousand five hundred dollars (\$3,500.00); effective May

June 14, 2005

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23, 2005 through December 31, 2007. Contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #17

**RESOLUTION NO. 05-194
(June 14, 2005)**

By Mr. Kushner, Chairman of the Public Safety Committee:

**ANNE HEROD APPOINTED TO THE
CONDITIONAL RELEASE COMMISSION**

BE IT RESOLVED, That *Anne Herod* of 2401 Snyder Rd., Varysburg, NY 14167 is hereby appointed to the *Conditional Release Commission* as an *Alternate Member* for a corrected four-year term effective *July 01, 2005 through June 30, 2008*.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #18

**RESOLUTION NO. 05-195
(June 14, 2005)**

By Mr. Patti, Chairman of the Public Works Committee:

**CHAIRMAN AUTHORIZED TO AWARD AND SIGN A
CONTRACT FOR THE REPLACEMENT OF ARCADE
BRIDGE NO. 03 (HURDVILLE ROAD OVER
THE CATTARAUGUS CREEK)**

WHEREAS, UCC Constructors, Inc., PO Box 648, 105 Center Road, West Seneca, NY 14224, the apparent low bidder for the replacement of Arcade Bridge No. 03 (BIN 3319450) Hurdville Road over Cattaraugus Creek at Eight hundred fifty nine thousand seven hundred twenty nine and Ninety three cents (\$859,729.93), and

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WHEREAS, Bryant Associates, Engineers for this project, need to approve the proposal plans by UCC Constructors, Inc. before they can be officially awarded the contract, now, therefore

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with UCC Constructors, Inc.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Mr. Knab, T/Sheldon, to combine resolutions #19 through #22. A voice vote was taken and all voted aye.

#19

**RESOLUTION NO. 05-196
(June 14, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

**N. FUEST REAPPOINTED TO THE IDA BOARD OF
DIRECTORS**

BE IT RESOLVED, That *Norbert Fuest*, 2039 Church Road, Town of Bennington, Darien, New York is hereby reappointed to the Wyoming County Industrial Development Agency's Board of Directors for a *three (3) year term, said term to expire on July 07, 2008.*

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#20

**RESOLUTION NO. 05-197
(June 14, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

ADOPTION OF WIND ENERGY GUIDELINES

BE IT RESOLVED, That there are a number of wind energy projects being actively developed in the County of Wyoming; and

June 14, 2005

WHEREAS, the Wyoming County Board of Supervisors recognizes that county government has an appropriate and important role to play working in partnership with local municipalities during the development, review, and construction of such projects; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby adopts the following Wind Energy Guidelines which are intended to be a resource for local municipalities working on such projects.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

ADOPTED WYOMING COUNTY GUIDELINES FOR WIND ENERGY FACILITIES

There are many areas of Wyoming County with high wind speeds that are attractive to wind power developers. The only operating wind power project in Western New York is located in the Town of Wethersfield. There are also a number of projects being actively pursued by multiple project developers. Because New York State policy and programs are strongly encouraging the development of wind power, there is substantial momentum for building a large number of windmill projects in Wyoming County. It appears likely that project reviews will start in 2005.

According to a NYISO web site, the following WC projects have applied for an Interconnection Request to have access to a transmission line. If all of these projects were developed at the capacities listed below, this could lead to about 791 MW of wind power or almost 400 windmills.

1. Invenergy Wind, LLC
High Sheldon Windfarm, 198 MW
2/18/04, Project status: 2, FES pending
In-service: 2006/08
2. Zilkha Renewable Energy
Perry Wind Farm, 132 MW
2/8/05, Project status: 1, scoping meeting pending
In-service: 2006/11
3. Noble Environmental Power, LLC
Bliss Windfield, 71 MW
2/14/05, Project status: 1, scoping meeting pending
In-service: 2006/10

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4. Noble Environmental Power, LLC
Wethersfield Windfield, 129 MW
2/14/05, Project status: 1, scoping meeting pending
In-service: 2007/10
5. Invenenergy Wind, LLC (Orangeville, Warsaw)
Buffalo Road Wind Farm, 165 MW
2/23/05, Project status: 1, scoping meeting pending
In-service: 2007/09
6. NY Windpower, LLC (Orangeville)
Orangeville Wind, 96 MW
4/5/05, Project status: 1, scoping meeting pending
In-service: 2007/09

Because of their large scope and the extensive land base needed to support such projects, both county-wide and inter-community impacts can occur. Most rural communities have little or no experience reviewing and dealing with such large projects.

Therefore, the Wyoming County Board of Supervisors has recognized that county government has an important and appropriate role to play working in partnership with local municipalities. The following guidelines are intended to be a resource for local municipalities that are working on such projects. They are also intended to clarify how such projects can be planned to provide maximum benefits to the residents of Wyoming County.

Proposed Guidelines

1. The County encourages its municipalities to utilize county staff as needed for technical assistance from the start of project planning. A coordinated project planning and review process will be more efficient and can more easily identify and resolve any potential project issues.
2. A designated county government representative(s) needs to be actively involved in all payment-in-lieu-of-tax (PILOT) discussions and negotiations with project developers. This representative(s) should be someone other than the Supervisor of the Town where the project will be located. A representative from school districts may also need to be involved.
3. Any proposed PILOT agreement will need to be reviewed and approved by the Wyoming County Board of Supervisors. Until a PILOT agreement has been approved, the WC Board of Supervisors retains the right to opt out of

providing the real property tax exemptions specified in NYS law. Town governments and school districts also retain the right to opt out.

The Board of Supervisors recognizes that the Town where the project is located should receive the largest share of PILOT payments. However, because these projects will likely generate significant county-wide and/or inter-community impacts, all local taxing jurisdictions need to receive an appropriate amount of PILOT revenues.

4. Those municipalities that will be acting as a lead agency for the SEQR process need to carry out a coordinated review process. Because of project size and magnitude it is expected that there will be a potential for significant adverse environmental impacts, which will require the preparation of an environmental impact statement. Because the cost of conducting project and environmental reviews will be substantial, lead agencies should require project applicants to reimburse the lead agency and/or municipality for all reasonable and appropriate expenses. A written agreement with the project applicant regarding reimbursement needs to be in place prior to any action being taken by the lead agency and/or municipality.
5. The project applicant needs to provide adequate information in a long form EAF and subsequent Environmental Impact Statement about the following items:
 - ◆ Clearly identify all applicable permits and approvals required. According to the NYS Dept. of State a windmill is not a structure that needs a building permit.
 - ◆ Wetlands, streams, and floodplains should be avoided to the extent possible.
 - ◆ Determine setback distances needed to provide adequate buffer zones between wind turbines and structures, property lines, roads, and scenic areas to deal with concerns such as ice throw or tower collapse, noise and visual impacts.
 - ◆ Proposed projects need to show what the noise levels in decibels will be at certain distances from the wind turbines. Noise levels should not exceed 5 to 8 decibels over measured background levels at certain distances from the wind towers. Information should also be provided about noise frequencies and subsonic noise.

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- ◆ Surveys of birds and bats, their migration patterns and determination of their protection status should be provided. Impacts on other animal species should also be provided.
 - ◆ Plans for site and road work should be reviewed to ensure sufficient storm water management and soil erosion control measures will be in place.
 - ◆ Guidelines to avoid or minimize impacts on farm land and soils have been issued by NYS Agriculture and Markets. The attached guidelines need to be complied with.
 - ◆ Visual impacts will be of great importance. A Visual EAF Addendum should be submitted. Visual simulation software can digitally simulate the view of a wind energy project from a variety of locations and in different light conditions. Municipalities should request the applicant to submit visualization maps and simulated project views in summer and winter conditions, and day and night conditions to help assess the visual impacts. The impacts of shadow flicker need to be specified.
 - ◆ Cultural and archeological surveys should be conducted.
 - ◆ Determine if the project is required to have a hazardous material handling plan approved by the NYS Dept. of Environmental Conservation.
 - ◆ The applicant needs to evaluate potential impacts from electromagnetic interference and minimize and mitigate any impacts.
6. The project applicant should submit a decommissioning plan that addresses the removal of the wind tower and turbine foundations. The following information should be provided in the plan. Requiring the project applicant to provide a bond to cover decommissioning costs would generally provide the best coverage.

According to the NYS Dept. of State a removal bond cannot be required in zoning regulations, but can be required in the PILOT agreement.

- ◆ The anticipated life of the project;
- ◆ The estimated decommissioning costs per windmill in current dollars;
- ◆ The method and schedule for updating the costs of decommissioning and restoration;
- ◆ The method of ensuring that adequate funds will be available for decommissioning and restoration; and

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- ◆ The anticipated manner in which the project will be decommissioned and the site restored.

7. Municipalities should document local road conditions in the vicinity of the project prior to construction. Project approval should stipulate that the developer restores any road damage to the documented pre-construction conditions.

8. The applicant needs to provide proof of adequate insurance coverage.

The developer should provide for post construction inspection and certification that the wind towers were installed properly

#21

**RESOLUTION NO. 05-198
(June 14, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN AGREEMENT
WITH VILLAGE OF PERRY TO JOIN COUNTY SOLID
WASTE PROGRAM**

BE IT RESOLVED, That the Chairman of this Board, with the approval of the County Attorney, is hereby authorized and directed to sign an inter-municipal agreement with the Village of Perry for their participation in the County's curbside collection program of solid waste and recyclable materials; effective July 1, 2005 through December 31, 2006.

**Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#22**

**RESOLUTION NO. 05-199
(June 14, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

**LOCAL LAW INTRODUCTORY NO. A, YEAR 2005,
PRESENTED**

Regular Session

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WHEREAS, There have been duly presented and introduced at a meeting of this Board, held on this 14th day of June 2005, a proposed local law entitled Local Law A-2005, A Local Law to Authorize the Imposition of a Wyoming County Hotel and Motel Room Occupancy Tax; now, therefore, be it

RESOLVED, That a public hearing is required to be had on the said local law by this Board of Supervisors on the 12th day of July, 2005, at 3:00 PM in the Supervisors' Chambers in the County Courthouse in the Village of Warsaw, New York, and at least five days notice of such hearing shall be given by the Clerk of this Board by publishing such notice at least once in the official newspapers of the county designated for such publications.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

***INTRODUCTORY LOCAL LAW NO. A OF 2005 ENTITLED A LOCAL
LAW TO AUTHORIZE THE IMPOSITION OF A WYOMING COUNTY
HOTEL AND MOTEL ROOM OCCUPANCY TAX***

COUNTY OF WYOMING

INTRODUCTORY LOCAL LAW NO. A OF 2005

ARTICLE I - GENERAL PROVISIONS:

101. Short Title:

This Local Law shall be known as the Wyoming County Hotel and Motel Room Occupancy Tax Law.

102. Intent:

This Local Law is adopted to implement the provisions of Chapter 44 of the Laws of 2005, enacting section 1202-a of the Tax Law of the State of New York.

103. Definitions:

Unless the context requires a different meaning, when used in this Local Law, the following terms shall mean:

- a. "County" shall mean the County of Wyoming.
- b. "Person" shall mean an individual, partnership, society, association,

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joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

- c. "Operator" shall mean any person operating a hotel or motel in the County of Wyoming, including by not limited to the owner or proprietor of such premises, lessee, sub lessee, mortgagee in possession, licensee or any other person otherwise operating such hotel or motel.
- d. "Hotel or Motel" or either term singly shall mean any facility or portion thereof providing lodging on an overnight basis. The term "hotel" or "motel" includes an apartment, hotel, motor court or inn, boarding house, cabin, cottage or club, bed and breakfast, inns and tourist homes, or similar hotel or motel type of accommodations by whatever name designated, whether or not meals are served.
- e. "Occupancy" shall mean the use or possession, or the right to use or possession of any room in a hotel or motel.
- f. "Occupant" shall mean a person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel or motel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.
- g. "Permanent Resident" shall mean any occupant of any room or rooms in a hotel or motel for a period in excess of thirty (30) consecutive days.
- h. "Rent" shall mean the consideration received for occupancy valued in money, whether received in money or otherwise.
- i. "Room" shall mean any room of any kind in any part or portion of a hotel or motel, which is available for or let out for any purpose other than a place of assembly.
- j. "Return" shall mean any return filed or required to be filed as herein provided.
- k. "Tax" shall mean the tax imposed pursuant to this Local Law and any increase, reduction or modification hereafter authorized.

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1. "Treasurer" shall mean the Treasurer of Wyoming County or the Treasurer's designee.
- m. "Board or other charge" shall mean the charge or charges which an operator shall impose for food and meals or for other services and facilities at a hotel or motel which charge is included in the cost of occupancy of a room as a common charge, or, if such charges are separately stated, is a charge which is not optional and is required to be paid by the occupant as part of the cost of occupancy of a room.

104. Territorial Limitations:

A tax imposed by this Local Law shall apply only within the territorial limits of the County of Wyoming.

105. Reference to Tax:

Wherever reference is made in placards, advertisements or other publications to the tax imposed by this Local Law, such reference shall be substantially in the following form: "Tax on occupancy of hotel or motel rooms", except that in any bill, receipt, statement or other agreement or memorandum of occupancy or rent charge issued or employed by an operator, the words "occupancy tax" shall suffice.

ARTICLE II - ADMINISTRATION**201. Administration:**

The tax imposed by this Local Law shall be administered and collected by the Treasurer or other fiscal officers of the County as he/she may designate by such means and in such manner as are other taxes which are now collected and administered by such officers or as otherwise provided by this Local Law.

202. General Powers of the Treasurer:

In addition to the powers granted to the Treasurer in this Local Law, the Treasurer is hereby authorized and empowered to:

- a. make, adopt and amend rules and regulations appropriate to the carrying out of this Local Law and the purposes thereof, provided, however, that no rule or regulation shall become effective until 30 days after such rule or regulation shall have been filed with the Clerk of the Board of Supervisors;

- b. extend for cause shown, the time of filing any return for a period not exceeding three months, provided no less than 90 percent of the estimated tax for the period for which the return is required to be filed shall be paid together with the request for such extension on or before the due date; and for cause shown to remit penalties but not interest computed at the rate and in the manner provided in section 924-a of the Real Property Tax Law on taxes not paid; and to comprise disputed claims in connection with the tax imposed by this Local Law;
- c. request information from the Department of Taxation and Finance of the State of New York or the Treasury Department of the United States relative to any person; and to afford information to such taxation department or treasury department relative to any person, any other provision of this Local Law to the contrary notwithstanding;
- d. delegate his/her functions hereunder to a deputy treasurer or any employee or employees of the Treasurer;
- e. prescribe methods for determining the rents for occupancy and to determine the taxable and nontaxable rents;
- f. require any operator within the county to keep records of the nature and type of hotel or motel maintained, nature and type of service rendered, rooms available and rooms occupied daily, rents received, charge and accrued, and to furnish such information upon request to the Treasurer;
- g. assess, determine, revise and readjust the taxes imposed under this Local Law, and require the filing of estimated tax returns and payment of estimated tax where necessary;
- h. direct the County Attorney to take such action as may be required to enforce this Local Law, including but limited to providing representation in any administrative proceeding conducted by the Treasurer for enforcement of this Local Law brought in the name of the County in any court of appropriate jurisdiction without any further authorization of the Board of Supervisors;

203. Administration of Oaths and Compelling Testimony:

- a. The Treasurer or his employees or agents duly designated and

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authorized by him/her shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this Local Law. The Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of her duties hereunder and of the enforcement of this Local Law and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before her or excused from attendance.

- b. A justice of the supreme court either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Treasurer under this Local Law.
- c. Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Treasurer under this Local Law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment.
- d. The officers who serve the summons or subpoena of the Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the County Sheriff and his duly appointed deputies or any officers or employees of the Treasurer, designated to serve such process.

ARTICLE III - TAX RATE, PERSONS LIABLE, TAXABLE RENT, EXEMPTIONS

301. Imposition of Tax:

On and after the 1st day of October, 2005, there is hereby imposed and there shall be paid a tax of three percent (3%) upon the rent for every occupancy of a room or rooms in a hotel or motel in this County except that the tax shall not be imposed upon:

- a. permanent residents for a period of occupancy in excess of thirty (30) days, or

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- b. persons that are placed in a hotel or motel by the Wyoming County Department of Social Services, the Red Cross, the Salvation Army or other similar organizations due to emergency housing needs, housing for indigent or homeless persons.
- c. exempt organizations as hereinafter set forth.

302. Statement of Tax to be Collected; Person Liable for Payment of Tax:

- a. The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the County, and the operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this Local Law, and the operator shall have the same right in respect to collecting the tax from the occupant as if the tax were a part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he may have in the event of nonpayment or rent by the occupant; provided, however, that the Treasurer or other fiscal officer or officers, employees or agents duly designated by her shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.
- b. Where the occupant has failed to pay and the operator has failed to collect a tax as imposed by this Local Law, then in addition to all other rights, obligations and remedies provided, such tax shall be payable by the occupant directly to the Treasurer, and it shall be the duty of the occupant to file a return thereof with the Treasurer and to pay the tax imposed thereon to the County Treasurer within 15 days after such tax was due.
- c. The Treasurer may, whenever he/she deems it necessary for the proper enforcement of this Local Law, provide by regulation that the occupant shall file returns and pay directly to the Treasurer the tax herein imposed at such times as returns are required to be filed

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and payment made over by the operator.

- d. The tax imposed by this Local Law shall be paid upon any occupancy on and after October 1, 2005, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid or charged or billed, or falls due on either a weekly, monthly or other term basis, the rent so paid charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on or after October 1, 2005. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Treasurer may by regulation provide for credit and/or refund of the amount of such tax upon application therefor as provided in section 406 of this Local law.
- e. For the purpose of the proper administration of this Local Law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established and the burden of providing that a rent for occupancy is not taxable hereunder shall be upon the operator, except that, where by regulation pursuant to section 302 (d) and occupant is required to file returns and pay directly to the Treasurer the tax herein imposed, the burden of proving that a rent for occupancy is not taxable shall be upon the occupant. Where an occupant claims exemption from the tax under the provisions of section 304, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the occupant is its agent, representative, or employee, together with a certificate executed by the occupant that his occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the occupant's duties as a representative of such corporation or association. Where deemed necessary by the operator, he may further require that any occupant claiming exemption from the tax furnish a copy of a certificate issued by the Treasurer certifying that the corporation or association therein named is exempt from the tax under section 304.

303. Determination of Taxable Rent:

- a. If the cost of occupancy of a room includes only the cost of occupancy of the room and board and other charges are separately stated and are incurred at the option of the occupant, rent subject to

the tax shall be the charge made by the operator for occupancy of a room and the tax shall be based on the amount.

- b. If the cost of occupancy of a room shall include only board as a common charge, or where board is separately stated and board is not optional and is required to be paid by the occupant as part of the cost of occupancy of a room, the operator shall use the schedule shown below to determine the percentage of the total charge to be apportioned to rent subject to the tax, and collect the tax based on that amount.

<u>Room</u>	<u>Total charge includes</u>
	Room, breakfast, lunch, dinner
	55%
	45%
	Room, lunch, dinner
	65%
	35%
	Room, breakfast, dinner
	65%
	35%
	Room, breakfast, lunch
	75%
	25%
	Room, dinner
	80%
	20%
	Room, lunch
	90%
	10%
	Room, breakfast
	90%
	10%

- c. If the cost of occupancy of a room shall include only charges, as defined herein, as a common charge, or where other charges are separately stated and such other charges are not optional and are required to be paid by the occupant as part of the cost of occupancy of a room, the operator shall use the schedule shown below to determine the percentage of the total charge to be apportioned to rent subject to the tax, and collect the tax based on that amount.

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Total charge includes

Room

Room, other charge

- d. If the cost of occupancy of a room shall include charges defined in subparagraphs (b) and (c) of this section as a common charge or, where such charges are separately stated and such charges are not optional and are required to be paid by an occupant as part of the cost of occupancy of a room, the operator shall use the schedule shown below to determine the percentage of the total charge to be apportioned to rent subject to the tax, and collect the tax based on that amount.

<u>Total Charge includes</u>	<u>Room</u>
Room, breakfast, lunch, dinner other charge	50%
Room, lunch, dinner other charge	60%
Room, breakfast, dinner other charge	60%
Room, breakfast, lunch, other charge	70%
Room, dinner, other charge	75%
Room, lunch, other charge	85%
Room, breakfast, other charge	85%

- e. When the occupant becomes a permanent resident, the operator shall discontinue collection of the tax.
- f. If the operator neither separately states the charge for the board, other charges or both nor uses the above schedules, the entire charge is taxable until the occupant becomes a permanent resident.

304. Exempt Organization:

- a. Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this Local Law:
 - i. The State of New York or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada), improvement district or political subdivision of the state;
 - ii. The United States of America, insofar as it is immune for taxation;
 - iii. Any corporation or association, or trust, or community

chest, fund or foundation organized and operated exclusively for religious, charitable or education purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this section shall include an organization operated for the primary purpose of carrying on a trade or business for profit whether or not all of its profits are payable to one or more organizations described in this section.

- b. Where any organization described in section 304.(a.)(iii) carries on its activities in furtherance of the purposes for which it was organized, in premises in which, as part of said activities, it operates a hotel or motel occupancy of rooms in the premises and rents therefrom received by such corporation or association shall not be subject to tax hereunder.

ARTICLE IV - REGISTRATION, RECORDS, RETURNS, PAYMENT, REFUNDS

401. Registration:

Within thirty days after the effective date of this Local Law, or in the case of operators commencing business after such effective date of this Local Law, within three days after such commencement or opening, every operator shall file with the Treasurer an application for a certificate of authority empowering such operator to collect the tax from the occupant. Upon receipt of such application, the Treasurer shall issue a certificate of authority to such operator which when authenticated shall constitute the authority for the purposes of this Local Law. Each application for a certificate of authority shall state the hotel or motel to which it is applicable; the name of the operator of such hotel or motel, the address of such operator, the taxpayer identification number assigned to such operator, the state of incorporation and the date upon which such corporation obtained authority to do business in this state, if not organized in this state, the names of each partner, if a partnership, and such other information as the Treasurer may by rule require. Such certificates of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the note of all occupants and person seeking occupancy. Such certificates shall be nonassignable and

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nontransferable and shall be surrendered immediately to the Treasurer upon the cessation of business at the hotel or motel named or upon its sale or transfer.

402. Records to be Maintained:

Every operator shall keep records of every occupancy and of all rent paid, charge, or due thereon and of the tax payable thereon, in such form as the Treasurer by regulation requires. Such records shall be available for inspection and examination at any time upon demand by the Treasurer or his/her duly authorized agent or employee and shall be preserved for a period of three years, except that the Treasurer may consent to their destruction within that period or may require that they be kept longer.

403. Returns:

- a. Every operator shall file with the Treasurer a return of occupancy and of rents, and of the taxes payable thereon for the quarterly periods ending March 31, June 30, September 30 and December 31 of each year, on and after the first day of October 2005. Such returns shall be filed within twenty days from the expiration of the period covered thereby. The Treasurer may permit or require returns to be made by other periods and upon such dates as he/she may specify. If the Treasurer deems it necessary in order to insure the payment of the tax imposed by this Local Law, he may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as he/she may specify.
- b. The forms of returns shall be prescribed by the Treasurer and shall contain such information as he/she may deem for the proper administration of this Local Law. The Treasurer may require amended returns to be filed within twenty (20) days after notice and to contain the information specified in the notice.
- c. If a return required by this Local Law is not filed, or a return filed is incorrect or insufficient on its fact, the Treasurer shall take the necessary steps to enforce the filing of such a return or of a corrected return.

404. Payment of Tax:

At the time of filing a return of occupancy and of rents, each

operator shall pay to the Treasurer the taxes imposed by this Local Law upon the rents required to be included in such return, as well as all other moneys collected by the operators acting or purporting to act under the provisions of this Local Law. Where the Treasurer, in her discretion, deems it necessary to protect revenues to be obtained under this Local Law, the Treasurer may require an operator to file with him a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the Treasurer may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator. In the event that the Treasurer determines that an operator is to file such bond, he/she shall give notice to such operator to that effect specifying the amount of the bond required. The operator shall file such bond within five days after the giving of such notice unless within such five days the operator shall request in writing a hearing before the Treasurer at which the necessity, propriety and amount of the bond shall be determined by the Treasurer. Such determination shall be final and shall be complied with within fifteen (15) days after the giving of such notice thereof. In lieu of such bond, securities approved by the Treasurer or cash in such amount as he/she may prescribe, may be deposited which shall be kept in the custody of the Treasurer who may at any time without notice to the depositor apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by her at public or private sale without notice to the depositor thereof.

405. Determination of Tax:

If a return required by this Local Law is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be determined by the Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rent, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty (30) days after giving of notice of such determination, shall apply to the Treasurer for a hearing, or unless the Treasurer of his/her own motion shall re-determine the same. After such hearing, the Treasurer shall give notice of his/her determination to the person against whom the tax is assessed. The determination of the Treasurer shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by proceeding under article seventy-eight of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within thirty (30) days after the giving of the notice of such determination. A proceeding under article

seventy-eight of the Civil Practice Law and Rules shall not be instituted unless:

- a. The amount of any tax sought to be reviewed, with penalties and interest thereof, if any, shall be first deposited with the Treasurer and there shall be filed with the Treasurer an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding or
- b. At the option of the applicant such undertaking filed with the Treasurer may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such taxes, penalties and interest as a condition precedent to the application.

406. Refunds:

- a. In the manner provided in this section the Treasurer shall refund or credit, without interest, any tax penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the Treasurer for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the Treasurer, he/she shall state his/her reason therefor in writing. Such application may be made by the occupant, operator or other person who has actually paid the tax. Such application may also be made by an operator who has collected and paid over such tax to the Treasurer provided the application is made within one year of the payment by the occupant to the operator, but no actual refund of money, shall be to such operator until he shall first establish to the satisfaction of the Treasurer, under such regulations as the Treasurer may prescribe, that he has repaid to the occupant the amount for which the application for refund is made. The Treasurer may in lieu of any refund required to be made, allow credit therefor on payments due from the applicant.
- b. An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty or interest complained of and the Treasurer may receive evidence with respect thereto. After making his/her determination, the Treasurer shall give

notice thereof to the applicant, who shall be entitled to review said determination by a proceeding pursuant to Article 78 of the Civil Practice Law and Rules, provided the proceeding is instituted within 30 days after the giving of the notice of determination and provided a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the County Treasurer in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceedings be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

- c. A person shall not be entitled to a revision, refund or credit under this section of a tax, interest or penalty which had been determined to be due pursuant to the provisions of section 405 of this Local Law where he has had a hearing or an opportunity for a hearing, as provided in said section or has failed to avail himself of the remedies therein provided. No refund or credit shall be made of the tax, interest or penalty paid after a determination by the Treasurer made pursuant to section 405 of this Local Law unless it is found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the Treasurer after a hearing on the petition of a person liable for payment of the tax brought within thirty (30) days after the filing of a determination of the Treasurer after a hearing pursuant to section 405 of this Local Law, or upon his own motion, or in a proceeding under article 78 of the Civil Practice Law and Rules, pursuant to the provisions of said section. In that event, a refund or credit without interest shall be made of the tax, credit or penalty found to have been overpaid.

407. Reserves:

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under Article seventy-eight of the Civil Practice Law and Rules and review a determination adverse to him on his application for refund, the Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

408. Remedies Exclusive:

The remedies provided by section 405 and 406 of this Local Law shall be exclusive remedies available to any person for the review of tax liability imposed by this Local Law, and no determination or proposed determination or any application for refund shall be enjoined or

reviewed by an action for declaratory judgment, an action for money had and received or by an action or proceeding in a nature of a certiorari proceeding under article seventy eight of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if he institutes suit within thirty (30) days after a deficiency assessment is made and pays the amount of the deficiency assessment to the Treasurer prior to the institution of such suit and posts a bond for costs and provided in section 405 of this Local Law.

ARTICLE V - ENFORCEMENT OF COLLECTION OF TAX, PENALTIES AND INTEREST

501. Proceedings to Recover Tax:

- a. Whenever any operator or any officer of a corporate operator or any occupant or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this Local Law as therein provided, the County Attorney shall, upon the request of the Treasurer bring or cause to be brought an action to enforce the payment of the same on behalf of the County of Wyoming in any court of the State of New York or of any other state of the United States. If, however, the Treasurer in his/her discretion believes that any such operator, officer, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, he/she may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.
- b. As an additional or alternate remedy, the Treasurer may issue a warrant, directed to the Sheriff commanding him to levy upon and sell the real and personal property of the operator or officer of a corporate operator or other person liable for the tax, which may be found within the County for the payment of the amount thereof, with any penalties and interest and the cost of executing the warrant and to return such warrant to the Treasurer and to pay to him/her the money collected by virtue thereof within sixty (60) days after the receipt of such warrant. The Sheriff shall, within five (5) days after the receipt of the warrant file with the County Clerk, a copy thereof, and thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties and interest for which the warrant is issued and date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the interest in real and

personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in respect to executions issued against property judgments of a court of record and for services in executing the warrant he shall be entitled to the same fees, which he may collect in the same manner. In the discretion of the Treasurer, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the Treasurer and in the execution thereof such officer or employee shall have all the powers conferred by law upon sheriffs, but shall be paid in the performance of such duty. If a warrant is returned not satisfied in full, the Treasurer may from time to time issue new warrants and shall also have the same remedies to enforce the amount due there under as if the County has recovered judgment therefore and execution thereon has been return unsatisfied.

- c. Whenever an operator shall make a sale, transfer, or assignment in bulk of any part or the whole of his hotel or motel or his lease/license or other agreement or right to possess or operate such hotel or motel or of the equipment, furnishings, fixtures, supplies or stock of merchandise, or the said premises or lease, license or other agreement or right to possess or operate such hotel or motel and the equipment, furnishings, fixtures, supplies and stock of merchandise pertaining to the conduct or operation of said hotel or motel, otherwise than in the ordinary and regular prosecution of business, the purchaser, transferee or assignee shall at least ten (10) days before taking possession of the subject of the sale, transfer or assignment, or paying therefore, notify the Treasurer by registered or certified mail, return receipt requested, of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor, has represented to or informed the purchaser, transferee or assignee that it owes any tax pursuant to this Local Law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing.
- d. Whenever the purchaser, transferee or assignee shall fail to give notice to the Treasurer as required by the preceding paragraph or whenever the Treasurer informs the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or chooses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or chooses in action to the extent of the

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amount of the County's claim. For failure to comply with the provisions of this subdivision, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of article six of the Uniform Commercial Code, shall be personally liable for the payment to the County of any such taxes theretofore or thereafter determined to be due to the County from the seller, transferor, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under the Local Law.

502. Penalties and Interest:

- a. Any person failing to file a return or to pay over any tax to the Treasurer within the time required by this Local Law shall be subject to a penalty of five percent of the amount of tax due for each month or portion thereof, excepting the first month after such return was required to be filed or such tax became due, during which such tax due shall remain unpaid by in no event shall such penalty exceed twenty-five (25%) percent of the tax due; plus interest computed at the rate and in the manner provided in section 924-a of the Real Property Tax Law but in no event shall such interest be less than one percent (1%) of such tax for each month of delay excepting the first month after such return was required to be filed or such tax became due; but the Treasurer, if satisfied that the delay was excusable, may remit all or part of the penalty, but not interest computed at the rate of six (6%) percent per year. Such penalties and interest shall be paid and disposed of in the same manner as other revenues of such tax. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this Local Law.
- b. Any operator or occupant and any officer of a corporate operator or occupant failing to file a return required by this Local Law, or filing or causing to be filed, or making or causing to be made or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this Local Law, which is willfully false, and any operator and any officer of a corporate operator willfully failing to file a bond required to be filed pursuant to section 405 of this Local Law, or failing to file a registration certificate and such date in connection therewith as the Treasurer may by regulation or otherwise require or to display or surrender the certificate of authority as required by this Local Law or assigning or transferring such certificate of authority and any operator and any officer of a corporate operator willfully failing to charge separately from the rent the tax herein imposed, or willfully failing to state such tax separately on any evidence or occupancy and on any bill

or statement or receipt or rent issued or employed by the operator, or willfully failing or refusing to collect such tax from the occupant, and any operator and any officer of a corporate operator who shall refer or cause reference to be made to this tax in a form or manner other than that required by this Local Law, and any operator failing to keep the records required by section 402 of this Local Law, shall in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for not more than one year, or both such fine and imprisonment. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this Local Law, and subject to the penalties herein above imposed.

503. Returns to be Confidential:

- a. Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the Treasurer or any officer or employee of the Treasurer to divulge or make known in any manner the rents or other information relating to the business of a taxpayer contained in any return required to be filed pursuant to this Local Law. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding under the provisions of this Local Law, or on behalf of any party to the action or proceeding under the provision of this Local Law when the proceeding, in either off which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative of a certified copy of any return filed in connection with this tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the County Attorney or other legal representatives of the County of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three (3) years and thereafter until the Treasurer permits them to be destroyed.
- b. Any violation of section 503(a) shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year or both, in the discretion of the court, and if the offender be an officer or employee of the County he shall be dismissed

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from office and be incapable of holding any public office for a period of five (5) years thereafter.

504. Notices and Limitations of Time:

- a. Any notice authorized or required under the provisions of this Local Law may be given by mailing the same to the person from whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him pursuant to the provisions of this Local Law, or in any application made by him, or if no return has been filed or application made by him, or if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this Local Law by giving the notice shall commence to run from the date of mailing of such notice.
- b. The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this Local Law. Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three (3) years from the date of filing of a return; provided, however, that where no return has been filed as provided by the law the tax may be assessed at any time.
- c. Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

ARTICLE VI - DISPOSITION OF REVENUES**601. Disposition of Revenues:**

All revenues resulting from the imposition of the tax under the local laws shall be paid into the treasury of Wyoming County and shall be credited to and deposited in the general fund of such County. The County shall be authorized to retain up to a maximum of five percent of

such revenue to defer the necessary expenses of the County in administering such tax.

ARTICLE VII - SEPARABILITY AND EFFECTIVE DATE

701. Separability:

If any clause, sentence; paragraph, section or part of this Local Law shall be adjudged by any court or competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and the remainder of this Local Law shall not be affected thereby and shall remain in full force and effect.

702. Effective Date:

This Local Law shall take effect on October 1, 2005, except that the provisions of this Local Law relating to registration and the authority of the Treasurer to adopt regulations and take all necessary action to prepare for the implementation and enforcement of this Local Law shall take effect immediately.

#23

**RESOLUTION NO. 05-200
(June 14, 2005)**

By Mr. Gozelski, Chairman of the Agriculture Committee:

**JOHN COPELAND APPOINTED TO THE SENECA TRAIL
RC&D COUNCIL**

BE IT RESOLVED, That *John Copeland*, 5888 Sheppard Road, Bliss, NY 14024 is hereby appointed to the *Seneca Trail Resource Conservation and Development Council* as a *Member at Large / Alternate* for a *three year term*; effective *January 01, 2005 through December 31, 2007*.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

RESOLUTION NO. 05-201
(June 14, 2005)

By Mr. Gozelski, Chairman of the Agriculture Committee:

**WYOMING COUNTY PROCLAIMS
JUNE 2005 AS NATIONAL DAIRY MONTH**

WHEREAS, June is the month when nature bestows upon us her most nearly perfect weather, and

WHEREAS, Milk is nature's most nearly perfect food, it follows that June is the most fitting month to celebrate Dairy Month. June is the start of summer, when everyone appreciates the ease and convenience of the whole gamut of good dairy foods, and

WHEREAS, June is the time to enjoy to the fullest all the milk products whose vitamins, calcium and minerals contribute so much to health and vitality all year long, and

WHEREAS, We hereby dedicate this month of June to the idea of eating dairy foods, every day, and

WHEREAS, We also set aside the month of June to pay tribute to the nation's vast dairy industry -- one-sixth of the nation's farm economy -- whose daily work and dedication contribute so much to the nation's health and prosperity every day of the year, and

WHEREAS, We propose a salute to MILK, the beverage that has helped our children grow taller, our young adults become more vigorous and our senior citizens to enjoy the longest, most productive lives in the history of the world; now therefore

BE IT RESOLVED, That this Wyoming County Board of Supervisors, hereby proclaims ***June 2005*** to be:

National Dairy Month in Wyoming County

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and encourages all our citizens to enjoy milk and other dairy foods, and urges civic and business organizations to cooperate in this observance in public and in private in order that we may enjoy improved health and increased prosperity.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #25

**RESOLUTION NO. 05-202
(June 14, 2005)**

By Mr. Gozelski, Chairman of the Agriculture Committee:

**E. JOSEPH GOZELSKI APPOINTED TO THE
REGION 9 FOREST PRACTICE BOARD PLANNING
COMMITTEE**

BE IT RESOLVED, That *E. Joseph Gozelski*, 6175 E. Lake Road, P.O. Box 331, Silver Springs, NY 14550 is hereby appointed to the **Region 9 Forest Practice Board Planning Committee** as a **Land Owner** for a **term of three years**; effective **June 01, 2005 through May 31, 2008**.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

At this time Chairman Berwanger invited Supervisor Gozelski to present the proclamation on Dairy Month to this year's Dairy Princess, Stephanie Michalek, from the Town of Attica.

Stephanie presented the Board of Supervisors with Dairy Industry projects promoting Milk and Dairy products.

#26

**RESOLUTION NO. 05-203
(June 14, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

SEMI-ANNUAL REVENUE SHARING FOR THE TOWNS

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BE IT RESOLVED, That the Chairman of the Finance Committee, presented the Semi-Annual Revenue Sharing Report for the period of October 1, 2004 through March 31, 2005 and moved that the Clerk draw warrants on the County Treasurer for the various amounts therein.

To: John B. Edwards, County Treasurer of Wyoming County, NY

You are hereby authorized and directed to distribute the Semi-Annual Revenue Sharing amounts totaling \$37,338.08 (Thirty seven thousand three hundred thirty-eight dollars and eight cents) to the sixteen towns of Wyoming County, in accordance with the report filed with the Clerk of the Board of Supervisors, as follows:

TOWNS	REVENUE SHARING DISTRIBUTED
Arcade	\$5,514.56
Attica	\$3,607.04
Bennington	\$3,140.32
Castile	\$2,572.09
Covington	\$1,098.62
Eagle	\$768.72
Gainesville	\$1,452.21
Genesee Falls	\$758.64
Java	\$1,965.65
Middlebury	\$1,297.64
Orangeville	\$1,017.95
Perry	\$2,957.16
Pike	\$626.54
Sheldon	\$2,148.72
Warsaw	\$7,731.38
Wethersfield	\$680.84
Grand Totals:	\$37,338.08

Let this be your Warrant for Such Payment: **\$37,338.08** (Thirty seven thousand three hundred thirty-eight dollars and eight cents) IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Board of Supervisors this 14th day of June, 2005.

June 14, 2005

s/ Paula A. Parker, Clerk

Board of Supervisors

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #27

**RESOLUTION NO. 05-204
(June 14, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

APPROVES PROPERTY AUCTION SALES

WHEREAS, the County has acquired the right to transfer the following properties pursuant to a Judgment of Foreclosure under Article 11 of the Real Property Tax Law, and

WHEREAS, the Finance Committee of the Board has obtained an offer to purchase said property and recommends the acceptance thereof, namely:

Town of Perry, 22 South Main Street, Perry, NY 14530 has offered \$858.42 for property located in the Town & Village of Perry, 87 South Main Street, Tax Map #100.7-7-37 formerly assessed to Buell Oil Company Inc.; now therefore

BE IT RESOLVED, That the above are hereby approved and accepted and the County Treasurer, in the name of the County, is hereby authorized to execute and deliver a referee deed to the purchaser.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #28

**RESOLUTION NO. 05-205
(June 14, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN CONTRACT WITH
WEILER MAPPING ON BEHALF OF INFORMATION
TECHNOLOGY**

Regular Session

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Weiler Mapping, 150 North Main Street, Suite 400, Elmira, NY 14901 on behalf of Information Technology. The contract is for the provision of digitizing basic tax maps in an amount not to exceed One hundred ten thousand six hundred forty dollars (\$110,640.00) or \$4.98 per parcel; effective immediately and ending on December 31, 2006 or upon the completion of the project; contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

Before the roll was called on resolution number 29, the County Attorney pointed out material that should not be included in the resolution by stating, "it has no business in the resolution." Chairman Berwanger asked Supervisor Davis, Chairman of Finance, if he would at this time like to make a motion to have the resolution corrected according to the directions of the County Attorney. At which time Supervisor Davis made the motion to delete a paragraph the County Attorney made reference to. A voice vote was taken. All voted aye. County Attorney Dadd pointed out that it is really no more than a correction of a typographical error.

**2/3 Majority
Non - Consent
#29**

**RESOLUTION NO. 05-206
(June 14, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

BOND RESOLUTION OF THE COUNTY OF WYOMING, NEW YORK, DATED JUNE 14, 2005, FOR THE ISSUANCE AND SALE OF BONDS OF THE COUNTY OF WYOMING, NEW YORK, IN THE AMOUNT OF \$600,000.00 FOR THE ACQUISITION OF HOSPITAL EQUIPMENT FOR THE COUNTY PURPOSES.

RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WYOMING, NEW YORK (by the favorable vote of not less than two-thirds of the voting strength of said Board) **AS FOLLOWS:**

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Section 1. The County of Wyoming, New York is hereby authorized to acquire by purchase the following equipment for Wyoming County Community Hospital.

Equipment:	Item	Estimated Maximum Cost	
	Conventional Radiographic Fluoroscopic 80KW Generator System used Barium Studies, ERCP's, myelograms and angiography. System included the necessary software for performing digital subtraction angiography. (Room 1) (Replaces refurbished 1985 Philips purchased in 1996)	\$300,436.00	
	Radiographic room for routine diagnostic procedures Replaces 1986 Philip X-Ray, deemed inoperable and can no longer be repaired.	77,684.00	
	C-Arm Pulsera; mobile C-arm top of the line model with large 12 inch field of view. System includes software for measurement, subtraction and vascular capabilities. (Orthopedics will be an increased user.)	90,618.00	
Renovation/Electrical Cost:			
	Electrical Rewiring	54,000.00	
	Millwork, Tile, Room Renovations	5,962.00	
	Air Handler Modifications	25,800.00	
	Unistrut	<u>5,500.00</u>	91,262.00
	Orthopedic/Physician Office Renovation	40,000.00	

The estimated maximum cost of the acquisition of such equipment is the sum of \$600,000.00 and said amount is hereby appropriated therefor. The plan of financing involves the issuance of \$600,000.00 in serial bonds of the County of Wyoming to finance the appropriation, and the levy and collection of taxes upon all the taxable real property in the County in an amount sufficient to pay the principal of and interest of said bonds.

Section 2. Serial bonds of said County of Wyoming in the principal amount of \$600,000.00 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law of the State of New York, to finance the said appropriation.

Section 3. The following additional matters are hereby determined and declared:

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a. In accordance with Section 11 of the Local Finance Law, the period of probable usefulness for which said bonds are to be issued, is hereinabove set forth in Section 1 for each item or items to be acquired, such period of probable usefulness being the period of five (5) years. Also, set forth for each item is the maximum estimated cost of each item or items.

b. No current funds need be provided because the period of probable usefulness for each item does not exceed five (5) years.

Section 4. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of such bonds shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law, and said serial bonds and any notes issued in anticipation of said bonds shall be general obligations of the County payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation of rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and pursuant to Section 30.00 of the Local Finance Law relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Section 56.00 to Section 60.00 of said law, the powers and duties of the Board of Supervisors relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the serial bonds authorized by this resolution and of any notes authorized and issued in anticipation of the sale of said bonds, and the renewals thereof, are hereby delegated to the County Treasurer, as the Chief Fiscal Officer of the County.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds may be contested only if: (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or (b) the provisions of law which should be complied with at the date of the publication of such

resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. The specific object or purpose of the purchase herein authorized is to provide equipment for use at Wyoming County

Community Hospital, a public general hospital owned and operated by the County of Wyoming.

Section 8. This resolution shall take effect immediately.

Carried: Ayes: 1639 Noes: Absent: 48 (Orangeville) Abstain:

At this time Chairman Berwanger asked Supervisor Kushner, Chairman of the Public Safety Committee, if he would like to give an explanation on resolution number 30. Supervisor Kushner accepted the invitation and stated that normally he would be opposed to this type of indebtedness. However, the benefits to the County by far outweigh the cost with such a project.

Chairman Berwanger invited Sheriff Heimann to add to what Mr. Kushner had to say. Sheriff Heimann stated that this would better enable the Sheriff Deputies and the Volunteer Fireman to communicate better. It will reach farther and correct the dead areas where communication throughout the county is impossible now.

**2/3 Majority
Non - Consent
#30**

**RESOLUTION NO. 05-207
(June 14, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**BOND RESOLUTION OF THE COUNTY OF WYOMING,
NEW YORK, DATED JUNE 14, 2005, FOR THE ISSUANCE
AND SALE OF BONDS OF THE COUNTY OF WYOMING,
NEW YORK, IN THE AMOUNT OF \$500,000.00 FOR THE
ACQUISITION OF RADIO SYSTEM EQUIPMENT FOR
COUNTY PURPOSES.**

**RESOLVED BY THE BOARD OF SUPERVISORS OF
THE COUNTY OF WYOMING, NEW YORK** (by the favorable vote of not
less than two-thirds of the voting strength of said Board) **AS FOLLOWS:**

Section 1. The County of Wyoming, New York is hereby authorized to acquire by purchase the radio system equipment listed on Exhibit A attached hereto. The total price of said equipment is \$611,238.45. However, the balance of \$111,238.45 will be taken from a reserve account.

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The estimated maximum cost of the acquisition of such equipment is the sum of \$500,000.00 and said amount is hereby appropriated therefor. The plan of financing involves the issuance of \$500,000.00 in serial bonds of the County of Wyoming to finance the appropriation,

and the levy and collection of taxes upon all the taxable real property in the County in an amount sufficient to pay the principal of and interest of said bonds.

Section 2. Serial bonds of said County of Wyoming in the principal amount of \$500,000.00 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law of the State of New York, to finance the said appropriation.

Section 3. The following additional matters are hereby determined and declared:

a. In accordance with Section 11 of the Local Finance Law, the period of probable usefulness for which said bonds are to be issued, is hereinabove set forth in Section 1 for each item or items to be acquired, such period of probable usefulness being the period of ten (10) years. Also, set forth for each item is the maximum estimated cost of each item or items.

b. No current funds need be provided because the period of probable usefulness for each item does not exceed ten (10) years.

Section 4. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of such bonds shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law, and said serial bonds and any notes issued in anticipation of said bonds shall be general obligations of the County payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation of rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and pursuant to Section 30.00 of the Local Finance Law relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Section 56.00 to Section 60.00 of said law, the powers and duties of the Board of Supervisors relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the serial bonds authorized by this resolution and of any notes authorized and issued in anticipation of the sale of said bonds, and the renewals thereof, are hereby delegated to the County Treasurer, as the Chief Fiscal Officer of the County.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds may be contested only if: (a) such obligations are authorized for an object or purpose for which

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the County is not authorized to expend money, or (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such

validity is commenced within twenty (20) days after the date of such publication, or (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. The specific object or purpose of the purchase herein authorized is to provide equipment for use by Wyoming County Emergency Services.

Section 8. This resolution shall take effect immediately.

Carried: Ayes: 1639 Noes: Absent: 48 (Orangeville) Abstain:

SHERIFF VHF 155 M HZ SIMULCAST SYSTEM			\$ 219,826.25
TOTAL 6 SITE SYSTEM WITH VOTED RECEIVERS FROM ALL			
100 WATT SIMULCAST 6 REPEATER SITES			
SPARE EQUIPMENT			
LABOR & INSTALLATION			
FIRE SERVICE LOW BAND			\$ 75,404.20
TOTAL 6 SITE SYSTEM WITH VOTED RECEIVERS FROM ALL			
100 WATT SIMPLEX BASE STATIONS SELECTED BY			
SPARE EQUIPMENT			
LABOR & INSTALLATION			
FIRE SERVICE SIREN CONTROL			\$ 99,064.00
23-ZETRON MODEL 6 STATION HOUSE TRANSPOSDERS			
3-MODEL 26 STATUS AND CONTROL PANELS WITH CAD			
SPARE EQUIPMENT			
LABOR & INSTALLATION			
EMERGENCY MEDICAL SERVICE VHF 155 M HZ			
RELOCATE PRESENT SHERIFF'S MOTOROLA MSF 5000			
BASE TO WETHERSFIELD SITE			\$ 7,200.00
EQUIPMENT			\$ 209,700.00
PROXIM MICROWAVE RADIO EQUIPMENT PAIRS			
HARRIS INTRAPLEX CHANNEL BANKS			
SPARE EQUIPMENT			
LABOR & INSTALLATION			
			\$ 611,194.45

There being no further business to come before this board the meeting was adjourned by a rap on Mrs. Humphrey's desk. 3:45 PM

Respectfully submitted,
Cheryl J. Ketchum

REGULAR SESSION**(July 12, 2005)****Tuesday****3:00 PM**

The regular Session of the Wyoming County Board of Supervisors was held at the Wyoming County Government Center in the Board of Supervisors' Chambers located at 143 North Main Street, Warsaw, New York with all Supervisors present except Supervisor Glosser T/Orangeville. Also present were County Attorney Eric T. Dadd; County Treasurer, John Edwards; sitting in for the Clerk to the Board; Paula Parker is Deputy Clerk to the Board; Cheryl Ketchum.

At **3:18 PM** Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading us in the Pledge of Allegiance for the month of July is:

Francis L. Head

Mr. Head is a 1948 graduate of Warsaw Central School. He went to work for the Village of Warsaw immediately after high school and then the N.Y.S. Department of Transportation in 1950. He was drafted in 1952 and entered active duty on April 22, 1952. After his basic and advanced infantry training, Mr. Head was shipped to Korea for eleven months. He was discharged from active duty on April 1, 1954. For his service to his country, he was awarded the **Korean Service Medal with two Bronze Stars**, the **United Nations Service Medal**, the **Combat Infantry Badge** and the **National Defense Service Medal**.

Mr. Head returned to his position with the N.Y.S. D.O.T. where he worked until his retirement in 1989. During this time frame, he also worked as a part-time Deputy Sheriff / Dispatcher for the Wyoming County Sheriff's Department for twenty years. In his "spare time," Mr. Head was an active member of the Warsaw Fire Department and Rescue Squad, holding all offices of the Department, and was elected as President of the Western New York Volunteer Firemen's Association for a one-year term. He was an active member for forty-two years.

After his retirement from the N.Y.S. D.O.T., Mr. Head was appointed Director of Security for the Wyoming County Bank from 1989 to 1999. He was also a Justice of the Peace for the Town and Village of Warsaw from 1990 to 1995. Presently, Mr. Head is the President of the Warsaw Kiwanis Club, a member of the Warsaw Memorial Post #4823 of the Veterans of Foreign Wars, an active

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member of Walter Klein Post #532 of the American Legion, the Adjutant of the Wyoming County American Legion, and the Chaplain for the 8th District of the American Legion.

Mr. Head has been married for 38 years to his wife Virginia and lives in Warsaw.

The pledge was said by all.

Chairman Berwanger invited Supervisor Miller to come forward to assist in the presentation of the Certificate of Appreciation to commemorate today's events to Mr. Gill.

Mr. Gill was given the opportunity to address the Board. He did so by stating that it was both a pleasure and an honor to be chosen by Frank Hollister to lead the pledge and wanted to remind the Board that Wyoming County Veterans are several thousand strong throughout the county and are here to serve their community.

The Chairman recognized today as bitter sweet, Frank Hollister, Director of Veterans' Services has announced his retirement from this position at Wyoming County to pursue a similar position with Livingston County.

Chairman Berwanger dedicated today's Board meeting to former T/ Covington Supervisor Ken Lowe who passed away the week prior. Supervisor Lowe served Wyoming County for 18 years. Supervisor Humphrey shared an encounter that she and Supervisor Berwanger shared with Supervisor Lowe over a contract negotiation. Supervisor Davis shared his recruitment to run for Town Supervisor experience with the former Supervisor. Supervisor Lowe expressed to these Supervisors his belief in maintaining a Board of Supervisors and not to ever change to a Legislature.

The Commissioner of Social Services routinely recognizes outstanding employees and educates them on the inter-relationship between the Department of Social Services and the Board of Supervisors. Each month Acting Commissioner Fuest brings an employee of the month to the Human Services Committee meeting to see how departmental requests are processed by the Board.

This month's participant is Mary Ann Sylor. Mary Ann has been employed by Social Services since 1988 and is presently the Principal Account Clerk in our Accounting Unit. She has been nominated because she goes the extra mile to get things done as well as assisting others both within her unit and outside in a pleasant and prompt manner. Please join me in recognizing Mary Ann Sylor.

Public Hearing Opened: Introductory Law 2005 – A / Local Law Introductory No. A, Year 2005 Authorize the Imposition of a Wyoming County Hotel and Motel Room Occupancy Tax.

Communications:

C1: The Supervisors received a thank you for the 2005 Drive Out Breast Cancer Women's Golf Challenge on June 13, 2005.

#1

**RESOLUTION NO. 05-208
(July 12, 2005)**

By Mr. Davis, Chairman of Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2005 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2005 accounts as follows:

Real Property Tax Service			<u>Dept. Totals:</u>
To: 01.33.1355.4.40406 Mileage 01.33.1355.4.40907 Tax Mapping w/ 01.03.1355.1289 incr by same Reason: reimbursement check from NYS – \$799.10 / special sale of Tax Maps - \$840.00.	\$150.00 1,489.10	\$1,639.10	
RPTS Total			\$ 1,639.10
Social Services			
To: 01.39.6010.4.42254 Enhanced Child Care BG w/ revenue acct. #01.12.6010.4610 increased by same Reason: To appropriate the Enhanced ChildCare Block Grant	\$65,000.00	\$65,000.00	
Social Services Total			\$65,000.00
Office for the Aging			
To: 01.44.6772.2.20201 Computer Equipment 01.44.6772.4.40016 Internet Services 01.44.6772.4.40401 Training/Education 01.44.6772.4.40402 Conference/Convention 01.44.6772.4.40406 Employee Mileage 01.44.6772.4.41004 Computer Supplies 01.44.6772.4.41101 Paper 01.44.6772.4.41201 Postage 01.44.6772.4.41202 Printing 01.44.6772.4.41204 Advertising 01.44.6772.4.41410 Software 01.44.6772.4.42306 Other W/revenue account 01.12.6772.477220 OFA – SPAP Reason: Appropriation of SPAP Grant (State Pharmaceutical Assistance Program)	8,800.00 500.00 150.00 150.00 200.00 2,950.00 50.00 1,295.00 2,150.00 2,437.00 900.00 20,128.00	39,710.00	
To: 01.44.6772.4.40402 Conference/Convention 01.44.6772.4.40406 Employee Mileage 01.44.6772.4.41201 Postage 01.44.6772.4.41202 Printing 01.44.6772.4.41204 Advertising 01.44.6772.4.40924 Homemaker Services w/ 01.11.6772.377203 revenue increased by the same. Reason: Appropriation of increased funds from NYS for EISEP.	200.00 1,000.00 500.00 1,500.00 1,500.00 30,699.00	35,399.00	

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OFA Total			\$75,109.00
Highway			
Reduce: 01.52.9901.9.99001 Lowman \$100,000.00	(100,000.00)	(100,000.00)	
Reason: To reduce the amount to be Transferred to the Highway Department (LOWMAN).			
Highway Total			(\$100,000.00)
Emergency Services			
To: 01.37.3020.2.20201 CAD Installation 302,849.34	302,849.34		
01.37.3020.4.41401 Software Maintenance 7,543.13	<u>7,543.13</u>		
REV: 01.02.3020.1140 Other Depart. Income \$310,392.47		310,392.47	
Reason: 911 Grant Monies appropriated to pay for CAD			
To: 01.52.9950.9.99004 Transfer to Capital	111,194.45		
From any funds available (From E911 Reserve)		111,194.45	
Reason: To provide balance needed for the Acquisition of Radio System Equipment.			
Emergency Services Total			\$421,586.92
Public Defender			
To: 01.32.1170.4.40402 Conf. & Conv.	1,000.00		
01.32.1170.4.40406 Employee Mileage	1,000.00		
01.32.1170.4.41010 Misc. Office Supplies	<u>1,553.00</u>		
w/01.11.1170.3089 Other State Aid increased by		3,553.00	
Reason: To appropriate Funds received from DCJS			
			\$3,553.00
Planning			
T0: 01.48.8020.4.40301 – Professional Services \$25,000.00	25,000.00		
From any funds available.		25,000.00	
Reason: To facilitate for the payment of the Empire Zone consultant			
Planning Total			\$25,000.00

Carried: Ayes:1570 Noes: Absent: 48 (Orangeville) Abstain:

#2

RESOLUTION NO. 05-209 (July 12, 2005)

By Mr. Davis, Chairman of Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2005 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2005 accounts as follows:

Highway			Dept. Totals:
(Revenue Reclassification Only)			
From: 04.13.5110.5031 Interfund Transfer	\$100,000.00		
To: 04.11.5110.308912 MM-2000 State Aid		\$100,000.00	
Highway Total			\$100,000.00
Capital Improvement Program			
From: 27.74.1620.4.41204 Advertising \$28.61	28.61		
27.74.1620.2.22001 (Bldgs & Grnds) Other 779.65	779.65		
27.74.3150.2.22001 Jail Capital Projects <u>1,725.00</u>	<u>1,725.00</u>		
To: 25.72.3641.2.22001 (Emergency Serv.) Other \$2,533.26		2,533.26	
Reason: Closing out completed projects to help cover the cost of repairs to the electric at the Fire Training Center.			
C. I. P. Total			\$2,533.26

Carried: Ayes:1570 Noes: Absent: 48 (Orangeville) Abstain:

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Mrs. Totslie, T/Genesee Falls, Chairman of the Audit Committee, presented bills totaling **\$1,362,125.36** for the Month of June 2005.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Mr. Patti, T/Attica, to combine resolutions #3 and #4. A voice vote was taken and all voted aye.

#3

**RESOLUTION NO. 05-210
(July 12, 2005)**

By Mr. Patti, Chairman of Public Works Committee:

**AUTHORIZING THE IMPLEMENTATION AND FUNDING
IN THE FIRST INSTANCE 100% OF THE FEDERAL AID
AND STATE MARCHISELLI PROGRAM AID ELIGIBLE
COSTS, OF A TRANSPORTATION FEDERAL-AID
PROJECT AND APPROPRIATING FUNDS THEREFOR
(REPLACEMENT OF HURDVILLE RD. BRIDGE)**

WHEREAS, A Project for the Replacement of the HURDVILLE Bridge over Cattaraugus Creek, Town of Arcade, Wyoming County (BIN 3319450), NYSDOT PIN 475367, (the Project) is eligible for funding under Title 23 U. S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the County of Wyoming desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of the design, right – of – way, and construction phases.

NOW, THEREFORE, The County Board of Supervisors, duly convened does hereby

RESOLVE, That the County Board of Supervisors hereby approves the above – subject project; and it is hereby further

RESOLVED, That the County Board of Supervisors hereby authorizes the Chairman of the Board to pay in the first instance 100% of the Federal and non-Federal share of the cost of design, right-of-way, construction, construction

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inspection, and construction administration work for the Project or portions thereof; and it is further

RESOLVED, That the sum of One million three hundred thirty two thousand dollars (\$1,332,000.00) (Two hundred thousand dollars (\$270,000.00) for design, Forty Five thousand dollars (\$45,000.00) for right – of – way, and One million seventeen thousand dollars (\$1,017,000.00) for construction) is hereby appropriated by the County Board of Supervisors and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, That in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the County Board of Supervisors shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, That the Chairman of this Board be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Board of Supervisors with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, This Resolution shall take effect immediately.

Carried: Ayes:1570 Noes: Absent: 48 (Orangeville) Abstain:

#4

**RESOLUTION NO. 05-211
(July 12, 2005)**

By Mr. Patti, Chairman of the Public Works Committee:

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CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH PERRY ASPHALT SEALER ON BEHALF OF
BUILDINGS AND GROUNDS

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Perry Asphalt Sealer (John M. Good) located at 2072 Simmons Rd., Perry, NY 14530. Contractor was the lowest responsible bidder at a bid opening which took place on June 27, 2005, on behalf of Wyoming County Buildings and Grounds. This contract is for the sealing and striping of the parking lot pavement at the Government Center Campus located at 143 North Main Street, Warsaw, NY 14569. The contract is in the amount of Eight thousand five hundred dollars (\$8,500.00); effective July 13, 2005 or until complete; Contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Mrs. Humphrey, T/Perry, to combine resolutions #5 through #7. A voice vote was taken and all voted aye.

#5

RESOLUTION NO. 05-212
(July 12, 2005)

By Mrs. Humphrey, Chairman of the Human Services Committee:

CHAIRMAN/COMMISSIONER AUTHORIZED TO SIGN A
CONTRACT WITH TECHNOLOGY SOLUTIONS ON
BEHALF OF THE DEPARTMENT OF SOCIAL SERVICES

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Technology Solutions, 5820 Main Street, Suite 102, Williamsville, NY 14221 on behalf of the Department of Social Services. This contract is for the provision of a computerized Day Care Eligibility and Payment Program and is in an amount not to exceed Sixty-five thousand dollars (\$65,000.00); effective August 01, 2005 through July 31, 2006; Contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

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RESOLUTION NO. 05-213

(July 12, 2005)

By Mrs. Humphrey, Chairman of the Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH WYOMING COUNTY COMMUNITY ACTION
ON BEHALF OF WYOMING COUNTY OFFICE FOR THE
AGING**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Wyoming County Community Action, 6470 Route 20A, Perry, NY 14530 on behalf of Wyoming County Office for the Aging. This contract is for the provision of Senior Employment services to those residents 55 years and older in Wyoming County and is in an amount not to exceed Thirty thousand dollars (\$30,000.00). There is a Local County Share of 10% which Wyoming County Community Action is responsible for; effective July 01, 2005 through June 30, 2006; Contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#7

RESOLUTION NO. 05-214

(July 12, 2005)

By Mrs. Humphrey, Chairman of the Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH VALUE MANAGEMENT CONSULTANTS, INC.
(VMC) ON BEHALF OF WYOMING COUNTY YOUTH
BUREAU**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Value Management Consultants, Inc., 9701 Niagara Falls Blvd., Suite 1A, Niagara Falls, NY 14304 on behalf of the Wyoming County Youth Bureau. This contract is for the provision of administration and routing of

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transportation services for early intervention and preschool handicapped children and is in an amount not to exceed Twenty-one thousand eight hundred thirty dollars (\$21,830.00) per year; effective July 01, 2005 through June 30, 2006; Contingent upon the availability of funds.

Carried: Ayes:1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Mr. Rogers, T/Pike, to combine resolutions #8 through #12. A voice vote was taken and all voted aye.

#8

**RESOLUTION NO. 05-215
(July 12, 2005)**

By Mr. Rogers, Chairman of the Public Health Committee:

**CORRECTION OF TERMS FOR MEMBERS
OF COMMUNITY SERVICES BOARD AND RELATED
SUBCOMMITTEES**

WHEREAS, New York State Mental Hygiene Law states, “On initially constituted boards, and insofar as practicable, on subcommittees, one-third of the members shall be appointed for a two-year term, one-third of the members shall be appointed for a three-year term and the remainder for a four-year term. All terms shall begin to run from the first day of the year of the appointment. Vacancies shall be filled for unexpired terms;” now therefor

BE IT RESOLVED, That the following terms are corrected as follows:

- ***Martin Mucher*** – Mental Health Community Services Board – corrected term to expire 12/31/07.
- ***Deborah Daniel*** - MR/DD Subcommittee – corrected term to expire 12/31/05.
- ***Dr. Pam Wilkie*** - Mental Health Subcommittee – corrected term to expire 12/31/06.
- ***Larry Rogers (Chairman of Public Health)*** – Appointed to the Mental Health Subcommittee – effective 01/01/05 to 12/31/05.

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Carried: Ayes:1570 Noes: Absent: 48 (Orangeville) Abstain:

#9

**RESOLUTION NO. 05-216
(July 12, 2005)**

By Mr. Rogers, Chairman of the Public Health Committee:

**DR. GREGORY COLLINS APPOINTED
TO THE MR/DD SUBCOMMITTEE**

BE IT RESOLVED, That *Dr. Gregory Collins* of 4820 Darby Road, Avon, NY 14414 is hereby appointed to the *MR/DD Subcommittee* to fill a *four-year unexpired vacant term effective January 01, 2004 through December 31, 2007*.

Carried: Ayes:1570 Noes: Absent: 48 (Orangeville) Abstain:

#10

**RESOLUTION NO. 05-217
(July 12, 2005)**

By Mr. Rogers, Chairman of the Public Health Committee:

AMEND RESOLUTION NUMBER 05-183

BE IT RESOLVED, That Resolution Number **05-183** be amended to move *Martin Mucher* of 208 State Street, Batavia, NY 14020 from the *Mental Health Subcommittee* to the *MR/DD Subcommittee* effective *January 01, 2004 through December 31, 2007*.

Carried: Ayes:1570 Noes: Absent: 48 (Orangeville) Abstain:

RESOLUTION NO. 05-218
(July 12, 2005)

By Mr. Rogers, Chairman of the Public Health Committee:

AMEND RESOLUTION NUMBER 04-331

BE IT RESOLVED, That resolution number **04-331** be amended to reflect a Fifteen thousand four hundred dollar (\$15,400.00) increase in the contract with the Mental Health Association of Rochester/Monroe County for the Care Coordination Funds program which provides for Medical and Vocational Transportation Programs and Advisory Committee Stipends. This will bring the contract amount to a total amount not to exceed Two hundred twenty-seven thousand five hundred thirty-one dollars (\$227,531.00). These are 100% State Aid/CCP Funds.

Carried: Ayes:1570 Noes: Absent: 48 (Orangeville) Abstain:

#12

RESOLUTION NO. 05-219
(July 12, 2005)

By Mr. Rogers, Chairman of the Public Health Committee:

AMEND RESOLUTION NUMBER 04-334

BE IT RESOLVED, That resolution number **04-334** be amended to reflect an increase in the amount of grant funding from the New York State Department of Health for the Cancer Screening Program by Nine thousand five hundred fifty – six dollars (\$9,556.00). The total amended award is in the amount of Forty one thousand six hundred fifteen dollars (\$41,615.00). Grant period from April 01, 2005 to March 31, 2006; all other terms and conditions remain unchanged.

Carried: Ayes:1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Mrs. Meeder, T/Middlebury, to combine resolutions #13 through #15. A voice vote was taken and all voted aye.

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**RESOLUTION NO. 05-220
(July 12, 2005)**

By Mrs. Meeder, Chairman of the Human Resources Committee:

AMEND RESOLUTION NUMBER 04-210

BE IT RESOLVED, That resolution number **04-210** be amended to reflect an extension in the effective date through December 31, 2005 with Employment Services, Inc., 55 Chamberlain St., Wellsville NY 14589. Original contract is for the provision of the Employee Assistance Program; all other terms and conditions remain unchanged.

Carried: Ayes:1570 Noes: Absent: 48 (Orangeville) Abstain:

#14

**RESOLUTION NO. 05-221
(July 12, 2005)**

By Mrs. Meeder, Chairman of the Human Resources Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH LUMSDEN AND MCCORMICK
ON BEHALF OF CIVIL SERVICE / PERSONNEL**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Lumsden and McCormick, LLP, 403 Main Street, Suite 430, Buffalo, New York, 14203, on behalf of the Civil Service / Personnel Department. This contract is for the provision of a County Vehicle Usage Study in an amount not to exceed Four thousand dollars (\$4,000.00). Contract will be effective immediately through September 11, 2005 or within forty-five days as specified by the contract; contingent upon the availability of funds.

Carried: Ayes:1570 Noes: Absent: 48 (Orangeville) Abstain:

#15

**RESOLUTION NO. 05-222
Regular Session**

Proceedings of the Board of Supervisors
(July 12, 2005)

By Mrs. Meeder, Chairman of the Human Resources Committee:

**LOCAL LAW INTRODUCTORY NO. B, YEAR 2005,
PRESENTED, PUBLIC HEARING SET**

WHEREAS, There have been duly presented and introduced at a meeting of this Board, held on this 12th day of July 2005, a proposed local law entitled, Local Law B-2005, *A Local Law Imposing a County Recording Tax on Obligations Secured by a Mortgage on Real Property*; and

WHEREAS, Subdivision 5, Section 20 of the Municipal Home Rule Law requires a public hearing to be held on such local law; now, therefore,

BE IT RESOLVED, That a public hearing is required to be had on the said local law by this Board of Supervisors on the 16th day of August, 2005, at 2:00 PM at the Wyoming County Fairgrounds, Pike NY, and at least five days notice of such hearing shall be given by the Clerk of this Board by publishing such notice at least once in the official newspapers of the county designated for such publications.

Carried: Ayes:1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #16 and #21. A voice vote was taken and all voted aye.

#16

RESOLUTION NO. 05-223
(July 12, 2005)

By Mr. Kushner, Chairman of the Public Safety Committee:

**URGING THE GOVERNOR AND THE NEW YORK STATE
LEGISLATURE TO ENACT MEASURES RESTRICTING
CONVICTED SEXUAL OFFENDERS FROM LIVING
NEAR PLACES WHERE CHILDREN CONGREGATE**

WHEREAS, It is incumbent on this Legislative Body to take necessary action, within its power, to ensure that all Wyoming County residents, and particularly our children, are protected from sexual offenders; and

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WHEREAS, The State of New York enacted the Sex Offender Registration Act, effective in January, 1996 requiring convicted sex offenders, upon their release, to register and report changes of their home address, and permits local police departments to notify schools and other entities with vulnerable populations that those at the greatest risk of re-offending have moved into their communities and to make this information available to the public upon request; and

WHEREAS, in Wyoming County, as well as across the entire State, there is rising public concern that convicted sexual offenders are, or may be, living adjacent or very near a school, playground or other places where children congregate; and

WHEREAS, Although there have been previous actions taken by the State of New York to protect the public from sexual offenders, including limiting where sexual offenders live while on parole or probation, it is the unanimous decision of the Wyoming County Board of Supervisors that more needs to be done to protect our most vulnerable population from convicted sexual offenders; and

WHEREAS, A number of states have enacted restrictions barring sex offenders from living with certain distances from schools, childcare facilities or public playgrounds or from homes where children under the age of 18 live; now, therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors respectfully urges the Governor and the New York State Legislature to enact measures that will restrict, in perpetuity, convicted sexual offenders from living near places where children congregate; and

BE IT FURTHER RESOLVED, That certified copies of the Resolution be transmitted to Governor George Pataki, Senator Dale Volker, Assemblyman Daniel Burling and to Congressman Thomas Reynolds and all others deemed appropriate by this Board.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#17

**RESOLUTION NO. 05-224
(July 12, 2005)**

By Mr. Kushner, Chairman of the Public Safety Committee:

Regular Session

Proceedings of the Board of Supervisors**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH GEORGE A. KEENE, INC. ON BEHALF OF THE
COUNTY JAIL**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with George A. Keene, Inc., 1101 Niagara Falls Blvd., Amherst, NY 14226 on behalf of the County Jail. This contract is for the provision of repairs and maintenance to locks and miscellaneous equipment in an amount not to exceed Four thousand five hundred dollars (\$4,500.00); effective July 01, 2005 to June 30, 2006.

Carried: Ayes:1570 Noes: Absent: 48 (Orangeville) Abstain:

#18

**RESOLUTION NO. 05-225
(July 12, 2005)**

By Mr. Kushner, Chairman of the Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN ALTERNATIVES
TO INCARCERATION (ATI) CONTRACT WITH THE
DIVISION OF PROBATION AND CORRECTIONAL
ALTERNATIVES ON BEHALF OF PROBATION**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with The Division of Probation and Correctional Alternatives, 80 Wolf Rd., Albany, NY on behalf of Probation. This contract is in an amount not to exceed Twenty-four thousand nine hundred dollars (\$24,900.00) to reimbursement the County for Community Service, Pre-Trial and Defender based advocacy Programs; effective January 01, 2005 to December 31, 2005.

Carried: Ayes:1570 Noes: Absent: 48 (Orangeville) Abstain:

#19

**RESOLUTION NO. 05-226
(July 12, 2005)**

By Mr. Kushner, Chairman of the Public Safety Committee:

July 12, 2005

**CHAIRMAN AUTHORIZED TO SIGN INTENSIVE
SUPERVISION PROGRAM WITH THE DIVISION OF
PROBATION AND CORRECTIONAL ALTERNATIVES ON
BEHALF OF PROBATION**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with The Division of Probation and Correctional Alternatives, 80 Wolf Rd., Albany, NY on behalf of Probation. This contract is for the reimbursement of supervision and is in an amount not to exceed Six thousand seven hundred dollars (\$6,700.00); effective January 01, 2005 to December 31, 2005.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#20

**RESOLUTION NO. 05-227
(July 12, 2005)**

By Mr. Kushner, Chairman of the Public Safety Committee:

**MEMBERS APPOINTED/REAPPOINTED TO
THE FIRE ADVISORY BOARD**

BE IT RESOLVED, That the following named persons are hereby reappointed to the Wyoming County Fire Advisory Board on the recommendation of the Wyoming County Bureau of Fire Coordinator, and in accordance with Section 225-a of the County Law for a term of one year, effective July 8, 2005 through July 7, 2006:

<u>DEPARTMENT</u>	<u>MEMBER</u>	<u>ADDRESS</u>
Arcade	Greg Landis	782 Geer Rd., Arcade, NY 14009
Attica	Terry Snyder	37 Buffalo St., Attica, NY 14011
Bennington	Joseph Heller, Jr.	1290 Maxon Rd., Attica, NY 14011
Bliss	Richard Maher	3429 Rt. 39, Bliss, NY
Castile	Edwin Morse	20 Park Rd., W., Castile, NY

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		14427
Cowlesville	Paul Kiecher	1740 Clinton St., Attica, NY 14011
Gainesville	Albert Keller	PO Box 23, Gainesville, NY 14066
Genesee Falls	James Kemp	6235 Denton Corners Rd., Castile, NY 14427
Harris Corners	Mark Keem	2563 Rt. 77, Strykersville, NY 14145
North Java	Randy Almeter	3878 Humbert Rd., North Java, NY 14113
Perry	Richard Halstead	3 Lake Ave., Perry, NY 14530
Perry Center	James Brick	7618 Rt. 20A, Perry, NY 14530
Pike	Doug Flint	67 Main St., Pike, NY 14130
Sheldon	Terry Griffen	1629 Rt. 20A, Lot 25, Varysburg, NY 14167
Silver Springs	Deanna Wilcox	30 Orchard St., Silver Springs, NY 14550
Strykersville	Donald Simons	425 Factory Rd., Strykersville, NY 14145
Varysburg	Carl Parmerter	2151 Rt. 98, Attica, NY 14011
Warsaw	Jim Vanepps	273 S. Main St., Warsaw, NY 14569
Wyoming	Mike Knitter	1192 Silver Lake Rd., Pavilion, NY 14525

Members At-Large for towns without Departments:

Orangeville	Town Supervisor	Town of Orangeville
Covington	Town Supervisor	Town of Covington

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#21

RESOLUTION NO. 05-228

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By Mr. Kushner, Chairman of the Public Safety Committee:

**COMMUNICATIONS BID AWARDED ON
BEHALF OF EMERGENCY SERVICES**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to award the communications bid as specifications outlined to Saia Communications, 100 Stradtman Street, Buffalo, New York 14206, on behalf of Emergency Services. Total contract not to exceed the amount of Six hundred eleven thousand one hundred ninety-four dollars and forty-five cents (\$611,194.45). Said contract is to provide for the radio system equipment upgrade as provided for in the bid specifications. Contract to be effective immediately and will expire upon the satisfactorily completion of the project.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

Supervisor Kushner asked to have Resolution Office Number 17 corrected. The contract is for the County Jail not Probation. Deputy Clerk Ketchum acknowledged the revision to be made.

There was a motion by Mr. Knab, T/Sheldon, to combine resolutions #22 and #23. A voice vote was taken and all voted aye.

#22

RESOLUTION NO. 05-229
(July 12, 2005)

By Mr. Knab, Chairman of the Planning Committee:

**AUTHORIZE CHAIRMAN TO SIGN CONTRACT WITH
HODGSON RUSS, LLP FOR EMPIRE ZONE
APPLICATION SERVICES**

WHEREAS, the Empire Zones program has become one of New York State's most successful economic development initiatives, resulting in billions of dollars in new private sector investment, and the creation of thousands of new jobs throughout the State; and

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WHEREAS, 72 zones have been designated statewide, offering substantial state tax incentives, reduced utility rates and programmatic preferences to companies located, or seeking to locate, within an Empire Zone; and

WHEREAS, only eleven of New York's 62 counties do not currently have an Empire Zone, including Wyoming County; and

WHEREAS, Wyoming County is unable to match the State financed incentives that communities with an Empire Zone can provide to stimulate job creation and retention which makes it very difficult to encourage business location or expansion investments and several potential development projects have not been realized because of the lack of Zone in Wyoming County; and

WHEREAS, it has been determined that using a consultant for assistance with the application and its processing would be beneficial; now, therefore,

BE IT RESOLVED, that the Chairman of the Board, with the approval of the County Attorney, is hereby authorized and directed to sign an agreement with Hodgson Russ, LLP, One M & T Plaza, Suite 2000, Buffalo, NY 14203-2391 for the purpose of providing assistance with Wyoming County's Empire Zone application; effective July 15, 2005, cost of said agreement not to exceed Twenty-five thousand dollars (\$25,000.00); contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#23

**RESOLUTION NO. 05-230
(July 12, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

**AUTHORIZE WYOMING COUNTY INDUSTRIAL
DEVELOPMENT AGENCY (IDA) TO ACT AS LEAD
AGENT**

BE IT RESOLVED, that the Wyoming County Industrial Development Agency with its offices being located at 6470 Route 20A, Suite 4, Perry, New York, is hereby authorized to act as the lead agent to manage and coordinate the application process and submission of all related documentation to New York State for the Wyoming County's Empire Zone.

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Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Mr. Davis, T/Covington, to combine resolutions #24 through #28. A voice vote was taken and all voted aye.

#24

**RESOLUTION NO. 05-231
(July 12, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**DATE AND LOCATION OF AUGUST 2005 REGULAR
SESSION CHANGED**

WHEREAS, The Rules of Procedure of the Board of Supervisors has been suspended by unanimous consent for the purpose recited in this resolution; now therefore

BE IT RESOLVED, That the Regular Session of the Wyoming County Board of Supervisors will be held on *Tuesday, August 16th, 2005 at 2:00 PM at the Wyoming County Fairgrounds in Pike, New York.*

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#25

**RESOLUTION NO. 05-232
(July 12, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

SALARY SCHEDULE “S” AND “G” AMENDED

WHEREAS, the stipend salaries as currently listed on schedule “S” in the District Attorney’s Office for the First Assistant District Attorney, Second Assistant District Attorney, Secretary to the District Attorney / Stop D. W. I. Program, and Secretary One are directly related to the Aid to Prosecution Grant; and

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WHEREAS, all stipends for the 2005 – 2006 grant year have been paid according to the information on Schedule S, now therefore

BE IT RESOLVED, that the Wyoming County Salary Schedules “S” and “G” are hereby amended as follows:

- Stipends as related to the District Attorney’s Office positions as listed above will be removed from Salary Schedule “S” and placed on Salary Schedule “G” with the annual amount for each to be set at zero; and be it

FURTHER RESOLVED, that beginning with the 2006 – 2007 grant program year, these stipends will be set at the beginning of each grant year and paid out once annually and will revert back to zero after such payment and will be contingent upon the availability of such grant funding, as well as Board approval.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#26

**RESOLUTION NO. 05-233
(July 12, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**CANCELLATION OF VOID TAXES, IN THE TOWN OF
CASTILE, VILLAGE OF PERRY, APPROVED**

WHEREAS, Pursuant to the Real Property Tax Law §558(1), the County Legislative Body may direct the cancellation of certain unpaid taxes where it is determined that the lien of such tax cannot be enforced, and,

WHEREAS, such parcel(s) of real property exist within the County of Wyoming, and have been identified and so designated by the Finance Committee, now, therefore,

BE IT RESOLVED, That the County of Wyoming hereby directs the cancellation of any and all such unpaid taxes in accordance with the applicable section of the Real Property Tax Law, and the Wyoming County Treasurer shall charge back and apportion the various amounts thereof, if applicable, to the appropriate taxing authorities, to the extent to which each has been benefited thereby:

July 12, 2005

AUTHORITY: RPTL §558(1) - Cancellation of Void Tax.

PARCEL ONE: Town of Castile, Village of Perry

Tax Map #: 100.14-1-1./1

ASSESSED TO: Village of Perry (Formerly Harold Knapp), End of
Standpipe Rd,
Boat House on Village Property

ACTION: Approved

Carried: Ayes: 1570 Noes: Absent: 48 (Orangetown) Abstain:

#27

**RESOLUTION NO. 05-234
(July 12, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**DR. RIPPLE MARFATIA, MD APPOINTED
TO THE WYOMING COUNTY COMMUNITY HOSPITAL
BOARD OF MANAGERS**

BE IT RESOLVED, That *Dr. Ripple Marfatia, MD*, 214 Wyoming Street, Warsaw, NY 14569 is hereby appointed to the Wyoming County Community Hospital Board of Managers *as a Medical Staff Representative to fill an unexpired term of five years effective immediately through December 31, 2009.*

Carried: Ayes: 1570 Noes: Absent: 48 (Orangetown) Abstain:

#28

**RESOLUTION NO. 05-235
(July 12, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

Regular Session

ONE POSITION OF TEMPORARY CLERK – PART TIME CREATED AT THE OFFICE FOR THE AGING

BE IT RESOLVED, That one (1) position of Temporary Clerk Part Time (.5) is hereby created in the Office for the Aging Department. Said position will be placed on Grade 2, Step 1 of the CSEA salary schedule and will be paid only those benefits mandated by law; and be it

FURTHER RESOLVED, that this position will terminate on December 31, 2005.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

Public Hearing

Comments:

Diane Johnson – Jaeckel / Wyoming County Tourism, Director: Ms. Johnson – Jaeckel expressed support in the passage of the Hotel and Motel Room Occupancy Tax. She also addressed the budget shortfall that started in 2002. After researching several possible funding sources, Wyoming County Tourist Promotion Agency proposed this 3% Tax. Through an official survey conducted regarding the passage of this proposed tax it was discovered that other counties imposing similar taxes have higher rates. The importance of continued employment through the Tourism trade was also addressed. Wyoming County Tourism is important to many businesses throughout Wyoming County.

Lorraine Sturm / Perry Resident: Ms. Sturm addressed the Board by stating that the numbers show that Tourism is doing its job by attracting visitors into the County. Tourism's successful marketing efforts are depended on by the County's Tourism industry. Without their help businesses would have a hard time attracting outsiders. During a recent family wedding she had the opportunity to question out of town guests about whether or not it would have made a difference in their stay in Wyoming County to pay an additional tax. They all said no.

Daniel Egan / Beaver Hollow Conference Center: Mr. Egan expressed his support of this tax provided that the distribution was properly allocated to the Wyoming County Tourist Promotion Agency. Would like to see some type of fixed mechanism for the disbursement of funds.

Chairman Berwanger then informed the Supervisors that they had received several letters in support of the passage of the Bed Tax. One letter was received in opposition to the proposed tax and one letter seemed ambivalent.

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Supervisor Fleischman addressed the Board as liaison to the Wyoming County Tourist Promotion Agency in regard to concerns of Wyoming County Tourism for the distribution of these additional revenues collected. He assured Tourism that the Supervisors are committed to funding Tourism to acceptable levels.

As Chairman of the Planning Committee, Supervisor Knab stated that it is the intentions of the whole committee to restore Tourism's funding to the amount received before budget cuts.

#29

**RESOLUTION NO. 05-236
(July 12, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

**LOCAL LAW INTRODUCTORY NO. A, YEAR 2005
AUTHORIZE THE IMPOSITION OF A WYOMING
COUNTY HOTEL AND MOTEL ROOM OCCUPANCY
TAX ADOPTED**

WHEREAS, There was duly presented and introduced at a meeting of this Board, held on the 14th day of June 2005, a proposed local law of the County, designated as Local Law A, for the

year 2005, entitled a Local Law to Authorize the Imposition of a Wyoming County Hotel and Motel Room Occupancy Tax; and

WHEREAS, in accordance with the provisions of Resolution No. 05-199, there was a public hearing held by this Board of Supervisors on the 12th day of July, 2005 at 3:00 PM, after due notices of said hearing having been posted and published according to the law and said resolution; and

WHEREAS, after holding said public hearing, and the said local law having laid on the desks of the members of the Board of Supervisors at least seven (7) days prior to final adoption, a majority of the Committee agreed and recommended the enactment and passage of the about mentioned local law, designated as herein above set forth; now therefore

BE IT RESOLVED, That Local Law Introductory Number A, Year 2005, County of Wyoming, New York, as presented to this Board on this 12th

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day of July, 2005, is hereby adopted, enacted and passed by this Board in its original form as follows:

ARTICLE I - GENERAL PROVISIONS:

101. Short Title: This Local Law shall be known as the Wyoming County Hotel and Motel Room Occupancy Tax Law.
102. Intent: This Local Law is adopted to implement the provisions of Chapter 44 of the Laws of 2005, enacting section 1202-a of the Tax Law of the State of New York.
103. Definitions: Unless the context requires a different meaning, when used in this Local Law, the following terms shall mean:
 - a. "County" shall mean the County of Wyoming.
 - b. "Person" shall mean an individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.
 - c. "Operator" shall mean any person operating a hotel or motel in the County of Wyoming, including by not limited to the owner or proprietor of such premises, lessee, sub lessee, mortgagee in possession, licensee or any other person otherwise operating such hotel or motel.
 - d. "Hotel or Motel" or either term singly shall mean any facility or portion thereof providing lodging on an overnight basis. The term "hotel" or "motel" includes an apartment, hotel, motor court or inn, boarding house, cabin, cottage or club, bed and breakfast, inns and tourist homes, or similar hotel or motel type of accommodations by whatever name designated, whether or not meals are served.
 - e. "Occupancy" shall mean the use or possession, or the right to use or possession of any room in a hotel or motel.
 - f. "Occupant" shall mean a person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel or

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motel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

- g. "Permanent Resident" shall mean any occupant of any room or rooms in a hotel or motel for a period in excess of thirty (30) consecutive days.
- i. "Rent" shall mean the consideration received for occupancy valued in money, whether received in money or otherwise.
- i. "Room" shall mean any room of any kind in any part or portion of a hotel or motel, which is available for or let out for any purpose other than a place of assembly.
- j. "Return" shall mean any return filed or required to be filed as herein provided.
- k. "Tax" shall mean the tax imposed pursuant to this Local Law and any increase, reduction, or modification hereafter authorized.
- l. "Treasurer" shall mean the Treasurer of Wyoming County or the Treasurer's designee.
- n. "Board or other charge" shall mean the charge or charges which an operator shall impose for food and meals or for other services and facilities at a hotel or motel which charge is included in the cost of occupancy of a room as a common charge, or, if such charges are separately stated, is a charge which is not optional and is required to be paid by the occupant as part of the cost of occupancy of a room.

104. Territorial Limitations: A tax imposed by this Local Law shall apply only within the territorial limits of the County of Wyoming.

105. Reference to Tax: Wherever reference is made in placards, advertisements or other publications to the tax imposed by this Local Law, such reference shall be substantially in the following form: "Tax on occupancy of hotel or motel rooms", except that in any bill, receipt, statement or other agreement or memorandum of occupancy or rent charge issued or employed by an operator, the words "occupancy tax" shall suffice.

ARTICLE II - ADMINISTRATION

203. Administration: The tax imposed by this Local Law shall be administered

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and collected by the Treasurer or other fiscal officers of the County as he/she may designate by such means and in such manner as are other taxes which are now collected and administered by such officers or as otherwise provided by this Local Law.

204. General Powers of the Treasurer: In addition to the powers granted to the Treasurer in this Local Law, the Treasurer is hereby authorized and empowered to:

- e. make, adopt and amend rules and regulations appropriate to the carrying out of this Local Law and the purposes thereof, provided, however, that no rule or regulation shall become effective until 30 days after such rule or regulation shall have been filed with the Clerk of the Board of Supervisors;
- f. extend for cause shown, the time of filing any return for a period not exceeding three months, provided no less than 90 percent of the estimated tax for the period for which the return is required to be filed shall be paid together with the request for such extension on or before the due date; and for cause shown to remit penalties but not interest computed at the rate and in the manner provided in section 924-a of the Real Property Tax Law on taxes not paid; and to comprise disputed claims in connection with the tax imposed by this Local Law;
- g. request information from the Department of Taxation and Finance of the State of New York or the Treasury Department of the United States relative to any person; and to afford information to such taxation department or treasury department relative to any person, any other provision of this Local Law to the contrary notwithstanding;
- d. delegate his/her functions hereunder to a deputy treasurer or any employee or employees of the Treasurer;
- e. prescribe methods for determining the rents for occupancy and to determine the taxable and nontaxable rents;
- j. require any operator within the county to keep records of the nature and type of hotel or motel maintained, nature and type of service rendered, rooms available and rooms occupied daily, rents received, charge and accrued, and to furnish such information upon request to the Treasurer;

- k. assess, determine, revise and readjust the taxes imposed under this Local Law, and require the filing of estimated tax returns and payment of estimated tax where necessary;
- l. direct the County Attorney to take such action as may be required to enforce this Local Law, including but limited to providing representation in any administrative proceeding conducted by the Treasurer for enforcement of this Local Law brought in the name of the County in any court of appropriate jurisdiction without any further authorization of

the Board of Supervisors;

203. Administration of Oaths and Compelling Testimony:

- e. The Treasurer or his employees or agents duly designated and authorized by him/her shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this Local Law. The Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of her duties hereunder and of the enforcement of this Local Law and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before her or excused from attendance.
- b. A justice of the supreme court either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Treasurer under this Local Law.
- c. Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Treasurer under this Local Law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment.
- d. The officers who serve the summons or subpoena of the Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such

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officers shall be the County Sheriff and his duly appointed deputies or any officers or employees of the Treasurer, designated to serve such process.

ARTICLE III - TAX RATE, PERSONS LIABLE, TAXABLE RENT, EXEMPTIONS

302. Imposition of Tax: On and after the 1" day of **October, 2005**, there is hereby imposed and there shall be paid a tax of three percent (3%) upon the rent for every occupancy of a room or rooms in a hotel or motel in this County except that the tax shall not be imposed upon:

- a. permanent residents for a period of occupancy in excess of thirty (30) days, or
- b. persons that are placed in a hotel or motel by the Wyoming County Department of Social Services, the Red Cross, the Salvation Army or other similar organizations due to emergency housing needs, housing for indigent or homeless persons.
- c. exempt organizations as hereinafter set forth.

302. Statement of Tax to be Collected; Person Liable for Payment of Tax:

- a. The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the County, and the operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this Local Law, and the operator shall have the same right in respect to collecting the tax from the occupant as if the tax were a part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he may have in the event of nonpayment or rent by the occupant; provided, however, that the Treasurer or other fiscal officer or officers, employees or agents duly designated by her shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.

- f. Where the occupant has failed to pay and the operator has failed to collect a tax as imposed by this Local Law, then in addition to all other rights, obligations and remedies provided, such tax shall be payable by the occupant directly to the Treasurer, and it shall be the duty of the occupant to file a return thereof with the Treasurer and to pay the tax imposed thereon to the County Treasurer within 15 days after such tax was due.
- c. The Treasurer may, whenever he/she deems it necessary for the proper enforcement of
this Local Law, provide by regulation that the occupant shall file returns and pay directly to the Treasurer the tax herein imposed at such times as returns are required to be filed and payment made over by the operator.
- h. The tax imposed by this Local Law shall be paid upon any occupancy on and after **October 1, 2005**, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid or charged or billed, or falls due on either a weekly, monthly or other term basis, the rent so paid charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion
- i. of the period on or after **October 1, 2005**. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Treasurer may by regulation provide for credit and/or refund of the amount of such tax upon application therefor as provided in section 406 of this Local law.
- j. For the purpose of the proper administration of this Local Law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established and the burden of providing that a rent for occupancy is not taxable hereunder shall be upon the operator, except that, where by regulation pursuant to section 302 (d) and occupant is required to file returns and pay directly to the Treasurer the tax herein imposed, the burden of proving that a rent for occupancy is not taxable shall be upon the occupant. Where an occupant claims exemption from the tax under the provisions of section 304, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the occupant is its agent, representative certifying that the

occupant is its agent, representative, or employee, together with a certificate executed by the occupant that his occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the occupant's duties as a representative of such corporation or association. Where deemed necessary by the operator, he may further require that any occupant claiming exemption from the tax furnish a copy of a certificate issued by the Treasurer certifying that the corporation or association therein named is exempt from the tax under section 304.

303. **Determination of Taxable Rent:**

- a. If the cost of occupancy of a room includes only the cost of occupancy of the room and board and other charges are separately stated and are incurred at the option of the occupant, rent subject to the tax shall be the charge made by the operator for occupancy of a room and the tax shall be based on the amount.
- b. If the cost of occupancy of a room shall include only board as a common charge, or where board is separately stated and board is not optional and is required to be paid by the occupant as part of the cost of occupancy of a room, the operator shall use the schedule shown below to determine the percentage of the total charge to be apportioned to rent subject to the tax, and collect the tax based on that amount.

Total charge includes

Room	
Board	
Room, breakfast, lunch, dinner	55%
	45%
Room, lunch, dinner	65%
	35%
Room, breakfast, dinner	65%
	35%
Room, breakfast, lunch	75%
	25%
Room, dinner	

80%

20%

Room, lunch

90%, 10%

Room, breakfast

90%, 10%

- c. If the cost of occupancy of a room shall include only charges, as defined herein, as a common charge, or where other charges are separately stated and such other charges are not optional and are required to be paid by the occupant as part of the cost of occupancy of a room, the operator shall use the schedule shown below to determine the percentage of the total charge to be apportioned to rent subject to the tax, and collect the tax based on that amount.

Total charge includes

Room

Room, other charge

95%

- d. If the cost of occupancy of a room shall include charges defined in subparagraphs (b) and (c) of this section as a common charge or, where such charges are separately stated and such charges are not optional and are required to be paid by an occupant as part of the cost of occupancy of a room, the operator shall use the schedule shown below to determine the percentage of the total charge to be apportioned to rent subject to the tax, and collect the tax based on that amount.

Total Charge includes

Room

Room, breakfast, lunch, dinner other charge

50%

Room, lunch, dinner other charge

60%

Room, breakfast, dinner other charge

60%

Room, breakfast, lunch, other charge

70%

Room, dinner, other charge

75%

Room, lunch, other charge

85%

Room, breakfast, other charge

85%

- e. When the occupant becomes a permanent resident, the operator shall discontinue collection of the tax.

- f. If the operator neither separately states the charge for the board, other charges or both nor uses the above schedules, the entire charge is taxable until the occupant becomes a permanent resident.

304. Exempt Organization:

- c. Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this

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Local Law:

- i. The State of New York or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada), improvement district or political subdivision of the state;
- ii. The United States of America, insofar as it is immune for taxation;
- iii. Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or education purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this section shall include an organization operated for the primary purpose of carrying on a trade or business for profit whether or not all of its profits are payable to one or more organizations described in this section.
- d. Where any organization described in section 304.(a.)(iii) carries on its activities in furtherance of the purposes for which it was organized, in premises in which, as part of said activities, it operates a hotel or motel occupancy of rooms in the premises and rents therefrom received by such corporation or association shall not be subject to tax hereunder.

ARTICLE IV - REGISTRATION, RECORDS, RETURNS, PAYMENT, REFUNDS403. Registration:

Within thirty days after the effective date of this Local Law, or in the case of operators commencing business after such effective date of this Local Law, within three days after such commencement or opening, every operator shall file with the Treasurer an application for a certificate of authority empowering such operator to collect the tax from the occupant. Upon receipt of such application, the Treasurer shall issue a certificate of authority to such operator which when authenticated shall constitute the authority for the purposes of this Local Law. Each application for a certificate of authority shall state the hotel or motel to which it is applicable; the name of the operator of such hotel or motel, the address of such operator, the taxpayer

identification number assigned to such operator, the state of incorporation and the date upon which such corporation obtained authority to do business in this state, if not organized in this state, the names of each partner, if a partnership, and such other information as the Treasurer may by rule require. Such certificates of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the note of all occupants and person seeking occupancy. Such certificates shall be nonassignable and nontransferable and shall be surrendered immediately to the Treasurer upon the cessation of business at the hotel or motel named or upon its sale or transfer.

404. **Records to be Maintained:**

Every operator shall keep records of every occupancy and of all rent paid, charge, or due thereon and of the tax payable thereon, in such form as the Treasurer by regulation requires. Such records shall be available for inspection and examination at any time upon

demand by the Treasurer or his/her duly authorized agent or employee and shall be preserved for a period of three years, except that the Treasurer may consent to their destruction within that period or may require that they be kept longer.

403. **Returns:**

- b. Every operator shall file with the Treasurer a return of occupancy and of rents, and of the taxes payable thereon for the quarterly periods ending March 31, June 30, September 30 and December 31 of each year, on and after the **first day of October 2005**. Such returns shall be filed within twenty days from the expiration of the period covered thereby. The Treasurer may permit or require returns to be made by other periods and upon such dates as he/she may specify. If the Treasurer deems it necessary in order to insure the payment of the tax imposed by this Local Law, he may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as he/she may specify.
- b. The forms of returns shall be prescribed by the Treasurer and shall contain such information as he/she may deem for the proper administration of this Local Law. The Treasurer may require amended returns to be filed within twenty (20) days after notice and to contain the information specified in the notice.

- c. If a return required by this Local Law is not filed, or a return filed is incorrect or insufficient on its fact, the Treasurer shall take the necessary steps to enforce the filing of such a return or of a corrected return.

406. **Payment of Tax:**

At the time of filing a return of occupancy and of rents, each operator shall pay to the Treasurer the taxes imposed by this Local Law upon the rents required to be included in such return, as well as all other moneys collected by the operators acting or purporting to act under the provisions of this Local Law. Where the Treasurer, in her discretion, deems it necessary to protect revenues to be obtained under this Local Law, the Treasurer may require an operator to file with him a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the Treasurer may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator. In the event that the Treasurer determines that an operator is to file such bond, he/she shall give notice to such operator to that effect specifying the amount of the bond required. The operator shall file such bond within five days after the giving of such notice unless within such five days the operator shall request in writing a hearing before the Treasurer at which the necessity, propriety and amount of the bond shall be determined by the Treasurer. Such determination shall be final and shall be complied with within fifteen (15) days after the giving of such notice thereof. In lieu of such bond, securities approved by the Treasurer or cash in such amount as he/she may prescribe, may be deposited which shall be kept in the custody of the Treasurer who may at any time without notice to the depositor apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by her at public or private sale without notice to the depositor thereof.

405. **Determination of Tax:**

If a return required by this Local Law is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be determined by the Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rent, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall

finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty (30) days after giving of notice of such determination, shall apply to the Treasurer for a hearing, or unless the Treasurer of his/her own motion shall re-determine the same. After such hearing, the Treasurer shall give notice of his/her determination to the person against whom the tax is assessed. The determination of the Treasurer shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by proceeding under article seventy-eight of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within thirty (30) days after the giving of the notice of such determination. A proceeding under article seventy-eight of the Civil Practice Law and Rules shall not be instituted unless:

- a. The amount of any tax sought to be reviewed, with penalties and interest thereof, if any, shall be first deposited with the Treasurer and there shall be filed with the Treasurer an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding or
- b. At the option of the applicant such undertaking filed with the Treasurer may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such taxes, penalties and interest as a condition precedent to the application.

406. Refunds:

- d. In the manner provided in this section the Treasurer shall refund or credit, without interest, any tax penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the Treasurer for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the Treasurer, he/she shall state his/her reason therefor in writing. Such application may be made by the occupant, operator or other person who has actually paid the tax. Such application may also be made by an operator who has collected and paid over such tax to the Treasurer provided the application is made within one year of the payment by the occupant to the operator, but no actual refund of money, shall be to such operator until he shall first

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establish to the satisfaction of the Treasurer, under such regulations as the Treasurer may prescribe, that he has repaid to the occupant the amount for which the application for refund is made. The Treasurer may in lieu of any refund required to be made, allow credit therefore on payments due from the applicant.

- e. An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty or interest complained of and the Treasurer may receive evidence with respect thereto. After making his/her determination, the Treasurer shall give notice thereof to the applicant, who shall be entitled to review said
- f. determination by a proceeding pursuant to Article 78 of the Civil Practice Law and Rules, provided the proceeding is instituted within 30 days after the giving of the notice of determination and provided a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the County Treasurer in such amount and with such sureties as a justice of the supreme court shall
- g. approve to the effect that if such proceedings be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.
- h. A person shall not be entitled to a revision, refund or credit under this section of a tax, interest or penalty which had been determined to be due pursuant to the provisions of section 405 of this Local Law where he has had a hearing or an opportunity for a hearing, as provided in said section or has failed to avail himself of the remedies therein provided. No refund or credit shall be made of the tax, interest or penalty paid after a determination by the Treasurer made pursuant to section 405 of this Local Law unless it is found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the Treasurer after a hearing on the petition of a person liable for payment of the tax brought within thirty (30) days after the filing of a determination of the Treasurer after a hearing pursuant to section 405 of this Local Law, or upon his own motion, or in a proceeding under article 78 of the Civil Practice Law and Rules, pursuant to the provisions of said section. In that event, a refund or credit without interest shall be made of the tax, credit or penalty found to have been overpaid.

408. Reserves:

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under Article seventy-eight of the Civil Practice Law and Rules and review a determination adverse to him on his application for refund, the Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

408 **Remedies Exclusive:**

The remedies provided by section 405 and 406 of this Local Law shall be exclusive remedies available to any person for the review of tax liability imposed by this Local Law, and no determination or proposed determination or any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by an action or proceeding in a nature of a certiorari proceeding under article seventy eight of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if he institutes suit within thirty (30) days after a deficiency assessment is made and pays the amount of the deficiency assessment to the Treasurer prior to the institution of such suit and posts a bond for costs and provided in section 405 of this Local Law.

**ARTICLE V - ENFORCEMENT OF COLLECTION OF TAX,
PENALTIES AND INTEREST**

501. **Proceedings to Recover Tax:**

- e. Whenever any operator or any officer of a corporate operator or any occupant or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this Local Law as therein provided, the County Attorney shall, upon the request of the Treasurer bring or cause to be brought an action to enforce the payment of the same on behalf of the County of Wyoming in any court of the State of New York or of any other state of the United States. If, however, the Treasurer in his/her discretion believes that any such operator, officer, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, he/she may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.
- f. As an additional or alternate remedy, the Treasurer may issue a warrant, directed to the Sheriff commanding him to levy upon and sell the real and personal property of the operator or officer of a corporate operator or other person liable for the tax, which may be found within the County

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for the payment of the amount thereof, with any penalties and interest and the cost of executing the warrant and to return such warrant to the Treasurer and to pay to him/her the money collected by virtue thereof within sixty (60) days after the receipt of such warrant. The Sheriff shall, within five (5) days after the receipt of the warrant file with the County Clerk, a copy thereof, and thereupon such

- g. Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties and interest for which the warrant is **issued and dated when such copy is filed**. Thereupon the amount of such warrant so docketed shall become a lien upon the interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in respect to executions issued against property judgments of a court of record and for services in executing the warrant he shall be entitled to the same fees, which he may collect in the same manner. In the discretion of the Treasurer, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the Treasurer and in the execution thereof such officer or employee shall have all the powers conferred by law upon sheriffs, but shall be paid in the performance of such duty. If a warrant is returned not satisfied in full, the Treasurer may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County has recovered judgment therefor and execution thereon has been return unsatisfied.
- h. Whenever an operator shall make a sale, transfer, or assignment in bulk of any part or the whole of his hotel or motel or his lease/license or other agreement or right to possess or operate such hotel or motel or of the equipment, furnishings, fixtures, supplies or stock of merchandise, or the said premises or lease, license or other agreement or right to possess or operate such hotel or motel and the equipment, furnishings, fixtures, supplies and stock of merchandise pertaining to the conduct or operation of said hotel or motel, otherwise than in the ordinary and regular prosecution of business, the purchaser, transferee or assignee shall at least ten (10) days before taking possession of the subject of the sale, transfer or assignment, or paying therefor, notify the Treasurer by registered or certified mail, return receipt requested, of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor, has represented to or informed the purchaser, transferee or assignee that it owes any tax pursuant to this Local Law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing.

- i. Whenever the purchaser, transferee or assignee shall fail to give notice to the Treasurer as required by the preceding paragraph or whenever the Treasurer informs the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or chooses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or chooses in action to the extent of the amount of the County's claim. For failure to comply with the provisions of this subdivision, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of article six of the Uniform Commercial Code, shall be personally liable for the payment to the County of any such taxes theretofore or thereafter determined to be due to the County from the seller, transferor, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under the Local Law.

502. Penalties and Interest:

- a. Any person failing to file a return or to pay over any tax to the Treasurer within the time required by this Local Law shall be subject to a penalty of five percent of the amount of tax due for each month or portion thereof, 12, 2005 excepting the first month after such return was required to be filed or such tax became due, during which such tax due shall remain unpaid by in no event shall such penalty exceed twenty-five (25%) percent of the tax due; plus interest computed at the rate and in the manner provided in section 924-a of the Real Property Tax Law but in no event shall such interest be less than one percent (1%) of such tax for each month of delay excepting the first month after such return was required to be filed or such tax became due; but the Treasurer, if satisfied that the delay was excusable, may remit all or part of the penalty, but not interest computed at the rate of six (6%) percent per year. Such penalties and interest shall be paid and disposed of in the same manner as other revenues of such tax. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this Local Law.
- b. Any operator or occupant and any officer of a corporate operator or occupant failing to file a return required by this Local Law, or filing or causing to be filed, or making or causing to be made or giving or

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causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this Local Law, which is willfully false, and any operator and any officer of a corporate operator willfully failing to file a bond required to be filed pursuant to section 405 of this Local Law, or failing to file a registration certificate and such date in connection therewith as the Treasurer may by regulation or otherwise require or to display or surrender the certificate of authority as required by this Local Law or assigning or transferring such certificate of authority and any operator and any officer of a corporate operator willfully failing to charge separately from the rent the tax herein imposed, or willfully failing to state such tax separately on any evidence or occupancy and on any bill or statement or receipt or rent issued or employed by the operator, or willfully failing or refusing to collect such tax from the occupant, and any operator and any officer of a corporate operator who shall refer or cause reference to be made to this tax in a form or manner other than that required by this Local Law, and any operator failing to keep the records required by section 402 of this Local Law, shall in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for not more than one year, or both such fine and imprisonment. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this Local Law, and subject to the penalties herein above imposed.

503. Returns to be Confidential:

a. Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the Treasurer or any officer or employee of the Treasurer to divulge or make known in any manner the rents or other information relating to the business of a taxpayer contained in any return required to be filed pursuant to this Local Law. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding under the provisions of this Local Law, or on behalf of any party to the action or proceeding under the provision of this Local Law when the proceeding, in either off which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative of a certified copy of any return filed in connection with this tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the

items thereof, or the inspection by the County Attorney or other legal representatives of the County of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three (3) years and thereafter until the Treasurer permits them to be destroyed.

b. Any violation of section 503(a) shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year or both, in the discretion of the court, and if the offender be an officer or employee of the County he shall be dismissed from office and be incapable of holding any public office for a period of five (5) years thereafter.

504. Notices and Limitations of Time:

- a. Any notice authorized or required under the provisions of this Local Law may be given by mailing the same to the person from whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him pursuant to the provisions of this Local Law, or in any application made by him, or if no return has been filed or application made by him, or if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this Local Law by giving the notice shall commence to run from the date of mailing of such notice.
- b. The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this Local Law. Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three (3) years from the date of filing of a return; provided, however, that where no return has been filed as provided by the law the tax may be assessed at any time.
- c. Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional

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tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

ARTICLE VI - DISPOSITION OF REVENUES602. **Disposition of Revenues:**

All revenues resulting from the imposition of the tax under the local laws shall be paid into the treasury of Wyoming County and shall be credited to and deposited in the general fund of such County. The County shall be authorized to retain up to a maximum of five percent of such revenue to defer the necessary expenses of the County in administering such tax.

ARTICLE VII - SEPARABILITY AND EFFECTIVE DATE703. **Separability:**

If any clause, sentence; paragraph, section or part of this Local Law shall be adjudged by any court or competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and the remainder of this Local Law shall not be affected thereby and shall remain in full force and effect.

704. **Effective Date:**

This Local Law shall take effect on **October 1, 2005**, except that the provisions of this Local Law relating to registration and the authority of the Treasurer to adopt regulations and take all necessary action to prepare for the implementation and enforcement of this Local Law shall take effect immediately.

Carried: Ayes:1570 Noes: Absent: 48 (Orangeville) Abstain:

The Board of Supervisors through the Committee of the Whole has prepared two Unanimous Consent Resolutions. Chairman Berwanger asked if there were any Supervisors who object to the presentation of UC Resolution Numbers 30 and 31.

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Supervisor Kushner explained that it is customary for County Departments to hire temporary summer help. Normally, these items would be a general consent resolution through the home committee. But because the district attorney did not file the proper paperwork with his home committee in a timely manner this issue was presented to Committee of the Whole.

#UC 30

**RESOLUTION NO. 05-237
(July 12, 2005)**

By Mr. Berwanger, Chairman of the Committee of the Whole:

FUNDS TRANSFERRED TO VARIOUS 2005 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2005 accounts as follows:

District Attorney			<u>Dept. Totals:</u>
From: 01.32.1165.4.41302 Witnesses	\$3,229.50		
To: 01.32.1165.1.10202 PT & Temp		\$3,000.00	
01.32.1165.8.83001 FICA		186.00	
01.32.1165.8.85001 Medicare		43.50	
Reason: To transfer funds to allow for the intern position to be funded.			
District Attorney Total			\$3,229.50

Carried: Ayes:1570 Noes: Absent: 48 (Orangeville) Abstain:

#UC31

**RESOLUTION NO. 05-238
(July 12, 2005)**

By Mr. Berwanger, Chairman of the Committee of the Whole:

**ONE TEMPORARY POSITION OF LEGAL RESEARCH
INTERN CREATED IN THE WYOMING COUNTY
DISTRICT ATTORNEY'S OFFICE**

BE IT RESOLVED, That one (1) Temporary position of Legal Research Intern, is hereby created in the Wyoming County District Attorney's Office, not to exceed ten (10) weeks effective June 20 2005 through August 26,

Regular Session

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2005, at a rate not to exceed Three Hundred Dollars (\$300.00) per week, with no other benefits except those mandated by law.

Carried: Ayes:1570 Noes: Absent: 48 (Orangeville) Abstain:

Having no further business to come before this board with a rap on Mrs. Humphrey's desk the meeting was adjourned.

Respectfully submitted,

Cheryl J. Ketchum

July 12, 2005

REGULAR SESSION
(August 16, 2005)

Tuesday

2:00 PM

The regular Session of the Wyoming County Board of Supervisors was held at the Wyoming County Fair Grounds located in Pike NY, with all Supervisors present except Supervisor Glosser T/Orangeville. Also present were County Attorney Eric T. Dadd; County Treasurer, John Edwards; Clerk to the Board; Paula Parker and Deputy Clerk to the Board; Cheryl Ketchum. Special guests in attendance were Congressman Thomas Reynolds and Assemblyman Daniel Burling.

At **2:18 PM** Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading us in the Pledge of Allegiance for the month on August 2005 is:

Robert (Bob) Aiken

Mr. Aiken served four years in the U. S. Navy from November 30, 1954 to November 30, 1958 and then served eight years in the U. S. Air Force from December 01, 1958 to December 01, 1966.

For his service to his Country, Mr. Aiken was awarded the **Good Conduct Medal** and the **National Defense Medal** from both branches of the service.

Mr. Aiken has served as the Commander of the American Legion Eagle Memorial Post #1720 for the past three years where he has been very instrumental with improvements to the facility and in the construction of a Memorial for the fallen Veteran's of Eagle. Under Mr. Aiken's command the Eagle Memorial Post has established habitual donations to many local community groups, such as the local library, Senior and Youth programs.

Mr. Aiken is a life long resident of Eagle, N.Y.

The pledge was said by all.

Chairman Berwanger invited Supervisor Kushner to join him in presenting a Certificate of Appreciation to Mr. Aiken to commemorate today's visit.

Introduction of other guests:

Regular Session

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Congressman Reynolds and Assemblyman Burling. The Chairman introduced County Treasurer John Edwards, 16 years as Treasurer, for a total of 33 years of service and stated that today marks the Treasurer's last County Fair Board Meeting in an official capacity. Also introduced was Deputy County Treasurer Beth Pond, 36 ¾ year employee, who will be taking her retirement at the end of this year.

The Commissioner of Social Services routinely recognizes outstanding employees and educates them on the inter-relationship between the Department of Social Services and the Board of Supervisors. Each month Acting Commissioner Fuest brings an employee of the month to the Human Services Committee meeting to see how departmental requests are processed by the Board.

The Wyoming County Department of Social Services is pleased to announce the following Employees of the Month:

Melissa Luderman
Sue Baumer
Beth Schafer

Sandy Ess
Debbie Plowe
Pat Wright
Cindy Flint

We would like to recognize and thank these employees for their dedication, work ethics and for going the extra mile. These individuals have gone above and beyond their job duties. Clients with a personal "Thank you" have recognized some of these individuals. While others have been asked to tackle additional duties due to absences in their department so that the needs of our clients can be met.

Please join me in congratulating these employees and thank them for their commitment to their department and the citizens of Wyoming County. Cindy Flint and Melissa Luderman were present.

Communications:

C1: Steuben County is hosting this month's Inter-County Association of Western NY meeting on August 19, 2005 at the Lakes Side Restaurant, 800 West Lake Road, Hammondsport, New York. Reservations have to be had before the supervisors leave today's meeting.

#1

RESOLUTION NO. 05-239

August 16, 2005

Proceedings of the Board of Supervisors
(August 16, 2005)

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By Mr. Gozelski, Chairman of the Agriculture Committee:

WYOMING COUNTY FAIR WEEK PROCLAIMED

WHEREAS, The Wyoming County Fair will be held from August 13th through the 20th in the Town of Pike, New York; and

WHEREAS, The Wyoming County Fair is a tremendous opportunity for residents of Wyoming County to learn and experience exhibits and demonstrations; and

WHEREAS, The Wyoming County Fair focuses on all families, particularly the farm family; and

WHEREAS, The Wyoming County Fair is truly the showcase for our farmers, artisans of all types and the youth of the entire county; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors proclaims the week of August 13th through August 20th in the year 2005 as:

“WYOMING COUNTY FAIR WEEK”

and be it

FURTHER RESOLVED, That the Board does hereby applaud the annual efforts produced by the Wyoming County Fair Association.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

The 2005 Wyoming County Fair Queen, Lindsey Milkarik and the 2005 Wyoming County Dairy Princess, Stephanie Michalek were on hand to accept the above proclamation. The Chairman invited Mr. Gozelski and Mr. Rogers to come forward and help present this proclamation.

#2

RESOLUTION NO. 05-240
(August 16, 2005)

By Mr. Davis, Chairman of Finance Committee:

Regular Session

Proceedings of the Board of Supervisors **FUNDS APPROPRIATED TO VARIOUS 2005** **ACCOUNTS**

BE IT RESOLVED, That funds are hereby appropriated to the various 2005 accounts as follows:

Treasurer			<u>Dept. Totals:</u>
To: 01.48.8030.4.40915 Solid Waste w/01.04.8030.2130 Refuse & Garbage Charges Reason: To cover Village of Perry for 6 months.	\$87,984.00	\$87,984.00	
Treasurer Total			\$ 87,984.00
Planning & Development			
To: 01.42.6421.4.40301 Professional Services <i>From any funds available</i> Reason: Additional funds for Contract with Soil & Water for Review of Ag Districts 1 & 6.	\$10,000.00	\$10,000.00	
a: General Fund: 01.52.9950.9.99004 Transfer to Capital Fund from any funds available	\$1,000,000.00	\$1,000,000.00	
b: Capital Fund: 12.61.9950.9.99004 Interfund Transfer with offsetting revenue 12.13.1620.5031 Reason: In order to re-energize the Capital Fund and reserve the funds for the prioritized areas.	\$1,000,000.00	\$1,000,000.00	
CIP / Planning & Development Total			\$1,000,000.00

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#3

RESOLUTION NO. 05-241 **(August 16, 2005)**

By Mr. Davis, Chairman of Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2005 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2005 accounts as follows:

Clerk to the Board			<u>Dept. Totals:</u>
From: 01.31.1010.8.89001 Hospitalization Ins. To: 01.31.1010.4.40102 Professional Liability 01.31.1010.4.40107 Liability Insurance 01.31.1010.4.41204 Advertising Reason: To cover cost of advertising and insurance for the remainder of the fiscal year.	\$3,519.75	\$516.35 3.40 3,000.00	
Clerk to the Board Total			\$3,519.75
Health Insurance			
From: 01.31.1010.8.89001 BOS 01.32.1165.8.89001 DA 01.32.1170.8.89001 Public Defender	\$683.00 322.00 362.00		

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01.33.1231.8.89001 Reimb. & Budget	77.00		
01.33.1325.8.89001 Treasurer	322.00		
01.33.1355.8.89001 RPTS	86.00		
01.34.1410.8.89001 County Clerk	285.00		
01.34.1411.8.89001 DMV	63.00		
01.34.1420.8.89001 County Attorney	262.00		
01.34.1430.8.89001 Civil Service	235.00		
01.34.1450.8.89001 Elections	94.00		
01.34.1620.8.89001 County Buildings	296.00		
01.34.1680.8.89001 Computer Services	288.00		
01.37.3110.8.89001 Sheriff	2,433.00		
01.37.3140.8.89001 Probation	517.00		
01.37.3141.8.89001 Alternative	87.00		
01.37.3150.8.89001 Jail	2,045.00		
01.37.3510.8.89001 Animal Control	86.00		
01.37.3620.8.89001 Code Enforcement	300.00		
01.37.3640.8.89001 EMS	85.00		
01.38.4010.8.89001 Public Health	926.00		
01.38.4059.8.89001 Early Intervention	120.00		
01.39.6010.8.89001 DSS	4,310.00		
01.43.6610.8.89001 Weights & Meas.	78.00		
01.44.6772.8.89001 OFA	491.00		
01.45.7310.8.89001 Youth Bureau	69.00		
01.46.7510.8.89001 Historian	78.00		
To: 01.35.1910.4.40301 Professional Services		\$15,000.00	
Reason: To appropriate funds to allow payment of the contract for Premer for Insurance Consulting Services.			
Health Insurance Total			\$15,000.00
Mental Health			
From: 01.38.4220.4.42476 CCSI	\$7,400.00		
To: 01.38.4220.2.20201 Computer Equipment		\$2,900.00	
01.38.4220.2.20401 Copier		\$4,500.00	
Reason: Transfer of additional State Aid for OASAS approved equipment purchases – new photocopier, one laptop computer for new PT staff and one replacement desktop computer.			
Mental Health Total			\$7,400.00
Human Resource			
From: 01.34.1430.1.10001 S/D/I Salaries	\$4,000.00		
To: 01.34.1430.4.40301 Professional Services		\$4,000.00	
Reason: To cover cost of expenses related to the contract with Lumsden & McCormick for the vehicle use study.			
Human Resource Total			\$4,000.00

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

Mrs. Totslie, T/Genesee Falls, Chairman of the Audit Committee, presented bills totaling **\$1,166,848.42** for the Month of July 2005.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Mr. Patti, T/Attica, to combine resolutions #4 and #5. A voice vote was taken and all voted aye.

#4

RESOLUTION NO. 05-242 (August 16, 2005)

By Mr. Patti, Chairman of Public Works Committee:

Regular Session

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
ON BEHALF OF HIGHWAY DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with *Clark Patterson Associates, 186 N. Water Street, Rochester, NY 14604*, on behalf of the Wyoming County Highway Department. This contract is to provide for architectural/engineering consultation and construction inspection services for the Town of Warsaw Bridge No. 9, located on Mungers Mill Road in an amount not to exceed Two hundred thirty two thousand three hundred fifty-three dollars and thirty seven cents (\$232,353.37). This contract will terminate at the end of the project and is contingent upon the availability of funding.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#5

**RESOLUTION NO. 05-243
(August 16, 2005)**

By Mr. Patti, Chairman of the Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
ON BEHALF OF HIGHWAY DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with *Bergmann Associates, 40 Laviere Drive Suite 150, Buffalo, NY 14202*, on behalf of the Wyoming County Highway Department. This contract is to provide for architectural/engineering consultation and construction inspection services for the Town of Pike Bridge No. 3, located on East Koy Road in an amount not to exceed Two hundred eighty nine Thousand four hundred thirty - seven dollars (\$289,437.00). Said contract will terminate at the end of the project and is contingent upon the availability of funding.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

August 16, 2005

**RESOLUTION NO. 05-244
(August 16, 2005)**

By Mrs. Humphrey, Chairman of the Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS
CONTRACTS ON BEHALF OF THE YOUTH BUREAU**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign the following various Early Intervention and/or Preschool Related Services contracts on behalf of the Wyoming County Youth Bureau:

- Rehabilitation Today, 2416 Constitution Ave., Olean NY 14760
- Jill Mumbach, 12970 VanSlyke Rd., East Concord, NY 14055
- Monroe2Orleans BOCES, 3515 Buffalo Rd., Rochester, NY 14624

Effective July 01, 2005 through June 30, 2007 in an amount not to exceed budgeted amounts at the appropriate State set rates. Contingent upon availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#7

**RESOLUTION NO. 05-245
(August 16, 2005)**

By Mrs. Kushner, Chairman of the Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN PROBATION
ELIGIBLE DIVERSION CONTRACT ON BEHALF OF
PROBATION**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with the Division of Probation and Correctional Alternatives, 80 Wolf

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Rd. Albany, NY 12205 on behalf of Probation. This contract is for the provision of the Probation Eligible Diversion Program in which the County receives thirteen thousand four hundred dollars (\$13,400.00) in additional funds to supervise defendants that are prison eligible.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Mr. Knab, T/Sheldon, to combine resolutions #8 through #10. A voice vote was taken and all voted aye.

#8

**RESOLUTION NO. 05-246
(August 16, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

**SET PUBLIC HEARING – INTRODUCTORY LOCAL LAW
NO. C, YEAR 2005**

WHEREAS, There has been duly presented and introduced at a meeting of this Board of Supervisors of Wyoming County on this 16th day of August, 2005, a proposed local law entitled, “**Local Law Introductory No. C, Year 2005, “A LOCAL LAW AUTHORIZING THE WYOMING COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO MAKE APPLICATION FOR DESIGNATION OF CERTAIN AREAS WITHIN THE COUNTY OF WYOMING AS AN EMPIRE ZONE;**” and

WHEREAS, Subdivision 5, Section 20 of the Municipal Home Rule Law requires a public hearing to be held on such local law. Now, therefore,

BE IT RESOLVED, That a Public Hearing should be had on the said proposed Local Law by this Wyoming County Board of Supervisors on the 13th day of September, 2005 at 3:00 PM at the Wyoming County Government Center, Warsaw, New York.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#9

**RESOLUTION NO. 05-247
(August 16, 2005)**

August 16, 2005

By Mr. Knab, Chairman of the Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN
SMALL CITIES GRANT APPLICATIONS**

WHEREAS, That Wyoming County wishes to apply for a \$390,000 Small Cities grant that will be used by the Wyoming County IDA to provide financial assistance to McCormick Farms, Inc, Bliss, New York, for their continued growth and expansion; and

WHEREAS, the loan repayments from McCormick Farms, Inc will be used by the Wyoming County IDA to provide financial assistance to other Wyoming County business that will create additional job opportunities for country residents; now therefore

BE IT RESOLVED, That the Chairman of this Board of Supervisors is hereby authorized as the official representative of Wyoming County, New York, to execute and submit grant applications to the Governor's Office For Small Cities for a NYS Community Development Block Grant, Small Cities Economic Development program, and is hereby authorized and directed, upon the approval of the County Attorney, to take all actions needed for the submission of the grant applications and to provide such additional information and assistance as may be necessary; and be it

FURTHER RESOLVED, That two public hearings by this Board of Supervisors will be held on the 30th day of August 2005 and the 7th day of September, 2005, at 2:00 p.m. at the Wyoming County Business Center, 6470 Route 20A, Town of Perry, New York, and at least five days notice of such hearings shall be given by the Clerk of this Board by publishing such notice at least once in the official newspapers of the county designated for such publications.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#10

**RESOLUTION NO. 05-248
(August 16, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

AMEND RESOLUTION NUMBER 05-30

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WHEREAS, Resolution number 05-30 authorized a contract with Wyoming County Soil and Water Conservation District for the review of County Agricultural Districts in compliance with NYS Agriculture District regulations and guidelines in an amount not to exceed Fifteen thousand dollars (\$15,000.00); and

WHEREAS, An amendment is required for the completion of this project in the amount of Ten thousand dollars (\$10,000.00) for a total contract amount of Twenty five thousand dollars (\$25,000.00); now therefore

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign an amended contract with Wyoming County Soil and Water Conservation District, 31 Duncan Street Extension, Warsaw, NY 14569; with all other terms remaining the same.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Mr. Davis, T/Covington, to combine resolutions #11 through #14. Supervisor Kushner requested that the Supervisors vote on 11 and 14 separate from 12 & 13. A voice vote was taken and all voted aye. Eleven and fourteen were voted on first then a separate vote was taken for each resolution number 12 and 13.

#11

**RESOLUTION NO. 05-249
(August 16, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH PREMIER CONSULTING ASSOCIATION
ON BEHALF OF THE COUNTY HEALTH INSURANCE
OFFICE**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Premier Consulting Assoc., 2420 Sweet Home Road, Suite 140, Amherst, NY 14228 for the provision of employee Health Insurance & Benefits Consulting Services effective through the end of 2005 in an amount not to exceed a maximum contract amount of Twenty five thousand dollars

August 16, 2005

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(\$25,000.00). Contingent upon successful completion of reference checks, County Attorney approval and availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#12

**RESOLUTION NO. 05-250
(August 16, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**AUTHORIZE THE COUNTY SUPERINTENDENT OF
HIGHWAYS TO RECALL THE CURRENT SNOW
CONTRACTS FOR THE 2005/2006 SNOW SEASON AND
EXTEND AMENDED CONTRACTS FOR 2005/2006 SNOW
SEASON**

BE IT RESOLVED, That this Board of Supervisors authorizes the County Superintendent of Highways to recall the current approved and signed contracts for the 2005/2006 Snow Season; and be it

FURTHER RESOLVED, That the County Superintendent of Highways is authorized to extend new contracts for the 2005/2006 snow season as directed by this Board of Supervisors.

Carried: Ayes: 1243 Noes: 162 (Arcade) Absent: 48 (Orangeville) Abstain:
49 (Eagle)
96 (Gainesville)
20 (Genesee Falls)
327

#13

**RESOLUTION NO. 05-251
(August 16, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

Proceedings of the Board of Supervisors**AUTHORIZE THE COUNTY SUPERINTENDENT OF
HIGHWAYS TO RECALL THE CURRENT SNOW
CONTRACTS FOR THE 2006/2007 SNOW SEASON AND
EXTEND AMENDED CONTRACTS FOR 2006/2007 SNOW
SEASON**

BE IT RESOLVED, That this Board of Supervisors authorizes the County Superintendent of Highways to recall the current approved and signed contracts for the 2006/2007 Snow Season; and be it

FURTHER RESOLVED, That the County Superintendent of Highways is authorized to extend new contracts for the 2006/2007 snow season as directed by this Board of Supervisors.

Carried: Ayes: 1243 Noes: 162 (Arcade) Absent: 48 (Orangeville) Abstain:
49 (Eagle)
96 (Gainesville)
20 (Genesee Falls)
327

#14

RESOLUTION NO. 05-252
(August 16, 2005)

By Mr. Davis, Chairman of the Finance Committee:

AMEND WYOMING COUNTY SALARY SCHEDULE “S”

BE IT RESOLVED, That Wyoming County Salary Schedule “S” be amended to add the position title of *Fiscal Officer*, in support of the reclassification of the Senior Account Clerk, in the Wyoming County Youth Bureau and set the salary at twenty nine thousand five hundred dollars (\$29,500.00) annually effective immediately; and

BE IT FURTHER RESOLVED, That the title of *Secretary to the Civil Service Commission* be created in the Civil Service / Personnel department and added to Salary Schedule “S” with an annual salary set at \$5,000.00 effective August 01, 2005.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

August 16, 2005

Before the Public Comment session of this meeting the Chairman invited Congressman Reynolds to address the Board.

The Congressman began by thanking the Board of Supervisors for their cooperation as the federal partner in particular with the new transportation bill and getting dollars into the state and the state's partnership with the Counties regarding roads and bridge construction. Two projects being completed are the Portage Bridge and a project in Silver Springs, the Rochester Southern Railroad improvements. These two projects needed 1.46 million dollars each to complete. In addition, Congress has been working closely with the Wyoming County Board to provide assistance with the Communications Tower project and a few other road projects. In addition if there is any other project that could use Congressman Reynolds assistance he invited Department Heads and other constituents to call on him.

Assemblyman Burling thanked the board for his invitation to be part of the Fair meeting. He stated that they have been busy in Albany and are calling for some sort of Medicaid relief. Taking positive steps to reduce this burden. Mentioned on time budget is something to be proud of but every budget should be on time. Working hard to get taxes down, we need to get our kids back in New York State. Very proud to have a new home on Main Street in Warsaw.

Public Hearing:

➤ **Public Hearing opened**

➤ **Comments:**

- ◆ *Mrs. Janet Coveny, County Clerk, was the only speaker. She stated that by enacting this local law all monies collected would remain in Wyoming County.*

➤ **Public Hearing Closed**

#15

**RESOLUTION NO. 05-253
(August 16, 2005)**

By Mrs. Meeder, Chairman of the Human Resource Committee:

LOCAL LAW NO. B (2), YEAR 2005 ADOPTED

**A LOCAL LAW IMPOSING A COUNTY RECORDING
TAX ON OBLIGATIONS SECURED BY A MORTGAGE ON
REAL PROPERTY**

BE IT ENACTED, By this Board of Supervisors of the County of Wyoming, State of New York as follows:

SECTION 1. IMPOSITION OF TAXES.

The tax law is amended by adding a new section 253-i to read as follows:

253-i. Wyoming County, acting through its local legislative body, is hereby authorized and empowered to adopt and amend local laws imposing in such county a tax of twenty-five cents (\$.25) for each one hundred dollars (\$100.00) and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within such county and recorded on or after the date upon which such tax takes effect and a tax of twenty-five cents (\$.25) on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than one hundred dollars (\$100.00.)

SECTION 2. APPLICABILITY.

The taxes imposed under the authority of this section shall be administered and collected in the same manner as the taxes imposed under subdivision one of Section 253 and paragraph (b) of subdivision one of Section 255 of this article. Except as otherwise provided in this section, all the provisions of this article relating to or applicable to the administration and collection of the taxes imposed by such subdivisions shall apply to the taxes imposed under the authority of this section with such modifications as may be necessary to adapt such language to the tax so authorized. Such provisions shall apply with the same force and effect as if those provisions had been set forth in full in this section, except to the extent that any provision is either inconsistent with a provision of this section or not relevant to the tax authorized by this section. For purposes of this section, any reference in this article to the tax or taxes imposed by this article shall be deemed to refer to a tax imposed pursuant to this section, and any reference to the phrase “within this state” shall be read as “within Wyoming County,” unless a different meaning is clearly required.

SECTION 3. REAL PROPERTY LOCATED IN MORE THAN ONE COUNTY.

Where the real property covered by the mortgage subject to the tax imposed pursuant to the authority of this section is situated in this state but within and without the county imposing such tax, the amount of such tax due and payable to such county shall be determined in a manner similar to that prescribed in the first paragraph of Section 260 of this article, which concerns real property

situated in two or more counties. Where such property is situated both within such county and without the state, the amount due and payable to such county shall be determined in the manner prescribed in the second paragraph of such Section 260, which concerns property situated within and without the state. Where real property is situated within and without the county imposing such tax, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed pursuant to this section.

SECTION 4. ADDITIONAL TAXES.

A tax imposed pursuant to the authority of this section shall be in addition to the taxes imposed by Section 253 of this article.

SECTION 5. DISPOSITION OF TAXES.

Notwithstanding any provision of article to the contrary, the balance of all moneys paid to the recording officer of the County of Wyoming during each month upon account of the tax imposed pursuant to the authority of this section, after deducting the necessary expenses of his or her office as provided in Section 262 of this article, except taxes paid upon mortgages which under the provisions of this section or Section 260 of this article are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by such recording officer on or before the tenth day of each succeeding month to the Treasurer of Wyoming County and, after the deduction by such Treasurer of the necessary expenses of his or her office provided in Section 262 of this article shall be deposited in the general fund of the County of Wyoming for expenditure on any county purpose. _ Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of this section of Section 260 of this article are first to be apportioned by the Commissioner of Taxation and Finance, shall be paid over by the recording officer receiving the same as provided by the determination of said Commissioner of Taxation and Finance.

SECTION 6. EXPIRATION DATE

Each enactment of a local law may provide for the imposition of a mortgage tax for a period of time no longer than three (3) years from the date of its enactment. Nothing in this section shall prohibit the adoption and enactment of local laws, pursuant to the provisions of this section, upon the expiration of any other local law adopted pursuant to this section.

SECTION 7. EFFECTIVE DATE

Any local law imposing a tax pursuant to the authority of this section or repealing or suspending such a tax shall take effect only on the first day of a calendar month. Such a local law shall not be effective unless a certified copy

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thereof is mailed by registered or certified mail to the Commissioner of Taxation and Finance at the Commissioner's office in Albany at least thirty days prior to the date the local law shall take effect.

SECTION 8. FILING

1. Certified copies of any local law described in this section shall also be filed with the Wyoming County Clerk, the Secretary of State and the State Comptroller within five days after the local law is duly enacted.

2. This act shall take effect on the thirteenth day after it shall have become a law.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There being no further business to come before this board the meeting was adjourned by Mrs. Humphrey T/Perry.

Respectfully submitted,

*Cheryl J. Ketchum
Deputy Clerk to the Board of Supervisors*

August 16, 2005

**REGULAR SESSION
(September 13, 2005)**

Tuesday

3:00 PM

The regular Session of the Wyoming County Board of Supervisors was held at the Wyoming County Government Center in the Board of Supervisors' Chambers located at 143 North Main Street, Warsaw, New York with all Supervisors present except Supervisor Glosser T/Orangeville. Also present were County Attorney Eric T. Dadd; County Treasurer, John Edwards; Clerk to the Board; Paula Parker and Deputy Clerk to the Board; Cheryl Ketchum.

At **3:15 PM** Chairman Berwanger, T/Arcade, called the meeting to order.

Since the events of 9/11 the Board of Supervisors has invited a Wyoming County Veteran to lead in the Pledge to the Flag.

The Veteran leading us in the Pledge of Allegiance for the month of September is:

Assemblyman Daniel Burling

Assemblyman Burling was born on January 11, 1947 in Batavia, New York. Following graduation from Ilion High School, he enlisted in the United States Marine Corps. In 1972 he graduated first in his class from the Riverside School of Aeronautics, receiving the FAA Approved School Graduate Award for Outstanding Academic Performance. He then graduated from Herkimer County Community College and received a Bachelor of Science Degree in 1980 from the University of Buffalo School of Pharmacy. He was selected as the 1999 Alumnus of the Year at Herkimer County Community College, and was recently named a charter member of the Phi Lambda Sigma Beta Omicron Chapter in the School of Pharmacy and Pharmaceutical Sciences at the University of Buffalo.

Dan's service in the United States Marine Corps from 1965-1969, included a tour in Vietnam earning him an honorable discharge as a Sergeant E-5. He then attended the Empire State Military Academy, graduating with honors and a commission as a Second Lieutenant in the United States Army Reserve in 1976, serving as a Company Commander and Battalion Adjutant. He was honorably discharged as Captain in 1994. Dan recently accepted a commission as Lieutenant Colonel in the New York Guard; assigned to Headquarters - Joint Staff, Assistant Director of Government Affairs Section. His sincere interest in

veterans' issues led to his fundraising and sponsorship for the Vietnam Moving Memorial Wall, which was placed in Batavia in May 1995.

Dan served on the Genesee County Legislature from 1993 until he was elected to the New York State Assembly in 1998. While on the County Legislature, his responsibilities included Director of the Genesee County Industrial Development Agency; Director of the Soil and Water Conservation Board; member of the Human Services Committee; and a Governor's appointee to the Finger Lakes Regional Economic Development Council. While a County Legislator, Genesee County property tax rates never increased. In fact, Mr. Burling fought for and won the first county property tax decrease in almost 20 years.

Assemblyman Burling is the Ranking Republican member of the Assembly Elections committee, and a member of the Assembly standing committees on Environmental Conservation and Housing. He also serves as a member of the Assembly Minority Hunting and Fishing Taskforce, Legislative Task Force on the State of New York Agriculture, Legislative Commission on Rural Resources, the Legislative Task force on Integrative Medicine & Agriculture, the New York State Armed Services Legislative Caucus, and the American Legislative Exchange Council.

Dan Burling is married to his wife, Jean, of over thirty years and has two children, Mary and David; and two grandchildren, Alyssa-Daniele and Joseph.

The pledge was said by all.

Chairman Berwanger presented a Certificate of Appreciation to the Assemblyman to commemorate today's events.

Assemblyman Burling shared his experience in service to his country. He spoke of 9/11 anniversary and that it was 4 years and 2 days ago. He stated that the invasion that was experienced that day would never happen again. We have a strong military.

Communications:

None

Social Services Employees of the month were unavailable for recognition and would be rescheduled to appear next month.

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RESOLUTION NO. 05-254
(September 13, 2005)

261

By Mr. Davis, Chairman of Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2005 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2005 accounts as follows:

Department of Social Services			<u>Dept. Totals:</u>
To: 01.39.6010.4.42264 (Community Solutions) w/ rev. acct. #01.12.6010.4610 increased by same. Reason: Appropriate to 2005 for expenditures for the balance of 2005.	\$8,800.00	\$8,800.00	
Department of Social Services Total			\$8,800.00
Office for the Aging			
To: 01.44.6772.2.23001 – Cars w/ 01.09.6772.2705 – Gifts & Donations increased by same Reason: to purchase vehicle	\$22,673.06	\$22,673.06	
Office for the Aging Total			\$22,673.06
Mental Health			
To: 01.38.4325.4.40926 ARA, Inc w/ 01.11.4325.3490 State Aid increased by same. Reason: Funding for the Physical Health Initiative effective 10/01/05 – 12/31/05.	\$22,500.00	\$22,500.00	
Mental Health Total			\$22,500.00
County Attorney			
To: 01.34.1421.4.42305 Assigned Council w/ 01.11.1421.308905 Sec 606 Aid 01.11.1421.3089 Indigent State Aid Reason: To appropriate for the Assigned Counsel Program for the balance of the 2005 fiscal year per the County Attorney's Office.	\$50,000.00	\$4,460.00 45,540.00	
County Attorney Total			\$50,000.00
Board of Elections			
To: 01.34.1450.4.40604 Copiers w/ 01.08.1450.2665 Sale of Equipment increased by same Reason: To appropriate money to cover expenses.	\$775.00	\$775.00	
Board of Elections Total			\$775.00
Sheriff			
To: 01.37.3110.2.23001 Cars w/ 01.08.3110.2680 Insurance Recovery increased by same Reason: purchase of patrol vehicle, radio installation and striping.	\$5,798.26	\$5,798.26	
Sheriff Total			\$5,798.26

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#2

RESOLUTION NO. 05-255
(September 13, 2005)

Regular Session

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By Mr. Davis, Chairman of Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2005 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2005 accounts as follows:

Jail			<u>Dept. Totals:</u>
From: 01.37.3150.1.10601 Unused Benefit Time	\$990.55		
To: 01.37.3150.4.40108 Liability Ins – Police		930.55	
01.37.3150.4.40109 Insurance – Other		60.00	
Reason: To balance line items.			
Jail Total			\$990.55

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

Mrs. Totslie, T/Genesee Falls, Chairman of the Audit Committee, presented bills totaling **\$1,828,015.23** for the Month of August 2005.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#3

RESOLUTION NO. 05-256
(September 13, 2005)

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH MICHAEL J. ROGERS PAINTING ON BEHALF OF
BUILDINGS AND GROUNDS**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Michael J. Rogers Painting, 18 Church Street, Leroy, NY 14482. This contract based on the bid opening that was held September 08, 2005 on behalf of Wyoming County Buildings and Grounds. The contract will provide for cleaning, scraping, and painting of the cornice and portico on the east side of the Government Center. The amount is not to exceed four thousand four hundred forty dollars and sixty – eight cents (\$4,440.68) and will terminate at the end of the project; contingent upon the availability of funding.

Carried: Ayes: 1524 Noes: Absent: 48 (Orangeville) Abstain: 46 (Pike)

September 13, 2005

There was a motion by Mrs. Humphrey, T/Perry, to combine resolutions #4 and #12. A voice vote was taken and all voted aye.

#4

**RESOLUTION NO. 05-257
(September 13, 2005)**

By Mrs. Humphrey, Chairman of the Human Services Committee:

**GARY A. COUSINS APPOINTED AS DIRECTOR OF
VETERANS' SERVICES**

BE IT RESOLVED, That *Gary A. Cousins*, 154 N. Maple Street, Warsaw, NY 14569 is hereby appointed as *Director of Veterans' Services* effective September 12, 2005 to fill the unexpired 2 year term of the previous incumbent set to expire November 14, 2005; and

BE IT FURTHER RESOLVED, That the salary be set at the Director of Veterans' Services' current level of seventeen thousand nine hundred seventy – four dollars (\$17,974.00) annually.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#5

**RESOLUTION NO. 05-258
(September 13, 2005)**

By Mrs. Humphrey, Chairman of the Human Services Committee:

**CHAIRMAN/COMMISSIONER AUTHORIZED TO SIGN
AN AGREEMENT ON BEHALF OF THE DEPARTMENT
OF SOCIAL SERVICES**

BE IT RESOLVED, That the Chairman of this Board and the Acting Commissioner with the approval of the County Attorney are hereby authorized and directed to sign an agreement with Rochester Genesee Regional Transportation Authority, 1372 East Main St. Rochester, NY 14609. This agreement is to provide bus passes to TANF (Temporary Assistance to Needy Families) recipients and families within 200% of the poverty level for the period

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October 01, 2005 through September 30, 2006. Said contract is for an amount not to exceed twelve thousand dollars (\$12,000.00) and is contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #6

**RESOLUTION NO. 05-259
(September 13, 2005)**

By Mrs. Humphrey, Chairman of the Human Services Committee:

RESOLUTION NUMBER 04-249 AMENDED

WHEREAS, Resolution number 04-249 provides for bus passes to TANF (Temporary Assistance to Needy Families) recipients and families within 200% of the poverty level for the period October 01, 2004 through September 30, 2005 in the amount of nine thousand six hundred dollars (\$9,600.00); now therefore

BE IT RESOLVED, That the Chairman of this Board and the Acting Commissioner along with the approval of the County Attorney are hereby authorized and directed to sign an amended agreement with Rochester Genesee Regional Transportation Authority, 1372 East Main St. Rochester, NY 14609. The amendment is to increase the contracted amount by four thousand dollars (\$4,000.00), due to increased job search activity, for a total amended contract amount not to exceed thirteen thousand six hundred dollars (\$13,600.00); contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #7

**RESOLUTION NO. 05-260
(September 13, 2005)**

By Mrs. Humphrey, Chairman of the Human Services Committee:

September 13, 2005

**CHAIRMAN/COMMISSIONER AUTHORIZED TO SIGN
GRANT ACCEPTANCE (CONTRACT) ON BEHALF OF
THE DEPARTMENT OF SOCIAL SERVICES**

BE IT RESOLVED, That the Chairman of this Board and the Acting Commissioner along with the approval of the County Attorney are hereby authorized and directed to sign a grant acceptance (contract) with Welfare Research Inc., 112 State Street. Albany, New York 12207. This grant is to provide for the Family Meetings Initiative Project for the period of July 01, 2005 through June 30, 2006 in the amount of ten thousand dollars (\$10,000.00.).

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #8

**RESOLUTION NO. 05-261
(September 13, 2005)**

By Mrs. Humphrey, Chairman of the Human Services Committee:

**GORDON LEW APPOINTED TO THE
OFFICE FOR THE AGING ADVISORY COUNCIL**

BE IT RESOLVED, That *Gordon Lew*, as a representative of Wyoming County Department of Social Services, 466 North Main Street, Warsaw, NY is hereby appointed to the Office for the Aging Advisory Council, effective immediately, to serve out the vacant, unexpired 3 *year term* held by Chris Conway as a Department of Social Services representative set to *expire December 31, 2005*.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #9

**RESOLUTION NO. 05-262
(September 13, 2005)**

By Mrs. Humphrey, Chairman of the Human Services Committee:

Proceedings of the Board of Supervisors
CHAIRMAN AUTHORIZED TO SIGN CONTRACT
ON BEHALF OF OFFICE FOR THE AGING

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract renewal with Daniel Perkins, 101 West Court Street, Warsaw, NY 14569 as a WRAP (**W**eatherization **R**eferral **A**ssistance **P**rogram) Coordinator. The purpose of this contract is to coordinate Weatherization services to resident 60 years of age and older. Total amount not to exceed thirty thousand dollars (\$30,000.00) for the period commencing October 01, 2005 through September 30, 2006; contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#10

RESOLUTION NO. 05-263
(September 13, 2005)

By Mrs. Humphrey, Chairman of the Human Services Committee:

CHAIRMAN AUTHORIZED TO SIGN A GRANT
APPLICATION AND ACCEPTANCE AWARD/CONTRACT
ON BEHALF OF OFFICE FOR THE AGING

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant application and acceptance award for the WRAP – Weatherization Referral and Packaging Program on behalf of the Office for the Aging. The grant is through the New York State Office for the Aging, 2 Empire State Plaza, Albany, NY. Effective dates are August 01, 2005 through July 31, 2006 in the amount of twenty six thousand nine hundred sixty dollars (\$26,960.00) with no county match.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#11

RESOLUTION NO. 05-264
(September 13, 2005)

By Mrs. Humphrey, Chairman of the Human Services Committee:

September 13, 2005

CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND ACCEPTANCE AWARD/CONTRACT ON BEHALF OF OFFICE FOR THE AGING

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant application and acceptance award for the Long Term Care Information Education & Outreach Program – LTCIEOP on behalf of the Office for the Aging. The grant effective dates are April 01, 2005 through March 31, 2006 in the amount of fifty thousand dollars (\$50,000.00) with no county match.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #12

**RESOLUTION NO. 05-265
(September 13, 2005)**

By Mrs. Humphrey, Chairman of the Human Services Committee:

CHAIRMAN AUTHORIZED TO SIGN A CONTRACT ON BEHALF OF THE OFFICE FOR THE AGING

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to award the bid to and sign a purchase contract with Upstate Chevrolet/Oldsmobile, 36 Main Street, Attica, NY 14011 for the purchase of a 2006 Chevrolet Equinox (Vin #: 2CNDL22F266015258), as per bid specifications, in the amount of twenty two thousand six hundred seventy – three dollars and six cents (\$22,673.06).

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Mr. Rogers, T/Pike, to combine resolutions #13 and #16. A voice vote was taken and all voted aye.

#13

**RESOLUTION NO. 05-266
(September 13, 2005)**

Regular Session

Proceedings of the Board of Supervisors

By Mr. Rogers, Chairman of the Public Health Committee:

**SEPTEMBER 26, 2005 PROCLAIMED FAMILY DAY IN
WYOMING COUNTY**

WHEREAS, The use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children;

WHEREAS, Surveys conducted by the National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs;

WHEREAS, Teenagers who virtually never eat dinner with their families are 72 percent more likely than the average teenager to use illegal drugs, alcohol and cigarettes;

WHEREAS, Teenagers who almost always eat dinner with their families are 31 percent less likely than the average teenager to use illegal drugs, alcohol and cigarettes;

WHEREAS, The correlation between family dinners and reduced risk for teen substance abuse are well documented;

WHEREAS, Parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers;

WHEREAS, Family dinners have long constituted a substantial pillar of family life in America:

NOW, therefore, the Wyoming County Board of Supervisors does hereby proclaim *Monday, September 26, 2005* as

Family Day***A Day to Eat Dinner With Your Children***

and urge all citizens to recognize and participate in its observance.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

September 13, 2005

**RESOLUTION NO. 05-267
(September 13, 2005)**

By Mr. Rogers, Chairman of the Public Health Committee:

AMEND RESOLUTION NUMBER 04-331

WHEREAS, Resolution number 04-331 provides for various mental health services with Allegany Rehabilitation Associates, Inc. (ARA, Inc.), 4222 Bolivar Road, Wellsville, NY 14895 totaling two hundred sixty nine thousand three hundred fifty – four dollars (\$269,354.00); now therefore

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign an amended contract with Allegany Rehabilitation Associates, Inc. (ARA, Inc.), 4222 Bolivar Road, Wellsville, NY 14895. The amendment is to include a Nurse Wellness Coach that will oversee and be a liaison between consumers and their physicians regarding their overall health issues. The cost of said amendment is twenty two thousand five hundred dollars (\$22,500.00) bringing the total contract amount not to exceed two hundred ninety-one thousand eight hundred fifty-four dollars (\$291,854.00) effective October 01, 2005 through December 31, 2005; contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#15

**RESOLUTION NO. 05-268
(September 13, 2005)**

By Mr. Rogers, Chairman of the Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH BACH HARRISON LLC ON BEHALF OF MENTAL
HEALTH**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Bach Harrison, LLC, 116 South 500 East, Salt Lake City, Utah, 84102 on behalf of the Mental Health Department. This contract is to provide

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for the consultation and completion of the Prevention Needs Assessment Survey and is in an amount not to exceed eight thousand four hundred fifty dollars (\$8,450.00). The contract is effective immediately and will terminate on March 31, 2006 or upon the successful completion of the project, which ever is earlier; contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #16

**RESOLUTION NO. 05-269
(September 13, 2005)**

By Mr. Rogers, Chairman of the Public Health Committee:

**DR. GREGORY J. COLLINS REAPPOINTED
AS COMMISSIONER OF PUBLIC HEALTH**

BE IT RESOLVED, That **Dr. Gregory J. Collins**, Darby Rd. Avon, NY is hereby reappointed as Wyoming County Public Health's Commissioner of Public Health effective **August 01, 2005 through December 31, 2006**.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #17

**RESOLUTION NO. 05-270
(September 13, 2005)**

By Mrs. Meeder, Chairman of the Human Resource Committee:

SCHEDULE "S" AND "D" HANDBOOKS ADOPTED

BE IT RESOLVED, That the newly revised schedule "S" and "D" Employee handbooks are adopted as amended and presented and are attached hereto.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #18 and #19. A voice vote was taken and all voted aye.

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2005 WYOMING COUNTY SALARY PLAN SCHEDULE "S"
TENTATIVE - 2% INCREASE

Current Titles		2005 Salary
BOARD OF ELECTIONS		
Deputy Commissioner (2) each		26,768
Voting Machine Custodian (2) each		1,131
BOARD OF SUPERVISORS		
Deputy Clerk of the Board	Res #04-44	25,500
CIVIL DEFENSE		
Secretary 1		26,214
DOG CONTROL		
Animal Control Assistant		14,072
COUNTY ATTORNEY		
1st Asst Co. Atty, PT		10,171
2nd Asst Co. Atty, FT		52,192
3rd Asst. Co Atty, FT	Res#04-139	50,000
Hospital Co Atty, PT	Position to be created	12,000
Secretary to the County Attorney, PT		23,202
Secretary 1		25,375
Administrator Indigent Defender, PT		2,628
COUNTY CLERK		
Deputy County Clerk		32,329
COUNTY HISTORIAN		
Deputy County Historian, PT		9,342
DISTRICT ATTORNEY		
(1st) Assistant District Attorney	Res. #04-46	55,600
(2nd) Assistant District Attorney	Res. #04-46	49,164
Secretary to the District Attorney		31,327

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Secretary 1		24,877
ECONOMIC DEVELOPMENT		
Secretary 1		26,774
FIRE & BUILDING CODE ENF.		
Building Inspector		34,400
Code Enforcement Officer		3,060
Building Inspector		33,763
HIGHWAY DEPARTMENT		
Deputy Co. Highway Supt.		45,963
Secretary to the Co. Highway Supt.		29,635
INFORMATION TECHNOLOGY		
Information Technology Specialist		39,032
Information Systems Administrator		44,419
Information Systems Specialist		35,253
MENTAL HEALTH (PT)		
Fiscal Officer 1		31,023
OFFICE FOR THE AGING		
Nutrition Services Coordinator	Res #04-47	35,981
Deputy Director of Aging		33,150
PERSONNEL/CIVIL SERVICE		
Civil Service Technician		30,258
Personnel Assistant		26,274
Secretary to Civil Service Commission	Res #05-252	5,000
PUBLIC DEFENDER		
(1st) Assistant Public Defender, PT		19,036
(2nd) Assistant Public Defender, PT		29,998
(3rd) Assistant Public Defender, PT		29,359
Secretary to the Public Defender, PT		10,366
Secretary 1, PT		4,442
PUBLIC HEALTH		
Env. Health Administrator		52,529
Fiscal Administrator	Res #05-45	38,220

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Director of Nursing	Res #04-242	55,590
Public Health Administrator	Res #05-45	40,024
Nurse Practitioner		58,406
REAL PROPERTY TAX SERVICES		
Sr. RPTS Aide		35,284
SHERIFF		
Undersheriff		51,000
Secretary to the Sheriff		31,212
SOCIAL SERVICES		
Deputy Commissioner of Social Services	Stipend	5,000
Secretary II		27,546
Administrative Assistant		25,759
Fiscal Director		45,039
Director of Case Management Services		53,703
Medical Social Worker	Res #04-219	41,821
Dir of Children & Family Services	Res #05-149	40,794
TREASURER		
Deputy County Treasurer		44,431
Deputy Budget Director, PT		2,090
Reimbursement & Budget Administrator		53,525
VETERAN'S SERVICES		
Assistant Director of Veterans Services		25,328
Assistant Dir of Veterans Serv-PT(temp)	Res #05-283	\$16.00/hr
YOUTH BUREAU		
Handicap Preschool Coordinator		35,700
Fiscal Officer 1	Res #05-252	29,500

2005 WYOMING COUNTY SALARY SCHEDULE "D"

TENTATIVE - 2% INCREASE

Current Titles		2005 SALARY
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BOARD OF ELECTIONS		
Election Commissioner (2) each		12680
BOARD OF SUPERVISORS		
Clerk of the Board		15000
BUILDING AND GROUNDS		
Supt. of Buildings & Grounds		51676
BUREAU OF FIRE		
Fire Coordinator, PT		6964
CIVIL DEFENSE		
Dir. of Fire & Emergency Management		38321
Medical Director for Pre-Hospital Care Agencies	Res #05-22	12000
CONSUMER AFFAIRS		
Director of Weights and Measures		38256
COUNTY ATTORNEY		
County Attorney, PT		53580
COUNTY HISTORIAN		
Co Historian		18396
DOG CONTROL		
Animal Control Officer		32202
HIGHWAY DEPARTMENT		
County Highway Superintendent		62424
HIPAA		
HIPAA Privacy Officer	stipend	1000
HIPAA Security Officer	stipend	1000
INFORMATION TECHNOLOGY		
Dir. of Information Technology		54484
MENTAL HEALTH		
Dir. of Community Services		55080
OFFICE FOR THE AGING		
Director of Office for the Aging		27507
PERSONNEL		

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Human Resource Director	Res #05-149	65000
PLANNING AND DEVELOPMENT		
Dir. Planning and Development		57501
PROBATION		
Probation Director 1		51024
PUBLIC DEFENDER		
Public Defender, PT		45790
PUBLIC HEALTH DEPT		
Commissioner of Public Health		61200
REAL PROPERTY TAX SERVICES		
Real Property Tax Director		52429
SOCIAL SERVICES DEPT		
Commissioner of Social Services		67956
Acting Commissioner of Social Services	Res #05-149	64000
VETERAN'S SERVICES		
Director of Veterans Services, (PT)		17974
WORKERS COMPENSATION		
Worker's Comp. Prog. Administrator		37945
YOUTH BUREAU		
Youth Bureau Director		27050

#18

**RESOLUTION NO. 05-271
(September 13, 2005)**

By Mr. Kushner, Chairman of the Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
ACCEPTANCE AWARD ON BEHALF OF THE SHERIFF'S
DEPARTMENT**

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BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant acceptance award with the New York State Office of Homeland Security, 1220 Washington Ave., Bldg. 7A, 7th Floor, Albany, NY 12226 on behalf of the Sheriff's Department. This grant is in the amount of fifteen thousand dollars (\$15,000.00) and will enable the Sheriff's department to hire a consultant to coordinate the radio system upgrade and needed cell phone service as well as training for Sheriff and Village Police personnel within Wyoming County; effective October 01, 2004 through March 31, 2007.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #19

**RESOLUTION NO. 05-272
(September 13, 2005)**

By Mr. Kushner, Chairman of the Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
ON BEHALF OF THE PUBLIC DEFENDER'S OFFICE**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a reimbursement contract with the New York State Division of Criminal Justice Service, 4 Tower Place, Albany, NY 12203 on behalf of the Public Defenders' Office. The contract provides for reimbursement of legal representation to parolees and inmates in Wyoming County in the amount of one hundred eighty thousand dollars (\$180,000.00); effective April 01, 2005 through September 15, 2006.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

*There was a motion by Mr. Patti, T/Attica, to combine resolutions #20 and #24.
A voice vote was taken and all voted aye.*

#20

**RESOLUTION NO. 05-273
(September 13, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

September 13, 2005

**PUBLIC HEARING FOR AGRICULTURAL
DEVELOPMENT AND FARMLAND PROTECTION PLAN
SET**

WHEREAS, The County of Wyoming was awarded a grant from NYS Agriculture and Markets to develop an Agricultural Development and Farmland Protection Plan and a final draft Plan has been prepared by the Wyoming County Agricultural and Farmland Protection Board with extensive public participation, now therefore

BE IT RESOLVED, That a Public Hearing will be held by the Wyoming County Board of Supervisors at the Wyoming County Government Center in the Village of Warsaw, on the 11th day of October, 2005 at 3:00 PM to consider accepting the Wyoming County Agricultural Development and Farmland Protection Plan, and be it

FURTHER RESOLVED, That the Clerk of this Board is authorized and directed to publish the hearing notice with at least five days notice in the official newspapers of the County designated for such publications.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#21

**RESOLUTION NO. 05-274
(September 13, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

EMPIRE ZONE FINANCIAL SUPPORT

WHEREAS, This Board has previously authorized the preparation of a New York State Empire Zone application; and

WHEREAS, The County's Empire Zone application should include a matching financial commitment of twenty five thousand dollars (\$25,000.00) per year, now therefore

BE IT RESOLVED, That the Chairman of this Board is hereby authorized and directed to provide and sign a letter regarding the commitment of these funds that will be submitted with the County's Empire Zone Application.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

**RESOLUTION NO. 05-275
(September 13, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

EMPIRE ZONE ENVIRONMENTAL REVIEW

WHEREAS, This Board has previously authorized the preparation of a New York State Empire Zone application; and

WHEREAS, The Empire Zone applicant must submit a SEQRA final determination for the proposed Empire Zone areas, now therefore

BE IT RESOLVED, That this Board has determined that the proposed Empire Zone areas in the Village and Town of Arcade, Village of Attica, Village and Town of Perry, Village and Town of Castile, Village of Silver Springs and Town of Gainesville, and the Village of Warsaw will not have a significant adverse environmental impact and that a negative declaration statement will be prepared by the Director of Planning and Development.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #23

**RESOLUTION NO. 05-276
(September 13, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

**MEMBERS REAPPOINTED TO THE
MICRO-ENTERPRISE LOAN REVIEW COMMITTEE**

BE IT RESOLVED, That **James M. Pierce**, 7304 Northwoods Road, T/Arcade, NY 14009 is hereby reappointed to the Micro-Enterprise Loan Review Committee for a **two (2) year term, said term to expire October 1, 2007**, and be it

September 13, 2005

FURTHER RESOLVED, That **Howard C. Wood**, 170 South Main Street, T/Castile, Perry, NY 14530 is hereby reappointed to the Micro-enterprise Loan Review Committee for a **two (2) year term to expire October 1, 2007**.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #24

**RESOLUTION NO. 05-277
(September 13, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

**MEMBERS APPOINTED TO THE
GENESEE LIVINGSTON ORLEANS WYOMING (GLOW)
WORKFORCE INVESTMENT BOARD**

BE IT RESOLVED, That **Roger Amati, Orleans Niagara BOCES** is hereby appointed to the Genesee Livingston Orleans Wyoming (GLOW) Workforce Investment Board, replacing David Christopher effective September 01, 2005; and be it

FURTHER RESOLVED, That **John Cima, Genesee Valley BOCES** is hereby appointed to the Genesee Livingston Orleans Wyoming (GLOW) Workforce Investment Board, replacing Ted Hale effective immediately.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Mr. Davis, T/Covington, to combine resolutions #25 and #34. A voice vote was taken and all voted aye.

Before the roll call was taken Supervisor Kushner commented on the creation of the position in the Sheriff's Office.

Supervisor Bush T/Gainesville commented on the creation of the Assistant Director Veterans' Services. This position is being created temporarily to help with training the new Director and Assistant Director.

Chairman Berwanger thanked the Veteran Supervisor members for their time in the recruitment and the hiring of Wyoming County's new Director of Veterans' Services.

RESOLUTION NO. 05-278
(September 13, 2005)

By Mr. Davis, Chairman of the Finance Committee:

**INCREASING THE RATE OF TAXES ON SALES AND
USES OF TANGIBLE PERSONAL PROPERTY AND OF
CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL
ROOMS AND AMUSEMENT CHARGES, PURSUANT TO
ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW
YORK**

BE IT ENACTED by the Wyoming County Board of Supervisors as follows:

SECTION 1. The first sentence of section two of Resolution No. 80-284, as enacted November 25, 1980, as amended, is amended to read as follows:

SECTION 2. Imposition of sales tax.

On and after March 1, 1981, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing December 1, 1992, and ending November 30, 2007, there is hereby imposed and there shall be paid an additional tax of one percent upon:

SECTION 2. Subdivision (f) of section three of Resolution No. 80-284 as enacted in nineteen hundred eighty, as amended, is amended to read as follows:

(f) With respect to the additional tax of one percent imposed for the period commencing December 1, 1992, and ending November 30, 2007, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to December 1, 1992, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to August 1, 1992, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to November 30, 1992. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December 1, 1992, any
September 13, 2005

transaction which may not be subject to the additional tax imposed effective on that date.

SECTION 3. Section four of Resolution No. 80-284 as enacted in nineteen hundred eighty, as amended, is amended to read as follows:

SECTION 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after December 1, 1992, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (I) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (c) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2007, the tax shall be at the rate of four percent, and on and after December 1, 2007, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section

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one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (I) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2007, the tax shall be at the rate of four percent, and on and after December 1, 2007, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2007, the tax shall be at the rate of four percent, and on and after December 1, 2007, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2007, the tax shall be at the rate of four percent, and on and after December 1, 2007, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration of any tangible personal property

transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2007, the tax shall be at the rate of four percent, and on and after December 1, 2007, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

SECTION 4. Subdivision (k) of section six of Resolution No. 80-284 as enacted in nineteen hundred eighty, as amended, is amended to read as follows:

(k) Exemption of certain energy sources and related services from additional one percent rate of tax. Notwithstanding any inconsistent provision of this resolution, receipts from the retail sale or use of fuel oil and coal used for residential purposes; the receipts from the retail sale or use of wood used for residential heating purposes; and the receipts from every sale, other than for resale, or use of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be exempt from the additional one percent rate of sales and compensating use taxes imposed, by sections 2 and 4, respectively, of this resolution for the period commencing December 1, 1992, and ending November 30, 2007.

SECTION 5. Paragraph (B) of subdivision one of section eleven of Resolution No. 80-284 as enacted in nineteen hundred eighty, as amended, is amended to read as follows:

(B) With respect to the additional tax of one percent imposed for the period beginning December 1, 1992, and ending November 30, 2007, in respect to the use of property used by the purchaser in this County prior to December 1, 1992.

SECTION 6. This enactment shall take effect on December 1, 2005.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #26

**RESOLUTION NO. 05-279
(September 13, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH PREMIER CONSULTING ASSOCIATES ON
BEHALF OF THE COUNTY INSURANCE OFFICE**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Premier Consulting Associates, 2420 Sweet Home Road, Suite 140, Amherst, NY 14228 on behalf of the County Insurance Office. This contract will provide for health insurance benefits consulting services and will be in an amount not to exceed sixty thousand dollars (\$60,000.00); for the year 2006 and is contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #27

**RESOLUTION NO. 05-280
(September 13, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A RENEWAL
CONTRACT WITH EBS BENEFIT SOLUTIONS ON
BEHALF OF THE COUNTY INSURANCE OFFICE**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with EBS Benefit Solutions, 30 Parrington Hills Mall, Fairport, NY 14550 on behalf of the County Insurance Office. This contract provides for administration of health reimbursement accounts for Wyoming County

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employees as per specified in the contract language and is in the amount of \$4.00 per participant per month with a \$50.00 per month minimum; effective January 01, 2006 through December 31, 2006 and is contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #28

**RESOLUTION NO. 05-281
(September 13, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

AMEND RESOLUTION NUMBER 05-113

WHEREAS, Resolution number 05-113 authorizes the Chairman to enter into a contract which provides the county with broad band internet services in the amount of three thousand eight hundred thirty – eight dollars and eighty cents (\$3,838.80) for 24 months; now therefore

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign an amended contract with Time Warner, 71 Mt. Hope Ave., Rochester, NY 14620 on behalf of Wyoming County Information Technology. This amendment provides for the inclusion of OFA and Public Health billings for internet service to one account for an additional three thousand four hundred sixty – one dollars (\$3,461.20) which brings the total contract amount to seven thousand three hundred dollars (\$7,300.00) contingent upon the availability of funds.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #29

**RESOLUTION NO. 05-282
(September 13, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**ONE POSITION OF CLEANER (TEMPORARY)
CREATED IN BUILDINGS AND GROUNDS**

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BE IT RESOLVED, That there is hereby created one position of Cleaner (Temporary) in Buildings and Grounds and have the salary set at \$10.00 per hour. Position to be terminated upon return of employee on leave.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#30

**RESOLUTION NO. 05-283
(September 13, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**ONE POSITION OF ASSISTANT DIRECTOR OF
VETERANS' SERVICES, PT (TEMPORARY) CREATED IN
THE VETERANS' SERVICES DEPARTMENT**

BE IT RESOLVED, That there is hereby one position of Assistant Director of Veterans' Services, PT (Temporary) created in the Veterans' Services Department effective August 29, 2005 through December 31, 2005; and be it

FURTHER RESOLVED, That Salary Schedule "S" be amended to include said position and set the salary at \$16.00 per hour with only those benefits mandated by law.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#31

**RESOLUTION NO. 05-284
(September 13, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

SALARY SCHEDULE "D" "F" and "T" AMENDED

September 13, 2005

BE IT RESOLVED, That the Wyoming County Salary Plan which became effective January 1, 1967, as amended, is hereby amended as follows:

Schedules "D", "F" and "I" annexed hereto shall be substituted for the existing Schedules "D", "F" and "I" as adopted on October 12, 2004, as amended. Commencing January 1, 2005, employees in the job titles covered thereby shall be paid the basic salary in accordance with these wage and salary schedules; and be it

FURTHER RESOLVED, That the salary of any position vacated shall be open for review by the necessary committee.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

2005 WYOMING COUNTY SALARY SCHEDULE "D"		
TENTATIVE - 2% INCREASE		
Current Titles		2005 SALARY
BOARD OF ELECTIONS		
Election Commissioner (2) each		12680
BOARD OF SUPERVISORS		
Clerk of the Board		15000
BUILDING AND GROUNDS		
Supt. of Buildings & Grounds		51676
BUREAU OF FIRE		
Fire Coordinator, PT		6964
CIVIL DEFENSE		
Dir. of Fire & Emergency Management		38321
Medical Director for Pre-Hospital Care Agencies	Res #05-22	12000
CONSUMER AFFAIRS		
Director of Weights and Measures		38256
COUNTY ATTORNEY		
County Attorney, PT		53580
COUNTY HISTORIAN		
Co Historian		18396

DOG CONTROL		
Animal Control Officer		32202
HIGHWAY DEPARTMENT		
County Highway Superintendent		62424
HIPAA		
HIPAA Privacy Officer	stipend	1000
HIPAA Security Officer	stipend	1000
INFORMATION TECHNOLOGY		
Dir. of Information Technology		54484
MENTAL HEALTH		
Dir. of Community Services		55080
OFFICE FOR THE AGING		
Director of Office for the Aging		27507
PERSONNEL		
Human Resource Director	Res #05-149	65000
PLANNING AND DEVELOPMENT		
Dir. Planning and Development		57501
PROBATION		
Probation Director 1		51024
PUBLIC DEFENDER		
Public Defender, PT		45790
PUBLIC HEALTH DEPT		
Commissioner of Public Health		61200
REAL PROPERTY TAX SERVICES		
Real Property Tax Director		52429
SOCIAL SERVICES DEPT		
Commissioner of Social Services		67956
Acting Commissioner of Social Services	Res #05-149	64000
VETERAN'S SERVICES		
Director of Veterans Services, (PT)		17974
WORKERS COMPENSATION		
Worker's Comp. Prog. Administrator		37945
YOUTH BUREAU		

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Youth Bureau Director		27050

WYOMING COUNTY SALARY PLAN SCHEDULE "F"
Tentative 2% increase

Current Titles

2005 Salary

OFFICE FOR THE AGING

Meal Site Manager

8.11

Meal Site Manager-Substitute

7.96

2005 SCHEDULE I

ELECTED OFFICIALS

TENTATIVE 2% INCREASE

TITLE	2005 SALARY
Bd of Supv. Chairman	40,800
Bd of Supervisors	10,200
County Clerk	47,858
District Attorney**	119,800
Treasurer	62,424

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Sheriff	61,200
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**Salary set per NYS

#32

**RESOLUTION NO. 05-285
(September 13, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**SALARIES AMENDED IN COUNTY ATTORNEY'S
OFFICE**

BE IT RESOLVED, That Salary Schedule "S" be amended to reflect an increase in the 3rd Assistant County Attorney's salary by ten thousand (\$10,000.00) retroactive to January 01, 2005 and would continue to be in effect for 2006 until such time as changed; and be it

FURTHER RESOLVED, That one position of Assistant County Attorney PT (Hospital) be created in the County Attorney's office effective retroactively to January 01, 2005 and amend Salary Schedule "S" to include said position and set the salary at twelve thousand dollars (\$12,000.00) annually; and be it

FURTHER RESOLVED, That the salary for the 1st Assistant County Attorney be reduced by twenty two thousand dollars (\$22,000.00) annually effective retroactively to January 01, 2005 and amend Salary Schedule "S" to reflect the same.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
2005 WYOMING COUNTY SALARY PLAN
SCHEDULE "S"

TENTATIVE - 2% INCREASE

DISTRICT ATTORNEY		
(1st) Assistant District Attorney	Res. #04-46	0
(2nd) Assistant District Attorney	Res. #04-46	0
Secretary to the District Attorney		0
Secretary 1		0

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**RESOLUTION NO. 05-286
(September 13, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**ONE POSTION OF DEPUTY SHERIFF SERGEANT
CREATED IN THE SHERIFF'S DEPARTMENT**

BE IT RESOLVED, That one position of Deputy Sheriff Sergeant be created in the Sheriff's Department to be placed on the proper step and grade according to the current agreement between The Wyoming County Deputy Sheriff's Association and The County of Wyoming / Wyoming County Sheriff, effective October 01, 2005.

**Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#34**

**RESOLUTION NO. 05-287
(September 13, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**SET PUBLIC HEARING – INTRODUCTORY LOCAL LAW
NO. D, YEAR 2005**

WHEREAS, There has been duly presented and introduced at a meeting of this Board of Supervisors of Wyoming County on this 13th day of September, 2005, a proposed local law entitled, "**Local Law Introductory No. D, Year 2005, "A LOCAL LAW PROVIDING SALARIES FOR CERTAIN COUNTY OFFICERS FOR THE YEAR 2005"**" and

WHEREAS, Subdivision 5, Section 20 of the Municipal Home Rule Law requires a public hearing to be held on such local law. Now, therefore,

BE IT RESOLVED, That a Public Hearing should be had on the said proposed Local Law by this Wyoming County Board of Supervisors on the 11th

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day of October, 2005 at 3:00 PM at the Wyoming County Government Center, Warsaw, New York.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

Chairman Berwanger explained to all present that non-consent items come from their respective committees with at least one Supervisor voting no.

Non-Consent Item #35

**RESOLUTION NO. 05-288
(September 13, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

SALARY SCHEDULE S ADOPTED

BE IT RESOLVED, That the Wyoming County Salary Plan which became effective January 1, 1967, as amended, is hereby amended as follows:

Schedule "S" annexed hereto shall be substituted for the existing Schedule "S" as adopted on October 12, 2004, as amended. Commencing January 1, 2005, employees in the job titles covered thereby shall be paid the basic salary in accordance with these wage and salary schedules; and be it

FURTHER RESOLVED, That the salary of any position vacated shall be open for review by the necessary committee.

**Carried: Ayes: 1330 Noes: 49 (Eagle) Absent: 48 (Orangeville) Abstain: 130 (Bennington)
61 (Middlebury)
191**

2005 WYOMING COUNTY SALARY PLAN SCHEDULE "S"

TENTATIVE - 2% INCREASE

Current Titles		2005 Salary
BOARD OF ELECTIONS		
Deputy Commissioner (2) each		26,768

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Voting Machine Custodian (2) each		1,131
BOARD OF SUPERVISORS		
Deputy Clerk of the Board	Res #04-44	25,500
CIVIL DEFENSE		
Secretary 1		26,214
DOG CONTROL		
Animal Control Assistant		14,072
COUNTY ATTORNEY		
1st Asst Co. Atty, PT		10,171
2nd Asst Co. Atty, FT		52,192
3rd Asst. Co Atty, FT	Res#04-139	50,000
Hospital Co Atty, PT	Position to be created	12,000
Secretary to the County Attorney, PT		23,202
Secretary 1		25,375
Administrator Indigent Defender, PT		2,628
COUNTY CLERK		
Deputy County Clerk		32,329
COUNTY HISTORIAN		
Deputy County Historian, PT		9,342
DISTRICT ATTORNEY		
(1st) Assistant District Attorney	Res. #04-46	55,600
(2nd) Assistant District Attorney	Res. #04-46	49,164
Secretary to the District Attorney		31,327
Secretary 1		24,877
ECONOMIC DEVELOPMENT		
Secretary 1		26,774
FIRE & BUILDING CODE ENF.		
Building Inspector		34,400
Code Enforcement Officer		3,060
Building Inspector		33,763
HIGHWAY DEPARTMENT		
Deputy Co. Highway Supt.		45,963
Secretary to the Co. Highway Supt.		29,635

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INFORMATION TECHNOLOGY		
Information Technology Specialist		39,032
Information Systems Administrator		44,419
Information Systems Specialist		35,253
MENTAL HEALTH (PT)		
Fiscal Officer 1		31,023
OFFICE FOR THE AGING		
Nutrition Services Coordinator	Res #04-47	35,981
Deputy Director of Aging		33,150
PERSONNEL/CIVIL SERVICE		
Civil Service Technician		30,258
Personnel Assistant		26,274
Secretary to Civil Service Commission	Res #05-252	5,000
PUBLIC DEFENDER		
(1st) Assistant Public Defender, PT		19,036
(2nd) Assistant Public Defender, PT		29,998
(3rd) Assistant Public Defender, PT		29,359
Secretary to the Public Defender, PT		10,366
Secretary 1, PT		4,442
PUBLIC HEALTH		
Env. Health Administrator		52,529
Fiscal Administrator	Res #05-45	38,220
Director of Nursing	Res #04-242	55,590
Public Health Administrator	Res #05-45	40,024
Nurse Practitioner		58,406
REAL PROPERTY TAX SERVICES		
Sr. RPTS Aide		35,284
SHERIFF		
Undersheriff		51,000
Secretary to the Sheriff		31,212
SOCIAL SERVICES		
Deputy Commissioner of Social Services	Stipend	5,000
Secretary II		27,546

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Administrative Assistant		25,759
Fiscal Director		45,039
Director of Case Management Services		53,703
Medical Social Worker	Res #04-219	41,821
Dir of Children & Family Services	Res #05-149	40,794
TREASURER		
Deputy County Treasurer		44,431
Deputy Budget Director, PT		2,090
Reimbursement & Budget Administrator		53,525
VETERAN'S SERVICES		
Assistant Director of Veterans Services		25,328
Assistant Dir of Veterans Serv-PT(temp)	Res #05-283	\$16.00/hr
YOUTH BUREAU		
Handicap Preschool Coordinator		35,700
Fiscal Officer 1	Res #05-252	29,500

Unanimous Consent Item #36**RESOLUTION NO. 05-289
(September 13, 2005)**

By Mr. Berwanger, Chairman of Committee of the Whole:

AMEND RESOLUTION NUMBER 05-246

WHEREAS, There has been duly presented and introduced at a meeting of this Board of Supervisors of Wyoming County on this 16th day of August, 2005, a proposed local law entitled, “**Local Law Introductory No. C, Year 2005, “A LOCAL LAW AUTHORIZING THE WYOMING COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO MAKE APPLICATION FOR DESIGNATION OF CERTAIN AREAS WITHIN THE COUNTY OF WYOMING AS AN EMPIRE ZONE;”** and

WHEREAS, Subdivision 5, Section 20 of the Municipal Home Rule Law requires a public hearing to be held on such local law; and

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WHEREAS, Resolution Number 05-246 introduces Local Law C, Year 2005 and calls for the Public Hearing originally scheduled for September 13, 2005 at 3:00 PM at the Wyoming County Government Center, Warsaw, NY had to be changed; now therefor

BE IT RESOLVED, That a Special Meeting for the purpose of a Public Hearing shall be had on the said proposed Local Law by this Wyoming County Board of Supervisors on the 27th day of September, 2005 at 11:00 AM at the Wyoming County Government Center, Warsaw, New York.

Carried: Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

Committee of the Whole will continue after a 5 minute break after an initial 2 hour meeting. Audit committee will also meet immediately following this board meeting.

There being no further business to come before this board Mrs. Humphrey declared the meeting adjourned 3:50 PM

*Respectfully submitted,
Cheryl J. Ketchum
Deputy Clerk to the Board of Supervisors*

**SPECIAL SESSION
(September 27, 2005)**

Tuesday

11:00 AM

The Special Session of the Wyoming County Board of Supervisors was held at the Wyoming County Government Center in the Board of Supervisors' Chambers located at 143 North Main Street, Warsaw, New York with all Supervisors present except Supervisor Bush T/Gainesville, Supervisor Totline T/Genesee Falls, Supervisor Glosser T/Orangeville, and Supervisor Copeland T/Wethersfield. Also present was Clerk to the Board, Paula Parker.

At **11:05 AM** Chairman Berwanger, T/Arcade, called the meeting to order.

Since the events of 9/11 the Board of Supervisors has invited a Wyoming County Veteran to lead in the Pledge to the Flag.

The Veteran leading us in the Pledge of Allegiance for the month of September is the Supervisor of the Town of Pike, Mr. Larry Rogers.

Chairman Berwanger then opened the Public Hearing regarding Introductory Local Law C for 2005.

Public Hearing Comments

Mr. Daniel Moran, Mayor of the Village of Warsaw spoke in favor of adopting the Empire Zone Local Law. It is very important for the Empire Zone to be approved in Wyoming County. There is a terrible inequity for the twelve counties that currently do not have Empire Zones. It is urgent that Wyoming County has an Empire Zone sooner rather than later

Supervisor Humphrey T/Perry also spoke regarding her support. The County is at a disadvantage because we cannot attract and retain businesses with a competitive benefit package currently offered by counties with Empire Zones.

Supervisor Gozelski T/Castile also stated that the future for all Towns will benefit when the County has an Empire Zone.

Chairman / Supervisor Berwanger T/Arcade also said that it is time to correct the gross injustice that has been done to the twelve counties that do not currently have Empire Zones. Wyoming County needs to stay competitive and attract businesses that will benefit not only the people of the county with new

Special Session

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employment opportunities, but by also increasing the County's tax base to enable the continued funding of current and future unfunded State mandates.

Hearing no further comments, Chairman Berwanger closed the Public Hearing at 11:10 AM.

The Clerk read the title of Introductory Local Law C for the 2005:

#1

**RESOLUTION NO. 05-290
(September 27, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

**LOCAL LAW NO. 3, YEAR 2005
(LOCAL LAW INTRODUCTORY NO. C, YEAR 2005)****A LOCAL LAW AUTHORIZING THE WYOMING COUNTY
INDUSTRIAL DEVELOPMENT AGENCY TO MAKE APPLICATION
FOR DESIGNATION OF CERTAIN AREAS WITHIN THE COUNTY OF
WYOMING AS AN EMPIRE ZONE**

BE IT ENACTED, By this Board of Supervisors of the County of Wyoming, State of New York as follows:

WHEREAS, Section 961 of Article 18-B of the General Municipal Law the County of Wyoming hereby authorizes the Wyoming County Industrial Development Agency to prepare and submit Wyoming County's application for designation as an Empire Zone, including the proposed boundaries thereto, to the New York State Commissioner of Economic Development; and

WHEREAS, such designation could greatly benefit the County in that new businesses would be encouraged to locate in the zone area, existing businesses would be encouraged to expand in the zone area, and new and expanded businesses would generate new jobs for Wyoming County residents.

**NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF
SUPERVISORS OF THE COUNTY OF WYOMING**, as follows:

Section 1. The Wyoming County Industrial Development Agency is hereby authorized and empowered to submit an application for designation of certain areas within the County of Wyoming as an Empire Zone; provided, however,

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that such authorization and empowerment shall be conditioned upon the prior concurrence, through properly adopted resolution(s) with respect to such application of the governing bodies of any and all cities, towns and villages in which such zone is located.

Section 2. The boundaries of said areas to be included in said Empire Zone shall be as set forth in Schedule A, which is attached hereto and made a part hereof.

Section 3. Pursuant to requirements of Section 963 of the General Municipal Law, the County Director of Planning & Development shall serve as the Local Empire Zone Certification Officer for Wyoming County's Empire Zone, and shall, pursuant to the regulations promulgated pursuant to Article 18-B of the General Municipal Law, perform the following duty, to wit: certify, jointly with the New York State Commissioner of Economic Development and the New York State Commissioner of Labor, those businesses enterprises that are eligible to receive those benefits referred to in Section 966 of the General Municipal Law, and any other applicable statutes.

Section 4. Pursuant to Article 18-B of the General Municipal Law, a Local Empire Zone Administrative Board is hereby established to consist of not less than six (6) members. All appointments to the Board shall be made by the Industrial Development Agency subject to the approval of the Wyoming County Board of Supervisors. The members of said board shall not include the Local Empire Zone Certification Officer, and shall include a representative of local business, organized labor, financial institutions, local educational institutions, community organizations, and at least one resident of the Empire Zone. The Wyoming County Board of Supervisors shall appoint the Chairperson of the Board within thirty days of an Empire Zone designation within the county. The Local Empire Zone Administrative Board shall perform all duties required of it pursuant to Section 963(b) of the General Municipal Law.

Section 5. Local Law 2 of year 2002 regarding Wyoming County's 2002 application for an Empire Zone is repealed.

Section 6. This local law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

SCHEDULE A

In its application for the New York State Empire Zone Program, Wyoming County will propose the designation of the following areas as Empire Zones:

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ARCADE – the area as highlighted on the application maps, which includes properties along Route 39 east of Hurdville Rd. and extending to Route 98, and then extending along Route 98 north to Genesee Rd. and along Route 98 south to Bray Rd.

ATTICA – the area highlighted on the application maps, which includes properties off Favor St. that is primarily comprised of the former Westinghouse site, and along the Conrail railroad tracks off Route 238 to West Avenue.

CASTILE – the area highlighted on the application maps, which includes properties off Route 39 between East Railroad St. and Glen Iris Rd.

GAINESVILLE – the area highlighted on the application maps, which includes properties off Route 19A bordered by Conrail railroad tracks on the east and west.

PERRY (1) – the area highlighted on the application maps, which includes properties along Route 39 between Lake Rd. on the west and Saint Helena St. on the east.

PERRY (2) – the area highlighted on the application maps, which includes properties off Route 246 and Route 39.

WARSAW – if Wyoming County is allowed to include a seventh area in its Empire Zone, the Warsaw area as highlighted on the application maps, includes properties off Buffalo Rd. commonly known as the Warsaw Industrial Park and the Warsaw Shopping Center.

Carried: XXX	Ayes: 1419	Noes:	Absent: <u>199</u>	Abstain:
				96 T/Gainesville (Bush)
				20 T/Genesee Falls (Totstline)
				48 T/Orangeville (Glosser)
				35 T/Wethersfield (Copeland)

Introductory Local Law C for the 2005 year was adopted and will be numbered as Local Law 3, for the year 2005.

There being no further business to come before this board Mrs. Humphrey declared the meeting adjourned 11:11 AM

Respectfully submitted,

*Paula A. Parker
Clerk to the Board of Supervisors*

September 27, 2005

**REGULAR SESSION
(October 11, 2005)**

Tuesday

3:00 PM

The regular Session of the Wyoming County Board of Supervisors was held at the Wyoming County Government Center in the Board of Supervisors' Chambers located at 143 North Main Street, Warsaw, New York with all Supervisors present except Supervisor Glosser T/Orangeville. Also present were County Attorney Eric T. Dadd; County Treasurer, John Edwards; and Deputy Clerk to the Board; Cheryl Ketchum.

At **3:07 PM** Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading us in the Pledge of Allegiance for the month of October is:

William E. Wilkinson Jr.

Mr. Wilkinson is a 22-yr. multi-branch service veteran. He entered the *United States Marine Corp.* in March of 1976 and became an *Aviation Crash and Rescue Specialist* serving four years at Camp Lajune and Cherry Point. He was honorably discharged in October of 1980 with the *Good Conduct Medal and Small Arms Expert Badge.*

Mr. Wilkinson joined the *United States Air Force* in October of 1981 and became an *Air Force Security Specialist.* Overseas duty included tours in Turkey, Granada, Cicilly, Bosnia, and France. His high level and advanced leadership training included positions as *Chief of Security Police, Presidential Security,* and *Priority "A" Aircraft Security.* Mr. Wilkinson was honorably discharged from active duty in December of 1998, with the following awards and decorations:

- **National Defense Service Medal**
- **NCO Professional Development Ribbon with 1 device**
- **Armed Forces Expeditionary Medal**
- **Air Force Outstanding Unit Award with 1 device**
- **Air Force Good Conduct Medal**
- **Air Force Achievement Medal with 3 devices**
- **Air Force Commendation medal with 2 devices**
- **Meritorious Service Medal with 1 device**

Mr. Wilkinson returned to Warsaw and worked for Ed Hulme Inc. as a Construction Foreman from 1998-2001. He then worked for Wyoming County in Building Maintenance from 2001-2005 to include part-time as a County Correction Officer.

Mr. Wilkinson has been very active in community service. He joined the Warsaw Fire Department and Rescue Squad in 1999 and also has been active with the Fire Police and Wyoming County Hazmat Unit. Mr. Wilkinson has been active with the American Legion, Walter Klein Post 532 and attended the American Legion College. He has just been appointed as the Assistant Director of Veterans Services for Wyoming County.

Mr. Wilkinson lives in the village of Warsaw. He has been married to his wife Diane for 27 years and has 3 sons.

The pledge was said by all.

Chairman Berwanger presented a Certificate of Appreciation to Mr. Wilkinson to commemorate his appearance here today.

The Chairman took this opportunity to formally introduce the newly appointed Director of Veterans' Services, Mr. Gary Cousins. Mr. Cousins thanked the Board for their support and shared with the Board their excitement to serve the Veterans of Wyoming County.

A moment of silence was observed for George LaWall past Supervisor for the Town of Sheldon who passed away this past Saturday.

The Department of Social Services proudly recognizes outstanding employees within the department. Employees are invited to attend committee and board meetings to learn more about the governmental proceedings and the inter-relationship between the Department of Social Services and the Board of Supervisors.

The employees of the month for August and September both work in the Child and Family Services Unit @ DSS.

JoAnn Flynt - August 2005 Employee of the Month - Assists the frail and elderly in our community who are at risk. She has been a caseworker in Adult Services since 1997.

Pat Keller - September 2005 Employee of the Month - Works with families in many different areas to help improve their lives and keep children in their homes. Pat has been with the Department since 1993.

The October employee of the month is Kellie Conrad. Kellie started in DSS in 1998 as a temporary, seasonal HEAP worker and is currently working as a Program Specialist in the Temporary Assistance Unit for the past 3 years.

Kellie is appreciated by her coworkers and clients for her continual willingness to help in whatever way she can.

We would like to thank them all for their years of service to the community and to the County of Wyoming.

Please join me in recognizing JoAnn Flynt, Pat Keller, and Kellie Conrad. Unfortunately these individuals were unable to be here today. Please convey our congratulations.

Open Public Hearings (2)

- **Agricultural Development and Farmland Protection Plan**
- **Local Law Introductory No. D (4), Year 2005, "A LOCAL LAW PROVIDING SALARIES FOR CERTAIN COUNTY OFFICERS FOR THE YEAR 2005"**

#1

**RESOLUTION NO. 05-291
(October 11, 2005)**

By Mr. Davis, Chairman of Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2005 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2005 accounts as follows:

Office for the Aging			
To: 01.44.6772.4.41410 – Software - w/01.12.6772.477212 – Title VII increased by the same. Reason: Increase in allocation to purchase required software for Ombudsman reporting. This product is required. The State is providing funding.	\$3,000.00	\$3,000.00	
To: 01.44.6772.2.20001 – Furniture 01.44.6772.2.20201 – Computer 01.44.6772.4.40016 – Internet Service 01.44.6772.4.40301 – Prof. Svc. Contract 01.44.6772.4.41004 – Computer Supplies 01.44.6772.4.41201 – Postage 01.44.6772.4.41202 – Printing 01.44.6772.4.41204 – Advertising 01.44.6772.4.42301 – Books, Publications w/01.12.6772.477221 – LTCIEOP increased by Reason: New grant to provide Long Term Care Information Education and Outreach to resident in Wyoming County. Application previously signed and submitted to NYSOFA.	\$2,500.00 1,500.00 1,000.00 4,250.00 700.00 500.00 1,000.00 7,500.00 <u>1,050.00</u>	\$20,000.00	

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Office for the Aging Total			\$23,000.00
Mental Health			
To: 01.38.4220.4.40301 Professional Contracts \$9,209.00 01.38.4220.4.41202 Printing 2,000.00 01.38.4220.4.41204 Advertising <u>1,258.00</u> w/01.12.4220.4490 Increased by same Reason: Appropriate unspent Drug Free Communities Grant funds from prior year funding cycle rolled over to calendar year 2005.		\$12,467.00	
To: 01.38.4310.4.41703 Health Assessments \$1,200.00 01.38.4310.4.42306 Misc. Other <u>198.50</u> w/01.11.4310.308905 Sec 606 Increased by same \$ 1,398.50 Reason: Appropriate for court ordered services for inmates.	\$1,200.00 <u>198.50</u>	\$1,398.50	
Mental Health Total			\$13,865.50
District Attorney			
REDUCE: EXPENDITURES (DEBIT ENTRY ON BUDGET): 01.32.1167.1.10001 S/D/I Salary 234.00 01.32.1167.4.41010 Misc. Office Supplies 68.74 01.32.1167.8.83001 FICA REDUCE: REVENUES (CREDIT ENTRY ON BUDGET): 01.12.1167.4389 Federal Aid – VAW Grant Reason: To reduce current year budget to match the total of the granted amount of \$31,200 plus the 2004 “rollover” of \$4,767.84.	\$1,632.26 234.00 68.74	\$1,935.00	
District Attorney Total			\$1,935.00
Highway			
To: 04.53.5142.4.41804 Pymt Town/Village Snow From any funds available Reason: To allocate funds for County Snow to pay Towns & Villages dues to increased payment by supervisors for the final 2004-05 season that left the account short.	\$22,908.80	\$22,908.80	
Highway Total			\$22,908.80

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#2

RESOLUTION NO. 05-292 (October 13, 2005)

By Mr. Davis, Chairman of Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2005 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2005 accounts as follows:

Weights and Measures			<u>Dept. Totals:</u>
From: 01.43.6610.8.89001 Health Ins \$400.00 01.43.6610.4.40511 Other 45.00 01.43.6610.2.20201 CPU's <u>157.45</u> To: 01.43.6610.4.40503 Gasoline \$ 602.45	\$400.00 45.00 <u>157.45</u>	\$ 602.45	

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Weights and Measures Total			\$602.45
Public Defender			
From: 01.32.1170.4.40305 Other To: 01.32.1170.2.20201 Computer Equipmt 01.32.1170.4.41402 Computer software Reason: to spend out remainder of grant funds (Burling Grant) on the old year and \$2,500 on the new year grant. This was budgeted under "other" and can now be transferred to the correct account.	\$3,499.35	2,928.99 570.36	
Public Defender Total			\$3,499.35

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:**Communications:****None**

Mrs. Totslin, T/Genesee Falls, Chairman of the Audit Committee, presented bills totaling **\$1,197,152.57** for the Month of September 2005.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Mrs. Humphrey, T/Perry, to combine resolutions #3 through #9. A voice vote was taken and all voted aye.

#3

**RESOLUTION NO. 05-293
(October 13, 2005)**

By Mrs. Humphrey, Chairman of Human Services Committee:

**CHAIRMAN / COMMISSIONER AUTHORIZED TO SIGN
AGREEMENT WITH WYOMING COUNTY OFFICE FOR
THE AGING ON BEHALF OF THE DEPARTMENT OF
SOCIAL SERVICES**

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Social Services with the approval of the County Attorney is hereby authorized and directed to sign an agreement with Wyoming County Office for the Aging, 5632 Mungers Mill Road, Silver Springs, NY 14550 on behalf of the Department of Social Services. This contract is to provide for Low Income Energy Assistance for the period October 01, 2005 through September 30, 2006. Amount not to exceed five thousand dollars (\$5,000.00); contingent upon the availability of funds.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

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**RESOLUTION NO. 05-294
(October 13, 2005)**

By Mrs. Humphrey, Chairman of Human Services Committee:

**CHAIRMAN / COMMISSIONER AUTHORIZED TO SIGN
AGREEMENT WITH WYOMING COUNTY OFFICE FOR
THE AGING ON BEHALF OF THE DEPARTMENT OF
SOCIAL SERVICES**

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Social Services with the approval of the County Attorney is hereby authorized and directed to sign an agreement with Wyoming County Office for the Aging, 5632 Mungers Mill Road, Silver Springs, NY 14550 on behalf of the Department of Social Services. This contract is to provide for Weatherization Referral and Packaging Program (WRAP) funding for the period December 01, 2005 through September 30, 2006 in an amount not to exceed fifteen thousand dollars (\$15,000.00); contingent upon the availability of funds.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#5

**RESOLUTION NO. 05-295
(October 13, 2005)**

By Mrs. Humphrey, Chairman of Human Services Committee:

**CHAIRMAN / COMMISSIONER AUTHORIZED TO SIGN
A GRANT APPLICATION AND ACCEPTANCE AWARD
FOR THE FEDERAL FAMILY VIOLENCE PREVENTION
AND SERVICES ACT (FFVPS) GRANT ON BEHALF OF
THE DEPARTMENT OF SOCIAL SERVICES**

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Social Services with the approval of the County Attorney is hereby authorized and directed to sign a grant application and acceptance award for the Federal Family Violence Prevention and Services Act (FFVPS) Grant

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Services on behalf of the Department of Social Services. Said Grant is through the Office of Children & Family for the program year 2006-2007; in an anticipated amount of thirty nine thousand five hundred seventy eight dollars (\$39,578.00).

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#6

**RESOLUTION NO. 05-296
(October 13, 2005)**

By Mrs. Humphrey, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN GRANT
APPLICATION AND ACCEPTANCE AWARD FOR TITLE
V – SENIOR EMPLOYMENT ON BEHALF OF THE
OFFICE FOR THE AGING**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant application and acceptance award for the Title V Grant on behalf of the Office for the Aging. This grant will provide employment services to residents 55 years of age and older. Said contract is with New York State Office for the Aging, 2 Empire State Plaza, Albany, NY 12223. The grant is in an anticipated amount of Twenty seven thousand two hundred forty – nine dollars (\$27,249.00); effective July 01, 2005 through June 30, 2006. Wyoming County Community Action provides the 10% required match.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#7

**RESOLUTION NO. 05-297
(October 13, 2005)**

By Mrs. Humphrey, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN CONTRACT WITH
LEAGUE FOR THE HANDICAPPED ON BEHALF OF
WYOMING COUNTY YOUTH BUREAU**

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BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with League for the Handicapped, Inc., 393 N. Spring St. Springville NY 14141 on behalf of the Youth Bureau. This contract is for the provision of Early Intervention services. In an amount not to exceed the NYS Department of Health budget; effective July 01, 2005 through June 30, 2007.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#8

**RESOLUTION NO. 05-298
(October 13, 2005)**

By Mrs. Humphrey, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN CONTRACTS ON
BEHALF OF WYOMING COUNTY YOUTH BUREAU**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign contracts with the following companies for EI/PS transportation for a period from July 01, 2005 through June 30, 2008, with 2 one year extensions possible.

- Attica Bus Service, Inc. 949 Creek rd Attica NY 14011. For bid proposal forms #2, #3 and #6 @ \$1.94/mile and DA @ \$11.40/hr
- McDonald's Bus Service 248 Sargent St Cowlesville NY 14037. For bid proposal forms #1 (\$3.20/mi), #4 (\$@.18/mi), #5(\$2.59/mi w/DA @ \$9.80/hr and BOCES Delevan @ \$5.80/mi. w/DA @ \$24.60/hr.

NOTE: As per bid proposal agreement: "an increase of .5 /mile will be added in the event that the price of fuel increases 25% or more over that which it was on the first day of contract".

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#9

**RESOLUTION NO. 05-299
(October 13, 2005)**

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By Mrs. Humphrey, Chairman of Human Services Committee:

**VAL LUNDY APPOINTED TO THE WYOMING COUNTY
YOUTH BOARD**

BE IT RESOLVED, That *Val Lundy*, 11 Shearing Rd Gainesville NY 14066 is hereby appointed to the *Wyoming County Youth Board* as a *Community Representative* to fill an *unexpired vacant term of 3 years* effective *January 01, 2005 to December 31, 2007*.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#10

**RESOLUTION NO. 05-300
(October 13, 2005)**

By Mr. Rogers, Chairman of Public Health Committee:

**WYOMING COUNTY MENTAL HEALTH DEPARTMENT /
PARTNERS FOR PREVENTION AUTHORIZED TO
ACCEPT THIRD YEAR DRUG FREE COMMUNITIES
GRANT FOR 2005/2006**

WHEREAS, Wyoming County Mental Health Department along with Partners for Prevention are third year Drug Free Communities Grant recipients for 2005/2006; now therefore

BE IT RESOLVED, That Wyoming County Mental Health and Partners for Prevention are hereby authorized to accept additional federal grant funds in the amount of one hundred thousand dollars (\$100,000.00) with no county levy required.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#11

**RESOLUTION NO. 05-301
(October 13, 2005)**

By Mrs. Meeder, Chairman of Human Resource Committee:

Regular Session

**SET PUBLIC HEARING – INTRODUCTORY LOCAL LAW
NO. E, YEAR 2005**

NOTICE IS HEREBY GIVEN, that there has been duly introduced before this Board of Supervisors of the County of Wyoming, New York, on the 11th day of October, 2005, a proposed local law of the County, designated as Local Law Introductory No. E, for the Year 2005, entitled, **A LOCAL LAW IMPOSING A COUNTY RECORDING TAX ON OBLIGATIONS SECURED BY A MORTGAGE ON REAL PROPERTY;**” and

NOTICE IS FURTHER GIVEN of a Public Hearing on the aforesaid Local Law before the said Board of Supervisors at the County Government Center, in the Village of Warsaw, NY on the 9th day of November, at 3:00 p. m.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #12 through #14. A voice vote was taken and all voted aye.

#12

**RESOLUTION NO. 05-302
(October 13, 2005)**

By Mr. Kushner, Chairman of Public Safety Committee:

RESOLUTION NUMBER 04-342 AMENDED

WHEREAS, Resolution number 04-342 provides for the acceptance of reimbursement for court security from the State of NY-Unified Court System, 8th Judicial District, 110 Franklin St – 2nd Floor, Buffalo, NY 14202 on behalf of the Sheriff’s Department in an anticipated amount of \$149,623.00 (One hundred forty nine thousand six hundred twenty-three dollars) annually; now therefore

BE IT RESOLVED, That the Chairman of this Board, with the approval of the County Attorney is hereby authorized and directed to sign an amended contract with the State of NY-Unified Court System for the acceptance of additional reimbursement funding resulting in a total contract amount of two hundred thirteen thousand six hundred ninety – seven (\$213,697.00) for the purpose of adding a Deputy Sheriff Sergeant position effective April 01, 2004 through March 31, 2009; and

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BE IT FURTHER RESOLVED, That resolution number 04-342 be amended to reflect the above changes.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #13

**RESOLUTION NO. 05-303
(October 13, 2005)**

By Mr. Kushner, Chairman of Public Safety Committee:

**FEE SCHEDULE AMENDED IN COUNTY FIRE CODE
ENFORCEMENT**

BE IT RESOLVED, That the current Building Permits fee schedule, effective April 1, 2002 shall be amended to provide for a refund of fees collected, only under extenuating circumstances. To be determined by the Superintendent of Buildings and Grounds and approved by the Public Safety Committee, as set forth in Local Law #8, 1984, Section 13. Fees.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #14

**RESOLUTION NO. 05-304
(October 13, 2005)**

By Mr. Kushner, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
APPLICATION AND ACCEPTANCE AWARD FOR THE
2005 AID TO PROSECUTION GRANT ON BEHALF OF
THE DISTRICT ATTORNEY'S OFFICE**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant application and grant acceptance award with the Department of Criminal Justice Service, 4 Tower Place, Albany, NY 12203 on behalf of the District Attorney's office. Said grant is for 2005 Aid to Prosecution in the anticipated amount of forty thousand three hundred seventy – five dollars (\$40,375.00); effective April 1, 2004 – March 31, 2006.

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Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
Supervisor Humphrey asked for clarification on the acceptance of the Aid to Prosecution Grant. She thought that it was suppose to be Crime Victims grant not the Aid to Prosecution Grant. Supervisor Kushner stated that Aid to Prosecution is for this year.

#15

**RESOLUTION NO. 05-305
(October 13, 2005)**

By Mr. Davis, Chairman of Finance Committee:

**DATE OF NOVEMBER 2005 REGULAR SESSION
CHANGED**

WHEREAS, The Rules of Procedure of the Board of Supervisors has been suspended by unanimous consent for the purpose recited in this resolution; now therefore

BE IT RESOLVED, That the Regular Session of the Wyoming County Board of Supervisors will be held on **Wednesday, November 9th, 2005 at 3:00 PM at the Wyoming County Government Center, Warsaw, New York.**

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#16

**RESOLUTION NO. 05-306
(October 13, 2005)**

By Mr. Davis, Chairman of Finance Committee:

**DEBORAH SCHMITT APPOINTED COMMISSIONER OF
WYOMING COUNTY SOCIAL SERVICES AND SALARY
SCHEDULE "D" AMENDED**

BE IT RESOLVED, That Acting Commissioner, Deborah Schmitt, 3062 Suckerbrook Road, Perry, NY 14530 is hereby appointed as the Commissioner of Wyoming County Social Services effective January 01, 2006

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through April 05, 2008 to complete the remainder of the term vacated by the previous Commissioner; and

BE IT FURTHER RESOLVED, That Salary Schedule “D” be amended to set the salary of the Commissioner of Social Services at sixty – six thousand annually; effective January 01, 2006.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#17

**RESOLUTION NO. 05-307
(October 13, 2005)**

By Mr. Davis, Chairman of Finance Committee:

**ONE POSITION OF REGISTERED PROFESSIONAL
NURSE (RPN) CREATED IN THE PUBLIC HEALTH
DEPARTMENT CERTIFIED HOME HEALTH AGENCY**

BE IT RESOLVED, That there is hereby one position of Registered Professional Nurse (RPN) created in the Public Health Department Certified Home Health Agency effective immediately, said position to be placed on the appropriate grade and step as indicated in the CSEA Union agreement.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#18

**RESOLUTION NO. 05-308
(October 13, 2005)**

By Mr. Davis, Chairman of Finance Committee:

**TRANSFER OF ADMINISTRATION AND FUNDS
FOR CRIME VICTIMS BOARD GRANT APPROVED**

BE IT RESOLVED, That permission is hereby given to the District Attorney’s office to transfer the administration of the Crime Victims Board Grant and associated monies from Wyoming County Community Action to the District Attorney’s Office. This transfer is effective for the period November 1,

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2005 through October 31, 2006 in the amount of approximately seventy one thousand dollars (\$71,000.00).

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

Supervisor Kushner requested that Dr. Collins comment on the creation of an additional RPN in the Certified Home Health Agency. Dr. Collins stated that it was due to an increase in clientele and the increase in moving health care back to the home front. Truly an area of growth.

Public Hearing #1***Public Comment:***

Bruce Tillapaugh: Commented in favor of the passage of the Wyoming County Agricultural Development and Farmland protection Plan.

Public Hearing Closed

#19

RESOLUTION NO. 05-309**(October 13, 2005)**

By Mr. Knab, Chairman of the Planning Committee and by Mr. Gozelski, Chairman of the Agriculture Committee:

**WYOMING COUNTY AGRICULTURAL DEVELOPMENT
AND FARMLAND PROTECTION PLAN APPROVED**

WHEREAS, The County of Wyoming was awarded a grant from NYS Agriculture and markets to develop an Agricultural Development and Farmland Protection Plan and a final Plan has been prepared by the Wyoming County Agricultural and Farmland Protection Board with extensive public participation; and

WHEREAS, The Agricultural Development and Farmland Protection Plan contains a number of recommendations that will help protect the County's productive farmland and enhance the economic viability of its agricultural industry; now therefore

BE IT RESOLVED, That this Board of Supervisors thanks all county residents who assisted in the preparation of the Plan; and be it

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FURTHER RESOLVED, That an environmental assessment form has been prepared and reviewed, and it has been determined that the approval of the Agricultural Development and Farmland Protection Plan will not have a significant adverse environmental impact, and the Director of Planning and Development is hereby authorized as the official representative of Wyoming County to prepare and sign a negative declaration statement; and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors does hereby accept and approve the Agricultural Development and Farmland Protection Plan; and be it

FURTHER RESOLVED, That this Board of Supervisors directs the County Agricultural and Farmland Protection Board to begin taking appropriate actions to implement the recommendations in the approved Plan, with the understanding that the commitment of any County resources for implementation actions is subject to the review and approval of the appropriate Board of Supervisors Committee and by this Board of Supervisors.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

Public Hearing #2

Public Comment:

NONE

Public Hearing Closed

#20

**RESOLUTION NO. 05-310
(October 13, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**Local Law Introductory No. D (4), Year 2005, “A LOCAL LAW
PROVIDING SALARIES FOR CERTAIN COUNTY
OFFICERS FOR THE YEAR 2005,” Adopted**

WHEREAS, there was duly presented and introduced at a meeting of this Board, held on the 13th day of September, a proposed local law of the County, designated as Local Law Introductory No. D, for the year 2005, entitled, *A LOCAL LAW PROVIDING SALARIES FOR CERTAIN COUNTY OFFICERS FOR THE YEAR 2005*; and

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WHEREAS, in accordance with the provisions of Resolution No. (05-287), there was a public hearing held by this Board of Supervisors on this 11th day of October, 2005 at 3:00 PM, after due notices of said hearing having been posted and published according to the law and said resolution; and

WHEREAS, after holding said public hearing, and the said local law having laid on the desks of the members of this Board of Supervisors at least seven days prior to the final adoption, a majority of this Committee agreed to recommend the enactment and passage of the above mentioned local law, designated as herein above set forth; now therefore

BE IT RESOLVED, That Local Law Introductory No. D, Year 2005, County of Wyoming, New York, as presented to this Board on this 11th day of October, 2005, is hereby adopted, enacted and passed by this Board in its original form as follows:

Section 1. Effective as hereafter provided, the annual salary of the County Treasurer shall be increased by \$1,224.00.

Section 2. Effective as hereafter provided, the annual salary of the County Clerk shall be increased by \$938.00.

Section 3. Effective as hereafter provided, the annual salary of the County Sheriff shall be increased by \$1,200.00.

Section 4. Effective as hereafter provided, the annual salary of each of the two positions of Commissioner of Elections shall be increased by \$248.00.

Section 5. Effective as hereafter provided, the annual salary of the Superintendent of Buildings and Grounds shall be increased by \$1,014.00.

Section 6. Effective as hereafter provided, the annual salary of the Bureau of Fire Coordinator – PT shall be increased by \$136.00.

Section 7. Effective as hereafter provided, the annual salary of the Director of Fire and Emergency Management shall be increased by \$751.00.

Section 8. Effective as hereafter provided, the annual salary of the Director of Weights and Measures shall be increased by \$751.00.

Section 9. Effective as hereafter provided, the annual salary of the County Attorney shall be increased by \$13,103.00.

Section 10. Effective as hereafter provided, the annual salary of the County Historian shall be increased by \$360.00.

Section 11. Effective as hereafter provided, the annual salary of the Animal Control Officer shall be increased by \$631.00.

Section 12. Effective as hereafter provided, the annual salary of the Highway Superintendent shall be increased by \$1,224.00.

Section 13. Effective as hereafter provided, the annual salary of the Deputy Highway Superintendent shall be increased by \$901.00.

Section 14. Effective as hereafter provided, the annual salary of Information Technology Director shall be increased by \$1,069.00.

Section 15. Effective as hereafter provided, the annual salary of Community Services Director shall be increased by \$1,080.00.

Section 16. Effective as hereafter provided, the annual salary of the Director of the Office for the Aging shall be increased by \$539.00.

Section 17. Effective as hereafter provided, the annual salary of the Planning and Development Director shall be increased by \$1,128.00.

Section 18. Effective as hereafter provided, the annual salary of the Public Defender shall be increased by \$898.00.

Section 19. Effective as hereafter provided, the annual salary of the Public Health Commissioner shall be increased by \$1,200.00.

Section 20. Effective as hereafter provided, the annual salary of the Real Property Tax Director shall be increased by \$1,028.00.

Section 21. Effective as hereafter provided, the annual salary of the Youth Bureau Director shall be increased by \$530.00.

Section 22. All salaries set forth herein shall be effective as of January 1, 2005.

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Section 23. This Local Law shall take effect 45 days from the date of adoption by the Board of Supervisors unless a petition is filed in accordance with Municipal Home Rule Law Section 24.

Section 24. This Local Law is subject to permissive referendum.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

Supervisor Humphrey wanted to take the opportunity to thank Ms. Schmitt for stepping in at the beginning of this year as the Acting Commissioner of Social Services and congratulated her on her appointment as Commissioner of Social Services.

The Chairman reminded the supervisors of the Health Insurance Task Force Meeting that was to take place immediately following this Board meeting.

There being no further business to come before this board the meeting was adjourned by Supervisor Humphrey at 3:37 PM.

Respectfully submitted,
Cheryl J. Ketchum
Deputy Clerk to the Board of Supervisors

October 11, 2005

**REGULAR SESSION
(November 09, 2005)**

Tuesday

3:00 PM

The regular Session of the Wyoming County Board of Supervisors was held at the Wyoming County Government Center in the Board of Supervisors' Chambers located at 143 North Main Street, Warsaw, New York with all Supervisors present except Supervisor Glosser T/Orangeville. Also present were Assistant County Attorney Jane Monaghan; County Treasurer, John Edwards; Clerk to the Board of Supervisors; Paula Parker and Deputy Clerk to the Board; Cheryl Ketchum.

At **3:20 PM** Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance for the month of November is:

ROBERT WILLIAM THOMAS

Mr. Thomas' service to his country was during World War II. He enlisted in the United States Army at the age of 18 and completed Basic Training at Fort Dix, N.J. Mr. Thomas then completed Advanced Infantry Training at Fort Polk, Louisiana and was shipped to Japan and stationed at Okinawa as a truck driver. After serving overseas for one year, he served two years stateside and was Honorably discharged on September 9 1947.

For his service to our country, Mr. Thomas was awarded:

**THE WORLD WAR II VICTORY MEDAL
ARMY OF OCCUPATION MEDAL JAPAN**

Mr. Thomas returned to Warsaw following the War and worked for 2 years for Lapp Insulator. He then owned and operated his own automotive repair business, first in Corfu, and then in Churchville, N.Y. Mr. Thomas joined the Town of Warsaw Highway Dept. and served our community for 16 yrs. repairing and plowing our highways. He returned to the automotive repair vocation and operated a service station in Warsaw and then in Fillmore for many years until his retirement in 2002. Mr. Thomas was an active member of the Warsaw Fire Department for over 25 yrs. He was also a longtime member of the Warsaw Moose Club, serving as its Governor for 5 years and a member of The Grand Lodge. Mr. Thomas has been a member of both the American Legion and Veterans of Foreign Wars for many years. Mr. Thomas had three children, 6 grandchildren, and 7 great-grandchildren. A grandson is in the
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United States Navy and has served in the Persian Gulf three times. He presently lives in Warsaw with his wife Eleanor, and has been married for 57 years.

The pledge was said by all.

Chairman Berwanger presented a Certificate of Appreciation to Mr. Thomas in recognition of his appearance here today.

The Department of Social Services proudly recognizes outstanding employees within the department. Employees are invited to attend committee and board meetings to learn more about the governmental proceedings and the inter-relationship between the Department of Social Services and the Board of Supervisors.

The November employee of the month is John Roll. John started as a Caseworker Trainee in our Services Department in 2004 and is currently working in the Child Welfare Unit as a Caseworker.

John's personable and professional demeanor is recognized and appreciated by many other outside agencies as well as his peers.

Please join me in recognizing the DSS November Employee of the Month: John Roll.

Mr. Roll was unable to attend today's Board meeting due to previous obligations at the Department of Social Services. The Supervisors extended their congratulations.

Supervisor Rogers T/Pike announced that it was his pleasure to accept on behalf of Wyoming County Government an Award of Excellence presented by Wyoming County United Way for outstanding campaign performance during the Wyoming County United Way Campaign 2005.

Open Public Hearing

- **Local Law Introductory No. E (5), for the Year 2005, entitled, "A LOCAL LAW IMPOSING A COUNTY RECORDING TAX ON OBLIGATIONS SECURED BY A MORTGAGE ON REAL PROPERTY," adopted**

Communications:

- Inter-County Association of Western New York is being hosted by Seneca County and will be held at the Knapp Winery in Romulus NY. Reservations are due no later than Monday, November 14, 2005.

- Clerk Parker thanked all those who gave cards and flowers during the time of her brother's passing.

#1

**RESOLUTION NO. 05-311
(November 09, 2005)**

By Mr. Davis, Chairman of Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2005 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2005 accounts as follows:

Youth Bureau			
Early Intervention			
To: 01.38.4059.4.41503 Tuition	\$49,000.00		
W/offsetting revenues			
01.04.4059.161006 EI Private Ins.		9,000.00	
01.04.4059.1621 EI Medicaid Fees		20,000.00	
01.11.4059.3449 EI State Service Fees		20,000.00	
Reason: To appropriate expense with equal revenue for additional funds needed for EI tuition and transportation.			
Youth Bureau Total			\$49,000.00
Mental Health			
To: 01.38.4322.4.42408 Livingston/Wyoming ARC	\$1,162.00		
w/01.11.4322.349001 Mental Health State Aid increased by the same amount.		\$1,162.00	
Reason: Partial reimbursement of previous state aid cut.			
To: 01.38.4324.4.41510 Educational Materials	\$1,052.00		
w/01.11.4324.349001 Mental Health State		292.00	
01.11.4324.349004 Mental Health Reinvestment		470.00	
01.11.4324.349003 Commissioner Performance Funds		290.00	
Reason: Partial reimbursement of previous state aid cuts.			
To: 01.38.4325.4.40926 ARA, Inc.	\$2,716.00		
01.38.4325.4.42414 Respite Care	888.00		
01.38.4325.4.42441 Misc. MH Programs	888.00		
01.38.4325.4.42419 Drop In Center	261.00		
01.38.4325.4.42468 Transportation	1,162.00		
w/01.11.4325.349003 Commissioner Performance Funds		\$1,162.00	
01.11.4325.349004 Reinvestment		4,753.00	
Reason: Partial reinstatement of previous state aid cut			
To: 01.38.4310.4.41703 Health Assessment	\$400.00		
W/03.11.4310.308905 State Aid Sec 606 increased by the same amount.		\$400.00	
Reason: Court ordered services costs for state prison inmates.			
Mental Health Total			\$8,529.00
Public Health			
To: 01.38.4013.8.89001 Medical/Hospitalization	\$3,260.00		
w/01.12.4013.448916 Bio-Terrorism Grant increased by same.		\$3,260.00	
Reason: To appropriate for estimated expenses in the current year			
Public Health Total			\$3,260.00
Sheriff Department			
To: 01.37.3110.4.40508 Private Auto Repair	\$1,400.61		
w/01.08.3110.2680 Insurance Recovery increased by same		\$1,400.61	
Reason: Collision work for Car 2.			
To: 01.37.3110.2.23001 Cars	\$6,681.86		
w/ offsetting revenue 01.08.3110.2680 increased by same		\$6,681.86	
Reason: To appropriate funds to facilitate the purchase of a Ford			

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Taurus for the Sheriff. To: 01.37.3110.2.20501 Law Enf. Equipmt W/ revenue to 01.11.3110.3315 Navigation The difference from any funds available. Reason: To purchase a new patrol boat with offsetting revenue.	\$ 26,225.00	\$19,668.00 \$6,557.00	
Sheriff Department Total			\$34,307.47
C I P (Buildings & Grounds)			
To: 12.61.1620.2.40312 Kaplan Renovation Project 12.61.1620.4.41701 Physicals 12.61.1620.4.41705 Drug Test (reclass appropriation) Reason: Renovation of 4-6 Perry Avenue for office space and renovation of space at the Human Services Building to accommodate the Public Health Department.	\$199,790.00 100.00 110.00	\$200,000.00	
Buildings & Grounds Total			\$200,000.00

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #2

**RESOLUTION NO. 05-312
(November 09, 2005)**

By Mr. Davis, Chairman of Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2005 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2005 accounts as follows:

Youth Bureau			<u>Dept. Totals:</u>
Early Intervention From: 01.36.2490.4.41505 Community College To: 01.38.4059.4.41503 Tuition (EI) 01.38.4059.4.41504 Transportation Reason: To transfer the remainder from Community Colleges.	\$69,000.00	61,000.00 8,000.00	
Youth Bureau Total			\$69,000.00
Sheriff Department			
From: 01.37.3110.4.40508 Car repairs To: 01.37.3110.2.23001 Cars Reason: To transfer funds to facilitate the purchase of a Ford Taurus for the Sheriff.	\$4,886.14	\$4,886.14	
Sheriff Department Total			\$4,886.14

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

Mrs. Totslie, T/Genesee Falls, Chairman of the Audit Committee, presented bills totaling **\$1,768,215.02** for the Month of October 2005.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Mrs. Humphrey, T/Perry, to combine resolutions #3 through #10. A voice vote was taken and all voted aye.

November 9, 2005

RESOLUTION NO. 05-313

(November 09, 2005)

By Mrs. Humphrey, Chairman of the Human Services Committee:

**GARY A. COUSINS APPOINTED DIRECTOR OF
VETERANS' SERVICES**

BE IT RESOLVED, That *Gary A. Cousins*, 154 N. Maple Street, Warsaw, NY 14569 is hereby appointed as Director of Veterans' Services for a *two-year term effective November 15, 2005 through November 14, 2007*.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#4

RESOLUTION NO. 05-314

(November 09, 2005)

By Mrs. Humphrey, Chairman of the Human Services Committee:

**CHAIRMAN / COMMISSIONER AUTHORIZED TO SIGN
A LEASE AGREEMENT WITH PITNEY BOWES
CORPORATION ON BEHALF OF THE
DEPARTMENT OF SOCIAL SERVICES**

BE IT RESOLVED, That the Chairman / Commissioner with the approval of the County Attorney are hereby authorized and directed to sign a lease agreement for a new postage machine. Model Number DM500 from Pitney Bowes Corporation, 405 N. French Road, Suite 116, Buffalo, NY 14228 for 42 months at a cost of One hundred eighty five dollars and two cents (\$185.02) per month. Total cost of the agreement not to exceed seven thousand seven hundred seventy dollars and eighty-four cents (\$7,770.84) (\$2,220.24 per 12-month period); effective from 11/1/2005 through 04/30/2009 and contingent upon the availability of funds.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

**RESOLUTION NO. 05-315
(November 09, 2005)**

By Mrs. Humphrey, Chairman of the Human Services Committee:

**CHAIRMAN / COMMISSIONER AUTHORIZED TO SIGN
A LEASE AGREEMENT WITH MEADOWLANDS LTD ON
BEHALF OF THE DEPARTMENT OF SOCIAL SERVICES**

BE IT RESOLVED, That the Chairman / Commissioner with the approval of the County Attorney are hereby authorized and directed to sign a lease agreement with Meadowlands LTD, P.O. Box 144, Java Center, NY 14082. Said contract is in the amount of Nine hundred dollars (\$900.00) per month and provides for the TOP office, family visitation, and job readiness location. Effective December 15, 2005 through December 31, 2007; contingent upon the availability of funds.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#6

**RESOLUTION NO. 05-316
(November 09, 2005)**

By Mrs. Humphrey, Chairman of the Human Services Committee:

**CHAIRMAN / COMMISSIONER AUTHORIZED TO SIGN
A CONTRACT WITH KIRBY, MCINERNEY, AND
SQUIRE, LLP ON BEHALF OF THE DEPARTMENT OF
SOCIAL SERVICES**

BE IT RESOLVED, That the Chairman / Commissioner with the approval of the County Attorney is hereby authorized and directed to sign a contract with the law firm of Kirby, McInerney, and Squire, LLP for services in connection with Pharmaceutical Litigation. Fees will be 15% Net of the sum of funds recovered as outlined in exhibit AA@. This contract will be effective immediately and terminate upon the completion of the lawsuit.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

November 9, 2005

**RESOLUTION NO. 05-317
(November 09, 2005)**

By Mrs. Humphrey, Chairman of the Human Services Committee:

**CHAIRMAN / COMMISSIONER AUTHORIZED TO SIGN
A CONTRACT WITH THE NEW YORK STATE OFFICE
OF CHILDREN AND FAMILY SERVICES DOMESTIC
VIOLENCE ON BEHALF OF THE DEPARTMENT OF
SOCIAL SERVICES**

BE IT RESOLVED, That the Chairman / Commissioner with the approval of the County Attorney is hereby authorized and directed to sign a contract with NYS Office of Children and Family Services Domestic Violence for an OCFS Federal Family Violence & Services Act Grant in the amount of thirty nine thousand five hundred seventy eight dollars (\$39,578.00); effective March 31, 2006 through March 30, 2007.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #8

**RESOLUTION NO. 05-318
(November 09, 2005)**

By Mrs. Humphrey, Chairman of the Human Services Committee:

**NOVEMBER 19, 2005 PROCLAIMED NATIONAL
ADOPTION DAY**

WHEREAS, November 2005 is National Adoption Awareness Month and is designed to provide us with an opportunity to acknowledge the families and staff who are involved in adoption activities throughout the year. The focus this year is on those children currently in foster care; and

WHEREAS, Deciding to open their hearts and homes to a child, adoptive and foster care families demonstrate great compassion and provide hope and love to these children. National Adoption Month and Adoption Day

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help to raise public awareness of the fact that there are children available who are waiting for caring families; and

WHEREAS, In 2005, three of Wyoming County's foster families adopted 6 children that were in foster care. Wyoming County still has up to 5 pending adoptions remaining for this year; and

WHEREAS, There are approximately 60 children in Wyoming County currently in foster care. There are 17 registered foster care homes and more are desperately needed to help care for our children. The valuable contributions of foster care and adoptive parents are recognized as they continually strive to improve the quality of life for the children brought into their lives; now therefore

BE IT RESOLVED, That *November 19, 2005* is hereby proclaimed

National Adoption Day

in Wyoming County; and be it

FURTHER RESOLVED, That it is the desire of this Board of Supervisors and the Wyoming County Department of Social Services that all children awaiting adoption in Wyoming County and beyond find permanent and loving homes.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #9

**RESOLUTION NO. 05-319
(November 09, 2005)**

By Mrs. Humphrey, Chairman of the Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN ANNUAL
IMPLEMENTATION PLAN ON BEHALF OF OFFICE FOR
THE AGING**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant application and acceptance award for the AIP – Annual Implementation Plan. Said contract is with New York State Office for the Aging, 2 Empire State

November 9, 2005

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Plaza, Albany, NY 12223. Grant Periods: Federal Grants – 01/01/06-12/31/06, State Grants 04/01/06-03/31/07.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #10

**RESOLUTION NO. 05-320
(November 09, 2005)**

By Mrs. Humphrey, Chairman of the Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH VALERI MAXWELL ON BEHALF OF THE YOUTH
BUREAU**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Ms. Valeri Maxwell, 5550 Gray Road, Geneseo, NY 14454 for Early Intervention services (primarily Speech Therapy). Said contract to be effective 11/1/05 through 6/30/07 at a rate set by the NYS Dept of Health Early Intervention Services; not to exceed budget.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

Mrs. Humphrey was asked to present the proclamation on National Adoption Day. Being an adopted child herself she was most honored to present this special proclamation and asked that Ms. Deborah Schmitt join her at the podium.

Ms. Schmitt announced that Wyoming County has an adoption planned for tomorrow with the press present to commemorate the special occasion. There was a motion by Mr. Rogers, T/Pike, to combine resolutions #11 and #12. A voice vote was taken and all voted aye.

Before the roll was called Mr. Rogers explained that the increases to 04-331 contracts were due to state adjustments.

**RESOLUTION NO. 05-321
(November 09, 2005)**

By Mr. Rogers, Chairman of the Public Health Committee:

AMEND RESOLUTION NUMBER 04-331

WHEREAS, Resolution number 04-331 provides for 2005 contracts for the Mental Health Department; and

WHEREAS, Due to a restoration of state aid, certain contracts provided for in resolution number 04-331 are being increased; now therefore

BE IT RESOLVED, That the following contracts are hereby amended as follows:

1. Livingston/Wyoming Arc increased by \$1,162.00 to \$49,783.00
3. ARA, Inc. (E) POEMS increased by \$2,716.00
6. Mental Health Association of Rochester (2) RIV Drop in Center increased by \$261.00; Commissioner Perf. – Transportation Program increased by \$1,162.00.
6. Hillside Children's Center – (A) RIV – Crisis respite for children increased by \$888.00
8. Living Opportunities of DePaul – (A) RIV – Temporary Supportive Housing increased by \$888.00.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #12

**RESOLUTION NO. 05-322
(November 09, 2005)**

November 9, 2005

By Mr. Rogers, Chairman of the Public Health Committee:

AMEND RESOLUTION NUMBER 04-331

BE IT RESOLVED, That Resolution 04-331 is hereby amended to reflect an increase of seven hundred fifty-nine dollars (\$759.00) in contract #14. The contract for an individual to work with Partners For Prevention on the Media Campaign for the Drug Free Communities Grant in the amount of One thousand dollars (\$1,000.00) for a total contract amount of One thousand seven hundred fifty-nine dollars (\$1,759.00). Funds are federal funds from the Drug Free Communities Grant. No county levy.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #13

**RESOLUTION NO. 05-323
(November 09, 2005)**

By Mrs. Meeder, Chairman of the Human Resource Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH ROYAL EMPLOYER SERVICES ON BEHALF OF
THE HUMAN RESOURCE DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Royal Employer Services, 430 East Main St., Batavia, N.Y. 14020 on behalf of the Human Resource Department. This contract will provide for the Employee Assistance Program in the amount of fourteen thousand two hundred fifty dollars (\$14,250.00) annually for two years; effective January 1, 2006 through December 31, 2007; contingent up on the availability of funds.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #14 through #16. A voice vote was taken and all voted aye.

#14

**RESOLUTION NO. 05-324
(November 09, 2005)**

Regular Session

By Mr. Kushner, Chairman of the Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
APPLICATION AND ACCEPTANCE AWARD ON BEHALF
OF THE SHERIFF'S DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant application and acceptance award with the Division of Criminal Justice Service (Number NC04894530) in the amount of fifteen thousand dollars (\$15,000.00) with a local cash match of five thousand dollars (\$5,000.00) for the provision of a Youth Officer.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#15

**RESOLUTION NO. 05-325
(November 09, 2005)**

By Mr. Kushner, Chairman of the Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
APPLICATION AND ACCEPTANCE AWARD ON BEHALF
OF THE DISTRICT ATTORNEY'S OFFICE**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant application and grant acceptance award with the Division of Criminal Justice Service for the 2006 Aid to Prosecution Grant in the amount of forty thousand three hundred seventy-five dollars (\$40,375.00) for the period April 1, 2005 - March 31, 2007. Approval of this grant is based on grant budget modifications as directed by the Public Safety Committee.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#16

**RESOLUTION NO. 05-326
(November 09, 2005)**

November 9, 2005

By Mr. Kushner, Chairman of the Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
ACCEPTANCE AWARD ON BEHALF OF THE DISTRICT
ATTORNEY'S OFFICE**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant acceptance with the Division of Criminal Justice Service on behalf of the District Attorney's office for the provision of the Edward Byrne Memorial Formula Grant. Said grant is in the amount of twenty five thousand dollars (\$25,000.00) with a cash match of eight thousand three hundred thirty three dollars (\$8,333.00); for the period January 1 – December 31, 2006.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

*There was a motion by Mr. Patti, T/Attica, to combine resolutions #17 and #18.
A voice vote was taken and all voted aye.*

#17

**RESOLUTION NO. 05-327
(November 09, 2005)**

By Mr. Patti, Chairman of the Public Works Committee:

**MEMBERS REAPPOINTED TO THE TRAFFIC SAFETY
BOARD**

BE IT RESOLVED, That the following individuals are hereby reappointed to the Traffic Safety Board for a *term of 3 years effective November 06, 2005 through November 07, 2008*:

- **Alton Pettit**, 99 Park Street, Arcade, NY 14009
- **Ralph Marvin**, 12 Laurel Drive, Attica, NY 14011
- **Joseph Heller**, 1290 Maxon Road, Attica, NY 14011
- **Burdett Randall**, 4632 West Lake Road, Silver Springs, 14550
- **Douglas Richardson**, 1594 Perry Road, Pavilion, NY 14525
- **Eileen Stroud**, P.O. Box 244, Pike, NY 14130

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#18

**RESOLUTION NO. 05-328
(November 09, 2005)**

By Mr. Patti, Chairman of the Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT
WITH CLARK PATTERSON ASSOCIATES ON BEHALF
OF BUILDINGS AND GROUNDS**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Clark Patterson Associates, 186 North Water Street, Rochester, NY 14604 for engineering services for the renovation of the Kaplan Building. Said agreement will be in an amount not to exceed four thousand five hundred dollars (\$4,500.00); effective immediately and terminating upon the successful completion of services and is contingent upon the availability of funds.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#19

**RESOLUTION NO. 05-329
(November 09, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

**SUSAN WHITE APPOINTED TO THE GLOW
WORKFORCE INVESTMENT BOARD**

BE IT RESOLVED, That *Susan White*, J. N. White Associates, P. O. Box 219, Perry, NY 14530-0219 is hereby appointed to the *Genesee Livingston Orleans Wyoming Workforce Investment Board (GLOW WIB)* as a *Private Sector Representative* effective *immediately through December 31, 2008*.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

November 9, 2005

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There was a motion by Mr. Davis, T/Covington, to combine resolutions #20 and #31. A voice vote was taken and all voted aye.

#20

**RESOLUTION NO. 05-330
(November 09, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**ONE POSITION OF CRIME VICTIMS PROGRAM
COORDINATOR CREATED IN THE DISTRICT
ATTORNEY'S OFFICE**

BE IT RESOLVED, That one position of Crime Victims Program Coordinator, 1.00 FTE be created in the District Attorney's Office; and

BE IT FURTHER RESOLVED, That said position is funded through the Crime Victims Board Grant and will be placed on Wyoming County Salary Schedule "G" with the salary set at thirty five thousand dollars (\$35,000.00) annually.

**Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#21**

**RESOLUTION NO. 05-331
(November 09, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

2006 EQUALIZATION TABLE PRESENTED

BE IT RESOLVED, That the 2006 Equalization Table is hereby presented, and be it

FURTHER RESOLVED, That its adoption be tabled for at least one day.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

RESOLUTION NO. 05-332
(November 09, 2005)

By Mr. Davis, Chairman of the Finance Committee:

2005 TOWN BALANCES APPROVED

BE IT RESOLVED, That the statement of the County Treasurer as to TOWN BALANCES is hereby accepted, and be it

FURTHER RESOLVED, That the Clerk of the Board is hereby directed to credit or charge the amounts stated to the 2006 Tax Rolls of the respective towns:

<u>Towns</u>	<u>Debit</u>	<u>Credit</u>
Arcade	\$ 8.87	\$ -
Attica	\$ 230.90	\$ -
Bennington	\$ -	\$ -
Castile	\$ 998.03	\$ -
Covington	\$ -	\$ -
Eagle	\$ 673.63	\$ -
Gainesville	\$ -	\$ 37.70
Genesee Falls	\$ -	\$ -
Java	\$ 132.88	\$ -
Middlebury	\$ 360.65	\$ -
Orangeville	\$ -	\$ -
Perry	\$ -	\$ 51.27
Pike	\$ -	\$ -
Sheldon	\$ 1,610.66	\$ -
Warsaw	\$ -	\$ -
Wethersfield	\$ 408.77	\$ -
<u>Town & County Totals</u>	<u>\$ 4,424.39</u>	<u>\$ 88.97</u>

Dated: October 13, 2005
 JOHN B. EDWARDS
 TREASURER

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

November 9, 2005

**RESOLUTION NO. 05-333
(November 09, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**2006 ESTIMATED WORKERS' COMPENSATION COSTS
APPROVED**

BE IT RESOLVED, That the cost of Workers' Compensation Insurance for the County and Towns, based upon the estimated costs for the calendar year 2006, are as follows:

<i>PARTICIPANTS</i>	<i>ESTIMATED COST</i>
County of Wyoming	\$ 976,350.00
<i><u>Towns</u></i>	
Arcade	\$ 20,641.00
Attica	\$ 19,833.00
Bennington	\$ 19,839.00
Castile	\$ 18,407.00
Covington	\$ 13,821.00
Eagle	\$ 13,457.00
Gainesville	\$ 13,359.00
Genesee Falls	\$ 10,297.00
Java	\$ 14,855.00
Middlebury	\$ 17,148.00
Orangeville	\$ 12,530.00
Perry	\$ 16,233.00
Pike	\$ 11,586.00
Sheldon	\$ 18,268.00
Warsaw	\$ 20,858.00
Wethersfield	\$ 11,177.00
<i><u>Town & County Totals</u></i>	\$ 252,309.00

and be it

FURTHER RESOLVED, That the Clerk of this Board is hereby authorized and directed to apportion the total sum of such estimated costs of Workers' Compensation Insurance to each of the above mentioned participants

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in these respective amounts and to levy the same against the taxable property of each respective municipality.

Wyoming County Workers' Compensation Insurance, estimated costs for villages:

<i>PARTICIPANTS</i>	<i>ESTIMATED COST</i>
Arcade	\$ 47,529.00
Attica	\$ 30,956.00
Castile	\$ 3,081.00
Gainesville	\$ 20.00
Perry	\$ 41,713.00
Pike	\$ 324.00
Silver Springs	\$ 7,059.00
Warsaw	\$ 54,837.00
Wyoming	\$ 3,263.00
<i><u>Village Totals</u></i>	\$ 188,782.00

Wyoming County Workers' Compensation Insurance estimated costs for participating School Districts:

<i>PARTICIPANTS</i>	<i>ESTIMATED COST</i>
Attica	\$ 77,766.00
Perry	\$ 62,481.00
Pioneer	\$ 128,107.00
Warsaw	\$ 20,636.00
Wyoming	\$ 18,696.00
<i><u>Total Schools</u></i>	\$ 307,686.00

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#24

RESOLUTION NO. 05-334
(November 09, 2005)

Mr. Davis, Chairman of the Finance Committee, presented the **SEMI-ANNUAL MORTGAGE TAX REPORT** for the period of April 1, 2005 through September 30, 2005 and moved that the Clerk draw warrants on the County Treasurer for the various amounts therein.

To: John B. Edwards, County Treasurer of Wyoming County, NY

November 9, 2005

In accordance with Section 261 of the Tax Law, you are hereby authorized and directed to distribute Mortgage Tax Receipts amounting to \$300,483.70 to the several tax districts of Wyoming County, in accordance with the report filed with the Clerk of the Board of Supervisors, as follows:

<u>Tax Districts</u>	<u>Mortgage Tax Distributed</u>	<u>Village</u>	<u>Town</u>
Arcade	\$ 71,567.27	\$ 17,594.50	\$ 53,972.77
Attica	\$ 24,911.16	\$ 5,214.53	\$ 19,696.63
Bennington	\$ 27,984.49	\$ -	\$ 27,984.49
Castile	\$ 18,967.60	\$ 1,428.75	\$ 16,332.07
Perry Village		\$ 1,206.78	\$ -
Covington	\$ 11,129.83	\$ -	\$ 11,129.83
Eagle	\$ 9,188.72	\$ -	\$ 9,188.72
Gainesville	\$ 8,546.38	\$ 242.26	\$ 6,652.72
Silver Springs Village		\$ 1,651.40	\$ -
Genesee Falls	\$ 1,010.62	\$ -	\$ 1,010.62
Java	\$ 24,846.57	\$ -	\$ 24,846.57
Middlebury	\$ 9,464.28	\$ 927.84	\$ 8,536.44
Orangeville	\$ 10,583.68	\$ -	\$ 10,583.68
Perry	\$ 22,052.46	\$ 5,936.82	\$ 16,115.64
Pike	\$ 4,459.76	\$ 417.69	\$ 4,042.07
Sheldon	\$ 12,736.43	\$ -	\$ 12,736.43
Warsaw	\$ 38,195.93	\$ 13,539.16	\$ 24,656.77
Wethersfield	\$ 4,838.52	\$ -	\$ 4,838.52
<u>Total</u>		\$ 48,159.73	\$ 252,323.97
<u>Grand Total</u>	\$ 300,483.70		

Let This Be Your Warrant for Such Payment: \$300,483.70 IN WITNESS
WHEREOF, I have hereunto set my hand and seal of the Board of Supervisors
this 9th day of November 2005.

s/Paula A. Parker, Clerk
Board of Supervisors

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#25

RESOLUTION NO. 05-335
(November 09, 2005)

Regular Session

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By Mr. Davis, Chairman of the Finance Committee:

**DATE OF PUBLIC HEARING FOR 2006 TENTATIVE
COUNTY BUDGET SET**

BE IT RESOLVED, That the Public Hearing upon the Tentative Budget of the County for the fiscal year and calendar year 2006 will be held in the Supervisors' Chambers at the County Government Center in the Village of Warsaw, NY, on ***Tuesday, December 13th, 2005 at 3:00 PM*** and that copies of that tentative County Budget will be available at the Public Hearing and after 3:00 P.M. on November 15, 2005, in accordance with Section 354(2) of the County Law of this State, at the office of the Clerk of the Board of Supervisors, and be it

FURTHER RESOLVED, That the Clerk of this Board is hereby directed to publish a notice of said public hearing in the official newspapers published in the County of Wyoming, in accordance with the provisions of Section 359 of the County Law of this State, and be it

FURTHER RESOLVED, That, with the approval of the Finance Committee, the Rules of Procedure shall be suspended for that day only, to allow resolutions to be accepted until 9:30 A.M. on November 30, 2005.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#26

**RESOLUTION NO. 05-336
(November 09, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

APPROVES PROPERTY AUCTION SALES

WHEREAS, the County has acquired the right to transfer the following properties pursuant to a Judgment of Foreclosure under Article 11 of the Real Property Tax Law, and

WHEREAS, the Finance Committee of the Board has obtained an offer to purchase said properties and recommends the acceptance thereof, namely:

Missing parcel numbers were withdrawn.

November 9, 2005

- Parcel #21 Bruce Caughel and Elizabeth Caughel, 7112 Curriers Road, Arcade, NY 14009 has offered \$4,290 for property located in the Town of Arcade, 499 Genesee Road, Tax Map #172.-1-25.
- Parcel #28 Edward Nunemaker, 573 Chaffee Road, Arcade, NY 14009 has offered \$990 for property located in the Town of Arcade, 579 Chaffee Road, Tax Map #150.-2-15.
- Parcel #48 Billie Jo Frost, 3298 Crittenden Road, Alden, NY 14004 has offered \$100,100 for property located in the Town of Bennington, 1374 Clinton Street, Tax Map #16.-1-39.2.
- Parcel #50 James Foley and William Foley, 44 State Street, Warsaw, NY 14569 has offered \$11,000 for property located in the Town of Bennington, 1001 Urf Road, Tax Map #28.-1-12.
- Parcel #73 Elizabeth DeGroff, Leslie DeGroff and Robert Scott, 4703 Middle Reservation Road, Perry, NY 14530 has offered \$5,500 for property located in the Town of Castile, Route 39 S, Tax Map #147.-1-1.
- Parcel #80 Clayton Stowell and Brenda Stowell, 5867 Mungers Mill Road, Silver Springs, NY 14550 has offered \$33,000 for property located in the Town of Castile, 6780 Lake Shore Drive, Tax Map #111.20-3-68.
- Parcel #113 Irma MacKinnon and Edward Urban, 7137 Parkside Drive, Hamburg, NY 14075 has offered \$330 for property located in the Town of Eagle, NYS RTE 39, Tax Map #175.-2-11.
- Parcel #114 Chris Hirstetter, 149 Dartwood Drive, Cheektowaga, NY 14227 has offered \$550 for property located in the Town of Eagle, Cooley Road, Tax Map #166.3-1-23.
- Parcel #127 Cornerstone Homes Inc, 11801 Harrington Drive, Corning, NY 14830 has offered \$12,100 for property located in the Town of Gainesville, 38 North Main Street, Tax Map #133.11-1-5.
- Parcel #130 Village of Silver Springs, 43 Main Street, Silver Springs, NY 14550 has offered \$29,700 for property located in the Town of Gainesville, King Street, Tax Map #122.15-1-4.

- Parcel #136 Jeffrey Jackson and Kimberly Jackson, 57 Covington Street, Perry, NY 14530 has offered \$11,000 for property located in the Town of Gainesville, Broughton Road, Tax Map #122.-1-25.
- Parcel #137 Broughton Farmlands LLC, 5622 Broughton Road, Silver Springs, NY 14550 has offered \$94,600 for property located in the Town of Gainesville, 5828 Broughton Road, Tax Map #134.-1-11.
- Parcel #155 Michael Fox, 3461 Garry Road, Bliss, NY 14024 has offered \$4,070 for property located in the Town of Genesee Falls, 7602 RT 19A, Tax Map #191.-1-6.1.
- Parcel #166 Matthew M. and Megan M. Ling, 126 Midland Drive, Arcade, NY 14009 has offered 220 for property located in the Town of Java, Block E, Tax Map #140.8-5-45.
- Parcel #167 James Fronckowiak, 3073 Rt 39, Yorkshire, NY 14173 has offered \$330 for property located in the Town of Java, Block F, Tax Map #140.8-6-24.
- Parcel #174 Gregory Setter, 10691 Rosewood Lane, Clarence, NY 14031 has offered \$2,970 for property located in the Town of Java, Block B, Tax Map #140.8-2-43.
- Parcel #177 Lawrence Cee, 7961 Reserve Road, W. Seneca, NY 14229 has offered \$330 for property located in the Town of Java, Elmwood Avenue, Tax Map #140.8-7-8.

Now, therefore, be it

RESOLVED, That the above are hereby approved and accepted and the County Treasurer, in the name of the County, is hereby authorized to execute and deliver a referee deed to the purchaser, providing payment of said purchase price is received by him on or before December 9, 2005.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #27

**RESOLUTION NO. 05-337
(November 09, 2005)**

November 9, 2005

By Mr. Davis, Chairman of the Finance Committee:

INDIRECT COST RECOVERY CONTRACT APPROVED

WHEREAS, The County of Wyoming provides a material level of supervisory and support services to a number of federal programs administered by the County; and

WHEREAS, the costs associated with central support services, such as accounting and personnel, are defined as indirect costs and can be recouped from the individual federal programs by the computations and application of an approved indirect cost rate; now, therefore,

BE IT RESOLVED, That the Chairman of this Board, on behalf of the County of Wyoming, is hereby authorized and directed to execute a contract with BKBMA Management Consultants, Jackson, NJ, as consultant to apply for said funds for the calendar years 2006, 2007 and 2008. Said contract to be in the form as presented to the Board and is in the amount of seven thousand five hundred dollars (\$7,500.00) yearly; contingent upon the availability of funds.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #28

**RESOLUTION NO. 05-338
(November 09, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
EXTENSION WITH ACS ON BEHALF OF INFORMATION
TECHNOLOGY**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a one year contract extension with Affiliated Computer Services (ACS), 2901 3rd Street South, Waite Park, MN. The cost of the extension will be two hundred eleven thousand seven hundred ninety-six dollars (\$211,796.00); monthly payments are \$17,485.00 with a HIPAA fee of \$1,976 paid annually; effective from January 1, 2006 through December 31, 2006; contingent upon the availability of funds.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

Regular Session

**RESOLUTION NO. 05-339
(November 09, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**ONE POSITION OF CHILD SUPPORT UNIT SUPERVISOR
(1.00 FTE) CREATED IN THE DEPARTMENT OF SOCIAL
SERVICES AND SALARY SCHEDULE “S” AMENDED**

BE IT RESOLVED, That one position of *Child Support Unit Supervisor (1.00 FTE)* is hereby created in the Department of Social Services effective immediately; and be it

FURTHER RESOLVED, That this position be placed on Wyoming County Salary Schedule “S” and the salary set at twenty nine thousand five hundred (\$29,500.00) annually.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #30

**RESOLUTION NO. 05-340
(November 09, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**TWO POSITIONS ABOLISHED AND TWO POSITIONS
CREATED IN THE JAIL**

BE IT RESOLVED, That two (2) positions of *Control Room Operator, PT* are hereby abolished, effective immediately; and be it

FURTHER RESOLVED, That two (2) positions of *Correction Officer, PT* are hereby created in the Jail and placed on the appropriate step and grade of the Sheriff Employee’s Association Union Contract. This abolish / create is done to facilitate New York State mandated changes in staffing.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
November 9, 2005

**RESOLUTION NO. 05-341
(November 09, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**TWO POSITIONS OF LABORER CREATED IN
BUILDINGS AND GROUNDS**

BE IT RESOLVED, That two (2) positions of *Laborer (temporary)* be created in the Buildings and Grounds Department for the necessary labor to complete renovations at 4-6 Perry Avenue for office space and the renovation of the Human Services building in South Warsaw. These positions will be paid at a rate of up to twelve dollars (\$12.00) per hour and will expire at the earliest of either the completion of the project or six months with no other benefits except those mandated by law. These positions will be funded by the Capital Improvement Program fund as indicated above.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

At the direction of Mr. Davis, T/Covington resolution office number 32 was withdrawn.

**Non-Consent
#32**

**RESOLUTION NO. 05-
(November 09, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

RESCIND RESOLUTION NUMBER 04-288

WHEREAS, Resolution Number 04-288 dated October 12, 2004 gave the Wyoming County Community Hospital Board of Managers sole responsibility for setting salaries for Hospital Management Staff at Wyoming County Community Hospital; now therefor

BE IT RESOLVED, That this Board of Supervisors hereby rescinds resolution number 04-288 and will further set a procedure for the review and approval of salary increases as related to Hospital Management Staff.

Carried: Ayes: Noes: Absent: Abstain:

Regular Session

None

The Public Hearing was Closed.

#33

RESOLUTION NO. 05-342
(November 09, 2005)

By Mrs. Meeder, Chairman of the Human Resource Committee:

**Local Law Introductory No. E (5), for the Year 2005,
entitled, “A LOCAL LAW IMPOSING A COUNTY
RECORDING TAX ON OBLIGATIONS SECURED BY A
MORTGAGE ON REAL PROPERTY,” adopted**

A Local Law Repealing Local Law No. 2 of 2005 and Enacting a Local Law Imposing a County Recording Tax on Obligations Secured by a Mortgage on Real Property.

Be it enacted by the Board of Supervisors for the County of Wyoming as follows:

SECTION 1. IMPOSITION OF TAXES.

Pursuant to Tax Law §253-i, the Wyoming County Board of Supervisors hereby levies and imposes a county tax in the amount of twenty-five cents (\$.25) for each one hundred dollars (\$100.00) and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within such county and recorded on or after the date upon which such tax takes effect and a tax of twenty-five cents (\$.25) on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than one hundred dollars (\$100.00.)

SECTION 2. APPLICABILITY.

The taxes imposed under the authority of this local law shall be administered and collected in the same manner as the taxes imposed under subdivision one of Section 253 and paragraph (b) of subdivision one of Section 255 of the Tax Law. Except as otherwise provided in this local law, all the provisions of Article 11 of the Tax Law relating to or applicable to the administration and collection of the taxes imposed by such subdivisions shall apply to the taxes

November 9, 2005

imposed under the authority of this local law with such modifications as may be necessary to adapt such language to the tax so authorized. Such provisions shall apply with the same force and effect as if those provisions had been set forth in full in this local law, except to the extent that any provision is either inconsistent with a provision of this local law or not relevant to the tax authorized by this local law. For purposes of this local law, any reference in this Article 11 of the Tax Law to the tax or taxes imposed by such article shall be deemed to refer to a tax imposed pursuant to this local law, and any reference to the phrase “within this state” shall be read as “within Wyoming County,” unless a different meaning is clearly required.

SECTION 3. REAL PROPERTY LOCATED IN MORE THAN ONE COUNTY.

Where the real property covered by the mortgage subject to the tax imposed pursuant to the authority of this local law is situated in this state but within and without Wyoming County, the amount of such tax due and payable to such county shall be determined in the same manner prescribed in the first paragraph of Section 260 of the Tax Law, which concerns real property situated in two or more counties. Where such property is situated both within Wyoming County and without the state, the amount due and payable to Wyoming County shall be determined in the manner prescribed in the second paragraph of such Section 260 of the Tax Law, which concerns property situated within and without the state. Where real property is situated within and without Wyoming County, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed pursuant to this section.

SECTION 4. ADDITIONAL TAXES.

A tax imposed pursuant to the authority of this local law shall be in addition to the taxes imposed by Section 253 of the Tax Law.

SECTION 5. DISPOSITION OF TAXES.

Notwithstanding any provision of Article 11 of the Tax Law to the contrary, the balance of all moneys paid to the recording officer of the County of Wyoming during each month upon account of the tax imposed pursuant to the authority of this local law, after deducting the necessary expenses of his or her office as provided in Section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of this section or Section 260 of the Tax Law are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by such recording officer on or before the tenth day of each succeeding month to the Treasurer of Wyoming County and, after the deduction by such Treasurer of the necessary expenses of his or her office provided in Section 262 of the Tax Law shall be deposited in the general fund of

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the County of Wyoming for expenditure on any county purpose. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of this section of Section 260 of the Tax Law are first to be apportioned by the Commissioner of Taxation and Finance, shall be paid over by the recording officer receiving the same as provided by the determination of said Commissioner of Taxation and Finance.

SECTION 6. EXPIRATION DATE

The tax imposed by this local law shall be effective for a period of three (3) years from the date of its enactment.

SECTION 7. EFFECTIVE DATE

This local law shall become effective on the first day of a calendar month after passage, provided that a certified copy thereof is mailed by registered or certified mail to the Commissioner of Taxation and Finance at the commissioner's office in Albany at least thirty days prior to the date the local law shall take effect. Certified copies of any local law described in this section shall also be filed with the Wyoming County Clerk, the Secretary of State and the State Comptroller within five days after the local law is duly enacted.

SECTION 8. REPEAL OF LOCAL LAW NO. 2 OF THE YEAR 2005

Local Law No. 2 of the year 2005 is hereby repealed.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There being no further business to come before this board the meeting was adjourned at 3:45 PM by a rap on Mrs. Humphrey's desk.

Respectfully submitted,

**Cheryl J. Ketchum
Deputy Clerk to the Board of Supervisors
Wyoming County**

November 9, 2005

**REGULAR SESSION
(December 13, 2005)**

Tuesday

3:00 PM

The regular Session of the Wyoming County Board of Supervisors was held at the Wyoming County Government Center in the Board of Supervisors' Chambers located at 143 North Main Street, Warsaw, New York with all Supervisors present except Supervisor Glosser T/Orangeville. Also present were Assistant County Attorney Jane Monaghan; County Treasurer, John Edwards; Clerk to the Board of Supervisors; Paula Parker and Deputy Clerk to the Board; Cheryl Ketchum.

At 3:20 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance for the month of December is:

RICHARD L. DALEY

Mr. Daley's service to his country was during World War II in the United States Army. Mr. Daley entered the service at the age of 18, and completed both Basic Training and Advanced Tank Training at Fort Knox, Kentucky. He was assigned to Headquarters 8th Army, Judge Advocate Section in Yokohama, Japan. During his overseas tour, Mr. Daley worked as a court bailiff of overseas war crimes. Following the war, Mr. Daley returned to the United States and was honorably discharged on August 16, 1947.

For his service to our country, Mr. Daley was awarded:

**World War Victory Medal
Army of Occupation Medal Japan**

Mr. Daley returned to the area and continued his education by attending Bryant & Stratton Business Institute in Buffalo. He then worked for Goodyear as Budget Manager and also in the insurance office of Boughton Insurance, later known as Christ, Brooks, and Glosser.

Mr. Daley changed vocation and worked for Archway Cookies as a truck driver for 23 years. He also worked at the Castile Gun Shop for 12 years until its closing. Mr. Daley has been an active member of Wallace-Jeffers Post #753, of the American Legion in Castile for over 30 years, and is a Life Member of Veterans of Foreign Wars Post #5009 in Perry. Mr. Daley enjoys hunting,

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fishing, and flying. He and his wife Frances live in Castile and they have been married for 55 years.

The pledge was said by all.

Chairman Berwanger presented a Certificate of Appreciation to Mr. Thomas in recognition of his service to his country and his appearance here today.

Mr. Daley thanked the Board of Supervisors for his invitation to the meeting. The Department of Social Services proudly recognizes outstanding employees within the department. The employees are invited and encouraged to learn more about the governmental proceedings and the inter-relationship between the Department of Social Services and the Board of Supervisors.

Each month, Acting Commissioner Schmitt, brings an employee of the month to the Human Services Committee meeting to see first hand how Departmental requests are processed by the Board.

The employee of the month for December is Susan Patrick who works in the Medicaid Unit at DSS. She has been with the Department since 2003.

We would like to thank her for her dedicated service to the community and to the County of Wyoming.

Please join me in recognizing and congratulating Susan Patrick

Ms. Patrick was unable to attend today's Board meeting due to previous obligations at the Department of Social Services. The Supervisors extended their congratulations.

Public Hearing Opened:
2006 Budget

Communications:
None

#1

RESOLUTION NO. 05-343
(December 13, 2005)

By Mr. Davis, Chairman of Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2005 ACCOUNTS

December 13, 2005

BE IT RESOLVED, That funds are hereby appropriated to the various 2005 accounts as follows:

Treasurer			<u>Dept. Totals:</u>
To: 01.40.6102.4.42250 MMIS IGT & DSH W/01.09.6102.2772 IGT/DSH increased by same Reason: to cover payments for 2005 with Revenue increased by same amount.	\$85,876.00	\$85,876.00	
To: 01.48.8030.4.40915 2005 Mnthly Recyc Fees W/01.04.8030.2130 Refuse & Garbage Services increased by same. Reason: to appropriate money to cover expenses.	\$14,952.12	\$14,952.12	
To: 01.33.1364.4.40301 Professional Service W/01.03.1364.1265 Attorney Fees increased by same Reason: to cover 2003 Foreclosure fees	\$4,946.25	\$4,946.25	
Treasurer Total			\$105,774.37
Capital Improvement Fund (CIP)			
(General Fund to Capital Improvement Fund):			
A. General Fund: To: 01.52.9950.9.99004 Transfer to Capital Fund From any funds available.	\$1,000,000.00		
B. Capital Fund: To: 12.61.9950.9.99004 Interfund Transfer With offsetting revenue 12.13.1620.5031 Interfund Transfer in the same amount.	\$1,000,000.00	\$1,000,000.00	
		\$1,000,000.00	
Capital Improvement Fund (CIP) Total			\$1,000,000.00
District Attorney			
To: 01.32.1169.1.10101 CSEA Salary (Sch. G) 01.32.1169.8.81001 Retirement 01.32.1169.8.83001 FICA 01.32.1169.8.85001 Medicare w/01.12.1169.4389 Federal Grant Rev.	\$2,020.00 263.00 125.50 29.50	\$2,438.00	
Reason: Appropriate estimated funds for the Crime Victims Grant (Federal) from 12/12/05 through the end of the fiscal year (12/31/2005).			
District Attorney Total			\$2,438.00
Mental Health			
To: 01.38.4325.4.42416 Supported Employment w/01.11.4325.3490 State Aid revenue account increased by the same amount. Reason: To reflect the increase in State Aid.	\$1,142.00	\$1,142.00	
To: 01.38.4250.1.10301 Overtime 01.38.4250.8.83001 FICA 01.38.4250.8.85001 Medicare FICA w/01.03.4250.1289 Other Dept. Revenue incr by	\$517.10 32.10 7.50	\$556.70	
Reason: Increase in billing services agreement with MH Unit/WCCHS			
To: 01.38.4310.1.10301 Overtime 01.38.4310.8.83001 FICA 01.38.4310.8.85001 Medicare FICA w/01.03.4310.1289 Other Dept. Revenue incr by	\$897.00 55.70 13.10	\$965.80	
Reason: Increase in billing services agreement with MH Unit/WCCHS			

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Mental Health Total			\$2,664.50
Public Health			
(FAMILY PLANNING)			
TO: 01.38.4035.2.20401 Misc Equip	\$ 675.15		
01.38.4035.4.41010 Ofc Supplies	374.00		
01.38.4035.4.41204 Advertising	250.00		
01.38.4035.4.41214 Supplies Purchased	692.85		
01.38.4035.4.41510 Educational Materials	3,000.00		
01.38.4035.4.41706 Medical Supplies	<u>2,502.00</u>		
w/01.12.4035.4489 increased by		\$7,494.00	
(including \$2,402 legislative add on and \$5,092 TANF funds)			
Reason: To appropriate for current year expenses			
Public Health Total			\$7,494.00
Building Code Enforcement			
To: 01.37.3620.4.40503 Gasoline	\$2,000.00		
w/01.06.3620.2590 increased by same		\$2,000.00	
Reason: Insufficient funds due to increase cost			
Building Code Enforcement Total			\$2,000.00
Building & Grounds			
To: 01.34.1620.4.40002 Electricity	\$28,600.00		
<i>From any Funds available</i>		\$28,600.00	
Reason: Insufficient funds due to increase cost of electricity.			
Building & Grounds Total			\$28,600.00
Weights & Measures			
To: 01.43.6610.4.40508 Private Auto Repair	\$ 551.00		
<i>From any Funds available</i>		\$ 551.00	
Reason: Insufficient funds due to unexpected auto repair			
Weights & Measures Total			\$ 551.00

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #2

RESOLUTION NO. 05-344 (December 13, 2005)

By Mr. Davis, Chairman of Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2005 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2005 accounts as follows:

Public Health			Dept. Totals:
FROM: 01.38.4010.1.10202 Temp Employmt	\$1,077.00		
01.38.4010.1.10301 OT	2,500.00		
01.38.4010.4.40009 Cell Phones	250.00		
01.38.4010.4.40301 Professional Svc	1,085.00		
01.38.4010.4.40402 Conferences	690.00		
01.38.4010.4.40405 Employee Expenses	450.00		
01.38.4010.4.40413 Courier	450.00		
01.38.4010.4.40507 Maintenance	800.00		
01.38.4010.4.40508 Private Auto	250.00		
01.38.4010.4.40704 PH – Lab	400.00		
01.38.4010.4.40801 Contracted Bldg Repair	500.00		
01.38.4010.4.40803 Bldg Repair	250.00		
01.38.4010.4.40807 Snow Removal	300.00		
01.38.4010.4.40808 Mowing	274.00		

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01.38.4010.4.40901	Audit Services	400.00		
01.38.4010.4.40912	Fair	331.00		
01.38.4010.4.40944	IT	496.00		
01.38.4010.4.41101	Paper	658.00		
01.38.4010.4.41204	Advertising	544.00		
01.38.4010.4.41214	Supplies Purchased	760.00		
01.38.4010.4.41414	Misc Repair	385.00		
01.38.4010.4.41510	Educ Materials	1,500.00		
01.38.4010.4.41701	Physicals	100.00		
01.38.4010.4.41703	Health Assessmts	100.00		
01.38.4010.4.41705	Drug & Alcohol	100.00		
01.38.4010.4.42301	Books & Publications	249.00		
		\$14,899.00		
TO: 01.38.4010.2.20701 Institutional Equipment			\$ 2,201.00	
01.38.4010.2.23001 Vehicles			<u>12,698.00</u>	
			\$14,899.00	
REASON: Transfer funds to purchase a 2006 Ford Taurus and a Digital Audiometer with Case.				
Public Health Total				\$14,899.00
Emergency Services				
From: 01.37.3020.4.41010 Misc. Office Supplies				
01.37.3020.4.41414 Misc. Repairs		\$1,800.00		
01.37.3020.4.41401 Maintenance Agremt		2,126.80		
		<u>25,219.94</u>		
To: 01.37.3020.2.20501 Fire & Safety Equipmt			\$29,146.74	
REASON: To allow for the purchase and installation of the uninterruptible power supply and the highway repeater equipment.				
Emergency Services Total				\$29,146.74

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

Mrs. Totslin, T/Genesee Falls, Chairman of the Audit Committee, presented bills totaling \$1,857,274.68 for the Month of November 2005.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Mrs. Humphrey, T/Perry, to combine resolutions #3 through #7. A voice vote was taken and all voted aye.

#3

RESOLUTION NO. 05-345 (December 13, 2005)

By Mrs. Humphrey, Chairman of Human Services Committee:

CHAIRMAN / COMMISSIONER AUTHORIZED TO SIGN A CONTRACT WITH DAVID H. NELSON ON BEHALF OF THE DEPARTMENT OF SOCIAL SERVICES

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Social Services with the approval of the County Attorney are hereby authorized and directed to sign a contract with *David H. Nelson, 11 Exchange Street, Attica NY 14011* for *Resource Recovery Legal Services* at the Department of Social Services. Said contract is in the amount of \$70.00

Regular Session

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(seventy dollars) per hour; effective January 01, 2006 through December 31, 2006 and is contingent upon the availability of funds.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#4

**RESOLUTION NO. 05-346
(December 13, 2005)**

By Mrs. Humphrey, Chairman of Human Services Committee:

**MEMBERS APPOINTED/REAPPOINTED TO THE OFFICE
FOR THE AGING ADVISORY COUNCIL**

BE IT RESOLVED, That the following persons are hereby appointed / reappointed to the *Office for the Aging Advisory Council* for the terms listed:

County Representatives:

for a term of 3 years; effective 01/01/06 through 12/31/08

Pearl Granger (Emergency Services) 151 N. Main St., Warsaw, NY 14569

Lori Roche (Health Dept./CHHA) 5362 Mungers Mill Rd., Silver Springs, NY 14550

Farris Heimann (County Sheriff) 151 N. Main Street, Warsaw, NY 14569

Gordon Lew (DSS) 466 N. Main Street, Warsaw, NY 14569

Town Representatives:

for a term of 3 years; effective 01/01/06 through 12/31/08

Marilyn Pirdy (Arcade) 8619 Youngers Rd., Bliss, NY 14024

Ruth Kensinger (Orangeville) 3336 Syler Rd., Varysburg, NY 14167

filling an unexpired vacant term of 3 years; effective immediately through 12/31/07

Charles Perl (Sheldon) 1025 Centerline Rd., Strykersville, NY 14145 (to replace Edward Redden)

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#5

**RESOLUTION NO. 05-347
(December 13, 2005)**

December 13, 2005

By Mrs. Humphrey, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
ON BEHALF OF THE YOUTH BUREAU**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with *Valeri Maxwell, 5550 Gray Rd., Geneseo NY 14454*; for *Pre-School Handicap services*. Said contract is effective November 01, 2005 through June 30, 2007 and reflects the rates as approved by the New York State Educational Department. Contingent upon the availability of funds.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#6

**RESOLUTION NO. 05-348
(December 13, 2005)**

By Mrs. Humphrey, Chairman of Human Services Committee:

**MEMBERS APPOINTED / REAPPOINTED TO THE
WYOMING COUNTY YOUTH BOARD**

BE IT RESOLVED, That the following persons are hereby appointed / reappointed to the *Wyoming County Youth Board* for the terms listed:

Agency Representatives

for a term of two (2) years; effective 01/01/06 through 12/31/07

Fran Tozier (Cornell Cooperative Extension) 401 N. Main Street,
Warsaw, NY 14569

Tonya Clester (Probation) 143 N. Main Street, Warsaw, NY 14569

Aaron Anderson (Sheriff) 143 N. Main Street, Warsaw, NY 14569

Community Members

for a term of three (3) years; effective 01/01/06 through 12/31/08

Dick Carlson (Middlebury) 1912 Warsaw Wyoming Rd., Wyoming
NY 14591

Anne DiMatteo (Warsaw) 2393 Blackhouse Rd., Warsaw, NY 14569

Youth Representatives

Proceedings of the Board of Supervisors*for a term of one (1) year; effective 01/01/06 through 12/31/06*

Benjamin Carter, 28 Jefferson St., Attica NY 14011

Siobhan Hickey, 1308 Folsomdale Rd., Cowlesville, NY 14037

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#7

RESOLUTION NO. 05-349**(December 13, 2005)**

By Mrs. Humphrey, Chairman of Human Services Committee:

**AUTHORIZE CHAIRMAN TO SIGN
RESOURCE ALLOCATION PLAN (RAP) FOR 2006**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney and on behalf of the Wyoming County Youth Bureau is hereby authorized and directed to sign a contract with the *New York State Office of Child and Family Services* for the *2006 Resource Allocation Plan (RAP)*. Grant funds as defined by the RAP for Wyoming County and the towns and villages in Wyoming County are in a minimum amount of \$93,804.00 (ninety-three thousand eight hundred four dollars).

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Mrs. Rogers, T/Pike, to combine resolutions #8 through #12. A voice vote was taken and all voted aye.

#8

**RESOLUTION NO. 05-350
(December 13, 2005)**

By Mr. Rogers, Chairman of the Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN 2006 RENEWAL
CONTRACTS ON BEHALF OF MENTAL HEALTH**

BE IT RESOLVED, That the Chairman of this Board, with the approval of the County Attorney and on behalf of the Department of Mental Health, is hereby authorized and directed to sign the following contracts for FY 2006:

1) Livingston/Wyoming ARC, contract renewal for Sheltered Workshop Program for the mentally ill population for the period January 1, 2006 through December 31, 2006 (\$50,945.00).

2) Suburban Adult Services, Inc. renewal contract for the period of January 1, 2006 through December 31, 2006: (\$93,204.00)

3) ARA, Inc. renewal contracts for the period of January 01, 2006 through December 31, 2006:

One contract for Mental Health Services (\$524,727.00)

A. Mental Health Clinic and Crisis (\$27,976.00)

B. Adult Case Management/SPOE/SPOA (\$57,628.00)

C. Child & Youth ICM & Wrap around Funds (3 ICMS) – (\$56,582.00)

D. RIV-POEMS (\$25,133.00)

E. Co-Occurring Disorder Program & Case Management (\$23,064.00)

F. Telemedicine Grant (\$9,300.00)

G. Care Coordination Project (\$5,227.00)

H. CCS Programs Continuing Day Tx., CSS Case Management, CSS Transportation \$24,500.00)

I. Chemical Abuse Treatment and Prevention Staffing & Men's Group (\$295,317.00)

4) Wyoming County Community Health System - renewal contract for the period of January 1, 2006 through December 31, 2006 (\$42,505.00)

A. PAO screenings (DSH)

B. Forensic case management (\$27,184.00)

C. Jail based behavioral health services in the jail - (\$6,021.00)

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- D. MICA/Homeless - Case Management (DSH payment)
- E. RIV-Crisis Outreach Program (DSH payment)
- F. Telemedicine Grant (\$9,300.00)

5) Chautauqua County Mental Health Department – renewal contract for the Telemedicine Grant for the period of January 1, 2006 through December 31, 2006 (\$9,300.00)

6) Mental Health Association of Rochester/Monroe County, Inc. – renewal contract for the period of January 1, 2006 through December 31, 2006:

A. Contract with the Mental Health Association of Rochester/Monroe County to establish and operate the following programs: (One contract for \$213,676.00)

1. Consumer Run Thrift Store (\$31,338.00)
2. RIV-Drop-in Center (\$19,216.00)
3. Com. Perf. – Transportation Program (\$39,975.00)
4. MICA & Social Club (\$90,454.00)
5. Peer Advocacy (\$9,410.00)
6. PREP (\$5,212.00)
7. CCP Funds for Medical & Vocational Transportation (\$16,679.00)
8. Advisory Committee Payments (\$1,392.00)

7) Hillside Children's Center renewal contract for the period of January 1, 2006 through December 31, 2006 to provide: (\$36,539.00)

- A. RIV - Crisis respite for children (\$16,732.00)
- B. RIV - GLOW Family Support (\$6,399.00)
- C. RIV - Home Based Crisis Intervention (\$13,408.00)

8) Living Opportunities of DePaul renewal contract for the period of January 1, 2006 through December 31, 2006 for: (\$159,960.00)

- A. RIV - Temporary Supportive Housing (\$8,754.00)
 - B. RIV - Four-bed treatment apartments (\$4,406.00)
- (There is also \$9,653 which is paid directly to LODP through Medicaid for the state's share of Medicaid, of Wyoming County Reinvestment Funds. Do not include amount in total for four-bed treatment apartments contract but acknowledge the amount as being paid directly to them as revenue.)
- C. Supported Housing (20 SLOTS) (\$146,800.00)

9) CCSI of Rochester contract renewal for the period of January 1, 2006 through December 31, 2006: (\$433,056.00)

- A. Service Coordination (\$105,904.00)

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- B. Dual Diagnosis Coordination (\$66,681.00)
- C. Coordinated Children's Services Initiative (\$64,042.00)
- D. Performance Measurements (\$27,499.00)
- E. Substance Abuse Prevention (\$168,930.00)

10) Contract with CCSI of Rochester. Whereas CCSI pays Wyoming County Mental Health Department for the period of January 1, 2006 through December 31, 2006 to provide an individual and supplies/expenses for the CCP Advisory Group: (\$12,500.00)

11) Contract with an individual to work with the CCP Advisory Group: (\$10,600.00)

12) Contract with the Children's Mental Health Coalition of WNY, Inc. for Parent Advocate Services for CCSI Program (\$14,250.00)

13) Contract with the Wyoming County District Attorney's Office, whereas the District Attorney's Office pays Wyoming County Mental Health Department \$12,000.00 in STOP DWI Funds for 2006.

14) Contract with an individual to work with Partners for Prevention on the Media Campaign for the Drug Free Communities Grant (\$1,000.00)

15) Lease with Buzz and Val Properties for the downstairs office space at 108 N. Main Street, Warsaw for the Partners for Prevention program. (\$800.00 a month/\$9,600.00 annually)

ALL CONTRACTS CONTINGENT UPON THE AVAILABILITY OF FUNDING.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#9

**RESOLUTION NO. 05-351
(December 13, 2005)**

By Mr. Rogers, Chairman of the Public Health Committee:

RESOLUTION NUMBER 04-331 AMENDED

WHEREAS, Resolution number 04-331 provides for 2005 contracts for the Mental Health Department; and

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WHEREAS, This contract is being increased due to additional state aid of \$1,142.00 (one thousand one hundred forty-two dollars); now therefore

BE IT RESOLVED, That the 2005 contract with Suburban Adult Services, Inc. is to be amended to a total of \$90,852.00 (ninety thousand eight hundred fifty-two dollars), with all other terms and conditions remaining the same.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#10

RESOLUTION NO. 05-352
(December 13, 2005)

By Mr. Rogers, Chairman of the Public Health Committee:

DR. GREGORY COLLINS APPOINTED
MEDICAL DIRECTOR OF WYOMING COUNTY'S
PUBLIC HEALTH DEPARTMENT

BE IT RESOLVED, That Dr. Gregory Collins of 4820 Darby Rd., Avon, NY be reappointed as Medical Director of the Wyoming County Public Health Department for a term of one (1) year; effective January 01, 2006 through December 31, 2006.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#11

**RESOLUTION NO. 05-353
(December 13, 2005)**

By Mr. Rogers, Chairman of the Public Health Committee:

**AUTHORIZE CHAIRMAN TO SIGN VARIOUS
CONTRACTS/AGREEMENTS ON BEHALF OF
WYOMING COUNTY HEALTH DEPARTMENT AND
CERTIFIED HOME HEALTH AGENCY FOR THE YEAR
2006**

BE IT RESOLVED, That the Chairman of this Board, with the approval of the County Attorney is hereby authorized and directed to sign the following contracts and or agreements on behalf of Wyoming County Health for 2006:

3D Delivery Inc. dba Genesee Delivery	Per Price List
Courier Service for specimen transport	TBD based on usage
January 1 – December 31, 2006	Not to exceed amount budgeted

Erie County Public Health Department – ECPHL	Per Price List
Laboratory testing services	TBD based on usage
(Environmental Water Samples)	Not to exceed amount budgeted
January 1 – December 31, 2006	

Eastern Laboratory Services	Per Price List
Laboratory testing services	TBD based on usage
(Environmental Water Samples, includes courier transport)	Not to exceed amount budgeted

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January 1 – December 31, 2006

Quest Diagnostics	Per Price List
Clinical Laboratory testing services	TBD based on usage
(MWHS Clinical Samples)	Not to exceed amount budgeted
January 1 – December 31, 2006	

Adecco USA, Inc.	\$87,000
Employment Services	
January 1 – December 31, 2006	

Linstar, Inc.	\$ 1,250
Service Agreement for Datacard Photo ID System	
January 10, 2006 – January 9, 2007	

Ohri Medical Group	\$ 1,200
Tuberculosis Medical Services	
January 1 – December 31, 2006	

Wyoming County Interdepartmental Agreement	\$ 11,480
Justa Goodell (Animal Control – Rabies related services)	
January 1 – December 31, 2006	

Freed Maxick and Battaglia, PC	\$17,000
Audit and Consulting Services	
(MWHS and CHHA)	
January 1 – December 31, 2006	

Susan Schell, RD	\$35.00 / hour
Registered Dietician Services	TBD based on usage
January 1 – December 31, 2006	Not to exceed amount budgeted

Monroe County Department of Health	\$30,308
Medical Examiner Services	
January 1 – December 31, 2006 (Multi-year agreement 1/1/05 – 12/31/07)	

Wyoming County Interdepartmental Agreement	\$51,946
IT Department for provision of computer support services	
January 1 – December 31, 2006	

Erie County	\$7,500
Intergovernmental Agreement with Eight Counties of WNY	
(through BT/ Public Health Emergency Preparedness Grant)	

Scott Treutlein, MD	\$ 6,000
Medical Director Services	
January 1 – December 31, 2006	

Clearpath Diagnostics (formerly Pathology Associates)	Per Price List
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Laboratory Testing Services January 1 – December 31, 2006	TBD based on usage Not to exceed amount budgeted
Karen Tallman Medical Records Practitioner Services January 1 – December 31, 2006	\$20/hour TBD based on usage Not to exceed amount budgeted
Complete Office Solutions, Inc. Copier Maintenance Agreement January 1 – December 31, 2006	\$1,732
Neopost Annual Postage Meter Rental September 4, 2006 – September 3, 2007	\$720
United Business Systems Copier Maintenance Agreement November 20, 2006 – November 20, 2007	\$615
Marfatia Medical LLP Building Use Agreement January 1 – December 31, 2006	\$100/month Not to exceed amount budgeted
Tammy Farnham, NP Nurse Practitioner Services January 1 – December 31, 2006	\$35.00/hour TBD based on usage Not to exceed amount budgeted

CONTRACTS / AGREEMENTS – CHHA

Wyoming County Interdepartmental Agreement Transitions (OFA & Health Department CHHA) January 1 – December 31, 2006	\$ 2,000 annually
Wyoming County Interdepartmental Agreement Registered Dietician Services (OFA and Health Department CHHA)	\$ 5,000 annually
Wyoming County Community Health System Speech Discipline Services (OT/PT/Speech) January 1 – December 31, 2006	\$64.89 / visit – OT & \$63.65 / visit – PT TBD based on usage not to exceed amount budgeted
Step-by-Step Physical Therapy Physical Therapy Services January 1 – December 31, 2006	\$63.65 / visit TBD based on usage Not to exceed amount budgeted
Karen Nelson, MSW Medical Social Worker Services January 1 – December 31, 2006	\$60.00 / visit (per Schedule B) TBD based on usage

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Buffalo Hospital Supply
 Medical Supplies
 January 1 – December 31, 2006

Per Current Price List
 TBD based on usage

Springville Pharmacy Infusion
 Therapy, Inc. dba Option Care
 Infusion & Pharmacy Services
 October 1, 2005 (effective date)

Per Current Price List
 TBD based on usage

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #12

**RESOLUTION NO. 05-354
 (December 13, 2005)**

By Mr. Rogers, Chairman of the Public Health Committee:

**AUTHORIZE CHAIRMAN TO SIGN VARIOUS GRANT
 APPLICATIONS AND/OR RENEWALS ON BEHALF OF
 WYOMING COUNTY HEALTH DEPARTMENT AND
 CERTIFIED HOME HEALTH AGENCY**

BE IT RESOLVED, That the Chairman of this Board, with the approval of the County Attorney is hereby authorized and directed to sign the following Grant Applications / Award Acceptances for the year 2006 on behalf of Wyoming County Health Department and the Certified Home Health Agency. All amounts reflect the minimum to be received by the Wyoming County Public Health Department.

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New York State Department of Health – Basic Services Grant period January 1, 2006 - December 31, 2006	\$450,000
New York State Department of Health - Division of Family Health (MWHS) Grant period January 1, 2006 - December 31, 2006	\$167,335
New York State Health Department (Lead Grant) Grant period April 1, 2006 - March 31, 2007	\$ 40,000
New York State Department of Health (Immunization Grant) Grant period April 1, 2006 - March 31, 2007	\$ 45,000
New York State Department of Health (Cancer Screening Program Grant) Grant period April 1, 2006 - March 31, 2007	\$ 37,337
New York State Department of Health (Water Enhancement Grant) Grant period April 1, 2006 - March 31, 2007	\$ 96,000
Diabetes Grant with Lake Plains Grant period April 1, 2006 - March 31, 2007	\$ 4,000
Healthy Heart Grant with Lake Plains Grant period April 1, 2006 - March 31, 2007	\$ 8,144
Health Research, Inc. (Public Health Preparedness/Bioterrorism Grant) Grant period August 31, 2006 – August 30, 2007	\$ 75,000
Health Research, Inc. (Breast Health Partnership Patient Services) Grant period June 30, 2006 – June 29, 2007	\$ 6,913
State of New York Governor’s Traffic Safety Board (Child Safety Seat Grant) Grant period October 1, 2006 – September 30, 2007	\$ 5,500
New York State Department of Health (Zoonoses Program Grant) Grant period April 1, 2006 – March 31, 2007	\$ 9,000
New York State Department of Health (EI Administration and CSHCN Grant) Grant period October 1, 2006 – September 30, 2007	\$ 51,800

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Mrs. Meeder, T/Middlebury, to combine resolutions #13 through 15. A voice vote was taken and all voted aye.

#13

RESOLUTION NO. 05-355

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(December 13, 2005)

By Mrs. Meeder, Chairman of the Human Resources Committee:

CURRENT UNION CONTRACTS AMENDED

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign amendments to the current union agreements (CSEA & Supervisory Unit, Deputy Sheriffs' Association, and the Sheriff Employees' Association) for the purpose of formalizing and continuing the Joint Labor Management Healthcare Task Force through December 31, 2006.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#14

RESOLUTION NO. 05-356
(December 13, 2005)

By Mrs. Meeder, Chairman of the Human Resources Committee:

ERIC T. DADD APPOINTED COUNTY ATTORNEY

BE IT RESOLVED, That Eric T. Dadd, 11 Exchange Street, Attica, NY 14011 is hereby appointed as Wyoming County Attorney for a term of two (2) years effective January 01, 2006 through December 31, 2007.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#15

RESOLUTION NO. 05-357
(December 13, 2005)

By Mrs. Meeder, Chairman of the Human Resources Committee:

**AUTHORIZE CHAIRMAN TO SIGN A CONTRACT
WITH ERIC T. DADD FOR COUNTY ATTORNEY OFFICE
SPACE**

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BE IT RESOLVED, That Chairman of this Board, with the approval of the County Attorney is hereby authorized and directed to sign a renewal contract *with Eric T. Dadd, 11 Exchange Street, Attica, NY 14011*. The purpose of the contract is to provide for a *lease agreement for County Attorney Office space and certain office supplies*. Total contract amount of \$4,800.00 (Four thousand eight hundred dollars) to be paid in quarterly installments of \$1,200.00 (One thousand two hundred dollars) each; effective January 01, 2006 through December 31, 2006; contingent upon the availability of funds.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #16 through #21. A voice vote was taken and all voted aye.

#16

**RESOLUTION NO. 05-358
(December 13, 2005)**

By Mr. Kushner, Chairman of the Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A LEASE
AGREEMENT WITH TOMPKINS LEASING ON BEHALF
OF THE SHERIFF'S DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a lease agreement with *Tompkins Leasing Services, P. O. Box 460, Ithaca, NY 14851* for the *lease of a Savin 2522 copier*. Said lease will be for 48 months at \$87.07 (eighty-seven dollars and seven cents) per month and will have a \$1.00 (one dollar) buyout at the end of the lease. Effective dates for this lease are from December 13, 2005 through December 31, 2009

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#17

**RESOLUTION NO. 05-359
(December 13, 2005)**

By Mr. Kushner, Chairman of the Public Safety Committee:

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CHAIRMAN AUTHORIZED TO SIGN BID AWARD
WITH SILVER LAKE MARINE ON BEHALF OF THE
SHERIFF'S DEPARTMENT

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a bid award with Silver Lake Marine, 4213 West Lake Rd., Silver Springs, NY 14550 for the purchase of a patrol boat in the amount of \$26,225.00 (twenty-six thousand two hundred twenty – five dollars).

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #18

RESOLUTION NO. 05-360
(December 13, 2005)

By Mr. Kushner, Chairman of the Public Safety Committee:

DR. GREGORY COLLINS APPOINTED MEDICAL
DIRECTOR FOR PRE – HOSPITAL CARE AGENCIES

BE IT RESOLVED, That Dr. Gregory Collins, 4820 Darby Rd., Avon, NY 14414 is hereby reappointed as Medical Director for Pre - Hospital Care Agencies for a term of one (1) year effective January 01, 2006 through December 31, 2006.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #19

RESOLUTION NO. 05-361
(December 13, 2005)

By Mr. Kushner, Chairman of the Public Safety Committee:

CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH WYOMING TRANSIT SERVICE, INC. ON BEHALF
OF EMERGENCY SERVICES

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BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with *Wyoming Transit Service, Inc., 588 Trabold Rd., Rochester, NY 14624* on behalf of Emergency Services. This contract provides for the *rental of tower space* at the tower facility located on Wethersfield Rd., Wethersfield, NY to the Wyoming Transit Service for a minimum amount of \$3,000.00 (three thousand dollars) annually for a five year period with a 3% (three-percent) escalation amount yearly; effective January 01, 2006 through December 31, 2010.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#20

**RESOLUTION NO. 05-362
(December 13, 2005)**

By Mr. Kushner, Chairman of the Public Safety Committee:

**NORM EFFMAN REAPPOINTED WYOMING COUNTY
PUBLIC DEFENDER**

BE IT RESOLVED, That Norm Effman, 14 Main Street, Attica, NY 14011 is hereby reappointed to the position of Public Defender for a term of two (2) years; effective January 01, 2006 through December 31, 2007.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#21

**RESOLUTION NO. 05-363
(December 13, 2005)**

By Mr. Kushner, Chairman of the Public Safety Committee:

**STEPHEN TARBELL REAPPOINTED
WYOMING COUNTY STOP DWI COORDINATOR**

BE IT RESOLVED, That *Stephen Tarbell*, 4270 Fairview Rd., Castile NY 14427, is hereby appointed ***Wyoming County Stop DWI***

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Coordinator for a *term of one (1) year*; effective *January 01, 2006* through *December 31, 2006*.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#22

**RESOLUTION NO. 05-364
(December 13, 2005)**

By Mr. Patti Chairman of the Public Works Committee:

**AUTHORIZE CHAIRMAN TO SIGN RENEWAL
CONTRACT WITH STATE OF NEW YORK UNIFIED
COURT SYSTEM ON BEHALF OF WYOMING COUNTY
BUILDINGS AND GROUNDS**

BE IT RESOLVED, That the Chairman of this Board, with the approval of the County Attorney is hereby authorized and directed to sign a contract with the *State of NY-Unified Court System, 8th Judicial District, 110 Franklin St – 2nd Floor, Buffalo, NY 14202* on behalf of Buildings and Grounds. This contract will *provide reimbursement of Court facility maintenance* expenses in the amount of \$64,670.00 (sixty-four thousand six hundred seventy dollars) or as actually claimed; effective April 01, 2005 through March 31, 2006.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#23

**RESOLUTION NO. 05-365
(December 13, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

**RICHARD TINDELL REAPPOINTED PLANNING &
DEVELOPMENT DIRECTOR**

BE IT RESOLVED, That *Richard Tindell*, 56 Mt. View Ave., Warsaw, NY 14569 as the *Planning & Development Director* for a *term of two (2) years*; effective *January 01, 2006* through *December 31, 2007*.

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Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#24

**RESOLUTION NO. 05-366
(December 13, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

**MEMBERS APPOINTED/REAPPOINTED TO
THE WYOMING COUNTY PLANNING BOARD**

BE IT RESOLVED, That the following members are appointed or reappointed to the Wyoming County Planning Board for *terms of three (3) years*, said terms to *expire December 31, 2008*

TOWN	REPRESENTATIVE	ADDRESS
Town of Perry	Dana Grover	14 Park Ave. Perry, NY 14530
Town of Pike	Thomas Ayers	P.O. Box 84 Pike NY 14130
Town of Warsaw	W. Jerome Smith	4673 Buffalo Rd. Warsaw, NY 14569

And be it;

FURTHER RESOLVED, That the following alternate at large members are reappointed to the Wyoming County Planning Board for *terms of one (1) year*, said terms to *expire December 31, 2006*.

ALTERNATE	REPRESENTATIVE	ADDRESS
Alternate #1	David Reckahn	508 Dale Rd., Dale, NY 14039

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

**RESOLUTION NO. 05-367
(December 13, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

**RICHARD TINDELL REAPPOINTED TO
THE GLOW PLANNING COMMITTEE**

BE IT RESOLVED, That Richard Tindell (Planning & Development Director) 56 Mt. View Ave., Warsaw, NY 14569 is hereby reappointed to the Genesee Livingston Orleans Wyoming (GLOW) Planning Committee as the Planning and Development Representative for a term of one (1) year; effective January 01, 2006 through December 31, 2006.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#26

**RESOLUTION NO. 05-368
(December 13, 2005)**

By Mr. Knab, Chairman of the Planning Committee:

**RICHARD TINDELL REAPPOINTED TO THE
MICRO ENTERPRISE LOAN REVIEW COMMITTEE**

BE IT RESOLVED, That Richard Tindell, 56 Mt. View Ave., Warsaw, NY 14569 to the Micro Enterprise Loan Review Committee for a term of two (2) years; effective January 01, 2006 through December 31, 2007.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

#27

**RESOLUTION NO. 05-369
(December 13, 2005)**

December 13, 2005

By Mr. Gozelski, Chairman of the Agriculture Committee:

**MEMBERS REAPPOINTED TO THE
REGION 9 – FISH & WILDLIFE MANAGEMENT BOARD**

BE IT RESOLVED, That the following persons are hereby reappointed to the Region 9 – Fish & Wildlife Management Board for at *term of two (2) years effective January 01, 2006 through December 31, 2007:*

Land Owner Representative:

Edward Hulme, 3313 Royce Rd., Varysburg, NY 14167

Sportsman Representative:

Walter Hallbauer, P. O. Box 96, Java Village NY 14083

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

There was a motion by Mr. Davis, T/Covington, to combine resolutions #28 through #50. A voice vote was taken and all voted aye.

There was a request by Supervisor Bush to have Resolutions numbered 28 through 32 and Resolutions numbered 45 and 46 to be voted on separately.

Supervisor Bush explained that he felt that an error was made over the decision to create a separate Budget Office thereby removing these duties from Treasurer Elect Mayer.

The request was honored.

#28

**RESOLUTION NO. 05-370
(December 13, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

SALARY SCHEDULE “I” AMENDED

BE IT RESOLVED, That Salary Schedule “I” be amended to set the salary for the County Treasurer at \$42,000.00 (forty-two thousand dollars) annually; effective January 01, 2006.

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Carried: XXX Ayes: 990 Noes: 164 (Attica) Absent: 48 (Orangeville) Abstain: 214 (Perry)
 96 (Gainesville)
 106 (Sheldon)
 366

#29

RESOLUTION NO. 05-371
(December 13, 2005)

By Mr. Davis, Chairman of the Finance Committee:

BUDGET OFFICE CREATED

BE IT RESOLVED, That a new departmental office of “BUDGET” be established effective January 01, 2006; and be it

FURTHER RESOLVED, That this department and its staff will report directly to the Chairman of the Board of Supervisors and/or the Chairman of the Finance Committee.

Carried: XXX Ayes: 1474 Noes: 96 (Gainesville) Absent: 48 (Orangeville) Abstain:

Supervisor Bush questioned Clerk Parker in her current salary as Budgets and Reimbursements Administrator (\$53,000.00).

#30

RESOLUTION NO. 05-372
(December 13, 2005)

By Mr. Davis, Chairman of the Finance Committee:

SALARY SCHEDULE “D” AMENDED

BE IT RESOLVED, That the Wyoming County Salary Schedule “D” which became effective January 01, 1967, as amended, is hereby amended as follows:

Place one position of Budget Officer on said schedule in the Budget Department setting the annual salary to \$17,000.00 (seventeen thousand dollars); effective January 1, 2006.

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Set the salary for the position of Clerk to the Board of Supervisors to \$35,000.00 (thirty-five thousand dollars) annually, effective January 1, 2006.

Carried: XXX Ayes: 1474 Noes: 96 (Gainesville) Absent: 48 (Orangeville) Abstain: #31

**RESOLUTION NO. 05-373
(December 13, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

SALARY SCHEDULE “S” AMENDED

BE IT RESOLVED, That Resolution number 82-96 establishing the title of Deputy Budget Director PT be amended to reflect a title change to Deputy Budget Officer PT and reflect the same on Schedule S, effective January 1, 2006; and be it

FURTHER RESOLVED, That the Wyoming County Salary Schedule “S” which became effective January 01, 1967, as amended, is hereby amended as follows:

- Move the titles of Deputy Budget Officer PT and Reimbursement and Budget Administrator to the Budget Department, effective January 1, 2006.
- Set the salary for the Deputy Budget Officer PT to \$23,000.00 (twenty-three thousand dollars) annually, effective January 1, 2006.
- Set salary for the Deputy County Treasurer to \$5,000.00 (five thousand dollars) annually, effective January 1, 2006;
- Set the salary for the Child Support Supervisor in the Department of Social Services to \$33,000.00 (thirty-three thousand dollars) annually, effective immediately.

Carried: XXX Ayes: 1474 Noes: 96 (Gainesville) Absent: 48 (Orangeville) Abstain: #32

**RESOLUTION NO. 05-374
(December 13, 2005)**

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By Mr. Davis, Chairman of the Finance Committee:

PAULA A. PARKER APPOINTED BUDGET OFFICER

BE IT RESOLVED, That Paula A. Parker, 146 Lake Street, Perry, NY 14530 is hereby appointed Budget Officer for a two (2) year term effective January 01, 2006 through December 31, 2007.

Carried: XXX Ayes: 1474 Noes: 96 (Gainesville) Absent: 48 (Orangeville) Abstain:
#33

RESOLUTION NO. 05-375
(December 13, 2005)

By Mr. Davis, Chairman of the Finance Committee:

RECYCLING FEES LEVIED

BE IT RESOLVED, That the Clerk of this Board is hereby authorized and directed to levy the recycling fees for the year 2006 as indicated in the amount of \$954,642.50 (nine hundred fifty-four thousand six hundred forty-two dollars and fifty cents):

VILLAGE	UNITS	TOTAL
Castile	1,134 155	159,894.00 10,927.50
Gainesville	816 17	115,056.00 1,198.50
Genesee Falls	186 11	26,226.00 775.50
Middlebury	591 10	83,331.00 705.00
Orangeville	450 21	63,450.00 1,480.50

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Perry	1,824 6	257,184.00 423.00
Pike	126 1	17,766.00 70.50
Sheldon	882 11	124,362.00 775.50
Warsaw	605 5	85,305.00 352.50
TOTAL	6,614 237	932,574.00 16,708.50
GRAND TOTAL		949,282.50

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#34

RESOLUTION NO. 05-376
(December 13, 2005)

By Mr. Davis, Chairman of the Finance Committee:

RETURN VILLAGE TAX LEVIES AUTHORIZED

BE IT RESOLVED, That the Clerk of this Board is hereby authorized and directed to levy the return Village taxes of the year 2005-2006 as presented by the County Treasurer in the total amount of \$230,559.09 (two hundred thirty thousand five hundred fifty-nine dollars and nine cents) including penalties.

2005-2006 RETURNED UNPAID VILLAGE TAXES
TO BE SPREAD ON 2006 TOWN TAX ROLLS

<i>VILLAGE</i>	<i>TAX RETURN</i>	<i>PENALTY</i>	<i>TOTAL</i>
Arcade	38,109.86	2,667.70	40,777.56
Attica	27,989.53	1,959.29	29,948.82

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Castile	13,991.48	979.40	14,970.88
Gainesville	3,626.76	253.87	3,880.63
Perry-Tn of Castile	18,506.22	1,295.44	19,801.66
Perry (Tn of Perry)	63,691.81	4,458.40	68,150.21
Pike	3,650.93	255.57	3,906.50
Silver Springs	7,662.85	536.40	8,199.25
Warsaw	33,754.68	2,362.82	36,117.50
Wyoming	4,491.67	314.41	4,806.08
Totals	\$215,475.79	\$15,083.30	\$230,559.09

Dated: December 01, 2005
s/John B. Edwards
Wyoming County Treasurer

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #35

**RESOLUTION NO. 05-377
(December 13, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

RETURN SCHOOL TAX LEVIES AUTHORIZED

BE IT RESOLVED, That the Clerk of this Board is hereby authorized and directed to levy the return school taxes of the year 2005-2006 as presented by the County Treasurer in the total amount of \$1,547,669.73 (one million five hundred forty-seven thousand six hundred sixty-nine dollars and seventy-three cents) including penalties

**2005-2006 RETURNED UNPAID SCHOOL TAXES
TO BE SPREAD ON THE 2006 TOWN TAX ROLLS**

TOWN & SCHOOL DISTRICT	TAX RETURNED	7.00%	Total
Arcade (Pioneer Central)	99,711.79	6,979.80	106,691.59

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Attica (Attica Central)	112,691.45	7,888.42	120,579.87
Attica (Wyoming Central)	201.01	14.07	215.08
Bennington (Alden Central)	16,236.82	1,136.58	17,373.40
Bennington (Alexander Central)	4,306.11	301.43	4,607.54
Bennington (Attica Central)	138,239.93	9,676.83	147,916.76
Bennington (Iroquois Central)			
Castile (Letchworth Central)	60,005.48	4,200.40	64,205.88
Castile (Perry Central)	69,336.98	4,853.58	74,190.56
Covington (Pavilion Central)	62,382.12	4,366.74	66,748.86
Covington (Perry Central)	2,323.64	162.65	2,486.29
Covington (Wyoming Central)	8,462.91	592.40	9,055.31
Eagle (Letchworth Central)	30,712.40	2,149.87	32,862.27
Eagle (Pioneer Central)	7,554.68	528.80	8,083.48
Gainesville (Letchworth Central)	33,359.01	2,335.12	35,694.13
Gainesville (Warsaw Central)	18,279.31	1,279.55	19,558.86
Genesee Falls (Fillmore Central)	2,284.94	159.94	2,444.88
Genesee Falls (Keshequa Central)	25,075.08	1,755.25	26,830.33
Genesee Falls (Letchworth Central)	6,907.71	483.56	7,391.27
Java (Attica Central)	22,943.00	1,606.01	24,549.01
Java (Holland Central)	1,347.09	94.30	1,441.39
Java (Pioneer Central)	58,533.89	4,097.34	62,631.23
Java (Warsaw Central)	3,401.58	238.11	3,639.69
Middlebury (Attica Central)	1,301.41	91.10	1,392.51
Middlebury (Pavilion Central)	3,136.39	219.54	3,355.93
Middlebury (Warsaw Central)	1,109.70	77.68	1,187.38
Middlebury (Wyoming Central)	36,321.72	2,542.55	38,864.27
Orangeville (Attica Central)	21,964.11	1,537.50	23,501.61
Orangeville (Warsaw Central)	44,357.92	3,105.07	47,462.99
Perry (Perry Central)	171,904.97	12,033.35	183,938.32

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Perry (Wyoming Central)	376.38	26.35	402.73
Pike (Fillmore Central)	1,498.17	104.87	1,603.04
Pike (Letchworth Central)	38,799.52	2,716.00	41,515.52
Sheldon (Attica Central)	63,385.63	4,437.00	67,822.63
Sheldon (Holland Central)	14,487.31	1,014.10	15,501.41
Sheldon (Pioneer Central)	1,397.83	97.84	1,495.67
Warsaw (Letchworth Central)	778.91	54.52	833.43
Warsaw (Perry Central)	2,896.31	202.74	3,099.05
Warsaw (Warsaw Central)	222,933.36	15,605.36	238,538.72
Warsaw (Wyoming Central)	3,186.31	223.04	3,409.35
Wethersfield (Letchworth Central)	14,868.77	1,040.80	15,909.57
Wethersfield (Pioneer Central)	4,207.98	294.60	4,502.58
Wethersfield (Warsaw Central)	13,210.60	924.74	14,135.34
Totals	\$1,446,420.23	\$101,249.50	\$1,547,669.73

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#36

RESOLUTION NO. 05-378
(December 13, 2005)

By Mr. Davis, Chairman of the Finance Committee:

APPROVES PROPERTY AUCTION SALES

WHEREAS, the County has acquired the right to transfer the following properties pursuant to a Judgment of Foreclosure under Article 11 of the Real Property Tax Law, and

WHEREAS, the Finance Committee of the Board has obtained an offer to purchase said properties and recommends the acceptance thereof, namely:

Missing parcel numbers were withdrawn.

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Parcel #21 Kimberly Bragg, DBA Five Trees Development, 369
Genesee Road, Arcade, NY 14009 has offered \$4,290 for property located in
the Town of Arcade, 499 Genesee Road, Tax Map #172.-1-25.

Now, therefore, be it

RESOLVED, That the above are hereby approved and accepted and
the County Treasurer, in the name of the County, is hereby authorized to execute
and deliver a referee deed to the purchaser, providing payment of said purchase
price is received by him on or before December 30, 2005.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#37

**RESOLUTION NO. 05 –379
(December 13, 2005)**

By Mr. Davis, Chairman of the Finance Committee

**RESOLUTION OF THE BOARD OF SUPERVISORS
LEVYING TAXES AND ASSESSMENTS REQUIRED FOR
PURPOSE OF ANNUAL BUDGET OF TOWNS OF
WYOMING COUNTY**

WHEREAS, There has been presented to this Board of Supervisors a
duly certified copy of the annual budget of each of the several Towns in the
County of Wyoming for the fiscal year beginning January 1, 2006 now
therefore, be it

RESOLVED, That there shall be and hereby is assessed and levied
upon and collected from the taxable real property situated in the following
named Towns outside of the incorporated Villages, wholly or partially located
therein, the amounts indicated below for Highway Outside Village, for purposes
included with General Outside Village or to be spread with Highway Outside, as
specified in the budgets of the respective Towns as follows:

NAME OF TOWN	GENERAL FUND OUTSIDE	HIGHWAY OUTSIDE	TOTAL
ARCADE	\$ 29,000.00	\$ 211,490.00	\$240,490.00

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NAME OF TOWN	GENERAL FUND OUTSIDE	HIGHWAY OUTSIDE	TOTAL
ATTICA	\$ 0.00	\$ 169,034.00	\$169,034.00
BENNINGTON	\$ 0.00	\$ 0.00	\$ 0.00
CASTILE	\$9,780.00	\$ 184,700.00	\$194,480.00
COVINGTON	\$ 0.00	\$ 0.00	\$ 0.00
EAGLE	\$ 0.00	\$ 0.00	\$ 0.00
GAINESVILLE	\$ 9,350.00	\$ 108,347.00	\$117,697.00
GENESEE FALLS	\$ 0.00	\$ 0.00	\$ 0.00
JAVA	\$ 0.00	\$ 0.00	\$ 0.00
MIDDLEBURY	\$ 18,850.00	\$ 239,200.00	\$258,050.00
ORANGEVILLE	\$ 0.00	\$ 0.00	\$ 0.00
PERRY	\$ 13,400.00	\$ 140,460.00	\$153,860.00
PIKE	\$ 5,040.00	\$ 123,243.00	\$128,283.00
SHELDON	\$ 0.00	\$ 0.00	\$ 0.00
WARSAW	\$ 10,970.00	\$ 285,200.00	\$296,170.00
WETHERSFIELD	\$ 0.00	\$ 0.00	\$ 0.00
TOTALS:	\$96,390.00	\$1,461,674.00	\$1,558,064.00

and be it

FURTHER RESOLVED, That there shall be and hereby is assessed and levied upon and collected from real property liable therefor within the respective fire protection, lighting and water districts in the following towns, as listed below, the following respective budgets:

TOWN	FIRE DISTRICT	FIRE PROTECTION	LIGHT	UNPAID WATER/ SEWER & RECYCLE FEE	TOTAL

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TOWN	FIRE DISTRICT	FIRE PROTECTION	LIGHT	UNPAID WATER/ SEWER & RECYCLE FEE	TOTAL
ARCADE		\$69,950.00		\$86,139.37	\$156,089.37
ATTICA		\$72,346.00			\$72,346.00
BENNINGTON		B \$78,000.00 C 68,187.00 HC 19,900.00 V 5,075.00	\$500.00		\$171,662.00
CASTILE		\$57,700.00	\$5,800.00	****\$241,414.00 *\$11,819.68	\$316,733.68
COVINGTON		PA \$49,298.00 WY 9,600.00 PE 3,550.00		\$500.00	\$62,948.00
EAGLE		\$44,760.00	\$6,000.00	*\$5,720.65 \$7,000.00	\$63,480.65
GAINESVILLE		\$30,200.00			\$30,200.00
GENESEE FALLS		\$31,000.00	\$8,000.00		\$39,000.00
JAVA	NJ \$2,516.33	NJ \$26,831.25 S \$63,618.00	NJ \$2,500.00 JC \$300.00	\$14,067.50 *\$3,906.17	\$113,739.25
MIDDLEBURY		F1\$56,180.00 F2\$10,300.00			\$66,480.00
ORANGEVILLE		V \$28,395.00 O \$12,800.00	L3 \$350.00		\$41,545.00
PERRY	F3 \$860.00	F4 \$25,000.00	PC \$1,600.00	\$15,580.00 ****\$15,500.00	\$58,540.00
PIKE		\$19,000.00			\$19,000.00
SHELDON	V \$5,620.00	ST \$35,517.00 NJ 5,489.01 V 19,970.00 SH 40,000.00 HC 19,900.00	L1 \$4,200.00 L2 \$2,900.00 L3 \$ 750.00 L9 \$1,400.00	*\$762.20	\$136,508.21
WARSAW		\$45,320.00		\$5,209.00	\$50,529.00
WETHERSFIELD		G \$8,800.00 NJ \$14,261.00 B \$4,000.00 SS \$2,100.00			\$29,161.00
TOTAL:	\$8,996.33	\$977,047.26	\$34,300.00	\$407,618.57	\$1,427,962.16

* = UNPAID WATER BILLS

**Relieved Recycling

***Recycling

****Sewer

and be it

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FURTHER RESOLVED, That the amounts to be raised by tax for all other purposes, as specified in the said several budgets are presented to this Board and which are on file in the office of the Clerk hereof, shall be and hereby are assessed and levied upon and collected from all the taxable property in the Towns as indicated below, except otherwise provided by Law, namely:

NAME OF TOWN	GENERAL FUND TOWN WIDE	HIGHWAY FUND TOWN WIDE	TOTAL
ARCADE	\$ 95,388.00	\$ 220,383.00	\$315,771.00
ATTICA	\$ 116,502.00	\$ 191,374.00	\$307,876.00
BENNINGTON	\$ 92,623.00	\$ 577,878.00	\$670,501.00
CASTILE	\$ 143,788.00	\$ 168,060.00	\$311,848.00
COVINGTON	\$ 128,909.00	\$ 246,053.00	\$374,962.00
EAGLE	\$ 162,962.00	\$ 243,520.00	\$406,482.00
GAINESVILLE	\$ 154,591.00	\$ 60,497.00	\$215,088.00
GENESEE FALLS	\$ 88,152.00	\$ 158,319.00	\$246,471.00
JAVA	\$ 105,420.00	\$ 298,420.00	\$403,840.00
MIDDLEBURY	\$ 130,957.00	\$ 187,150.00	\$318,107.00
ORANGEVILLE	\$ 85,707.00	\$ 378,406.00	\$464,113.00
PERRY	\$ 220,000.00	\$ 166,250.00	\$386,250.00
PIKE	\$ 134,714.00	\$ 64,346.00	\$199,060.00
SHELDON	\$ 184,596.00	\$ 432,949.00	\$617,545.00
WARSAW	\$ 346,318.00	\$ 296,000.00	\$642,318.00
WETHERSFIELD	\$ 103,421.00	\$ 207,798.00	\$311,219.00
TOTAL	\$2,294,048.00	\$3,897,403.00	\$6,191,451.00

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

**RESOLUTION NO. 05-380
(December 13, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

2005 ELECTION EXPENSES APPORTIONED

BE IT RESOLVED, That pursuant to Section 4-136 of the Election Laws of the State of New York, the following election expenses for the County of Wyoming for 2005 are accepted and the Clerk of this Board is hereby directed to apportion the same to the Townships with Wyoming County as follows:

TOWNS	NO. ENROLLED VOTERS	AMOUNT OF LEVY	SPECIAL ELECTION
ARCADE	2556	\$1,249.00	\$0.00
ATTICA	2614	1,278.00	0.00
BENNINGTON	2351	1,149.00	0.00
CASTILE	1998	977.00	0.00
COVINGTON	813	397.00	0.00
EAGLE	850	415.00	0.00
GAINESVILLE	1585	775.00	0.00
GENESEE FALLS	335	164.00	0.00
JAVA	1463	715.00	0.00
MIDDLEBURY	1017	497.00	0.00
ORANGEVILLE	840	411.00	0.00
PERRY	3001	1,467.00	0.00
PIKE	672	328.00	0.00
SHELDON	1794	877.00	0.00
WARSAW	3543	1,732.00	0.00

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WETHERSFIELD	601	294.00	0.00
TOTAL	26,033	\$12,725.00	\$ 0.00

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#39

RESOLUTION NO. 05-381
(December 13, 2005)

By Mr. Davis, Chairman of the Finance Committee:

CELLULAR ONE GOVERNMENT SERVICE PLAN
APPROVED

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to approve the Government Services plan with Cellular One for county employee cell phone service. Rates reflect a seventeen percent (17%) reduction with no minimum cellular phone lines and no formal contract. Equipment is to be billed separately at contracted government rates. Service is cancelable without penalty to the county at anytime as directed by department head and / or committee. The account will continue to be billed monthly and is contingent upon the availability of funds.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#40

RESOLUTION NO. 05-382
(December 13, 2005)

By Mr. Davis, Chairman of the Finance Committee:

ADOPTS 2006 EQUALIZATION TABLE

BE IT RESOLVED, That the 2006 Equalization Table, which was tabled on November 9, 2005, is lifted from the table, and be it

FURTHER RESOLVED, That the 2006 Equalization Table is hereby amended to reflect revised assessments in the Towns of Castile and Gainesville; and be it

December 13, 2005

FURTHER RESOLVED, That the said following Equalization Table sets forth the percentage of County Tax to be paid by each Town for 2006 is hereby adopted as amended.

ADVISORY	TOWN	TAXABLE ASSESSED	FULL VALUE	% OF CO. TAX	TAXABLE
EQUALIZ		VALUE WITH PARTIAL	AT	TO BE PAID	ASSESSED
RATES		EXEMPTIONS ADDED	STATE RATES	BY EACH TOWN	VALUE
95.00%	ARCADE	176,146,287	185,417,144	0.109900787	176,112,637
97.00%	ATTICA	140,365,434	144,706,633	0.085770779	140,350,734
55.00%	BENNINGTON	108,356,357	197,011,558	0.116773049	108,323,757
100.00%	CASTILE	160,782,932	160,782,932	0.096994617	160,756,432
100.00%	COVINGTON	52,167,000	52,167,000	0.030920519	52,151,300
100.00%	EAGLE	40,296,878	40,296,878	0.023884839	40,289,578
100.00%	GAINESVILLE	69,025,945	69,025,945	0.041640895	69,025,945
100.00%	GENESEE FALLS	20,506,980	20,506,980	0.012154935	20,495,680
93.39%	JAVA	100,052,259	107,133,803	0.063500543	100,044,759
100.00%	MIDDLEBURY	69,141,479	69,141,479	0.040981663	69,137,979
100.00%	ORANGEVILLE	61,416,711	61,416,711	0.036403025	61,414,811
100.00%	PERRY	148,100,540	148,100,540	0.087782422	148,078,090
100.00%	PIKE	41,476,682	41,476,682	0.024584134	41,471,132
93.39%	SHELDON	113,368,660	121,392,719	0.071952113	113,338,560
100.00%	WARSAW	201,947,669	201,947,669	0.121827837	201,944,669
100.00%	WETHERSFIELD	37,123,310	37,123,310	0.022003796	37,099,210
	TOTALS	1,540,275,123	1,657,647,983	1.000	1,540,020,623

T= Town Taxable Assessed Value

Average Rate of Equalization
for county

FINANCE COMMITTEE

	Jerry Davis	Sally Meeder
	Anne Humphrey	Howard J. Miller
09-Nov-05	E. Joseph Gozelski	Douglas Patti
	John Knab	Larry Rogers
	Joseph Kushner	

#41

**RESOLUTION NO. 05-383
(December 13, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

Regular Session

SEMI-ANNUAL REVENUE SHARING FOR THE TOWNS

BE IT RESOLVED, That the Chairman of the Finance Committee, presented the Semi-Annual Revenue Sharing Report for the period of April 1, 2005 through September 30, 2005 and moved that the Clerk draw warrants on the County Treasurer for the various amounts therein.

To: John B. Edwards, County Treasurer of Wyoming County, NY

You are hereby authorized and directed to distribute the Semi-Annual Revenue Sharing amounts totaling \$37,318.62 (thirty-seven thousand three hundred eighteen dollars and sixty-two cents) to the sixteen towns of Wyoming County, in accordance with the report filed with the Clerk of the Board of Supervisors, as follows:

TOWNS	REVENUE SHARING DISTRIBUTED
Arcade	8,888.31
Attica	3,093.85
Bennington	3,475.54
Castile	2,355.68
Covington	1,382.27
Eagle	1,141.20
Gainesville	1,061.43
Genesee Falls	125.52
Java	3,085.82
Middlebury	1,175.42
Orangeville	1,314.44
Perry	2,738.81
Pike	553.88
Sheldon	1,581.80
Warsaw	4,743.75
Wethersfield	600.90
Total	\$37,318.62

Let this be your Warrant for Such Payment: \$37,318.62 (thirty-seven thousand three hundred eighteen dollars and sixty-two cents) IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Board of Supervisors this 13th day of December, 2005.

s/ Paula A. Parker, Clerk
Board of Supervisors

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

December 13, 2005

**RESOLUTION NO. 05-384
(December 13, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

3 COPIES OF ANNUAL REPORTS REQUESTED

BE IT RESOLVED, That the Public Officials of this County present at least three (3) copies of their annual report, in writing, to the Clerk of this Board not later than March 31, 2006, said annual reports to contain a financial summary of the department, and be it

FURTHER RESOLVED, That any supervisor may request any official to present an oral report in addition to a written report.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #43

**RESOLUTION NO. 05-385
(December 13, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**AUTHORIZE CHAIRMAN AND CLERK TO SIGN TAX
WARRANTS**

WHEREAS, Section 904 of the Real Property Tax Law provides that the Collectors' Warrants in said Tax Rolls should be executed by said Board of Supervisors under the seal of the Board signed by the Chairman and/or Clerk of the Board, and

WHEREAS, The Chairman/Clerk of the Board has presented the Annual Tax Rolls, with extensions therein, for the approval of this Board, now, therefore, be it

RESOLVED, That the Tax Rolls, as extended, are hereby in all things approved and the Chairman or Clerk are hereby authorized and directed to execute and sign the warrants attached in said Rolls: warrants to be returned on or before April 1, 2006.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #44

**RESOLUTION NO. 05-386
(December 13, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

DATE SET FOR ANNUAL ORGANIZATIONAL MEETING

WHEREAS, the Rules of Procedure of the Board of Supervisors has been suspended by unanimous consent for the purpose recited in this resolution;

BE IT RESOLVED, That the Annual Organization Meeting of the Wyoming County Board of Supervisors will be set for Tuesday, January 3, 2006 at 2:00 PM, to be held at 143 North Main Street, Town of Warsaw, Warsaw, New York in the Government Center Supervisor's Chambers.

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain: #45

**RESOLUTION NO. 05-387
(December 13, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A
CONTRACT ON BEHALF OF WYOMING COUNTY**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign an agreement with Mrs. Anne C. Humphrey, 50 St. Helena St., Perry, NY 14530 for consulting and advisory services. Contract is in an amount not to exceed \$33,000.00 (thirty-three thousand dollars) annually with monthly payments of 2,750.00 (two thousand seven hundred fifty dollars). Contract to be effective beginning January 1, 2006 through December, 31, 2006 and is contingent upon the availability of funds.

Carried: XXX Ayes: 1229 Noes: 127 (Bennington) Absent: 48 (Orangeville) Abstain: 214 (Perry)

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Supervisor Bush stated that he is opposed to the passage of resolution #46 because it would be a step backwards.

Supervisor Rogers stated that the Finance Committee met with the Board of Managers and they believe a process has been established.

#46

**RESOLUTION NO. 05-388
(December 13, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

RESCIND RESOLUTION NUMBER 04-288

WHEREAS, Resolution Number 04-288 dated October 12, 2004 gave the Wyoming County Community Hospital Board of Managers sole responsibility for setting salaries for Hospital Management Staff at Wyoming County Community Hospital; now therefore

BE IT RESOLVED, That this Board of Supervisors hereby rescinds resolution number 04-288 and will further set a procedure for the review and approval of salary increases as related to Hospital Management Staff, effective immediately.

Carried: XXX Ayes: 1474 Noes: 96 (Gainesville) Absent: 48 (Orangeville) Abstain:
#47

**RESOLUTION NO. 05-389
(December 13, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**JOSEPH KUSHNER APPOINTED TO THE
WYOMING COUNTY COMMUNITY HOSPITAL BOARD
OF MANAGERS**

BE IT RESOLVED, That *Joseph Kushner* (Supervisor T/Eagle) 3864 E. Main Street, Bliss, NY 14024 is hereby appointed to the Wyoming County Community Hospital Board of Managers for a *term of one (1) year* as a *Supervisor Member; effective January 01, 2006 through December 31, 2006*

Regular Session

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#48

**RESOLUTION NO. 05-390
(December 13, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

PAULA A. PARKER REAPPOINTED COUNTY AUDITOR

BE IT RESOLVED, That *Paula A. Parker*, 146 Lake Street, Perry, NY 14530 is hereby reappointed **County Auditor for a term of two (2) years; effective January 01, 2006 through December 31, 2007.**

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#49

**RESOLUTION NO. 05-391
(December 13, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

**A. DOUGLAS BERWANGER REAPPOINTED COUNTY
PURCHASING AGENT**

BE IT RESOLVED, That *A. Douglas Berwanger*, 6608 East Arcade Rd., Arcade, NY 14009 is hereby reappointed *County Purchasing Agent for a term of two (2) years; effective January 01, 2006 through December 31, 2007.*

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#50

**RESOLUTION NO. 05-392
(December 13, 2005)**

By Mr. Davis, Chairman of the Finance Committee:

December 13, 2005

Proceedings of the Board of Supervisors
HIPAA OFFICERS REAPPOINTED

391

BE IT RESOLVED, That the following persons are hereby reappointed to the following HIPAA Officer Positions, for a term of one year, said term to expire December 31, 2006:

Anne Herod (Probation Director) – Privacy Officer

Todd MacConnell (Information Technology Director) – IT Security Officer

Sally Meeder (T/Middlebury Supervisor) - Corporate Compliance Officer

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:

And now begins the public hearing portion of the meeting. We would invite anyone who wishes to make comments about the budget to come to the podium, but before we begin, I would like to address the Board of Supervisors, the County employees, the media, and the community at-large.

Recently there have been some concerns raised over the proposed salary for the treasurer-elect. There has been some negative comments made to the media as well as phone calls and inquiries to the Board of Supervisors by the community in general regarding the salary.

First, let me say, to date, the treasurer-elect has not approached any member of the Board of Supervisors, the finance committee or myself to request different compensation for this position. As far as the Board of Supervisors is aware, she is satisfied with this salary.

Having said this, we have heard from others expressing their dissatisfaction over the proposed cut.

I would like to take a moment to explain how the Board of Supervisors arrived at this salary. There are two main reasons that happen to coincide with the change of treasurers:

First, the budget officer duties as well as some other duties will be or have been shifted from the treasurer.

And second, is the experience of the new treasurer. To further clarify our first reason, in February 2002, the County Administrator resigned and the day to day oversight of the staff in purchasing and reimbursement/budget became the responsibility of the treasurer, in December of 2003 that changed. With the restructuring of the purchasing, reimbursement/budget and clerk to the Board of Supervisors offices, I as Chairman of the Board, with direction from the Board

of Supervisors, assumed the day to day responsibilities of oversight and management of the staff and the duties related to those functions.

Also, to ensure that budgeting checks and balances are maintained, the Board of Supervisors has decided to appoint a budget officer separate from the treasurer.

And second, as the Board of Supervisors reviewed the experience and the longevity of the treasurer-elect it was decided that she is entitled to a base salary commensurate with other treasurer's salaries in comparable counties. For example counties with populations close to Wyoming County's (43,424), such as Allegany (49,927), Cortland (48,599), Delaware (48,055), Montgomery (49,708) and Orleans (44,171).

At this time, the Board of Supervisors is not opposed to reviewing the County Treasurer's salary at about the mid-year point and making any adjustments the Board feels appropriate.

In conclusion, I am very pleased to hear the presentation of the 2006 budget by Mr. John Edwards. I feel that the Board of Supervisors with the assistance of the budget team has really performed a great service for the taxpayers of Wyoming County. When you look at the ONE PERCENT (1%) tax rate per thousand increase for those towns at the 100% equalization rate (and no increase in assessment) and compare that to other counties proposing anywhere from four percent (4%) to seventy percent (70%) increases, one can truly see that we are committed to making sure the county taxpayers interests continue to be represented.

Today's public hearing is related strictly to the 2006 Wyoming County budget. We welcome your comments and concerns regarding the budget. Any profanity, personal comments, innuendoes, or personal attacks will not be tolerated. Inappropriate comments and behavior will result in your being escorted from the meeting. Each person will have two (2) minutes for comments.

HONORABLE MEMBERS OF THE BOARD OF SUPERVISORS, COUNTY OFFICIALS AND RESIDENTS OF WYOMING COUNTY:

This proposed 2006 County Budget will be my last one to present to the Board of Supervisors as I'm retiring at the end of the year. Each year we find new problems that must be addressed and the budget is never adopted without many hours of work by Department Heads, the Budget Team, the Committees of the Board of Supervisors and several individuals serving on various Boards and Non-County Agencies. To all of them, we express our appreciation. As I review the proposed 2006 Wyoming County Budget you will see what I mean.

December 13, 2005

The County Figures look like this:

	<u>2006</u>	<u>2005</u>	Increase(Decrease)
Taxable Valuation	1,540,020,623	1,515,159,597	24,861,026
Taxable Full Valuation	1,657,361,924	1,586,491,764	70,870,160
Co. Ave. Tax Rate Full Value	6.37 per 1,000	6.31 per 1,000	+.06
Co Ave. Tax Rate	6.85 per 1,000	6.61 per 1,000	+.24

In August 2004 the Wyoming County Board of Supervisors approved a New Equalization Plan (Title 2) based on the proportion of the total full valuation of taxable real property in the county. In 2006 the rate of increase for each town should be \$ 6.37 per thousand for all towns with a 100% Equalization. If the Equalization Rate is lower the Town rate will be higher.

This proposed budget has total appropriations of \$ 100,001,356.14, up \$ 6,167,569.88 or a 6.6 % increase. Revenues total \$ 86,698,667.76, for an increase of \$ 5,431,512.12 or a 6.7 % increase. In order to hold down the tax rate, surplus funds have been applied from the General Fund and 911 funds totaling \$ 3,010,500.00.

The Proposed 2006 County Tax Levy is \$ 10,552,188.38 for an increase of \$ 540,357.76 (5.40 %) over the 2005 Tax Levy. This makes a 3.63 % increase in the County Average from \$ 6.61 to \$ 6.85 per thousand of assessed value. This means that a home assessed at \$100,000 that paid \$ 661.00 in 2005 would pay \$ 685.00 in 2006 for an increase of \$ 24.00.

Estimated Sales Tax of \$ 12,100,000 is applied for 2006 up \$ 500,000. For a third year the 2006 budget contains a subsidy to the Wyoming County Community Health System of \$ 1,200,000.00 This is due to three major factors that have affected every county in New York State: Medicaid, Health Insurance Premiums and State Retirement.

A Health Insurance Task Force with Union and Management representation has recommended a Single Health Care provider policy for all county employees. The approval by all Unions has given both the employee and the county savings on Health Insurance premiums. Some of the Savings will again be passed on to the employees through a HRA (Health Reimbursement Account). This Individual employee account is being managed by a third party administrator. We would like to thank the Unions for their help in the development and approval of this single provider policy.

The larger departments and their percent of Total County Budget Appropriations are as follows:

Hospital	\$ 44,483,074	44.48%
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Social Services	\$ 15,404,343	
15.40%		
Highway	\$ 8,181,921	8.18%
Health	\$ 5,627,203	5.62%
Law Enforcement\$	6,732,572	6.73%
Education	\$ 2,602,751	2.60%

This proposed 2006 budget has been balanced with NO funds for salary increases for all employees, non-union or union. NO Capital Expenditures except Computer Capital Equipment in the Information Technology Department. NO appropriation for new sheriff's cars and only mandated travel and allowances in order to keep departments running have been allowed. All Contract Agencies will remain at their 2005 allocation and only \$ 60,000 is in the Contingency funds for unexpected expenses in 2006.

Medicaid costs have decreased 4.06% or \$225,000 over what was budgeted for 2005. Medicaid is 50.37 % (\$ 5,315,000) of the County Levy with General Operations Levy of 49.63% (\$5,237,189). This is in contrast to 2005 when Medicaid Levy was 55.33% (\$ 5,540,000) of the County Levy and General Operations Levy was 44.67% (\$ 4,471,830). Retirement costs for the General Fund have been budgeted at \$1,236,254 for 2006.

The total indebtedness of the County of Wyoming as of November 1 is \$ 620,964.56 for the Co Generation Projects (Hospital), \$1,800,000 for the Skilled Nursing Facility Expansion, \$ 1,350,000 for Hospital Equipment, \$ 3,955,000 for Road Reconstruction / Government Center, \$ 855,000 for Court House Construction and \$ 500,000 for Radio System Equipment. Total indebtedness is \$ 9,080,964.56.

The Finance Committee, Chairman of the Board of Supervisors, Deputy Budget Director, Administrator of Budget and Reimbursement and I thank all who helped in putting this 2006 Tentative County Budget together and we present it to you for your consideration.

Respectfully submitted,

John B Edwards
County Treasurer / Budget Director

In addition the Treasurer expressed his concern and disappointment with the changes to the Treasurer's office.

Public Comment:

Linda Hollister (T/Warsaw) – Why wasn't the Public notified prior to the election of the changes to the Treasurer's office? Very disappointed.

Chairman Berwanger invited the Supervisors to comment on the question.

Finance Committee Chair Davis stated that discussions were started in July. We may have been at fault for not sharing the information with the general public but the information was available to the candidates.

Charlotte Cook (T/Warsaw) – Fifty years ago she wanted to run for District Attorney so she went to the County Party Chairperson to deliver her intentions and was denied access. She stated that this situation feels much the same way. She urged the Supervisors to consider what this looks like because it "smacks" of dirty politics.

Joan Harrison (T/Arcade) – Questioned certain items shown in the Budget. Clarification of the Personal Services line in the Budget Department (Deputy Budget Officer) and the County Auditor's salary (there is no salary associated with the Auditor's position).

Cheryl Mayer asked for a moment. She stated that this was a difficult campaign. Ms. Mayer started making phone calls starting with the Supervisors elect to establish a line of communication. Supervisor Davis phoned and invited her to attend a Special Finance Meeting originally scheduled for November 16. This meeting had to be rescheduled for November 22, 2005 at which time she made herself available and was basically told no thank you. Ms. Mayer expressed her disappointment in the actions of the board because she felt that she would have been able to come to an agreement satisfactory to all. She stated that she would do what ever the job required as she was elected by the voters.

Supervisor Davis invited Ms. Mayer to attend the next Finance Committee meeting.

Ms. Mayer stated that it was her feeling that this was the meeting to have taken care of this business and she felt that it was probably too late.

Ron Wert questioned the advertising for Supervisors' salaries. It appeared to him that the Supervisors were to receive raises for 2006. It was explained that the advertisement stated a maximum salary amount of which the Supervisors are not at. The Supervisors' salaries are advertised each year.

Non – Consent #51

RESOLUTION NO. 05-393

Regular Session

Proceedings of the Board of Supervisors
(December 13, 2005)

By Mr. Davis, Chairman of the Finance Committee:

TENTATIVE 2006 COUNTY BUDGET AMENDED

BE IT RESOLVED, That the tentative 2006 County Budget as presented is hereby amended by the reduction of the allowance for uncollectable balances from \$500,000.00 (five hundred thousand dollars) to \$310,000.00 (three hundred ten thousand dollars). The amendment will result in a reduction of tax levy by \$190,000.00 (one hundred ninety thousand dollars) further reducing and amending the total tax levy to \$10,552,188.38 (ten million five hundred fifty-two thousand one hundred eighty – eight dollars and thirty – eight cents).

Carried: XXX Ayes: 1570 Noes: Absent: 48 (Orangeville) Abstain:
#52

RESOLUTION NO. 05-394
(December 13, 2005)

By Mr. Davis, Chairman of the Finance Committee:

TENTATIVE 2006 BUDGET FOR WYOMING COUNTY
ADOPTED

BE IT RESOLVED, That the tentative budget for the year 2006, as filed with the Clerk of this Board, as amended by the reduction of the allowance for uncollectable balances from \$500,000.00 (five hundred thousand dollars) to \$310,000.00 (three hundred ten thousand dollars) as attached, is hereby adopted as the county budget for the year 2006, which requires the raising by tax levy the amount of \$10,552,188.38 (ten million five hundred fifty-two thousand one hundred eighty – eight dollars and thirty – eight cents); and be it

FURTHER RESOLVED, That the said sum of \$10,552,188.38 (ten million five hundred fifty-two thousand one hundred eighty – eight dollars and thirty – eight cents) is hereby levied against the taxable property within the County, as equalized by this Board, and the Chairman and/or Clerk of the Board is hereby directed to apportion and spread said sum against the properties within the County, which are subject to taxation, and be it

December 13, 2005

FURTHER RESOLVED, That the several amounts specified in such budget in the column entitled “ADOPTED”, and the totals for the several objects set forth below, be appropriated for such objects effective January 1, 2006.

Carried: XXX Ayes: 1368 Noes: 96 (Gainesville) Absent: 48 (Orangeville) Abstain:
106 (Sheldon)
202

Chairman Berwanger noted that today’s meeting is the final meeting for Treasurer Edwards, Supervisors Humphrey and Miller and wished them all the very best. He invited all in attendance to a small reception in the Committee Room for the retiring Supervisors.

There being no further business to come before this board Mrs. Humphrey adjourned the meeting at 4:30 PM.

A

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