

**ANNUAL ORGANIZATIONAL MEETING
TUESDAY, JANUARY 2, 2009
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. Cheryl Ketchum, called the meeting to order and introduced Wyoming County Veteran, Mr. Paul H. Hamilton to lead in the Pledge of Allegiance to the Flag:

Paul H. Hamilton

Mr. Hamilton's service to his country comes while serving during the Gulf Wars.

He enlisted in the United States Marine Corp on September 26, 1994. He completed Basic Training at Paris Island, South Carolina, and then went on to Camp Keiger, North Carolina where he completed Advanced Individual Training as a Heavy Equipment Operator. Mr. Hamilton's first assignment was with the MWSS 171st in Iwa Kuni, Japan. He spent a year in Japan with his unit as a heavy equipment operator. He then returned to the United States and was assigned duties at 29 Palms Air Base in California, with the Aviation Ground Support Element where he spent the next 2 ½ years as a Heavy Equipment Operator. Mr. Hamilton was Honorably Discharged on September 25, 1998 at the rank of Corporal E-4.

For his service to his country, Mr. Hamilton was awarded:

**The National Defense Service Medal
The Sea Service Development Ribbon
The Meritorious Mast Medal; and
The Good Conduct Medal**

Following his discharge, he returned to this area and worked in construction as an equipment operator for 2 years and then went to work for the New York State Department of Correction as a Correction Officer. During this time, he continued his service to his country by serving 4 years with the United States Naval Reserve in Buffalo, during which he and his unit helped in the "Recovery" of New York City following the attack on "9-11". This service earned him 2 Battle "E" Ribbons. Mr. Hamilton also has continued his education. He is presently enrolled at Genesee Community College with a Major in Engineering and still works at Attica Correctional Facility as a Correction Officer. Mr. Hamilton enjoys hiking and anything outdoors. He has

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been married to his wife, Lisa, for over 11 years and they have 2 beautiful daughters, Alexandria and Victoria, and they live in Attica.

The pledge was said by all.

A certificate of appreciation was presented to Mr. Hamilton in honor of his service to his country and also to commemorate his appearance today.

Clerk Ketchum stated that another custom of this Board is to offer Veterans an opportunity to address the Board. Mr. Hamilton thanked the Board for caring about all veterans.

Clerk Ketchum announced that the Supervisors would be utilizing their new weighted voting system today, pursuant to a local law recently passed and filed with the New York State Secretary of State. Judge Mark Dadd was thanked for agreeing to administer the oath of office to the officials today, as well.

The Clerk then called for nominations for the Temporary Chairman. Supervisor Gozelski nominated Supervisor Rogers. Seconded by Supervisor Grant. As there were no other nominations Supervisor Grant moved that the nominations be closed, the motion was seconded by Supervisor Smith. A roll call vote was taken with the following results: **Ayes: (1596); Noes: (0); Absent: (0) Abstain: (0);** Supervisor Rogers was declared Temporary Chairman.

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

Temporary Chairman Rogers welcomed his fellow Supervisors, County Officials, Department Heads, County Staff, Media Representatives, Family, Friends and guests of the 2009 Annual Organizational Meeting of the Board of Supervisors. He extended a thank you to the Board for their continued confidence in his ability to conduct the meeting in the Temporary Chairman's capacity. He then 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 Brick moved that the nominations be closed, the motion was seconded by Supervisor Smith. A roll call vote was taken with the following results: **Ayes: (1596); Noes: (0); Absent: (0) Abstain: (0);** Temporary Chairman Rogers declared Supervisor Berwanger as Permanent Chairman of the Board for the year 2009.

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

Chairman Berwanger called for nominations for Vice-Chairman of the Board. Supervisor Totslie nominated Supervisor Davis. Seconded by Supervisor May. As there were no other nominations, Supervisor May moved that nominations be closed. The motion was seconded by Supervisor Fleischman. A roll call vote was taken with the following results: **Ayes: (1596); Noes: (0); Absent: (0) Abstain: (0)**; Supervisor Davis was declared Vice-Chairman of the Board for the year 2009.

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

Chairman Berwanger called for nominations for Clerk to the Board. Supervisor Smith nominated Cheryl J. Ketchum. Seconded by Supervisor Brick. 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 the following results: **Ayes: (1596); Noes: (0); Absent: (0) Abstain: (0)**. Cheryl J. Ketchum was declared Clerk to the Board for the year 2009.

Judge Mark Dadd administered the oath of Office to the Clerk to the Board.

Chairman Berwanger then invited recently appointed County Clerk, Rhonda Pierce to please come forward and take the oath of office.

The Oath of Office was administered by Judge Mark Dadd.

Clerk Pierce was given an opportunity to address the board. She stated, “I would like to thank Chairman Berwanger and the entire board of supervisors for their vote of confidence in appointing me as County Clerk to succeed Dick. I, and all the employee’s at the Clerk’s Office and DMV are going to miss Dick and his leadership very much. In the short time we had working as County Clerk and Deputy Clerk we were able to accomplish so much and we both were very proud of how smoothly the Clerk’s Office operated in 2008. Although this appointment is bittersweet in how I received it, I am excited about my new position and look forward to serving the people of Wyoming County. Thank you all once again.”

Chairman Berwanger requested a moment of silence in honor of former County Clerk, Richard Harrison.

Chairman Berwanger offered the following tribute in memory of Richard Harrison, “One year ago Richard Harrison stood in these Chambers and took the oath of office as the newly elected County Clerk. Being from Arcade all of us who knew Dick were especially proud and happy for him. His career in Wyoming County began 10 years ago as the Director of the Bureau of Weights

and Measures taking over for the retired, Charles Daniels. Dick took on the responsibility as a Department Head with great vigor. Updating and computerizing department functions and records. His work with the public was excellent and he began new innovations which increased public awareness of the importance of Weights and Measures, most notably staffing a booth at the Wyoming County Fair, which provided a great opportunity to reach the public. Dick was also the Bookkeeper for the Town of Arcade. He has worked with me for 13 years. His attention to detail was at times maddening but under his direction of Town Finance the State Comptroller's audits were always good and as you know that is always a positive for any elected Town Supervisor. Dick Harrison was a loyal, intelligent, thoughtful, and dedicated public servant. His time in the world was far too short. But for those of us that knew him well, we were most fortunate to be a part of his life. To his wife, Joan, son and daughter, Trent and Nicole, mother, Marge, and sister, Sandy our thoughts and prayers are with you. Wyoming County is a better place because of Dick Harrison.

Introduction of Guests:

- Nick Langworthy, Congressman, Chris Lee's District Director
- Michelle McCullough, Congressman, Chris Lee's, Williamsville Office Director
- Jim Domalgowski, Erie County Republican Committee Chair.

Chairman Berwanger asked Clerk Ketchum to pass out the Standing Committee assignments for 2009.

At 2:25 PM Chairmen Berwanger called for a short recess for a special meeting of the Finance Committee.

At 2:28 PM the meeting resumed with the following results:

Chairman Berwanger introduced the Assistant County Attorney Jamie Welch.

2/3 Majority

Unanimous Consent #1

**RESOLUTION NO. 09-01
(January 2, 2009)**

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

RULES OF PROCEDURE AMENDED AND ADOPTED

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BE IT RESOLVED, That this Board of Supervisors hereby adopts, as its Rules of Procedure, the Rules of this Board as adopted May 11, 1999, as amended, and be it

FURTHER RESOLVED, That the Rules of Procedure are hereby amended as follows:

Rule 42. Participation in Sessions.

“No person other than the members of the Board of Supervisors, the Clerk to the Board, the County Attorney, and the **Budget Officer** shall participate in any way in the meetings of the Board...”

Carried: XXX Ayes: 1470 Noes: Absent: Abstain:

Unanimous Consent #2

RESOLUTION NO. 09-02 (January 2, 2009)

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

BETH POND REAPPOINTED COUNTY AUDITOR

BE IT RESOLVED, That **Beth Pond**, 6708 Swyers Road, Castile, NY 14427 is hereby reappointed County Auditor; *effective January 01, 2009 through December 31, 2009.*

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
Unanimous Consent #3

RESOLUTION NO. 09-03 (January 2, 2009)

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

CAROLE L. BUTLER REAPPOINTED OTB DIRECTOR

BE IT RESOLVED, That **Carole L. Butler** of Blackhouse Road, Warsaw, NY 14569, is hereby reappointed as **Director** to represent Wyoming County on the Board of Directors of the **Western Region Off-Track Betting**

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Corporation for a two (2) year term; effective January 01, 2009 through December 31, 2010, upon the approval of the New York State Racing and Wagering Board.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#4

**RESOLUTION NO. 09-04
(January 2, 2009)**

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: XXX Ayes: 1596 Noes: Absent: Abstain:

#5

**RESOLUTION NO. 09-05
(January 2, 2009)**

By Mr. Davis, 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 Daily News, Batavia, NY; Country Courier, Warsaw, NY; Perry Herald, Perry, NY; and the Arcade Herald, Arcade, 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: XXX Ayes: 1596 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 2009:

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

matters required by law to be published and for which NO OTHER specific designation has been made.

Official canvass	Country Courier	Warsaw, NY
Constitutional amendments and concurrent resolutions (including tax sales and redemptions)	Country Courier	Warsaw, NY

Signed this second day of January 2009.

s/ A.D. Berwanger s/ James Brick

s/ Joseph Gozelski s/ Joseph Kushner

s/ Jerry Davis s/ Larry Rogers

s/ Jean Totslie s/ Douglas Patti

s/ Ron Smith s / Ellen Grant

s/ John Copeland s/ Susan May

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 2009:

<u>Designation</u>	<u>Publication</u>	<u>Village of</u>
Election notices	Perry Herald	Perry, NY

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

Signed this second day of January 2009:

s/ Harold Bush

s/ Sally Meeder

s/ James Fleischman

s/ John Knab

#6

**RESOLUTION NO. 09-06
(January 2, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
APPLICATION AND ACCEPTANCE AWARD WITH THE
NEW YORK STATE SECRETARY OF STATE, DIVISION
OF LOCAL GOVERNMENT SERVICE ON BEHALF OF
COUNTY HIGHWAY**

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 New York State Secretary of State, Division of Local Government Service, Local Government Efficiency Program, 1 Commerce Plaza, 99 Washington Ave., Suite 1015, Albany, NY 12231 for the Local Government Efficiency Implementation Grant for program year 2008/2009; and be it

FURTHER RESOLVED, That:

1. Wyoming County shall act as the “Lead Applicant” for the LGE grant application. The sixteen (16) towns will act as “Co-Applicants.”
2. Chairman Berwanger shall be named as “Lead Applicant Contact Person” on the grant application form and the Board of Supervisors authorizes Chairman Berwanger to execute all financial and/or administrative processes and instruments relating to the grant program.
3. The grant application shall request funds under the “Efficiency Implementation” category to enable Wyoming County to work cooperatively with all sixteen (16) towns in the County to purchase a tractor with a boom mower. This equipment is needed to remove brush, tree limbs and other vegetation on side slopes over and above the guide rail that impedes the safety of the traveling public. Upon the receipt of this equipment, the County will assume responsibility for operating the tractor and boom mower on all county and town roads. The Co-Applicant municipalities will relinquish the responsibility for clearing the right-of way along the highways in these areas and will discontinue the responsibility for this service.
4. The estimated cost of the equipment is \$112,000. Wyoming County, as Lead Applicant, will apply for a grant of \$100,800. The local share of \$11,200 will be shared equally by Wyoming County and the sixteen (16) towns. The local funds will come from each community’s Highway Equipment Account.
5. Wyoming County (Lead Applicant) will work with the Co-Applicants to prepare and execute an inter-municipal agreement setting forth the individual responsibilities to carry out this municipal highway services project.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

2009 State of the County Address

Fellow Supervisors, Judge Dadd, Judge Griffith, District Attorney Stout, Sheriff Heimann, Treasurer Mayer, and County Clerk Pierce, welcome.

At this time I wish to thank my colleagues, the Wyoming County Board of Supervisors, for their support, confidence, and loyalty, which have been shown to me for the last 8 years. It is a privilege and an honor to be elected Chairman for a 9th consecutive term. I continue to take my direction from all of you and serve Wyoming County to the best of my ability.

I want to welcome all of you who are attending this annual organizational meeting here at the Wyoming County Government Center today. As has been the custom of the Chairman of the Board of Supervisors for the last several years a state of the county address has been delivered at this time.

2008 was a year of planning and actions in Wyoming County, beginning in January the Board of Supervisors held a day long retreat to meet with department heads, budget, and financial personnel to plan for the upcoming year and to develop a five year projection. There were many great ideas proposed as a result of this conference. Bottom line – money and an old axiom came into play; Wyoming County has a certain amount of taxpayer's money to spend, so how does the Board provide the best services for our residents at the best cost?

I will share with you several of the ideas and the implementation of these ideas.

First, the Wyoming County Community Health System, specifically the physical plant, after receiving a subsidy from county government for the past four, the Board feels very strongly that under the leadership of C.E.O, Ron Krawiec, the hospital is turning the corner financially, thus the decision was made to move forward and renovate. The building is scheduled to begin undergoing a step by step renovation in 2009. Renovations are made possible through the successful efforts of the Capital One Campaign, which was sponsored by the Hospital Foundation and Chaired by Janet and Russ Miller, and Jim Van Arsdale. On behalf of the Board of Supervisors, we thank everyone who worked, volunteered, donated, and supported this county wide effort. It has been inspirational to witness the success. Much planning has been done and much more remains, however, we are moving forward with the project. Included in the hospital renovation has been the acquisition of the former North Main Medical building. The building not only will provide much

needed space for doctor's offices and outpatient services but, additional parking area, as well.

The second idea to be planned and implemented is the continuation of the Road Improvement Plan in Wyoming County. Over the past seven years \$20.3 million dollars has been invested in the reconstruction of county roads and bridges, of which only \$5.8 million was county levy. These roads include LaGrange Rd., Saltvale Rd., Wethersfield Rd., Curriers Rd., East Arcade Rd., and West Lake Rd. In 2008 East Main Street Rd. and Vernal Rd. in the Towns of Attica and Middlebury were completed. Prep work on Middle Reservation Rd. in Perry and Castile along with reconstruction of three to five bridges each year have been completed, as well. The decision was made and certain to be supported by the Board to continue to improve the County Highway system. Borrowing was and is necessary to continue this aggressive plan which has been approved. Under the Supervision of the Public Works Committee, which is chaired by Supervisor Patti of Attica, is the plan to renovate and build on to the lower DSS building and raise the upper building to provide additional parking. This building project is expected to cost \$4.5 million dollars. Because of cramped space, additional case loads and a need for a building upgrade this project was also approved.

The third major project is the construction of a Fire Training Tower at the Wyoming County Fire Training Center in Wethersfield. Cost of the Training Tower is projected to be \$600,000.00. \$300,000.00 of which is funded through an appropriation by State Senator Volker. All of these projects will be overseen by Superintendent of Buildings and Grounds, Dennis Halstead, who meets regularly with the appropriate Building Committee to report on the progress and discuss the planning and implementation. Obviously, this is a very ambitious and aggressive schedule for 2009.

In other Departments, the Sheriff's Department, under the Public Safety Committee with the Chairmanship of Supervisor Rogers of Pike a search for a 911 Coordinator has begun. Responsibilities of this new creation will be to supervise Dispatch personnel, working on the new County Addressing System, and attending to all facets of the Wyoming County Radio Communications system. Real Property Services will add a Real Property Tax Service Coordinator position to assist in the assessing needs in the county. As time goes on it has become more evident that there is a need for County Wide Assessment. There are several factors which point to this and the fact that a county wide function would fall in line with the Governor's request for shared services between local governments means this issue will be debated and discussed at great length in 2009.

New Department Heads joining the County Work Force in 2008 were Director of Planning and Development, Drew Shapiro, who replaces Richard

Tindell. Joan Kibler, was provisionally appointed Director of Probation as a result of Anne Herod's retirement in October. James Marley replaced Richard Harrison as Director of Weights and Measures and Gail Royce became Director of Records Retention.

In 2008 a three year collective bargaining agreement was reached with The Deputy Sheriff's Association and a tentative agreement was reached with the Hospital CSEA Supervisory unit as well as the CSEA General unit. Still in negotiations is the Sheriff Employee's Association contract.

An issue which several towns in Wyoming County have faced this year and in the past several years is the establishment of wind farms in Wyoming County. The pros and cons of wind energy have been argued many times over and will not be debated here. However, for Wyoming County Economic Development the financial gains from the Administrative fees for the PILOT Agreements in Eagle, Wethersfield, and Sheldon have been substantial, this funding paid directly to the IDA will change and is changing the direction of Economic Development in our county. There has never been a financial opportunity like this before and more than likely never again. The opportunity for the IDA to fund development is boundless. This Board of Supervisors looks forward to the IDA Board to provide Wyoming County with leadership and action in economic development.

The State of New York continues to be somewhat of a mystery as to what the financial fallout from the recent negative budget predictions will be. The Finance Committee and the Department of Budget and Reimbursement feel that the County Budget is positioned for a reasonable reduction of reimbursement from the State of New York.

The Board has worked diligently to maintain funding for all county departments with no reduction of staff and all contract agencies were funded at 2008 levels. It has been a difficult budget year but we feel the 2009 budget is fair and workable. What lies ahead in future years we can not say?

Speaking of contract agencies, I can not ignore the great job Bill Maddison has done with the Dairy Institute. As has been discussed in the past, Agriculture is the number one industry in Wyoming County. The Board of Supervisors recognizes the need to support all facets of agriculture in the County and this can best be served through Cooperative Extension. Congratulations to Bill and his staff for an outstanding year, especially with the award winning recognition Wyoming County Extension has received. Also, Wyoming County Soil and Water continues to provide great service to the needs of the County farm community in safeguarding our natural resources, water, air, and soil. Both of those agencies function under the Ag. Committee, which is chaired by Supervisor Gozelski from Castile.

In closing, the uncertain turbulence of the economy makes operating a municipal government challenging, but with the tremendous bi-partisan relationship, the Board of Supervisors enjoys, we feel we have met the challenge and are looking forward to the future. Good luck to all of you in 2009 and God Bless Wyoming County!

A. Douglas Berwanger, Chairman
Wyoming County
January 2, 2009

There being no further business to come before this Board, Senior Supervisor Bush, T/Gainesville, adjourned the meeting at 2:47 PM with a rap on his desk.

Respectfully submitted,

Cheryl J. Ketchum

Cheryl J. Ketchum, Board Clerk

**REGULAR SESSION
(January 13, 2009)****Tuesday****2:30 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. Also present were County Attorney, Eric T. Dadd; Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Brenda Ferrell.

At 3:01 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance this month was:

FRANK W. MAUERMAN

Mr. Mauerman's service to his country comes while serving during World War II. Mr. Mauerman entered the United State Army on January 6, 1943. He completed Basic Training in Indio, California and then Advanced Individual Training in El Paso, Texas specializing in Quartermaster. Mr. Mauerman was then assigned to the 533rd Quartermaster Corp in Massachusetts where he and his unit were shipped to Europe. Upon arrival in Europe, he became an Infantry Replacement and was assigned duties with the 415th Infantry Regiment, under the 104th Infantry Division. Mr. Mauerman participated in the landing on Utah Beach in the Normandy Invasion on D-Day as well as other battles and conflicts of the Rhineland, Central Europe, and Northern Europe. Participation in these battles earned Mr. Mauerman both the "Combat Infantry Badge" and a "Silver Star". Mr. Mauerman returned to the United States and was Honorably Discharged on September 25, 1945.

For his service to his country, Mr. Mauerman was awarded:

The Good Conduct Medal**The World War II Victory Medal****The European-African-Middle Eastern Service Medal****The Combat Infantry Badge****The Silver Star; and****The Croix de Guerre Medal from France**

Following the War, Mr. Mauerman returned to this area and went to work for the Great Lakes Waste Paper Stock Company as a truck driver. He drove truck for this company for about 20 years. Mr. Mauerman then went to work for

Regular Session

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Eaton Management as a “Hardener” running the “Round Fires”, a position he held for over 14 years. He then transferred to “Buffalo Spring & Equipment” and was their “Blacksmith” for over 20 years until his retirement in 2006. Mr. Mauerman lives with his wife of 15 years, Marilyn, and they reside at the Arcade Valley Estates.

The pledge was said by all.

Chairman Berwanger, T/Arcade thanked Mr. Mauerman for leading in the pledge as he presented him with a certificate of appreciation. The Chairman shared an occasion where he was able to attend a metal presentation by Congressman Reynolds in honor of Mr. Mauerman. The Congressman was replacing metals that were somehow lost. The Chairman offered Mr. Mauerman an opportunity to address the Board. He shared a funny story with the Board regarding his recent employment and the person that replaced him. He also thanked the Board for the invitation.

Chairman Berwanger, T/Arcade began the regular meeting by apologizing for the half hour delay in starting the meeting. He explained that there was an issue that the Supervisors needed to address in Executive Session by motion of Supervisor Smith, T/Warsaw and exited Executive Session by motion of Supervisor Gozelski, T/Castile.

Communications:

None

#1

RESOLUTION NO. 09-07 (January 13, 2009)

By Mr. Davis, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2008 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2008 accounts as follows:

Jail/CIP			
From: 12.61.9950.9.99004 Interfund Transfer	\$279,500.00		
To: 12.61.1620.2.21007 CIP – Jail		\$279,500.00	
Reason: To allocate funds for the Jail Roof project.			
Jail/CIP Total			\$279,500.00

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

January 13, 2009

**RESOLUTION NO. 09-08
(January 13, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2008 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2008 accounts as follows:

Treasurer			
To: 01.33.1364.4.40301 Professional Service w/01.01.1000.1051 Gain from Sale of Acquired Property Reason: 2006 foreclosure expenses 2008 Balance property sales 08-11 Resolution last year	\$10,346.59	\$10,346.59	
To: 01.42.6420.4.40901 Bed Tax-Tourism w/01.02.1000.1113 Bed Tax Rev Reason: to expend funds to Tourism (less 5%) Administrative fee) Last quarter 2008. As approved 12/27/2006 in Finance Revise revenue from \$42,750.00 to \$56,795.19 Appropriate \$14,045.19 in revenue to expenditure	\$14,045.19	\$14,045.19	
Treasurer Total			\$24,391.78
Mental Health			
To: 01.38.4325.4.42441 Misc. MH Programs w/01.11.4325.3490 Mental Health Grant Program Reason: For Wyoming County Community Health System programs (7/1/08-12/31/08) State Aid reinstated in place of DSH.	\$70,365.00	\$70,365.00	
Mental Health Total			\$70,365.00

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#3

**RESOLUTION NO. 09-09
(January 13, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2009 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2009 accounts as follows:

Treasurer			
To: 01.48.8030.4.40915 Solid Waste w/01.04.8030.2130 Solid Waste Revenue Reason: to Solid Waste 2009 Adjust budget appropriation for the Town of Eagle addition to the service	\$94,282.50	\$94,282.50	
To: 01.33.1325.4.42306 Other w/ 01.11.1325.3089 Other State Grant Reason: 2009 Collaborative Tax Collection Study \$25,000 grant proceeds to 2009. To roll grant proceeds into 2009 for use purchasing software.	\$25,000.00	\$25,000.00	
To: 01.47.7989.4.40918 Snowmobile w/ 01.11.7989.3317 Snowmobile Revenue Reason: Budget appropriation with offsetting revenue/expenditure	\$41,225.00	\$41,225.00	
Treasurer Total			\$160,507.50
Real Property Tax Service			
To: 01.33.1355.4.40301 Professional Svcs. w/01.11.1355.308901 Co. Assessing Initiative Reason: To appropriate funds for the Real Property Tax Assessment Improvement Study Grant (Part II).	\$25,000.00	\$25,000.00	
Real Property Tax Service Total			\$25,000.00
District Attorney			
Reduction in appropriation From: 01.32.1167.4.41010 Office Supplies 01.32.1167.4.41201 Postage 01.32.1167.8.81001 Retirement w/01.12.1167.4389 Federal Block Grant Reason: To reduce appropriated amount relating to the 2009 VAWA Grant due to State Reductions.	(450.00) (400.00) (180.00)	(1,030.00)	
District Attorney Total			(\$1,030.00)

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

Mr. Bush, T/Gainesville, Chairman of the Audit Committee, presented bills totaling **\$2,510,354.91** for the month of **December 2008**.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

There was a motion by Mrs. Totslie, T/Genesee Falls, to combine resolutions #4 through #12. A voice vote was taken and all voted aye.

#4

RESOLUTION NO. 09-10 (January 13, 2009)

By Mrs. Totslie, Chairman of Human Services Committee:

RESOLUTION NUMBER 07-351 AMENDED

WHEREAS, Resolution Number 07-351, entitled, **“CHAIRMAN**

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AUTHORIZED TO SIGN A GRANT APPLICATION AND ACCEPTANCE AWARD WITH NYS OFFICE OF CHILDREN AND FAMILY SERVICES ON BEHALF OF THE YOUTH BUREAU,” passed by this Board of Supervisors on November 13, 2008 and provides for funding for Youth Bureau administration costs, Stars of Tomorrow Program, Omega Program, Youth Court Program, partial funding for Juvenile Officer, Town and Village Recreation programs, in a minimum amount of ninety-seven thousand one hundred ninety-nine dollars (\$97,199.00); effective January 01, 2008 through December 31, 2008. Max. 50% of some grants. Contingent upon the availability of funds; and

WHEREAS, Resolution Number 07-351 was amended on September 09, 2008 by this Board of Supervisors by resolution number 08-336, entitled, **“RESOLUTION NUMBER 07-351 AMENDED,”** and states that resolution number 07-351 be hereby amended to reflect a decrease in the amount awarded Wyoming County by 2%, in the amount of one thousand six hundred four dollars (\$1,604.00) to a minimum grant amount received of ninety-five thousand five hundred ninety-five dollars (\$95,595.00); now therefore

BE IT RESOLVED, That resolution number 07-351 as amended by resolution number 08-336 be hereby further amended to reflect an additional decrease of four thousand fifty-six dollars and six cents (\$4,056.06) for a total minimum amount of ninety-one thousand five hundred thirty-eight dollars and ninety-four cents (\$91,538.94) all else remaining the same.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#5

RESOLUTION NO. 09-11

(January 13, 2009)

By Mrs. Totstline, Chairman of Human Services Committee:

RESOLUTION NUMBER 08-373 RESCINDED

BE IT RESOLVED, That resolution number 08-373, entitled, **“JAMES SWATT APPOINTED TO THE WYOMING COUNTY YOUTH BOARD,”** passed by this Board of Supervisors on October 14, 2008 be hereby rescinded. Resolution number 08-449 was passed on December 09, 2008 replacing resolution number 08-373.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

**RESOLUTION NO. 09-12
(January 13, 2009)**

By Mrs. Totslie, Chairman of Human Services Committee:

RESOLUTION NUMBER 08-291 AMENDED

WHEREAS, Resolution Number 08-291, entitled, “**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH BETH SMITH ON BEHALF OF THE OFFICE FOR THE AGING,**” passed by this Board of Supervisors on August 12, 2008 and provides for HEAP application processing not to exceed two thousand five hundred dollars (\$2,500.00); effective September 15, 2008 through November 30, 2008; Contingent upon the availability of funds; and

WHEREAS, Resolution Number 08-291 was amended on September 09, 2008 by this Board of Supervisors by resolution number 08-333, entitled, “**RESOLUTION NUMBER 08-291 AMENDED,**” and states that resolution number 08-291 be hereby amended to reflect an increase in the contract by five hundred dollars (\$500.00) not to exceed a total contract amount of three thousand dollars (\$3,000.00); Contingent upon the availability of funds; now therefore

BE IT RESOLVED, That resolution number 08-291 as amended by resolution number 08-333 be hereby further amended to reflect an extended effective date of December 01, 2008 through December 12, 2008, all else remaining the same.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#7

**RESOLUTION NO. 09-13
(January 13, 2009)**

By Mrs. Totslie, Chairman of Human Services Committee:

**CHAIRMAN / COMMISSIONER AUTHORIZED TO SIGN
A GRANT ACCEPTANCE AWARD WITH THE NEW
YORK STATE OFFICE OF TEMPORARY DISABILITY**

January 13, 2009

Proceedings of the Board of Supervisors
**ASSISTANCE DIVISION OF EMPLOYMENT &
 ECONOMIC SUPPORTS 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 grant acceptance award with New York State Office of Temporary Disability Assistance Division of Employment & Economic Supports 40 N. Pearl Street, 9-C, Albany, NY 12243 for the funding of Office of Temporary Disability Assistance Community Solutions for Transportation IX (CST) in a minimum amount of twenty-five thousand two hundred nineteen dollars (\$25,219.00); effective July 01, 2008 through June 30, 2009.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:****#8**

**RESOLUTION NO. 09-14
 (January 13, 2009)**

By Mrs. Totslie, Chairman of Human Services Committee:

**CHAIRMAN / COMMISSIONER AUTHORIZED TO SIGN
 CONTRACTS WITH ERIC T. DADD 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 Eric T. Dadd, 11 Exchange Street, Attica, NY 14011 for lease of office space for the County Attorney in an amount not to exceed four thousand eight hundred dollars (\$4,800.00); effective January 01, 2009 through December 31, 2009 and a contract for legal services for Child Support & Family Court in an amount not to exceed eighty-two thousand six hundred thirty-five dollars (\$82,635.00) effective January 01, 2009 through December 31, 2009.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:**

**RESOLUTION NO. 09-15
(January 13, 2009)**

By Mrs. Totslin, 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 at \$70.00/hr. effective January 01, 2009 through December 31, 2009.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain: #10

**RESOLUTION NO. 09-16
(January 13, 2009)**

By Mrs. Totslin, Chairman of Human Services Committee:

**CHAIRMAN / COMMISSIONER AUTHORIZED TO SIGN
A CONTRACT WITH WENDY SISSON, ATTORNEY, 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 Wendy Sisson, Attorney of Law, P. O. Box 242, Geneseo, NY 14454 for legal services in an amount not to exceed three thousand dollars (\$3,000.00); effective January 01, 2009 through December 31, 2009.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

January 13, 2009

**RESOLUTION NO. 09-17
(January 13, 2009)**

By Mrs. Totslane, Chairman of Human Services Committee:

**CHAIRMAN / COMMISSIONER AUTHORIZED TO SIGN
A RENEWAL CONTRACT WITH ALLEGANY
REHABILITATION ASSOCIATION, INC. 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 renewal contract with Allegany Rehabilitation Associates, Inc., 4222 Bolivar Road, Wellsville, NY 14895 for court ordered mental health evaluations & counseling, Chemical Abuse & Day treatment sessions for mental health recipients & anger management program in an amount not to exceed thirteen thousand six hundred thirty dollars (\$13,630.00); effective January 01, 2009 through December 31, 2009.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#12

**RESOLUTION NO. 09-18
(January 13, 2009)**

By Mrs. Totslane, Chairman of Human Services Committee:

**CHAIRMAN / COMMISSIONER AUTHORIZED TO SIGN
A MEMORANDUM OF AGREEMENT WITH MWS
ENTERPRISES 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 Memorandum of Understanding with MWS Enterprises, dba Arrow Mart Convenience Store, 5701 Transit Road, East Amherst, NY 14051 for the purchase of gas vouchers in an amount not to

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exceed five thousand dollars (\$5,000.00); effective January 01, 2009 through December 31, 2009.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #13 through #16. A voice vote was taken and all voted aye.

#13

**RESOLUTION NO. 09-19
(January 13, 2009)**

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

**CHAIRMAN / COMMISSIONER OF HEALTH
AUTHORIZED TO SIGN VARIOUS CONTRACTS AND
AGREEMENTS ON BEHALF OF WYOMING COUNTY
HEALTH DEPARTMENT AND CERTIFIED HOME
HEALTH AGENCY FOR THE YEAR 2009**

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney is hereby authorized and directed to sign the following Contracts and Agreements for the year 2009 on behalf of the 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.

**** all contracts and agreements will be equal to or less
than the maximum amount indicated****

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Clearpath Diagnostics (formerly Pathology Associates)

Per Price List

Clinical Laboratory testing services MWHS usage	TBD based on

January 1 – December 31, 2009 amount budgeted	Not to exceed

Quest Diagnostics

Per Price List

Clinical Laboratory testing services MWHS usage	TBD based on

January 1 – December 31, 2009 amount budgeted	Not to exceed

Benchmark Analytics, Inc. (formerly Eastern Laboratory Services)

Per Price List

Environmental water Laboratory testing services usage	TBD based on

January 1 – December 31, 2009 amount budgeted	Not to exceed

Midstate Environmental Laboratories

Per Price List

Environmental water Laboratory testing services usage	TBD based on

January 1 – December 31, 2009 amount budgeted	Not to exceed

Clark Patterson Lee

\$75 / hour max plus expenses

Professional Engineering Services usage	TBD based on

January 1 – December 31, 2009 amount budgeted	Not to exceed

Freed Maxick and Battaglia, PC

\$19,000 / year

Audit and Consulting Services (MWHS and CHHA)

January 1 – December 31, 2009

Monroe County Department of Health

\$33,015 / year

Medical Examiner Services

January 1 – December 31, 2009 (Multi-year agreement 1/1/08 – 12/31/10)

Susan Schell, RD
Per Schedules B & B-1
Registered Dietician Services (CHHA & Public Health) TBD based on
usage
January 1 – December 31, 2009 Not to exceed
amount budgeted

Scott Treutlein, MD
\$ 6,000 / year
Medical Director Services MWHS
January 1 – December 31, 2009

United Church of Christ
\$425 / month
Building Use Agreement WIC
January 1 – December 31, 2009

Buffalo Hospital Supply
Per Bid Price List
Medical Supplies CHHA TBD based on
usage
January 1 – December 31, 2009 Not to exceed
amount budgeted

Community Care of WNY dba Homecare & Hospice \$26.98 / one
hour visit

Home Health Aide Services
\$20.85 / one hour + visit
January 1 – December 31, 2009 TBD
based on usage

Not to exceed amount budgeted

Karen Nelson, MSW
Per Schedule B
Medical Social Worker Services
TBD based on usage
January 1 – December 31, 2009
Not to exceed amount budgeted

Step-by-Step Physical Therapy
Per Schedule B

Physical Therapy Services

TBD based on usage

January 1 – December 31, 2009

exceed amount budgeted

Not to

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:****#14**

**RESOLUTION NO. 09-20
(January 13, 2009)**

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

**CHAIRMAN / COMMISSIONER OF HEALTH
AUTHORIZED TO SIGN AN AGREEMENT WITH LYDIA
THOMAS ON BEHALF OF THE COUNTY HEALTH
DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney are hereby authorized and directed to sign an agreement with Lydia Thomas, 6860 Old East Arcade Road, Arcade, NY for the provision of Cancer Services Program Marketing and Outreach Services in a maximum amount of \$23.00/hour for approximately 25 hours per week, not to exceed amounts budgeted; effective January 01, 2009 through March 31, 2009. Grant reimbursable, contingent upon the availability of funding.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:****#15**

**RESOLUTION NO. 09-21
(January 13, 2009)**

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

RESOLUTION NUMBER 07-391 AMENDED

WHEREAS, Resolution Number 07-391, entitled, “**CHAIRMAN
AUTHORIZED TO SIGN 2008 RENEWAL CONTRACTS ON BEHALF**

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OF MENTAL HEALTH” passed by this Board of Supervisors on December 11, 2007 and provides for various Mental Health Contracts for 2008; Contingent upon the availability of funds; now therefore

BE IT RESOLVED, That resolution number 07-391 be hereby amended to reflect an increase in the Coordinated Care Services, Inc., 1099 Jay Street, Building J, Rochester, NY 14611 of five thousand dollars (\$5,000.00) for a total contract amount of four hundred eighty-four thousand eight hundred three dollars (\$484,803.00), all else remains the same.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#16

**RESOLUTION NO. 09-22
(January 13, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN A MEMORANDUM
OF UNDERSTANDING WITH THE NEW YORK STATE
OFFICE OF MENTAL HEALTH ON BEHALF OF THE
DEPARTMENT 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 Memorandums of Understanding with the following:

- New York State Office of Mental Health, 44 Holland Ave., Albany, NY 12229 for the provision of Disproportionate Share Initiative (DSH) payments for 2007 in a minimum amount of one hundred thirty-five thousand five hundred sixty-five dollars (\$135,565.00).
- New York State Office of Mental Health, 44 Holland Ave., Albany, NY 12229 for the provision of Disproportionate Share Initiative (DSH) payments for 2008 in a minimum amount of sixty-nine thousand two hundred sixty four dollars (\$69,264.00).

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

There was a motion by Mr. Fleischman, T/Java, to combine resolutions #17 and #18. A voice vote was taken and all voted aye.

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**RESOLUTION NO. 09-23
(January 13, 2009)**

By Mr. Fleischman, Chairman of the Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT
WITH THE LIVINGSTON COUNTY DEVELOPMENT
CORPORATION FOR OFFICE OF COMMUNITY
RENEWAL TECHNICAL SERVICES**

WHEREAS, Wyoming County has received fiscal year 2008 Community Development Block Grant (CDBG) funding from the New York State Office of Community Renewal for the purpose of implementing the Wyoming County Microenterprise, Downtown Revitalization and Farm Diversification Programs (hereinafter the "Program"):

WHEREAS, The Wyoming County Department of Planning and Development has issued a request for proposal to qualified firms and agencies for the procurement of classroom instruction, technical assistance, and downtown programming services required for the implementation of the Program; and

WHEREAS, The Wyoming County Department of Planning and Development received and evaluated the only proposal it received, 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 the Livingston County Development Corporation, dba the Alliance for Business Growth, 6 Court Street, Geneseo, New York 14454 to provide said services at a total cost not to exceed fifty-five thousand dollars (\$55,000.00) contingent upon the availability of funds. The cost of said contract to be paid for with the grant funds that have been awarded.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

**RESOLUTION NO. 09-24
(January 13, 2009)**

By Mr. Fleischman, Chairman of the Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
EXTENSION WITH ANN McDONNELL ON BEHALF OF
PLANNING AND DEVELOPMENT**

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 Ann McDonnell, 121 Woodside Drive, Elma, NY 14059 for the provision of grant writing services on an “as needed” basis for county departments and other municipalities of Wyoming County as approved by the Planning Committee in accordance with the Grant Writing Services Policy of the County in an amount not to exceed fifteen thousand dollars (\$15,000.00); effective January 01, 2009 through February 28, 2010.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

There was a motion by Mr. Gozelski, T/Castile, to combine resolutions #19 and #20. A voice vote was taken and all voted aye.

#19

**RESOLUTION NO. 09-25
(January 13, 2009)**

By Mr. Gozelski, Chairman of Agriculture Committee:

**MEMBERS APPOINTED / REAPPOINTED TO THE
REGION 9 FISH AND WILDLIFE MANAGEMENT BOARD**

BE IT RESOLVED, That the following members are hereby appointed / reappointed to the Region 9 Fish and Wildlife Management Board:

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Proceedings of the Board of Supervisors**Landowner Rep.**

Two (2) year term effective January 1, 2009 through December 31, 2010
 (“...expires at the end of even numbered years”):

- David Pankow, 5808 Glen Iris Rd., Castile, NY 14427

Sportsman Rep.

Corrected two (2) year term effective January 1, 2009 through December 31, 2009 (“...expires at the end of odd numbered years”):

- Ron Barvian, 360 Big Tree Rd., Strykersville NY 14145

Alternate Member -

- John Gillen, 161 W. Court St., Warsaw, NY 14569

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#20

RESOLUTION NO. 09-26
(January 13, 2009)

By Mr. Gozelski, Chairman of Agriculture Committee:

**MEMBERS REAPPOINTED TO THE REGION 9 FOREST
PRACTICE BOARD**

BE IT RESOLVED, That the following members are hereby
 reappointed to the Region 9 Forest Practice Board for a three (3) year term;
 effective January 01, 2009 through December 31, 2011:

- Doug Wolcott, 1247 Dale Rd., Dale NY14039
- Corey Ketchum, 6578 Pearl Street, Bliss, NY 14024

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

There was a motion by Mr. Rogers, T/Pike, to combine resolutions #21 through #24. A voice vote was taken and all voted aye.

**RESOLUTION NO. 09-27
(January 13, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT
WITH THE NEW YORK STATE DEPARTMENT OF
STATE FOR THE LOCAL ENHANCED WIRELESS 911
PROGRAM 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 an agreement with New York State Department of State for the Local Enhanced Wireless 911 Program for reimbursement of costs associated with the provision of Wireless 911 services in a minimum amount of twenty-three thousand five hundred seven dollars (\$23,587.00); effective April 01, 2008 through March 31, 2011.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#22

**RESOLUTION NO. 09-28
(January 13, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

**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 an agreement with Robert Jae, 2227 Route 20A, Varysburg, New York 14167 for services of Radio Enhancement, 911 and Emergency Dispatch Contractor in an amount not to exceed twelve thousand five hundred dollars (\$12,500.00); effective January 1, 2009 through March 31, 2009.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

January 13, 2009

**RESOLUTION NO. 09-29
(January 13, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 08-302 AMENDED

WHEREAS, Resolution Number 08-302, entitled, **“CHAIRMAN AUTHORIZED TO SIGN A GRANT ACCEPTANCE AWARD WITH THE DEPARTMENT OF CRIMINAL JUSTICE SERVICES ON BEHALF OF THE DISTRICT ATTORNEY,”** passed by this Board of Supervisors on August 12, 2008 for training, reduction of criminal activity within Wyoming County through collaboration between the District Attorney’s office and the Wyoming County Drug Task Force in a minimum amount of forty-seven thousand nine hundred dollars (\$47,900.00). Requires 10% match as this would be the second year of funding; effective October 01, 2008 through September 30, 2009; and

WHEREAS, On October 14, 2008, this Board of Supervisors passed resolution number 08-378 to amend resolution number 08-302 by reflecting a decrease in funding from forty-seven thousand nine hundred dollars (\$47,900.00) to a minimum amount of thirty-four thousand four hundred seventy dollars (\$34,470.00) all else remaining the same; now therefore

BE IT RESOLVED, That resolution number 08-302, as amended by 08-378, be hereby further amended to reflect a revised effective date of January 1, 2009 to December 31, 2009 due to the delay by the state to sign the contract because of the state’s financial crisis and the governor’s hold on all state grant contracts, all else remaining the same.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#24

**RESOLUTION NO. 09-30
(January 13, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
ACCEPTANCE AWARD WITH THE DIVISION OF
CRIMINAL JUSTICE SERVICE 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 award with the Division of Criminal Justice Service, 4 Tower Place, Albany, NY 12203-3764, for the provision of funding of the Violence Against Women Act program in a minimum amount of thirty-one thousand two hundred dollars (\$30,170.00); effective January 01, 2009 through December 31, 2009.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#25

**RESOLUTION NO. 09-31
(January 13, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT
WITH LABELLA ASSOCIATES, P.C. ON BEHALF OF
COUNTY HIGHWAY**

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 LaBella Associates, P.C., 300 State Street, Rochester, NY 14614 for the design of Exchange Street, Attica, for the Better Pavement Project, in an amount not to exceed twenty-six thousand one hundred forty-three (\$26,143.00); effective December 19, 2008 through the completion of the project.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

There was a motion by Mr. Davis, T/Covington, to combine resolutions #26 through #38. A voice vote was taken and all voted aye.

Prior to the roll call vote being taken Supervisor Kushner commented on resolution office number 26 by explaining that this creation is basically housekeeping so that Dr. Collins is not an independent contractor and an employee of the county. This is being done to circumvent any problems with the state. No change in salary.

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Chairman Berwanger stated that Wyoming County is extremely fortunate to have a man like Dr. Collins with his knowledge, background and character to work for the county.

#26

**RESOLUTION NO. 09-32
(January 13, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**ONE (1) POSITION OF MEDICAL DIRECTOR, PT
CREATED IN THE COUNTY HEALTH DEPARTMENT
AND AMEND SALARY SCHEDULE "D"**

BE IT RESOLVED, That one (1) position of Medical Director, PT be hereby created within the County Health Department; effective January 01, 2009; and be it

FURTHER RESOLVED, That the Wyoming County Salary Plan which became effective January 01, 1967, as amended, is hereby amended to include the title of Medical Director, PT in the Public Health Department and set the salary at \$99,000.00 annually; effective January 01, 2009.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#27

**RESOLUTION NO. 09-33
(January 13, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**INVESTMENT POLICY FOR WYOMING COUNTY
ADOPTED; CHAIRMAN AUTHORIZED TO SIGN
CUSTODIAL AGREEMENTS TO MAINTAIN PLEDGED
SECURITIES**

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby approves and adopts the following investment policy:

**INVESTMENT POLICY
FOR WYOMING COUNTY**

I. SCOPE

This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

II. OBJECTIVES

The primary objectives of the local government's investment activities are, in priority order,

* to conform with all applicable federal, state and other legal requirements (legal);

* to adequately safeguard principal (safety);

*

to provide sufficient liquidity to meet all operating requirements (liquidity); and

* to obtain a reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The governing board's responsibility for administration of the investment program is delegated to the Chief Fiscal Officer who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include and adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the County of Wyoming to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence discretion and

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intelligence exercise in the management of their own affairs, not for speculation, but for investments, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the County of Wyoming to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

VI. INTERNAL CONTROLS

It is the policy of the County of Wyoming for all moneys collected by any officer or employee of the government to transfer those funds to the chief fiscal officer within 7 days of deposit, or within the time period specified in law, whichever is shorter.

The Chief Fiscal Officer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITARIES

The banks and trust companies authorized for the deposit of moneys up to the maximum amounts are:

<u>Depository Name</u>	<u>Maximum Amount</u>	<u>Officer</u>
<u>Five Star Bank</u>	<u>\$ 20,000,000.00</u>	
<u>Bank of Castile</u>	<u>\$ 20,000,000.00</u>	
<u>M & T Bank</u>	<u>\$ 20,000,000.00</u>	
<u>HSBC</u>	<u>\$ 20,000,000.00</u>	

VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law, Sec.10, all deposits of Wyoming County, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of "eligible securities" with and aggregate "market value" as provided by GML Sec. 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organizations or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by the depository and/or a third party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events, which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the County of Wyoming or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

X. PERMITTED INVESTMENTS

As authorized by General Municipal Law, Sec. 11, the County of Wyoming authorizes the Chief Fiscal Officer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- * Special time deposit accounts;
- * Certificates of deposit;
- * Obligations of the United States of America;
- * Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United State of America;
- * Obligations of the State of New York;
- * Obligations issued pursuant to LFL Sec. 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the County of Wyoming;
- * Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments.
- * Certificates of Participation (COP's) issued pursuant to GML Sec. 109b.
- * Obligations of this local government, but only with any moneys in a reserve fund established pursuant to GML Sec. 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the County of Wyoming within such times as the proceeds will be needed to meet expenditures for purposes

for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the County of Wyoming within two years of the date of purchase.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The County of Wyoming shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments, which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the County of Wyoming. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Chief Fiscal Officer is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listings shall be evaluated at least annually.

XII. PURCHASE OF INVESTMENTS

The Chief Fiscal Officer is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.
3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the County of Wyoming by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held

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pursuant to a written custodial agreement as described in General Municipal Law, Sec. 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

- All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- No substitution of securities will be allowed.
- The custodian shall be a party other than the trading partner.

APPENDIX A

Schedule of Eligible Securities

___ (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.

___ (ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank, and the African Development Bank.

___ (iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market Value of the obligation that represents the amount of the insurance or guaranty.

___ (iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation, which under a specific State statute may be accepted as security for deposit of public moneys.

___ (v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

___ (vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

___ (vii) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

___ (viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.

___ (ix) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.

___ (x) Commercial paper and banker's acceptances issued by a bank, other than the Bank, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.

___ (xi) Zero coupon obligations of the United States government marketed as "Treasury strips".

and be it

FURTHER RESOLVED, That the Chairman of this Board and/or the County Treasurer, with the approval of the County Attorney, are hereby authorized and directed to sign Custodial Agreements with the different area banks or their agents to maintain pledged securities to cover deposits made by the County of Wyoming.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

January 13, 2009

**RESOLUTION NO. 09-34
(January 13, 2009)**

By Mr. Davis, Chairman of 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: 1596 Noes: Absent: Abstain:

#29

**RESOLUTION NO. 09-35
(January 13, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**CORRECTION OF ERRORS IN THE VILLAGE OF
WARSAW 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

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amounts thereof, as and if applicable, to the appropriate taxing authorities to the extent to which each has been benefited thereby:

PARCEL ONE: Village of Warsaw
Tax Map # 85.12-1-25.11

LOCATION: 220 S. Main Street, Warsaw, NY

ASSESSED TO: Wyoming County IDA, Fairview PaperBox
6470 Route 20A
Perry, NY 14530

ERROR TYPE: Clerical – Erroneous Village Relevy

AUTHORITY: RPTL §550.2(i) *“an entry on a tax roll which is incorrect by reason of a mistake in the transcription of a relevied village tax”*

ACTION: Correct 2009 Town/County Tax Bill
Original Bill \$5,641.06
Corrected Bill \$0

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#30

**RESOLUTION NO. 09-36
(January 13, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH RANDY DEAL ON BEHALF OF REAL PROPERTY
TAX 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 professional services contract with Randy Deal, 3224 County Road 6, Alpine, NY 14805 to complete and present a “PROFESSIONAL STUDY to ANALYZE a COUNTYWIDE ASSESSING PROGRAM under Centralized Property Tax Administration Program (CPTAP) Guidelines” in an amount not to exceed twelve thousand dollars (\$12,000.00). Presentation of this study to the Board (COW acceptable), documented by official minutes, will qualify Wyoming

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County for a 2nd, twenty-five thousand dollar \$25,000 CPTAP grant payment; effective January 01, 2009 through March 01, 2009.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:****#31**

**RESOLUTION NO. 09-37
(January 13, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**ONE (1) POSITION OF REAL PROPERTY TAX SERVICES
COORDINATOR (1.00 FTE) CREATED IN THE
DEPARTMENT OF REAL PROPERTY TAX SERVICES
AND AMEND SALARY SCHEDULE “S”**

BE IT RESOLVED, That one (1) position of RPTS Coordinator (1.0 FTE) be hereby created in the Real Property Tax Service Department; effective January 13, 2009; and be it

FURTHER RESOLVED, That the Wyoming County Salary Plan which became effective January 01, 1967, as amended, is hereby amended to include the above mentioned title on Salary Schedule “S” under the heading of Real Property Tax Service and set the salary not to exceed thirty-five thousand dollars (\$35,000.00) annually.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:****#32**

**RESOLUTION NO. 09-38
(January 13, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**CORRECTION OF ERRORS IN THE TOWN OF WARSAW
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

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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 Warsaw

LOCATION: General Townwide Levy

ERROR TYPE: Adjusts 2009 Tax Bills of all Parcels within Town of Warsaw.

AUTHORITY: RPTL §550.2(d) *“an entry which is a mathematical computation or extension of a tax”*

ACTION: Correct 2009 Town/County Tax Bill
Original Townwide Levy - \$ 783,710.54
Corrected Townwide Levy - \$ 656,202.54

Carried: XXX Ayes: 1596 Noes: Absent: Abstain: #33

**RESOLUTION NO. 09-39
(January 13, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**DATE OF FEBRUARY 2009 REGULAR SESSION
CHANGED**

WHEREAS, The Rules of Procedure of the Board of Supervisors have 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 *Friday, February 6th, 2009 at 2:30*

PM at the *Wyoming County Government Center, Warsaw, New York.*

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
January 13, 2009

**RESOLUTION NO. 09-40
(January 13, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**ONE (1) POSITION OF ASSISTANT COORDINATOR OF
CHILD SUPPORT (1.00 FTE) CREATED AND ONE (1)
POSITION OF SENIOR CLERK ABOLISHED IN THE
DEPARTMENT OF SOCIAL SERVICES**

BE IT RESOLVED, That one (1) position of Assistant Coordinator of Child Support (1.00 FTE) be hereby created within the Department of Social Services and placed on the appropriate step and grade of the current CSEA Bargaining Unit Agreement; effective immediately; and be it

FURTHER RESOLVED, That one (1) position of Senior Clerk (1.00 FTE) in Support Collection Unit within the Department of Social Services be hereby abolished; effective immediately.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#35

**RESOLUTION NO. 09-41
(January 13, 2009)**

By Mr. Davis, Chairman of Finance Committee:

SALARY SCHEDULE “S” AMENDED

BE IT RESOLVED, That the Wyoming County Salary Plan which became effective January 01, 1967, as amended, is hereby amended to set the salary of the Wyoming County Undersheriff at \$62,741.00 annually; effective January 01, 2009.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

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**RESOLUTION NO. 09-42
(January 13, 2009)**

By Mr. Davis, Chairman of Finance Committee:

RESOLUTION NUMBER 07-416 AMENDED

WHEREAS, Resolution Number 07-416 entitled, “**ONE (1) POSITION OF LABORER, PT (TEMPORARY) CREATED IN BUILDINGS AND GROUNDS,**” passed by this Board of Supervisors on December 11, 2007 provided for one (1) position of laborer, pt (temporary) in buildings and grounds not to exceed six (6) months; effective January 01, 2008 through June 30, 2008; and

WHEREAS, Resolution number 07-416 was amended by 08-230 and passed by this Board of Supervisors on June 10, 2008 to extend the position through December 31, 2008; now therefore

BE IT RESOLVED, That Resolution Number 07-416 as amended by 08-230 is hereby amended to extend the effective date through December 31, 2009.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#37

**RESOLUTION NO. 09-43
(January 13, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**MEMBERS REAPPOINTED TO INTER-COUNTY OF
WESTERN NEW YORK**

BE IT RESOLVED, That the following members are hereby appointed to

Inter – County Of Western New York:

Supervisor Member

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Proceedings of the Board of Supervisors*One (1) year term effective January 1, 2009 through December 31, 2009*

- Jerry Davis (T/Covington), 7414 Court Rd, PO Box 445, Pavilion, NY 14525
- Larry Rogers, (T/Pike), PO Box 82, Pike, NY 14130-0082
- John Knab, (T/Sheldon), 2246 Thomas Rd., Varysburg, NY 14167

Supervisor Alternate Member*One (1) year term effective January 1, 2009 through December 31, 2009*

- A. Douglas Berwanger (T/Arcade), 6608 E. Arcade Rd., Arcade, NY 14009

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:****#38****RESOLUTION NO. 09-44****(January 13, 2009)**

By Mr. Davis, Chairman of Finance Committee:

HIPAA OFFICERS REAPPOINTED

BE IT RESOLVED, That the following persons are hereby reappointed to the following HIPAA Officer Positions, for a term of one (1) year, said term to expire December 31, 2009:

- **Joan Kibler** (Probation Director) – ***Privacy Officer***
- **Todd MacConnell** (Information Technology Director) – ***IT Security Officer***
- **Sally Meeder** (T/Middlebury Supervisor) - ***Corporate Compliance Officer***

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:**

Chairman Berwanger asked if there was any Supervisor who objected to the presentation of the unanimous consent resolutions #39 through #41. There

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being none, the Chairman asked the clerk to read Unanimous Consent resolutions #39 through #41.

**Unanimous Consent
#39**

**RESOLUTION NO. 09-45
(January 13, 2009)**

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

SALARY SCHEDULE “S” AMENDED

BE IT RESOLVED, That the Wyoming County Salary Plan which became effective January 01, 1967, as amended, is hereby amended to set the salary of the Deputy County Clerk at \$29,500.00 annually; effective January 14, 2009.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
**Unanimous Consent
#40**

**RESOLUTION NO. 09-46
(January 13, 2009)**

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

**RESOLUTION TO ADOPT NEGATIVE DECLARATION
SEQR FOR THE FIRE TRAINING TOWER.**

WHEREAS, Wyoming County, plans to construct a 16'x18'x34' Residence Simulator, associated 22,000 +/- square foot asphalt pad and drainage improvements with oil/water separator at the Wyoming County Fire Training Center;

WHEREAS, The subject property is located along the north side of Wethersfield Road, at 3651 Wethersfield Road in the Town of Wethersfield, Wyoming County, New York;

WHEREAS, The Wyoming County Board of Supervisors, has considered the action, reviewed the short environmental assessment form and all supplemental information, thoroughly analyzed the relevant areas of potential

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environmental concern, and has duly considered all of the potential project environmental impacts and their magnitude;

WHEREAS, The Wyoming County Board of Supervisors, does hereby find and resolve that the project will not result in any significant adverse environmental impacts, nor are there any reasonably related long-term, short-term, direct or indirect cumulative impacts, and, therefore, is one which will not have a significant impact on the environment, and, therefore, a negative_ declaration will be prepared;

WHEREAS, The reasons supporting this determination are as follows:

1. Impact on Land

The project will involve construction in a previously disturbed area where existing training equipment was located. The proposed drainage improvements and oil water separator will drain to the existing storm water management facilities, that currently will control surface runoff and filter out runoff pollutants. Under drain piping will be included for the building foundation and pavement areas to control groundwater.

There are no unique or unusual land forms on the project site.

The project will not result in any adverse impacts on land and is appropriate for this site.

2. Impact on Water

The project will not result in a significant increased demand on the existing well water system or the existing septic system. There is adequate capacity in these systems to service the proposed facility.

Grass land will be converted to impervious surfaces and existing site drainage patterns will be altered. Storm water drainage improvements will be installed to handle the increase in run off.

The project will not result in any significant adverse impacts on public water or sanitary sewer systems, bodies of water, surface water, or ground water.

3. Impact on Air

Although the project will create an increase in fossil fuel usage, it is not anticipated that the additional use will have any significant adverse environmental impact.

Fugitive dust from construction related ground disturbance activities will be controlled through the use of appropriate soil erosion and sediment control techniques typically employed for this type of construction project.

The air quality impacts will be consistent with existing air quality impacts associated with the existing training equipment.

No significant adverse impact to existing air quality is anticipated from the implementation of the project.

4. Impact on Plants and Animals

The project site does not contain any threatened or endangered species and the site is not a significant habitat for any non-threatened or non-endangered species.

No loss of wildlife or significant non-agricultural plant habitat area is anticipated as a result of the project.

5. Impact on Agricultural Land Resources

The project site is currently an undeveloped portion of the property for the existing Wyoming County Fire Training Center. Although some open space will be lost as a result of the project, the use is consistent with the existing use of the property.

No significant adverse impacts to agricultural land resources are anticipated.

6. Impact on Aesthetic Resources

The character of the site and area will not be impacted by the conversion of grass land to expand the training facilities at the Fire Training Center.

There are some residential homes within 500 feet of the project site, however they are buffered by a dense grove of trees that are on the west, north and east sides of the site. There are no homes directly across Wethersfield Road to the south of the project site, which is an open mowed field.

Although there will be a change to the site character, no scenic views will be eliminated, the facility will not be unsightly, and it is not anticipated that there will be an adverse visual impact.

7. Impact on Historic and Archaeological Resources

Based on the New York State Historic Preservation Office GIS — Public Access database, there are no State Parks, National or State Registered or Federally Eligible cultural resources currently present near the project site.

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The project will have no impact on cultural resources as the training tower will be located in a previously disturbed location.

8. Impact on Space and Recreation Resources

The site is not a significant community open space or the location of a future recreational opportunity. The property is currently used as the Wyoming County Fire Training Center. Therefore, the project will not result in a significant adverse impact to the quantity or quality of open space and recreation in the community.

9. Impact on Critical Environmental Areas

The site is not a critical environmental area (CEA). Therefore, the project will not adversely impact CEA resources.

10. Impact on Transportation

The project will not increase traffic within the vicinity of the project site.

11. Impact on Energy

The project will result in increased demands for energy to operate the proposed training tower. However, it is anticipated that the capacities of local utilities and existing facilities are more than adequate to meet the increased demands.

No significant increase in local transportation related fuel consumption is anticipated.

Therefore, the project will not have a significant adverse impact on the community's sources of fuel or energy supply.

12. Noise and Odor Impact

No increases of odor or air quality impacts are expected from the project. The project will produce operating noise typical for this type of facility. As the current site is the Wyoming County Fire Training Center, the noise level is not expected to exceed the current level for the site. It is not anticipated that the operating noise levels will adversely impact the adjacent properties, which are residential in nature.

There will also be temporary amounts of increased noise resulting from construction activities for the project. The noise levels generated by such construction activities will be similar in duration and intensity to other residential or commercial construction activities in the community.

It is therefore anticipated that the project will result in no significant adverse odor or noise impacts.

13. Impact on Public Health

The type of project proposed does not pose significant public health and safety hazards. Safe handling and containment practices will be utilized by the Fire Training Center users. The facility will include required oil/water separation devices. All required permits and approvals will be obtained.

Therefore, the project will not have a significant adverse impact on public health and safety.

14. Impact on Growth and Character of Community and Neighborhood

The project will not change the character of the community and will not have an impact on long term growth.

There will not be an increase demand for community services. Since the project involves additional fire training facilities, it will improve the fire protection services in the community.

The overall project impacts on growth and character of the community will not be significantly adverse; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors has determined for the foregoing reasons that the construction of a 16'x18'x34' Residence Simulator, associated 22,000 +/- square foot asphalt pad and drainage improvements with oil/water separator at the Wyoming County Fire Training Center will not have any adverse impact on the environment and adopts a Negative Declaration in accordance with 6 NYCRR section 617.7 of the implementing regulations under the New York State Environmental Quality Review Act; The Board Chairman is authorized to file the Negative Declaration determination of non-significance with respect to the project, in accordance with the applicable provisions of the law;

This Resolution shall take effect immediately and the requirements of SEQRA shall have been satisfied.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

UC#41

**RESOLUTION NO. 09-47
(January 13, 2009)**

January 13, 2009

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

**WYOMING COUNTY GENERAL UNIT #9250,
CSEA LOCAL #1000, GENERAL UNIT AND
HOSPITAL SUPERVISORY UNIT #9250.01 CONTRACT
APPROVED**

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby accepts two Memorandums of Agreement as the basis for three (3) year contracts effective January 01, 2009 through December 31, 2011 with the Wyoming County General Unit #9250, Wyoming County Hospital Supervisor Unit #9250.01, Wyoming County Local #861, Civil Service Employees Association, Inc., Local 1000, AFSCME AFL-CIO, subject to language clarification approval by the office of the County Attorney; and be it

FURTHER RESOLVED, That the Chairman of this Board of Supervisors and the members of the Committee of the Whole of this Board, are

hereby authorized and directed to execute the above mentioned agreements on behalf of the County of Wyoming.

This resolution shall become effective immediately, contingent on the ratification of said agreements by all parties.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

There being no further business to come before this Board, Senior Supervisor, Mr. Harold Bush, T/Gainesville adjourned the meeting at 3:30 PM with a rap on his desk.

Respectfully submitted,

Cheryl J. Ketchum

Clerk to the Board of Supervisors

**REGULAR SESSION
(February 06, 2009)**

Friday

2:30 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. Also present were County Attorney, Eric T. Dadd; Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Brenda Ferrell.

At 2:48 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance this month was:

ROBERT E. COVERT, JR.

Mr. Covert's service to his country comes while serving in the United States Navy during both Gulf Wars. Mr. Covert enlisted in the United States Navy in the summer of 1989 after graduating from Warsaw Central School. He completed Basic Training at Baldwin Park Naval Training Center in Orlando Florida and Advanced Individual Training at Meridian Naval Air Station in Meridian, Mississippi and became qualified as "Storekeeper."

Mr. Covert's first assignment came aboard the USS Midway where he spent 2 years stationed at Yokosuka, Japan and almost another 2 years aboard the USS Durham as a "Storekeeper".

He then trained for about 6 months at the Norfolk Naval Station and became qualified as an "Operation Specialist". Mr. Covert then spent 1 year aboard the USS Suribachi stationed at Earle, New Jersey and 2 years on the USS Seattle out of Seattle, Washington as an "Operations Specialist."

Mr. Covert returned to shore duty where he furthered his training in Operations at the Key West Naval Base, then boarded the USS Curtis Wilbur and returned to Yakosuka, Japan and worked as "Operations NCO" for the next 3 years. He then was assigned to the Carrier Air Wing 14 and spent the next 2 years stationed at Lemoore, California as "Operations Specialist". Mr. Covert spent the next 3 years on special assignment at the United States Air Force Base in Omaha, Nebraska again in "Operations". He returned to "Sea" Duty aboard the USS Chung-Hoom in and around Pearl Harbor for 3 years. Mr. Covert has been deployed to the "Gulf War" 6 times since 1991, each for a period of 6-10 months.

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For his service to his country, Mr. Covert has been awarded:

The National Defense Service Medal

The Joint Services

Commendation Medal

The Joint Services Achievement Medal with 3 stars

The Navy Achievement Medal with 2 stars

The Joint Services Ribbon

The Navy Unit Commendation Ribbon

The Navy Battle "E" Ribbon with 3 stars

The Navy Good Conduct Ribbon with 5 stars

The Joint Meritorious Unit Ribbon

The Armed Forces Expeditionary Medal with 3 stars

The South East Asia Medal with 3 stars

The Kuwait Liberation Medal with 1 star

The Kuwait Liberation Medal from Saudi Arabia

The Overseas Services Ribbon

The Sea Services Ribbon

The Global War on Terrorism Medal

The Expert Marksmanship Badge

The Iraq Campaign Medal

The Global War Expeditionary Medal

Mr. Covert was recently promoted to the rank of "Chief" E-7 and will be returning to the Gulf War for his 7th Deployment in June of this year and has served his country for 20 years in the United States Navy. He enjoys Golf, Softball, and Football.

The pledge was said by all.

Chairman Berwanger, T/Arcade thanked Mr. Covert for leading in the pledge as he presented him with a certificate of appreciation. Mr. Covert thanked the Chairman for the opportunity to lead in today's pledge. Veterans' Director, G. Cousins shared with all in attendance that Mr. Covert had three generations with him for today's pledge. All three generations had their picture taken for the press with Chairman Berwanger.

Communications:

None

**RESOLUTION NO. 09-48
(February 06, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2009 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2009 accounts as follows:

Information and Technology			
From: 01.34.1680.1.10001 Salaries S,D I To: 01.34.1680.1.10202 Temporary Reason: Budget in wrong line item. GIS Position is temporary not on any schedule.	\$16,380.00	\$16,380.00	
From: 01.34.1680.8.89001 Health Care To: 01.34.1680.1.10202 Temporary 01.34.1680.8.81001 Retirement 01.34.1680.8.83001 FICA 01.34.1680.8.85001 Medicare Reason: Temporary GIS Tech Position Salary Increase	\$1,484.31	1,251.00 137.61 77.56 18.14	
Information and Technology Total			\$17,864.31
Public Health			
From: 02.56.4510.4.42501 Contractual –WCCH To: 02.56.9950.9.99001 Hospital Fund Interfund Transfer to General Fund Reason: To cover Dr. Collins contractual expense moved to payroll through Interfund with PHD.	\$112,055.80	\$112,055.80	
From: 01.38.4010.1.10101 FT CSEA To: 01.38.4010.4.42461 CSP Grant REASON: Transfer funds to cover the cost of CSP Marketing & Outreach 1/1-3/31 required for grant deliverables to maintain U of R subcontract funding.	\$5,520.00	\$5,520.00	
Public Health Total			\$117,575.80

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#2

**RESOLUTION NO. 09-49
(February 06, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2008 ACCOUNTS

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BE IT RESOLVED, That funds are hereby appropriated to the various 2008 accounts as follows:

Wyoming County Community Hospital			
To: 02.56.4510.4.42501 Contractual - WCCH w/02.04.4510.163501 IGT Income Reason: To balance 2008 budget account.	\$1,282,736.44	\$1,282,736.44	
Wyoming County Community Hospital Total			\$1,282,736.44

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#3

RESOLUTION NO. 09-50
(February 06, 2009)

By Mr. Davis, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2009 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2009 accounts as follows:

Board of Elections			
To: 01.34.1450.4.42481 Training Grant w/01.12.1450.4389 Federal Aid Reason: To appropriate HAVA funds associated with pollworker training.	\$6,663.00	\$6,663.00	
Board of Elections Total			\$6,663.00
Public Health			
To: 01.38.4189.1.10001 Salaries S/D/I 01.38.4189.8.80001 Workers Comp 01.38.4189.8.81001 Retirement 01.38.4189.8.82001 Disability 01.38.4189.8.83001 FICA 01.38.4189.8.85001 Medicare-FICA w/01.13.4189.5031 general fund – interfund transfer from WCCH Reason: To appropriate for Medical Director pt created at the WCHD. Effective 1/1/09 per Res 09-32	\$99,000.00 25.00 7,920.01 15.00 3,675.06 1,420.73	\$112,055.80	
Public Health Total			\$112,055.80
Mental Health			
To: 01.38.4220.4.40404 Registration Fees 01.38.4220.4.40411 Volunteer Mileage 01.38.4220.4.41101 Paper 01.38.4220.4.41201 Postage 01.38.4220.4.41204 Advertising 01.38.4220.4.41510 Educational Materials 01.38.4220.4.42306 Misc./Other 01.38.4220.4.42417 Prevention Contract w/01.11.4220.3486 State Aid Substance Abuse Control Reason: NYS OASAS grant for the enforcement of underage drinking laws.	\$ 500.00 300.00 200.00 80.00 1,500.00 207.00 230.00 11,373.00	\$14,390.00	
Mental Health Total			\$14,390.00

Sheriff			
To: 01.37.3110.2.20501 Law Enf., Fire & Safety Equipment 01.37.3110.1.10301 Overtime w/01.12.3110.438902 Federal Traffic Grants REASON: to appropriate for Selective Traffic Enforcement Program (STEP)	\$1,700.00 10,200.00	\$11,900.00	
To: 01.37.3110.1.10301 Overtime w/01.12.3110.438902 Federal Traffic Grants REASON: to appropriate for Buckle Up New York (BUNY)	\$ 1,972.00	\$ 1,972.00	
To: 01.37.3110.4.40009 Cell Phones w/ 01.12.3110.438903 Homeland Security REASON: to appropriate for texting ability on 20 department issued phones for 12 months	\$1,200.00	\$1,200.00	
To: 01.37.3110.1.10502 On-Call Pay <i>From any funds available</i> REASON: cover costs for new expense in the Deputies Union Contract	\$8,000.00	\$8,000.00	
To: 01.37.3110.4.40938 Sheriff's Posse w/01.11.3110.308901 Other State Aid REASON: to appropriate for the purchase of a portable radio and 2 remote microphones with the balance of LG08-1158-D00 and LG08-1042-D00 grants	\$459.50	\$459.50	
Sheriff Total			\$23,531.50
Jail			
To: 01.37.3150.4.40301 Prof Services Contract <i>From any funds available</i> REASON: line item shortage; contract amount was finalized after 2009 budget was done	\$7,831.00	\$7,831.00	
Jail Total			\$7,831.00
Emergency Services			
To: 01.37.3020.2.20201 Software/Computer Eq. 01.37.3020.4.41401 Maint. Agreements w/01.02.3020.1140 911 Surcharge Reason: Update 4 port serial expansion	\$11,288.70 825.80	\$12,114.50	
Emergency Services Total			\$12,114.50

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

Mr. Bush, T/Gainesville, Chairman of the Audit Committee, presented bills totaling **\$1,691,278.69** for the month of **January 2009**.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

There was a motion by Mrs. Totstline, T/Genesee Falls, to combine resolutions #4 through #9. A voice vote was taken and all voted aye.

#4

RESOLUTION NO. 09-51 (February 06, 2009)

By Mrs. Totstline, Chairman of Human Services Committee:

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**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
 WITH THE CLOISTER 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 contract with The Cloister, 171 North Maple Street, Warsaw, NY 14569 on behalf of the Office for the Aging. Said contract is for the provision of respite services to caregivers in Wyoming County as part of the Title III-E grant on an “as needed” basis; effective January 01, 2009 through December 31, 2009. Contingent upon the availability of funds.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#5

**RESOLUTION NO. 09-52
 (February 06, 2009)**

By Mrs. Totstline, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN CONTRACTS WITH
 WCJW RADIO 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 contracts with **WCJW Radio**, 3258 Merchant Road, P.O. Box 251, Warsaw, NY 14569 on behalf of the Office for the Aging. Said contracts are for the provision of:

- Advertising to provide information and outreach to caregivers in Wyoming County in an amount not to exceed five thousand two hundred eighty dollars (\$5,280.00); (local share is 25%) effective January 01, 2009 through December 31, 2009; and
- Advertising for various OFA programs that require promotion in Wyoming County in an amount not to exceed five thousand dollars (\$5,000.00); (local share is 0%); effective January 01, 2009 through December 31, 2009.

Contingent upon the availability of funds.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#6

**RESOLUTION NO. 09-53
(February 06, 2009)**

By Mrs. Totslin, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH CATHOLIC FAMILY CENTER 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 contract with Catholic Family Center, 30 North Clinton Street, Rochester, NY 14604 on behalf of the Office for the Aging. Said contract is for the provision of legal services to residents 60+ in Wyoming County in an amount not to exceed nine thousand dollars (\$9,000.00); effective January 01, 2009 through December 31, 2009.

Contingent upon the availability of funds.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#7

**RESOLUTION NO. 09-54
(February 06, 2009)**

By Mrs. Totslin, Chairman of Human Services Committee:

Proceedings of the Board of Supervisors**CHAIRMAN / COMMISSIONER AUTHORIZED TO
SIGN AN AMENDMENT WITH WENDY SISSON 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 an amended contract with Wendy Sisson, Attorney of Law, P. O. Box 242, Geneseo NY 14454 on behalf of the Department of Social Services. Said contract is for required legal services in "conflict of interest" cases in an amount not to exceed three thousand eight hundred dollars (\$3,800.00); effective January 01, 2008 through December 31, 2008.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#8

**RESOLUTION NO. 09-55
(February 06, 2009)**

By Mrs. Totstline, Chairman of Human Services Committee:

**CHAIRMAN / COMMISSIONER AUTHORIZED TO SIGN
AN AGREEMENT WITH BETH SMITH 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 an agreement with Beth Smith, 23 Washington St., Castile NY 14427 on behalf of the Department of Social Services. Said contract is for HEAP application processing in an amount not to exceed five thousand six hundred dollars (\$5,600.00) or based on contingency of funds; effective February 09, 2009 through May 31, 2009.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

**RESOLUTION NO. 09-56
(February 06, 2009)**

By Mrs. Totslin, Chairman of Human Services Committee:

**JEAN TOTSLINE REAPPOINTED TO THE
OFFICE FOR THE AGING ADVISORY COUNCIL**

BE IT RESOLVED, That Jean Totslin, 6940 River Rd., Portageville, NY 14536 be hereby reappointed to the Office For the Aging Advisory Council as the Supervisor Member for a one (1) year term; effective through December 31, 2009.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #10 through #17. A voice vote was taken and all voted aye.

#10

**RESOLUTION NO. 09-57
(February 06, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN / COMMISSIONER OF HEALTH
AUTHORIZED TO SIGN A GRANT APPLICATION AND
ACCEPTANCE AWARD WITH THE NEW YORK STATE
DEPARTMENT OF HEALTH, DIVISION OF FAMILY
HEALTH ON BEHALF OF PUBLIC HEALTH**

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney are hereby authorized and directed to sign a grant application and acceptance award with New York State Department of Health, Division of Family Health at Empire State Plaza, Corning Tower, Room 878, Albany, NY 12237 on behalf of Public Health. Said grant to provide funding for family planning services in a
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minimum amount of two hundred ten thousand two hundred fifty dollars (\$210,250.00); effective January 01, 2009 through December 31, 2009.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:****#11**

**RESOLUTION NO. 09-58
(February 06, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

RESOLUTION NUMBER 08-451 AMENDED

WHEREAS, Resolution Number 08-451, entitled, **“RESOLUTIONS 08-62, 08-249, AND 08-340 AMENDED,”** passed by this Board of Supervisors on December 09, 2008 and provides for decreased funding with the NYS Department Health Early Immunization Grant Program (effective 4/1/08-3/31/09) \$46,305.00 (*decreased amount of original approval by \$945.00*); now therefore

BE IT RESOLVED, That resolution number 08-451 is hereby amended to further reduce the amount of funding to be received by the NYS Department Health Early Immunization Grant by an additional one thousand seven hundred one dollars (\$1,701.00) due to a New York State Legislative Special Session to a minimum amount of forty-four thousand six hundred four dollars (\$44,604.00) all else remaining the same; and be it

FURTHER RESOLVED, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney be hereby authorized and directed to sign an amended contract with New York State Department of Health Immunization Program Contract C-023281 for the above reduction in funding.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:****#12**

**RESOLUTION NO. 09-59
(February 06, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

**JEAN TOTSLINE REAPPOINTED TO THE BOARD OF
HEALTH**

BE IT RESOLVED, That Jean Totslin, 6949 River Rd., Portageville, NY 14536 be hereby reappointed to the Board of Health as the Supervisor Member for a term of one(1) year; effective January 01, 2009 through December 31, 2009.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#13

**RESOLUTION NO. 09-60
(February 06, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
ACCEPTANCE AWARD FOR THE 2008/2009 ENFORCING
THE UNDERAGE DRINKING LAWS (EUDL)
PREVENTION AND LAW ENFORCEMENT
PARTNERSHIP GRANT ON BEHALF OF MENTAL
HEALTH**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney be hereby authorized and directed to sign a grant acceptance award with the NYS Office of Alcohol & Substance Abuse Services, 1450 Western Ave., Albany 12203-3526 for the 2008/2009 Enforcing the Underage Drinking Laws (EUDL) Prevention and Law Enforcement Partnership grant on behalf of Mental Health. Said grant is in a minimum amount of fourteen thousand three hundred ninety dollars (\$14,390.00); effective December 15, 2008 through May 31, 2009.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

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**RESOLUTION NO. 09-61
(February 06, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

**MEMBERS APPOINTED/REAPPOINTED TO THE
COMMUNITY SERVICES BOARD AND ALCOHOL &
SUBSTANCE ABUSE SUBCOMMITTEE**

BE IT RESOLVED, That the following members are hereby appointed/reappointed to the Community Services Board and Alcohol & Substance Abuse Subcommittee:

Community Services Board:

Two (2) year term; effective January 1, 2009 through December 31, 2010

- Joyce Horner, Pipeline Coordinator (WNY R-AHEC) 20 Duncan Street, Warsaw, NY 14569, (Leadership Wyoming graduate), to fill the vacancy created with the resignation of Jacqueline Tisdale

Alcohol & Substance Abuse Subcommittee:

Two (2) year term; effective January 1, 2009 through December 31, 2010.

- Joyce Horner, Pipeline Coordinator (WNY R-AHEC) 20 Duncan Street, Warsaw, NY 14569

One (1) year term; effective January 1, 2009 through December 31, 2009.

- Joan Kibler (Wyoming County Probation) 143 North Main Street, Warsaw, NY 14569 (to fill the unexpired vacant term created by the retirement of Anne Herod).

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

**RESOLUTION NO. 09-62
(February 06, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

**NATIONAL PROBLEM GAMBLING AWARENESS WEEK
PROCLAIMED**

WHEREAS, Problem gambling is a public health issue affecting millions of Americans of all ages, race and ethnic backgrounds, in all communities and which has a significant societal and economic cost. On behalf of the citizens of Wyoming County, New York, we are pleased to join Wyoming County Partners For Prevention in promoting March 1 – 7, 2009, as National Gambling Awareness Week in Wyoming County; and

WHEREAS, Promoting the awareness week provides individuals in the problem gambling community an opportunity to educate the public and policymakers about the social and financial effectiveness of services available for problem gambling including prevention; and

WHEREAS, Problem gambling is treatable and treatment is effective in minimizing harm to both individuals and society as a whole; and

WHEREAS, Numerous individuals, professionals and organizations have dedicated their efforts to the education of the public about problem gambling and the availability and effectiveness of treatment and prevention; and

WHEREAS, The Wyoming County Board of Supervisors, along with Partners For Prevention, invites all residents of the County of Wyoming to participate in National Gambling Awareness Week; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors does hereby proclaim March 1st through March 7th, 2009 as:

NATIONAL PROBLEM GAMBLING AWARENESS WEEK

in Wyoming County.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

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**RESOLUTION NO. 09-63
(February 06, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

**JEAN TOTSLINE REAPPOINTED TO THE
MENTAL HEALTH COMMUNITY SERVICES BOARD**

BE IT RESOLVED, That Jean Totsline, 6949 River Rd., Portageville, NY 14536 is hereby reappointed to the Mental Health Community Services Board as a Supervisor Member for a term of one (1) year; effective January 01, 2009 through December 31, 2009.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#17

**RESOLUTION NO. 09-64
(February 06, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

**JEAN TOTSLINE REAPPOINTED TO THE MENTAL
HEALTH SUBCOMMITTEE**

BE IT RESOLVED, That Jean Totsline, 6949 River Rd., Portageville, NY 14536 is hereby reappointed to the Mental Health Subcommittee as a Supervisor Member for a term of one (1) year; effective January 01, 2009 through December 31, 2009.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

There was a motion by Mr. Fleischman, T/Java, to combine resolutions #18 through #30. A voice vote was taken and all voted aye.

**RESOLUTION NO. 09-65
(February 06, 2009)**

By Mr. Fleischman, Chairman of the Planning Committee:

**AUTHORIZE CHAIRMAN TO SIGN A LEASE
AGREEMENT WITH WYOMING
COUNTY COMMUNITY ACTION**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a six (6) month lease agreement with Wyoming County Community Action, 6470 Route 20A, Perry, New York for approximately 6,000 square feet of office space at the Business Center, Route 20 A, Perry, NY in an amount not to exceed four thousand six hundred forty-four dollars (\$4,644.00) per month for six (6) months with a six (6) month renewal option; effective March 01, 2009 through August 31, 2009.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

Prior to the roll call vote being taken on resolution numbers 18 through 30, Supervisor Fleischman, T/Java made a motion to revise resolution office number 18 by amending the lease term to six (6) months with a six (6) month renewal option; effective March 01, 2009 through August 31, 2009. Motion was seconded by Supervisor Rogers, T/Pike. All voted aye.

#19

**RESOLUTION NO. 09-66
(February 06, 2009)**

By Mr. Fleischman, Chairman of the Planning Committee:

RESOLUTION NUMBER 04-87 AMENDED

WHEREAS, Resolution Number 04-87 provides for a rental agreement with Wyoming County Community Action to provide approximately 6000 ± square feet at 6470 Route 20A in the Town of Perry, NY (also known as the Wyoming County Business Center); and

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WHEREAS, Resolution Number 04-87 entitled, **“AUTHORIZE CHAIRMAN TO SIGN A RENTAL AGREEMENT WITH WYOMING COUNTY COMMUNITY ACTION,”** passed by this Board of Supervisors on February 10, 2004 provides for a five (5) year lease agreement with Wyoming County Community Action; and

WHEREAS, Resolution Number 06-184 entitled, **“CHAIRMAN AUTHORIZED TO SIGN AMENDED CONTRACT WITH WYOMING COUNTY COMMUNITY ACTION,”** passed by this Board of Supervisors on May 09, 2006 provides for a 3% increase in the above mentioned lease agreement; effective March 01, 2006 through February 28, 2009; 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 Community Action to provide for an additional 3 % increase in this lease agreement not to exceed forty-five thousand seven hundred thirty-two dollars (\$45,732.00); effective March 01, 2008 through February 28, 2009; and be it

FURTHER RESOLVED, That Resolution Number 04-87 as amended by Resolution Number 06-184 be hereby further amended to reflect the above changes.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#20

**RESOLUTION NO. 09-67
(February 06, 2009)**

By Mr. Fleischman, Chairman of the Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN CONTRACTS FOR
COUNTYWIDE GRANT WRITING 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 following contracts for countywide grant writing services pursuant to the Grant Writing Services Policy:

- **Stuart Brown & Associates**, 300 State Street, Suite 200, Rochester, New York in an amount not to exceed fifteen thousand dollars

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(\$15,000.00) annually (\$80.00/hour); effective March 01, 2009, through February 28, 2010.

- **J. O'Connell & Associates**, 10646 Main Street, Clarence New York in an amount not to exceed fifteen thousand dollars (\$15,000.00) annually (\$80.00/hour); effective March 01, 2009, through February 28, 2010.
- **TVGA**, 1000 Maple Rd., Elma, NY 14059 in an amount not to exceed fifteen thousand (\$15,000.00) annually (\$75.00/hour); effective March 01, 2009, through February 28, 2010.

Contingent upon the availability of funds.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#21

**RESOLUTION NO. 09-68
(February 06, 2009)**

By Mr. Fleischman, 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 2009 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

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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 five hundred thousand dollars (\$500,000.00); 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: 1596

Noes:

Absent:

Abstain:

#22

**RESOLUTION NO. 09-69
(February 06, 2009)**

By Mr. Fleischman, Chairman of the Planning Committee:

**REQUESTING NEW YORK STATE LEGISLATION FOR
RATIONALE STATEWIDE ECONOMIC DEVELOPMENT
POLICIES AND REAUTHORIZATION OF CIVIC
FACILITIES FINANCING**

WHEREAS, Industrial Development Agency reform bills establishing greater accountability and new reporting requirements for local agencies have been introduced in both houses of the New York State Legislature; and

WHEREAS, The New York State Legislature first enacted amendments to the General Municipal Law in 1997, which have been extended every two years prior to this session, authorizing county-wide Industrial Development Agencies to utilize their tax exempt bonding authority to finance construction of civic facilities including not-for-profit hospitals, continuing care residential facilities for the elderly, college dormitories and other projects for non-profit community-based organizations; and

WHEREAS, This financing mechanism has provided non-profit hospitals and residential care facilities with significant savings on costs for construction on new medical facilities since financing through local Industrial Development Agencies is considerably less expensive than that available through other sources assisting their efforts to control the costs of health care; and

WHEREAS, The Wyoming County Board of Supervisors has charged the Wyoming County Industrial Development Agency with promoting economic development throughout the county; and

WHEREAS, Proposed Legislation such as A.8703 would require Industrial Development Agencies to include representatives from local government, local school boards, organized labor, and environmental organizations to serve on its board, introducing special interests; and

WHEREAS, Colleges and universities, including county community colleges, have been able to finance construction of dormitory facilities at reduced costs, with resulting savings to taxpayers; and

WHEREAS, Community based, not-for profit organizations employ thousands of New York's citizens and are an integral part of the economic framework of our local communities; and

WHEREAS, A.8703 and similar Legislation would force all Industrial Development Agency assisted projects of private investors to pay prevailing wages during construction and pay median wages on all subsequent jobs, thereby further increasing the cost of doing business in New York State; and

WHEREAS, Those additional costs would effectively negate any and all Industrial Development Agency benefits and limit Industrial Development Agencies' ability to generate project fee revenues; and

WHEREAS, The authority of county-wide Industrial Development Agencies to finance not-for-profit and civic facilities projects expired on January 31, 2008 without action by the State Legislature, and

WHEREAS, Over \$2 billion in construction projects for not-for-profit organizations, which will increase the quality of services to our citizens and create new jobs particularly in communities hardest hit by our current economic recession, have been delayed, scaled back or abandoned as a result of the lapse of this authority; and

WHEREAS, The lapsed authority for financing of civic facilities projects was limited to a cap of \$20 million per project, severely curtailing the ability of not-for-profit hospitals to take full advantage of the costs savings for construction financing of expansion and modernization projects available through county-wide industrial development agencies; and

WHEREAS, A.8703 would potentially force Industrial Development Agencies, which are largely self-funded, to seek additional

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county funding or cause a "Going Out of Business Scenario" for many counties' major tool for economic development, and

WHEREAS, These additional costs caused by the lapse in this authority and the delay in these much needed projects will ultimately be borne by the taxpayer, either through reduced services or higher costs of construction; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls upon the New York State Legislature to immediately enact the permanent authority of county-wide Industrial Development Agencies to finance civic facility projects with an increase in the volume cap to \$50 million per project as part of overall Industrial Development Agency reform, and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors supports the enactment of Industrial Development Agency reform legislation that strengthens public accountability and secures the confidentiality of personal and proprietary information while maintaining local flexibility, oversight and control of Industrial Development Agencies, and opposes specifically A.8703 or any similar legislation, and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors shall forward copies of this resolution to Governor David Paterson, the New York State Legislature, representatives Senator Dale Volker, Assemblyman Daniel Burling, New York State Association Counties, and Inter-County Association of Western New York.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#23

**RESOLUTION NO. 09-70
(February 06, 2009)**

By Mr. Fleischman, Chairman of the Planning Committee:

**RESOLUTION IN SUPPORT OF THE CONTINUATION
OF THE EMPIRE ZONE PROGRAM**

WHEREAS, The economic stability and sustainability of Wyoming County is vital to its residents and businesses; and

WHEREAS, The County of Wyoming is desirous of a balanced economy existing of a range of various types of business, industry, tourism and recreation; and

WHEREAS, The County of Wyoming is cognizant of the need for additional commercial and industrial growth to attain such economic stability and sustainability; and

WHEREAS, The tax revenue generated by businesses throughout Wyoming County and the State of New York provide much needed relief to the individual taxpayers and their families; and

WHEREAS, The New York State Empire Zone program has been a proven stimulus in the growth and revitalization of weakened local economies throughout New York State; and

WHEREAS, The New York State Empire Zone program has been successful in bringing thousands of new jobs to its sponsoring counties; and

WHEREAS, The Wyoming County Empire Zone, established in 2007, is in its early stages of operation and thus the attraction of new businesses and jobs for the people of Wyoming County; and

WHEREAS, The New York State Empire Zone program has shown great promise for the economy of Wyoming County in both piqued interest of prospective businesses inquiring from outside of New York State and assisting local companies prepare for growth; and

WHEREAS, The New York Sate Empire Zone program has a planned sunset date of June 30, 2011; and

WHEREAS, The Governor's proposed budget will make sweeping changes to the Empire Zone program that may lead to litigation, company relocation and loss of credibility to New York's economic development efforts; and

WHEREAS, Increasing New York's already high cost of doing business by raising business fees and taxes, significantly cutting the state's business development budget, and tarnishing the credibility of our economic development efforts would make New York less competitive; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors, in anticipation of great success and promise for new job creation within its

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Empire Zones, hereby requests the State of New York to continue its Empire Zone stimulus program beyond 2011 to June 30, 2017; and be it further

RESOLVED, That the New York State Legislature, in an effort to maintain continuity and to stimulate positive momentum, is encouraged to enact legislation that will make the Empire Zone program less bureaucratic, less complex, more targeted, and less costly, and be it further

RESOLVED, That New York's economic development incentive programs exist to offset the sting of one of the nation's most unattractive business climates and if tax and regulatory reform were enacted, New York wouldn't need such programs; and be it further

RESOLVED, As lawmakers work on the state budget, it is absolutely critical they do not add more burdens to employers - whether through taxes, fees, wage mandates or regulations; and be it further

RESOLVED, That the Wyoming County Board of Supervisors hereby enlist the support of each and every Zone municipality in the State of New York in an effort to maintain the continued operation and stimuli that the New York State Empire Zone program offers; and be it further

RESOLVED, That the Clerk of the Wyoming County Board of Supervisors is hereby directed to forward this resolution in support of continuing the Empire Zone to New York State Governor David A. Paterson, Senate Majority Leader Malcolm Smith, Assembly Speaker Sheldon Silver, Senate Minority Leader Dean Skelos, Assembly Minority Leader James Tedisco, State Senator Dale Volker, Assemblyman Daniel Burling, Randal Coburn Director of the Empire Zone program and to the New York State Association of Counties to encourage and enlist their support.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#24

**RESOLUTION NO. 09-71
(February 06, 2009)**

By Mr. Fleischman, Chairman of the Planning Committee:

**WYOMING COUNTY GRANT POLICY FOR SERVICES
TO MUNICIPALITIES AND ORGANIZATIONS**

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UTILIZING GRANT WRITING SERVICES BY
WYOMING COUNTY ADOPTED

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BE IT RESOLVED, That this Board of Supervisors does hereby approve and adopt the Grant Writing Services Policy for the County of Wyoming as presented to this Board and annexed hereto, for all municipalities and organizations utilizing grant writing services by Wyoming County, except the Wyoming County Community Hospital which shall maintain their procedures; and be it

FURTHER RESOLVED, That the Planning Committee of this Board of Supervisors shall be responsible for the implementation and adherence to this Grant Writing Policy and by all municipalities and organizations affected; and be it

FURTHER RESOLVED, That these procedures may be amended and/or revised, with the approval of the Planning Committee of this Board as required.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

**GRANT POLICY FOR MUNICIPALITIES,
ORGANIZATIONS UTILIZING GRANT WRITING
SERVICES PROVIDED BY WYOMING COUNTY**

Municipalities and/or Organizations must submit a grant description (no more than one page) with a cost estimate for grant writing service to the Chairman of the Planning Committee, who will then place the proposal on the Planning Committee agenda.

The Planning Committee will review the proposal utilizing the following criteria:

- 1) is the proposal consistent with County priorities?
- 2) is the proposal cost effective?

If approved by the Planning Committee, a Memorandum of Understanding is signed with the municipality/organization for ½ of the estimated grant preparation cost.

The Planning Committee Chairman will then authorize the grant writer to proceed and a purchase order is authorized and issued for the full estimated grant proposal cost.

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When the grant writer submits a voucher for payment, the Reimbursement and Budget Administrator will bill the municipality/organization. When payment is received from the municipality/organization, the payment will be credited against the expense. This will provide an accurate budget monitoring procedure.

If a municipality or organization does not pay its share of the cost, that municipality or organization will be ineligible for any future application preparation funds.

In the event of a need for a decision between Committee meetings, the Chairman of the Planning Committee will have the authority to commit county resources in an amount not to exceed two thousand five hundred dollars (\$2,500.00) along with consultation with the Chairman of the Board of Supervisors prior to the Planning Committee meeting using the criteria listed above. At the next meeting of the Planning Committee, the Chairman of the Committee will provide a review of the authorized proposal for committee members.

Planning Committee will establish county priorities in consultation with other committee chairs i.e.: infrastructure - repairs or expansion, green energy, economic development, public safety, records management, etc.

#25

**RESOLUTION NO. 09-72
(February 06, 2009)**

By Mr. Fleischman, Chairman of the Planning Committee:

**E. JOSEPH GOZELSKI REAPPOINTED TO THE
BUSINESS EDUCATION COUNCIL**

BE IT RESOLVED, That E. Joseph Gozelski (Town of Castile) 6175 E. Lake Rd., Silver Springs, NY 14550 be hereby reappointed to the Business Education Council as a Supervisor Member for a term of one (1) year; effective January 1, 2009 through December 31, 2009.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:**

**RESOLUTION NO. 09-73
(February 06, 2009)**

By Mr. Fleischman, Chairman of the Planning Committee:

**E. JOSEPH GOZELSKI REAPPOINTED TO THE
AGRICULTURE AND FARMLAND PROTECTION BOARD**

BE IT RESOLVED, That E. Joseph Gozelski (Town of Castile) 6175 East Lake Road, P.O. Box 331, Silver Springs, NY 14550 be hereby reappointed to the Agriculture Farmland Protection Board as a Supervisor Member for a term of one (1) year; effective January 1, 2009, through December 31, 2009.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#27

**RESOLUTION NO. 09-74
(February 06, 2009)**

By Mr. Fleischman, Chairman of the Planning Committee:

**MEMBERS REAPPOINTED TO THE
GENESEE / FINGER LAKES REGIONAL PLANNING
COUNCIL**

BE IT RESOLVED, That the following members are hereby reappointed to the Genesee / Finger Lakes Regional Planning Council:

Supervisor members:

One (1) year term; effective January 1, 2009 through December 31, 2009

- A.Douglas Berwanger (Town of Arcade) 6608 E. Arcade Rd., Arcade, NY 14009
- Jerry Davis (Town of Covington) 7414 Court Rd, PO Box 445 , Pavilion, NY 14525

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Supervisor Member / Alternates:*One (1) year term; effective January 1, 2009 through December 31, 2009*

- E. Joseph Gozelski (Town of Castile) 6175 East Lake Road, PO Box 331, Silver Springs, NY 14550
- James Fleischman (Town of Java) 5824 Java Lake Rd., Arcade, NY 14009
- James Brick (Town of Perry) 7618 Route 20A, Perry, NY 14530

Executive Committee*One (1) year term; effective January 1, 2009 through December 31, 2009*

- Jerry Davis (Town of Covington) 7414 Court Rd, PO Box 445, Pavilion, NY 14525

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:****#28**

**RESOLUTION NO. 09-75
(February 06, 2009)**

By Mr. Fleischman, Chairman of the Planning Committee:

**LARRY ROGERS REAPPOINTED TO THE
GLOW SOLID WASTE ADVISORY COMMITTEE**

BE IT RESOLVED, That Larry Rogers (Town of Pike) 14 East Koy Road, Pike, NY 14130 be hereby reappointed to the GLOW Solid Waste Advisory Committee as a Supervisor Member for a one (1) year term; effective January 1, 2009, through December 31, 2009.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:****#29**

**RESOLUTION NO. 09-76
(February 06, 2009)**

By Mr. Fleischman, Chairman of the Planning Committee:

MEMBERS REAPPOINTED TO THE

Regular Session

Proceedings of the Board of Supervisors
GLOW REGIONAL SOLID WASTE MANAGEMENT
COMMITTEE

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BE IT RESOLVED, That the following members are hereby reappointed to the GLOW Regional Solid Waste Management Committee for a term of one (1) year; effective January 1, 2009 through December 31, 2009:

Supervisor Member:

- Larry Rogers (Town of Pike) 14 East Koy Road, Pike, NY 14130
- E. Joseph Gozelski (Town of Castile) 6175 East Lake Road, P. O. Box 331, Silver Springs, NY 14550

Supervisor Member Alternate:

- Susan May (Town of Orangeville) 2916 Orangeville Center Rd. Warsaw, NY 14569.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#30

RESOLUTION NO. 09-77
(February 06, 2009)

By Mr. Fleischman, Chairman of the Planning Committee:

MEMBERS APPOINTED/REAPPOINTED TO THE
WYOMING COUNTY TOURIST PROMOTION AGENCY

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

Supervisor Member:

One (1) year term effective January 1, 2009 through December 31, 2009

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

Supervisor Member Alternate:

One (1) year term effective January 1, 2009 through December 31, 2009

- James Fleischman (Town of Java) 5824 Java Lake Rd., Arcade, NY 14009
- February 6, 2009

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:**

There was a motion by Mr. Gozelski, T/Castile, to combine resolutions #31 through #37. A voice vote was taken and all voted aye.

#31

**RESOLUTION NO. 09-78
(February 06, 2009)**

By Mr. Gozelski, Chairman of the Agriculture Committee:

**RESOLUTION IN OPPOSITION TO NEW YORK STATE
EXECUTIVE BUDGET IMPACT ON COUNTY FAIRS**

WHEREAS, New York State Governor David Paterson recently announced his proposal for the 2009 / 2010 State budget; and

WHEREAS, The Governor's proposed budget cuts all of the funding from the Department of Agriculture and Markets budget for Agricultural fair premiums and proposes an Amusement Tax (Fun Tax) that will add at least a 4% sales tax on the admission to Fairs; and

WHEREAS, Fairs provide an educational experience for urban, suburban, and rural New York's Youth across the state through programs and exhibits that are designed for local and state wide demonstrations and competitions; and

WHEREAS, Agriculture is one of the largest industries in New York and Fairs provide a showcase of New York's rich agricultural heritage as well as providing information and displays for new technologies that bring society into the future; and

WHEREAS, The Wyoming County Board of Supervisors recognizes that there is a financial crisis in New York. However, with families across the state suffering financially, Fairs offer one of the best values for the family to have fun together and a sales tax on the admission does not make it affordable for families to attend the fair. Not providing funding for premium hinders the fair's important economic development role of helping New Yorker's develop new skills and encouraging our farms; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby requests and encourages full restoration of Agricultural Fair Premiums and opposes adding sales tax on admissions to fairs in the final budget.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

Prior to the roll call vote being taken, Chairman Berwanger, T/Arcade commented on resolution office number 31. He explained that Wyoming County is dedicated to the Wyoming County Fair and has committed a lot of money to its success. He explained that it is an important yearly community event for both our youth and adults. He is in support of this resolution in opposition to the New York State Executive Budget's Impact on County Fairs which would impose a "Fun Tax" on the admittance to the fair as well as having an impact on the premiums paid to exhibitors by either reducing them or eliminating them all together.

Supervisor Rogers, T/Pike added that Fairs all across the state including the State Fair in Syracuse give the youth, 4-H members, FFA, adults that exhibit in open class, House Wives, as well as countless others an opportunity to show case crops, canned goods, crafts, photography, etc. It would be quite a blow to the community if the taxes are imposed.

#32

**RESOLUTION NO. 09-79
(February 06, 2009)**

By Mr. Gozelski, Chairman of the Agriculture Committee:

**JAMES BRICK REAPPOINTED TO COOPERATIVE
EXTENSION BOARD OF DIRECTORS**

BE IT RESOLVED, That James Brick (Town of Perry) 7618 Route 20A, Perry NY 14530 be hereby reappointed to the Cooperative Extension's Board of Directors as a Supervisor Member for a term of one (1) year; effective January 01, 2009 through December 31, 2009.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

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**RESOLUTION NO. 09-80
(February 06, 2009)**

By Mr. Gozelski, Chairman of the Agriculture Committee:

**MEMBERS REAPPOINTED TO THE NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
ADVISORY COMMITTEE**

BE IT RESOLVED, That the following members are hereby reappointed to the NYS DEC Advisory Committee for a term of one (1) year; effective January 01, 2009 through December 31, 2009:

Supervisor Member:

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

Supervisor Member/Alternate:

- Larry Rogers (Town of Pike), PO Box 82, Pike, NY 14130-0082

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#34

**RESOLUTION NO. 09-81
(February 06, 2009)**

By Mr. Gozelski, Chairman of the Agriculture Committee:

**MEMBERS REAPPOINTED TO THE
REGION 9 – FISH AND WILDLIFE MANAGEMENT
BOARD**

BE IT RESOLVED, That the following members are hereby reappointed to the Region 9 - Fish & Wildlife Management Board for a term of one (1) year; effective January 01, 2009 through December 31, 2009:

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Supervisor Member:

- Jerry Davis (Town of Covington) 7414 Court Rd., P.O. Box 445, Pavilion, NY 14525

Supervisor Member/Alternate:

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

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#35

**RESOLUTION NO. 09-82
(February 06, 2009)**

By Mr. Gozelski, Chairman of the Agriculture Committee:

**E. JOSEPH GOZELSKI REAPPOINTED TO
THE REGION 9 - FOREST PRACTICE BOARD**

BE IT RESOLVED, That E. Joseph Gozelski (Town of Castile) 6175 E. Lake Rd., P.O. Box 331, Silver Springs, NY 14550 be hereby reappointed to the Region 9 - Forest Practice Board - Forest or Farm Woodlands for a term of one (1) year; effective January 01, 2009 through December 31, 2009.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#36

**RESOLUTION NO. 09-83
(February 06, 2009)**

By Mr. Gozelski, Chairman of the Agriculture Committee:

**MEMBERS REAPPOINTED TO THE SENECA TRAIL
RESOURCE CONSERVATION & DEVELOPMENT
COUNCIL**

BE IT RESOLVED, That the following members are hereby reappointed to the Seneca Trail Resource Conservation and Development Council:

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Proceedings of the Board of Supervisors**Supervisor Member***One (1) year term; effective January 01, 2009 through December 31, 2009*

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

Member at Large/Alternate*One (1) year term; effective January 01, 2009 through December 31, 2009*

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

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:**

#37

**RESOLUTION NO. 09-84
(February 06, 2009)**

By Mr. Gozelski, Chairman of the Agriculture Committee:

**MEMBERS REAPPOINTED TO THE
SOIL AND WATER CONSERVATION DISTRICT BOARD**

BE IT RESOLVED, That the following members are hereby
reappointed to the Soil & Water Conservation District Board:

Supervisor Member*One (1) year term; effective January 01, 2009 through December 31, 2009*

- E. Joseph Gozelski (Town of Castile), 6175 E. Lake Rd., P.O. Box 331, Silver Springs, NY 14550
- Sally Meeder (Town of Middlebury), 4631 Gay Rd., Warsaw, NY 14569

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:**

#38

**RESOLUTION NO. 09-85
(February 06, 2009)**

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

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COUNTY CLERK ANNUAL MORTGAGE TAX
RETENTION FEE

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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 wishes to receive an annual expense of one hundred forty-two thousand four hundred forty-eight dollars (\$142,448.00) 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 allow the Wyoming County Clerk the sum of one hundred forty-two thousand four hundred forty-eight dollars (\$142,448.00) annually, April 2009 through March 2010, for necessary expenses in carrying out the provisions of Article 11 of the New York State Tax Law.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

There was a motion by Mr. Rogers, T/Pike, to combine resolutions #39 through #45. A voice vote was taken and all voted aye.

#39

RESOLUTION NO. 09-86
(February 06, 2009)

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

**CHAIRMAN AUTHORIZED TO SIGN CONTRACT
EXTENSION WITH UNITED UNIFORM ON BEHALF OF
THE SHERIFF'S DEPARTMENT AND COUNTY JAIL**

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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 extension with United Uniform Company, Inc., 495 N. French Rd, Buffalo NY 14228 on behalf of the Sheriff's Department and County Jail. Said contract extension is for the provision of uniforms for Sheriff and Jail personnel at the current level of pricing or below; effective March 01, 2009 through February 28, 2010.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#40

**RESOLUTION NO. 09-87
(February 06, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN MAINTENANCE
AGREEMENT WITH EM SYSTEMS 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 maintenance agreement with EM Systems Inc., 4043 Maple Road, Suite 211, Amherst, NY 14226 on behalf of the Sheriff's Department. Said agreement is for providing software maintenance and support for RMS (Records Management System) in an amount not to exceed seven thousand five hundred dollars (\$7,500.00); effective January 01, 2009 through December 31, 2009.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#41

**RESOLUTION NO. 09-88
(February 06, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN MAINTENANCE
AGREEMENT WITH EM SYSTEMS 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 maintenance agreement with EM Systems Inc., 4043 Maple Road, Suite 211, Amherst NY 14226 on behalf of County Jail. Said contract is for providing software maintenance and support for JMS (Jail Management System) for eight thousand dollars (\$8,000.00); effective April 01, 2009 through March 31, 2010.

Contingent upon the availability of funds.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#42

**RESOLUTION NO. 09-89
(February 06, 2009)**

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

PAROLE VIOLATORS RESOLUTION

WHEREAS, County jails in New York State continue to house increasing numbers of parole violators, including parole violators held on technical charges and parole violators who have become state ready and are awaiting transfer to a state correctional facility; and

WHEREAS, Many jails report that a significant portion of their entire jail population is comprised of such parole violators and state ready inmates; and

WHEREAS, In many county jails the average length of stay of a parole violator prior to his final parole hearing is one hundred twenty (120) days; and

WHEREAS, There are sixty-nine state correctional facilities, in addition to the 902-bed Willard Drug Treatment in Seneca County, New York, meaning that there is a state correctional facility in or near each county of New York State; and

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WHEREAS, The number of inmates incarcerated in state prisons has been reduced so significantly in recent years that the Governor and some members of the New York State Legislature have called for a closing of several state correctional facilities; and

WHEREAS, These inmates held on parole violations have always been considered a State responsibility, although the State reimburses counties for only a portion of the housing costs incurred in maintaining these inmates while their parole revocation proceedings are held and completed, and provides no reimbursement for medical costs for such inmates incurred by New York State counties; and

WHEREAS, Governor Paterson in his proposed 2009-2010 state budget has suggested elimination of all funding to counties for housing such parole violator inmates on behalf of the State of New York; now therefore

BE IT RESOLVED, That Wyoming County should seek appropriate relief from the Division of Parole and the Department of Correctional Services to lessen the amount of time that parole violators and state ready inmates are held at county jails; and be it further

RESOLVED, That Wyoming County urges the State of New York to pass legislation to allow parolees awaiting a parole violation hearing to be incarcerated in a State Correctional facility in or near the county where the alleged parole violation occurred, rather than in a county jail; and be it further

RESOLVED, That until such time as a parolee awaiting a parole violation hearing is held at a State Correctional facility, that Wyoming County should be entitled to reasonable compensation for housing such allege parole violator inmates, at a sum equal to the actual cost of confinement, including actual medical expenses incurred by the County.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#43

**RESOLUTION NO. 09-90
(February 06, 2009)**

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

**2009 INTENSIVE SUPERVISION CONTRACT
APPROVED ON BEHALF OF PROBATION**

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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 the Intensive Supervision Contract with the Division of Probation and Correctional Alternatives, 80 Wolf Rd, Albany, NY 12205, on behalf of Probation. Said contract provides extra monies to closely supervise court ordered probationers sentenced to Intense Supervision Program instead of jail in a minimum amount of six thousand seven hundred dollars (\$6,700.00); effective January 01, 2009 through December 31, 2009.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#44

**RESOLUTION NO. 09-91
(February 06, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN CONTRACTS 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 the following contracts with the Division of Probation and Correctional Alternative, 80 Wolf Rd., Albany, NY 12205 on behalf of Probation:

- o ***Probation Eligible Diversion Contract*** – Funds from this program are to provide extra services and funds to closely supervise defendants that would be prison bound in a minimum amount of thirteen thousand four hundred dollars (\$13,400.00); effective January 01, 2009 through December 31, 2009.
- o ***State Aid to Probation*** – Reimbursement for basic probation services in a minimum amount of fifty-six thousand four hundred seventeen dollars and sixty-five cents (\$56,417.65); effective January 01, 2009 through December 31, 2009.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

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**RESOLUTION NO. 09-92
(February 06, 2009)**

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

**2009 ALTERNATIVES TO INCARCERATION PLAN
APPROVED 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 located at 80 Wolf Road, Albany, NY 12205-2604 on behalf of Probation. This agreement will provide for community service, pretrial release, and the Data Day Program in a minimum amount of twenty-four thousand nine hundred dollars (\$24,900.00); effective January 01, 2009 through December 31, 2009.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

There was a motion by Mr. Patti, T/Attica, to combine resolutions #46 through #53. A voice vote was taken and all voted aye.

#46

**RESOLUTION NO. 09-93
(February 06, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN A LEASE
AGREEMENT WITH WELLS FARGO LEASING, INC. ON
BEHALF OF COUNTY HIGHWAY**

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 Wells Fargo Financial Leasing, Inc., 365 W. Passaic Street, 1st Floor, Rochelle, NJ 07662 on behalf of County Highway. Said lease is for a Savin 9021 dspf Digital Imaging System through Complete Office Solutions for 36 months in an amount not to exceed four thousand three hundred sixty dollars (\$4,360.00).

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Contingent upon the availability of funds.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#47

**RESOLUTION NO. 09-94
(February 06, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN SUPPLEMENTAL
AGREEMENT #1 FOR THE URF ROAD BRIDGE IN THE
TOWN OF BENNINGTON WITH BERGMANN
ASSOCIATES ON BEHALF OF COUNTY HIGHWAY**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign supplemental agreement #1 with Bergmann Associates, 40 LaRiviere Dr., Suite 150, Buffalo, NY 14202 on behalf of County Highway. Said agreement is for design of pre-stressed concrete fascia beams, bearing pads and new steel bridge railing for Bennington Bridge No. 10, Urf Road in the Town of Bennington: PIN 4754.99; BIN 3319640 in an amount not to exceed fourteen thousand six hundred seventy-three dollars (\$14,673.00); Contingent upon the availability of funds.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#48

**RESOLUTION NO. 09-95
(February 06, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN AGREEMENT
WITH BRYANT ASSOCIATES ON BEHALF OF COUNTY
HIGHWAY**

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

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agreement with Bryant Associate, 108 W. Jefferson Street, Suite 400, Syracuse, NY 13202 on behalf of County Highway. Said agreement is for engineering, design and ROW for Orangeville Bridge No. 10, Snyder Road in the Town of Orangeville: PIN 4753.23; BIN 3320020 in an amount not to exceed one hundred eighty-nine thousand seven hundred eighty-four dollars (\$189,784.00); Contingent upon the availability of funds.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:****#49**

**RESOLUTION NO. 09-96
(February 06, 2009)**

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

RESOLUTION NUMBER 08-182 AMENDED

WHEREAS, Resolution Number 08-182, entitled, “**CHAIRMAN AUTHORIZED TO SIGN GRANT APPLICATION AND ACCEPTANCE AWARD WITH THE GOVERNOR’S TRAFFIC SAFETY COMMITTEE ON BEHALF OF THE WYOMING COUNTY TRAFFIC SAFETY BOARD**,” passed by this Board of Supervisors on May 13, 2008 provides for State of New York Governor’s Traffic Safety Committee Grant Applications and Acceptance Awards with various Wyoming County Municipalities and the Sheriff’s Department on behalf of the Wyoming County Traffic Safety Board; now therefore

BE IT RESOLVED, That resolution number 08-182 be hereby amended to reflect a fifteen thousand eight hundred dollar (\$15,800.00) decrease in the Sheriff’s Governor’s Traffic Safety Committee Select Traffic Enforcement Program. Total Select Traffic Enforcement Program (STEP) award for the Sheriff’s Office is eleven thousand nine hundred dollars (\$11,900.00) all else remaining the same.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:**

**3/5 majority
#50**

**RESOLUTION NO. 09-97
(February 06, 2009)**

Regular Session

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

**PROPER STANDARDIZATION RESOLUTION
FOR FURNACES, ELECTRICAL LOAD CENTERS, AND
DOOR LATCHES WITHIN WYOMING COUNTY
GOVERNMENT BUILDINGS APPROVED**

WHEREAS, In an effort to maintain compatibility and parts inventory of the heating, electrical, and locking systems currently installed in current and future County owned buildings; and

WHEREAS, The uniformity of the heating equipment in the said Buildings is essential to achieve the efficiencies and economy of a single inventory of interchangeable parts, and

WHEREAS, Luxaire Furnaces, 5005 York Road., Norman, OK 73069, Square D, 1415 South Roselle Road, Palatine, IL 60067, and US Lock Corporation, Long Island, NY 11717 are prevalent throughout County Buildings providing serviceable equipment compatible and uniform with the existing County inventory; now therefore be it

RESOLVED, That the County of Wyoming has determined it is in the best interest of the County to standardize within Wyoming County Buildings to utilize existing equipment, insure uniformity with the existing equipment and achieve economies in maintenance and operation; and be it

FURTHER RESOLVED, That, pursuant to the provisions of General Municipal Law, Section 103.(5), the County of Wyoming shall standardize within the Wyoming County Buildings equipment, so as to designate Luxaire, Square D, and US Lock the sole source of equipment and proprietary service.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#51

**RESOLUTION NO. 09-98
(February 06, 2009)**

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

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CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH CLARK PATTERSON LEE 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 Lee, 186 North Water Street, Rochester NY 14604 on behalf of Buildings and Grounds. Said contract to provide for engineering associated with the reconstruction of the jail roof in an amount not to exceed seven thousand five hundred dollars (\$7,500.00); effective through the reconstruction of the jail roof project.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#52

RESOLUTION NO. 09-99
(February 06, 2009)

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

RESOLUTION TO ADOPT NEGATIVE DECLARATION
SEQR FOR THE DEPARTMENT OF SOCIAL SERVICES
BUILDING RENOVATION AND ADDITION PROJECT

WHEREAS, Wyoming County, plans to construct an approximately 13,300 square foot two-story addition to the existing Department of Social Services Lower Building, renovate the Lower Building, improve the existing asphalt parking lot and drainage system, and demolish the existing 7,000 square foot Upper Building for additional parking space at the Wyoming County Department of Social Services; and

WHEREAS, the subject property is located along the southeast corner of Doody Road and North Main Street, at 466 North Main Street in the Village of Warsaw, Wyoming County, New York;

WHEREAS, the Wyoming County Board of Supervisors, has considered the action, reviewed the short environmental assessment form and all supplemental information, thoroughly analyzed the relevant areas of potential

environmental concern, and has duly considered all of the potential project environmental impacts and their magnitude;

WHEREAS, the Wyoming County Board of Supervisors, does hereby find and resolve that the project will not result in any significant adverse environmental impacts, nor are there any reasonably related long-term, short-term, direct or indirect cumulative impacts, and, therefore, is one which will not have a significant impact on the environment, and, therefore, a negative declaration will be prepared;

WHEREAS, the reasons supporting this determination are as follows:

1. **Impact on Land**

The project will involve construction in a previously disturbed area where an existing parking lot was located. The proposed drainage improvements will connect to the existing on-site storm sewer, which discharges to a road side ditch that flows into an existing NYS DOT culvert pipe along North Main Street (NYS Route 19).

There are no unique or unusual land forms on the project site. The project will not result in any adverse impacts on land and is appropriate for this site.

2. **Impact on Water**

The project will not result in a significant increased demand on the existing public water supply or sanitary sewer systems. There is adequate capacity in these systems to service the proposed facility.

Grass land will be converted to impervious surfaces and existing site drainage patterns will be altered. Appropriate drainage improvements will be installed to accommodate stormwater runoff.

The project will not result in any significant adverse impacts on public water or sanitary sewer systems, bodies of water, surface water, or ground water.

3. **Impact on Air**

Although the project will create an increase in fossil fuel usage, it is not anticipated that the additional use will have any significant adverse environmental impact.

Fugitive dust from construction related ground disturbance activities will be controlled through the use of appropriate soil erosion and sediment

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control techniques typically employed for this type of construction project.

The air quality impacts will be consistent with existing air quality impacts associated with the existing facility.

No significant adverse impact to existing air quality is anticipated from the implementation of the project.

4. **Impact on Plants and Animals**

The project site does not contain any threatened or endangered species and the site is not a significant habitat for any non-threatened or non-endangered species.

No loss of wildlife or significant non-agricultural plant habitat area is anticipated as a result of the project.

5. **Impact on Agricultural Land Resources**

The project site is an existing parking lot and lawn area on the property for the existing Wyoming County Department of Social Services.

Although some open space will be lost as a result of the project, the use is consistent with the existing use of the property.

No significant adverse impacts to agricultural land resources are anticipated.

6. **Impact on Aesthetic Resources**

The character of the site and area will not be impacted by the conversion of grass land to expand the building facilities at the Department of Social Services.

There are some residential homes within 500 feet of the project site, to the north, east, and south sides of the site, however the downhill slope of the land from east to west should prevent the building addition from blocking any existing views that area residents may have. The west side of the site is bordered by North Main Street (NYS Route 19), which has several commercial properties along it.

Although there will be a change to the site character, no scenic views will be eliminated, the facility will not be unsightly, and it is not anticipated that there will be an adverse visual impact.

7. **Impact on Historic and Archaeological Resources**

Based on the New York State Historic Preservation Office GIS – Public Access database, there are no State Parks, National or State Registered or Federally Eligible cultural resources currently present near the project site.

The project will have no impact on cultural resources as the building addition will be located in a previously disturbed location.

8. **Impact on Space and Recreation Resources**

The site is not a significant community open space or the location of a future recreational opportunity. The property is currently used as the Wyoming County Department of Social Services. Therefore, the project will not result in a significant adverse impact to the quantity or quality of open space and recreation in the community.

9. **Impact on Critical Environmental Areas**

The site is not a critical environmental area (CEA). Therefore, the project will not adversely impact CEA resources.

10. **Impact on Transportation**

The project will not increase traffic within the vicinity of the project site.

11. **Impact on Energy**

The project will result in increased demands for energy to operate the proposed building addition. However, it is anticipated that the capacities of local utilities and existing facilities are more than adequate to meet the increased demands.

No significant increase in local transportation related fuel consumption is anticipated.

Therefore, the project will not have a significant adverse impact on the community's sources of fuel or energy supply.

12. **Noise and Odor Impact**

No increase of odor or air quality impacts are expected from the project.

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The project will produce operating noise typical for this type of facility. As the current site is the Wyoming County Department of Social Services, the noise level is not expected to exceed the current level for the site. It is not anticipated that the operating noise levels will adversely impact the adjacent properties, which are residential and commercial in nature.

There will also be temporary amounts of increased noise resulting from construction activities for the project. The noise levels generated by such construction activities will be similar in duration and intensity to other residential or commercial construction activities in the community.

It is therefore anticipated that the project will result in no significant adverse odor or noise impacts.

13. Impact on Public Health

The type of project proposed does not pose significant public health and safety hazards. All required permits and approvals will be obtained. Therefore, the project will not have a significant adverse impact on public health and safety.

14. Impact on Growth and Character of Community and Neighborhood

The project will not change the character of the community and will not have an impact on long term growth.

There will not be an increase in demand for community services. Since the project involves additional Department of Social Services facilities, it will improve the services in the community.

The overall project impacts on growth and character of the community will not be significantly adverse.

THEREFORE BE IT RESOLVED, that the Wyoming County Board of Supervisors has determined for the foregoing reasons that the construction of an approximately 13,300 square foot two-story addition to the existing Department of Social Services Lower Building, renovation of the Lower Building, improvements of the existing asphalt parking lot and drainage system, and demolition of the existing 7,000 square foot Upper Building for additional parking space at the Wyoming County Department of Social Services will not have any adverse impact on the environment and adopts a Negative Declaration in accordance with 6 NYCRR section 617.7 of the implementing regulations under the New York State Environmental Quality Review Act;

The Board Chairman is authorized to file the Negative Declaration determination of non-significance with respect to the project, in accordance with the applicable provisions of the law;

This Resolution shall take effect immediately and the requirements of SEQR shall have been satisfied.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#53

**RESOLUTION NO. 09-100
(February 06, 2009)**

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

**CHAIRMAN AUTHORIZED TO AWARD BID AND SIGN A
CONTRACT WITH ELMER W. DAVIS 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 award a bid and sign contracts with Elmer W.Davis, Inc., 1217 Clifford Avenue, Rochester, NY 14621 on behalf of Buildings and Grounds. Said contract is for the following services:

- Reconstruction of the 408 North Main Medical Building roof in an amount not to exceed two hundred eight thousand three hundred seventy-seven dollars (\$208,377.00); effective through the completion of the project; and
- Reconstruction of the County Jail roof in an amount not to exceed two hundred seventy-nine thousand seventy-seven dollars (\$279,077.00); effective through the completion of the project.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

There was a motion by Mr. Davis, T/Covington, to combine resolutions #54 through #62. A voice vote was taken and all voted aye.

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**RESOLUTION NO. 09-101
(February 06, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

**A RESOLUTION BY THE WYOMING COUNTY BOARD
OF SUPERVISORS TO THE NEW YORK STATE
GOVERNOR AND LEGISLATURE ON THE DEDICATION
OF FEDERAL MEDICAID ASSISTANCE
FOR HEALTH CARE**

WHEREAS, The United States Congress is considering a stimulus package that will include critically needed federal Medicaid funds for the state's health care system; and

WHEREAS, The Governor's proposed budget includes staggering cuts and taxes on hospitals, nursing homes, and home care plus additional cuts and taxes on other sectors of the health care system; and

WHEREAS, These massive cuts, combined with the nearly \$1 billion in cuts already taken by health care providers this year, will cripple New York's health care system, jeopardizing life-saving care for millions of vulnerable New Yorkers; especially the elderly, disabled, and very young, who most rely on Medicaid to access essential services; and

WHEREAS, More cuts to health care could significantly diminish the availability of primary and preventive care services, which more and more families will be unable to afford; and

WHEREAS, These cuts would lead to cutbacks in health care services and jobs provided by hospitals, nursing homes, and home care agencies in every community in the state; and

WHEREAS, Securing additional federal Medicaid funding is critical to avoid the damage these proposed cuts would inflict on families and communities across the state; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors urge the Governor and the New York State Legislature to act to ensure that all

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federal Medicaid dollars received by New York State through a federal stimulus package are used for Medicaid health care services and specifically to help offset the overwhelming state health care cuts and taxes that have been proposed by the Governor; and be it

FURTHER RESOLVED, That the Clerk to this Board is instructed to send certified copies of this resolution to New York State Governor David Paterson, New York State Senator Dale Volker, New York State Assemblyman Daniel Burling, New York State Association of Counties, and to WNY Inter-County Association.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain: #55

**RESOLUTION NO. 09-102
(February 06, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN VOLUNTARY
DENTAL INSURANCE POLICY WITH UNIVERA
HEALTHCARE 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 an agreement for Voluntary Dental Insurance with Univera Healthcare, 205 Park Club Lane, Buffalo, NY; effective March 01, 2009. Premium paid by employee – no expense to the county.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain: #56

**RESOLUTION NO. 09-103
(February 06, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
APPLICATION AND ACCEPTANCE AWARD WITH THE
February 6, 2009**

Proceedings of the Board of Supervisors**OFFICE OF ADMINISTRATION, NEW YORK STATE
OFFICE OF REAL PROPERTY SERVICES ON BEHALF
OF THE COUNTY TREASURER'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 acceptance award with the Office of Administration, NYS Office of Real Property Services, 16 Sheridan Avenue, Albany, NY 12210-2714 on behalf of the County Treasurer's Office. Said grant is for the provision of phase two funding for County Tax Collection Information Initiative in a minimum amount of twenty-five thousand dollars (\$25,000.00); effective January 01, 2009 through December 31, 2009.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:**

#57

**RESOLUTION NO. 09-104
(February 06, 2009)**

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. 07-311, passed September 11, 2007, now therefore

BE IT RESOLVED, That the County of Wyoming hereby requests the New York State Legislature to create 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 (3%) through November 30, 2011; and be it

FURTHER 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 upon its introduction to the New York State Assembly and Senate.

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Carried: XXX	Ayes: 1596	Noes:	Absent:	Abstain:	
					#58

RESOLUTION NO. 09-105
(February 06, 2009)

By Mr. Davis, Chairman of the Finance Committee:

PRIVATE SALE OF REAL PROPERTY APPROVED

WHEREAS, The Wyoming County Board of Supervisors by Local Law No. 3 of 2008 has authorized the sale of certain surplus property located at 76 N. Main Street in the Town of Warsaw, NY to Christine Till and Colleen Kennedy, 72 N. Main Street, Warsaw, NY 14569 with the approval of the County Attorney; now therefore

BE IT RESOLVED, That the Chairman of this Board of Supervisors is authorized to accept the purchase offer presented by Christine Till and Colleen Kennedy, 72 N. Main Street, Warsaw, NY 14569 in the amount of thirty-five thousand dollars (\$35,000.00) and is further authorized to execute all documents in connection with the sale of said property.

Carried: XXX	Ayes: 1596	Noes:	Absent:	Abstain:	
					#59

RESOLUTION NO. 09-106
(February 06, 2009)

By Mr. Davis, Chairman of the Finance Committee:

CAPITAL IMPROVEMENT PROJECTS ESTABLISHED

WHEREAS, The Wyoming County Public Works, Public Safety, and Finance Committees have identified the need for renovations to a building located at 408 North Main Street, Warsaw NY and to the importance of the erection of a Fire Training Tower located on County property located on Wethersfield Road in the Town of Wethersfield; and

WHEREAS, Project plans have been reviewed by the Public Works and Finance Committees; now therefore

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BE IT RESOLVED, That the Wyoming County Board of Supervisors, on the recommendation of the above committees hereby established the **408 North Main Medical Building Capital Improvement Project** in an amount not to exceed one million five hundred thousand dollars (\$1,500,000.00) and the **Fire Training Tower Capital Improvement Project** in an amount not to exceed six hundred thirty-two thousand five hundred dollars (\$632,500.00); and be it

FURTHER RESOLVED, That the County of Wyoming is fully committed to utilizing all grants and available low interest loans in the completion of the above project.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#60

**RESOLUTION NO. 09-107
(February 06, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

**ONE (1) POSITION OF CASEWORKER
TRAINEE (PINS) (1.00 FTE)
CREATED IN THE YOUTH BUREAU**

BE IT RESOLVED, That one (1) position of Caseworker Trainee (PINS) (1.00 FTE) is hereby created in the Youth Bureau to be placed on the appropriate step and grade of the current Bargaining Unit agreement; effective immediately.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#61

**RESOLUTION NO. 09-108
(February 06, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

SALARY SCHEDULES “D,” “G,” AND “S” AMENDED
Regular Session

BE IT RESOLVED, That the Wyoming County Salary Plan which became effective January 01, 1967, as amended, is hereby amended to reflect the following changes to Salary Schedules “D,” “G,” and “S:”

Salary Schedule “D”:

Buildings and Grounds

- Set the salary of the Superintendent of Buildings and Grounds at \$65,000.00/annually; effective immediately.

Fire and Building Code Enforcement

- Include the title of Code Enforcement Officer and set the salary at \$47,872.00/annually; effective immediately.

Salary Schedule “G”:

District Attorney

- Set the salary of the Domestic Violence Coordinator at \$33,000.00/annually; effective January 01, 2009.

Salary Schedule “S”:

Department of Social Services

- Remove the title of Director of Child Support Enforcement and Fraud; effective immediately; and
- Set the salary of the Director of Programs at \$40,436.00/annually; effective immediately

Buildings and Grounds

- Set the salary of the Assistant Superintendent of Buildings and Grounds at \$40,000.00/annually; effective immediately; and

Fire and Building Code Enforcement

- Remove the title of one (1) Building Inspector with an annual salary of \$37,872.00/annually and the title of Code Enforcement Officer, PT with a stipend of \$5,000.00/annually; effective immediately.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#62

**RESOLUTION NO. 09-109
(February 06, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

February 6, 2009

**ONE (1) POSITION OF CORRECTION
OFFICER (1.00 FTE) CREATED IN
THE COUNTY JAIL**

BE IT RESOLVED, That one (1) position of Correction Officer (1.00 FTE) be hereby created in the County Jail to be placed on the appropriate step and grade of the current Bargaining Unit agreement; effective March 10, 2009.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

Chairman Berwanger asked if there was any Supervisor who objected to the presentation of the unanimous consent resolutions #63 through #69. Resolution office numbers 67 and 68 being a 2/3 majority vote.

Supervisor May, T/Orangeville stated that she would be abstaining from voting on resolution office number 65.

There being no objections to the presentation to the unanimous consent resolutions as presented, the Chairman asked the clerk to read Unanimous Consent resolutions #63 through #69 separately in order to vote on each resolution separately.

UC#63

**RESOLUTION NO. 09-110
(February 06, 2009)**

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

**SET PUBLIC HEARING – INTRODUCTORY LOCAL LAW
NO. A YEAR 2009**

WHEREAS, There has been duly presented and introduced at a meeting of this Board of Supervisors of Wyoming County on this 6th day of February, 2009, a proposed local law entitled, **“A LOCAL LAW REPEALING LOCAL LAW NO. 12 OF THE YEAR 2008 PROVIDING FOR THE WYOMING COUNTY BOARD OF SUPERVISORS TO FILL A VACANCY IN THE OFFICE OF THE WYOMING COUNTY CLERK PURSUANT TO MUNICIPAL HOME RULE LAW §10,”** and

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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 will be held on the said proposed Local Law by this Wyoming County Board of Supervisors on the 10th day of March, 2009 at 2:30 PM at the Wyoming County Government Center, 143 North Main Street, Warsaw, New York.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
UC#64

**RESOLUTION NO. 09-111
(February 06, 2009)**

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

FUNDS APPROPRIATED TO VARIOUS 2008 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2009 accounts as follows:

Emergency Services			
To: 25.72.3640.4.40301 Professional Services w/25.13.3020.5031 Interfund Transfer Reason: Necessary expenses associated with the Fire Training Tower Clean up.	\$74,313.00	\$74,313.00	
Emergency Services Total			\$74,313.00

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
UC #65

**RESOLUTION NO. 09-112
(February 06, 2009)**

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

**WYOMING COUNTY SHERIFF'S EMPLOYEE
ASSOCIATION (S.E.A.)
CONTRACT APPROVED**

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BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby accepts the Agreement between The Wyoming County Sheriff's Employees Association (S.E.A.) and The County of Wyoming/Wyoming County Sheriff dated January 1, 2009 to December 31, 2011, subject to language clarification approval by the office of the County Attorney; and be it

FURTHER RESOLVED, That the Chairman of this Board of Supervisors and the members of the Committee of the Whole of this Board, with the approval of the County Attorney are hereby authorized and directed to execute the above mentioned agreements on behalf of the County of Wyoming.

This resolution shall become effective immediately, contingent on the ratification of said agreement by all parties.

Carried: XXX Ayes: 1542 Noes: Absent: Abstain: 54
(Orangeville)

Prior to the roll call vote of the above resolution Chairman Berwanger stated that this agreement has been ratified by the Sheriff's Employee Association.

UC#66

RESOLUTION NO. 09-113
(February 06, 2009)

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

RESOLUTION NUMBER 08-135 AMENDED

WHEREAS, Resolution Number 08-135, entitled, "**DEPARTMENT OF SOCIAL SERVICES BUILDING CAPITAL IMPROVEMENT PROJECT APPROVED,**" passed by this Board of Supervisors on March 11, 2008 provides for the establishment of the ***Department of Social Services Building Capital Improvement Project*** in an amount not to exceed four million dollars (\$4,000,000.00); now therefore

BE IT RESOLVED, That resolution number 08-135 be hereby amended to reflect a one million dollar (\$1,000,000.00) increase in the project, for a total project amount of five million dollars (\$5,000,000.00); and be it

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FURTHER RESOLVED, That the County of Wyoming remains fully committed to utilizing all grants and available low interest loans in the completion of the above project.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

2/3 Majority

UC#67

**RESOLUTION NO. 09-114
(February 06, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN USDA LOAN
CONTRACT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed as the official representative of Wyoming County, New York, to execute and submit loan documents on to the United States Department of Agriculture Rural Development, 29 Liberty Street, Suite 2, Batavia, NY 14020 for a Community Facilities Direct Loan on behalf of the 466 North Main Street Building, Warsaw, New York, renovation and addition construction project along with the razing of the building located at 5324 Doody Road, Warsaw, NY, in a maximum amount of four million three hundred fifteen thousand dollars (\$4,315,000.00) and is hereby authorized and directed, to take all actions needed for the submission of the loan application and to provide such additional information and assistance as may be necessary; and be it

FURTHER RESOLVED, That a public hearing on behalf of this Board of Supervisors will be held within ten (10) days of the application submission on February 19, 2009 at 4:00 PM at the Wyoming County Government Center, 143 North Main Street, 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 town designated for such publications.

Carried: XXX

Ayes: 1470

Noes:

Absent:

Abstain:

2/3 Majority

UC#68

RESOLUTION NO. 09-115

February 6, 2009

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(February 06, 2009)

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

**BOND RESOLUTION OF THE COUNTY OF WYOMING,
NEW YORK, DATED FEBRUARY 06, 2009, FOR THE
ISSUANCE AND SALE OF BONDS OF THE COUNTY OF
WYOMING, NEW YORK, IN THE AMOUNT OF
\$4,315,000.00 FOR THE RENOVATION AND ADDITION
CONSTRUCTION, OF PROPERTY LOCATED AT 466
NORTH MAIN STREET, WARSAW, NY AND RAZING OF
THE BUILDING LOCATED AT 5324 DOODY ROAD,
WARSAW, NY 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 renovate the property located at 466 North Main Street, Warsaw, New York and raze the building located at 5324 Doody Road, Warsaw, New York.

Item	Estimated Maximum Cost
Description:	
Existing Building Renovation	\$1,142,482.00
Building Addition	1,804,107.00
Site Improvement	259,568.00
Upper Building Demolition	22,000.00
Construction Services	211,831.00
Contingency	242,101.20
Fixtures, Furniture and Equipment	313,910.80
Engineering Services	319,000.00
Total	\$4,315,000.00

The estimated maximum cost of the renovation of said property is the sum of \$4,315,000.00 and said amount is hereby appropriated therefore. The plan of financing involves the issuance of \$4,315,000.00 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 \$4,315,000.00 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 for said acquisition and renovation, such period of probable usefulness being the period of twenty-five (25) years. Also, set forth for above is the maximum estimated cost for said acquisition and renovation.

b. No current funds need be provided because the period of probable usefulness for the acquisition and renovation of said property does not exceed twenty-five (25) 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.

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Section 7. The specific object or purpose of the purchase herein authorized is to renovate the property located at 466 North Main Street, Warsaw, New York and raze the building located at 5324 Doody Road, Warsaw, New York.

Section 8. This resolution shall take effect immediately**Carried: XXX****Ayes: 1470****Noes:****Absent:****Abstain:**

Prior to the roll call vote being taken for the above two resolutions Chairman Berwanger asked the County Attorney to explain the purpose of a 2/3 majority vote. County Attorney Dadd stated that resolutions involving financing by the county are by law required to have a 2/3 majority vote.

Chairman Berwanger stated that with the passage of Unanimous consent resolution numbers 67 and 68, Supervisor Patti, T/Attica and Public Works Committee Chairman has a statement that he would like to share:

“During the past 5 years, the Board of Supervisors has approved major renovations to several of our buildings. First of all, we completed the renovation of the back half of the Kaplan Building located on Perry Avenue and was therefore able to move the Office for the Aging and Youth Bureau, along with the Board of Elections, into this location. Next, we made several updates to the Public Health Building located on Mungers Mill Road. We also made a major renovation to the building formerly known as the White House, located on Linwood Avenue, which now houses the Public Defenders Office. Additionally, in 2007, we constructed a records retention building on the Mungers Mill site to house all county records. This project alone is saving the county approximately \$50,000 annually in rental and retrieval fees. As a whole, these improvements have led to a better and more cost effective work environment for our staff; this in turn, allows the staff to better serve the public. In addition, as a result of these projects, we will be passing a resolution today authorizing the sale of the former Board of Elections Building on Main Street; by doing so, we will be putting a building back on the tax rolls in Warsaw.

These projects have all been completed under the Supervision and Direction of Superintendent of Buildings and Grounds, Dennis Halstead, and his staff. The cost for these projects would have totaled \$1,241,215.00. However, by using the county workforce, we were able to complete these much needed projects for \$834,215.00, thus saving county taxpayers \$407,000.00.

In 2008, the county purchased the 408 North Main Medical Building and we are currently in the process of completely renovating the building for use by the County Hospital. Once completed, this will greatly enhance the efficiency of the

hospital and will reduce the total cost of the ongoing hospital renovations being done under the Capital One Project.

We are constructing a new Fire Training Tower in the Town of Wethersfield; this will help insure our Volunteer Firemen receive the mandated training they need to keep our residents safe. This project was made possible with funding received from Senator Dale Volker.

We are also addressing another concern. The Board of Supervisors has begun the process of constructing a new building to house the Department of Social Services. The safety and security of our staff, and the clients they serve, are a

major concern to the Board. The current facilities are outdated, overcrowded, and no longer capable of handling the existing programs, not to mention the ever-increasing number of mandated programs Commissioner Schmitt and her staff must provide. We anticipate breaking ground on this project in the spring.

The cost of these new projects, including the medical building, the fire training tower, and the Department of Social Services building, will be \$7,929,000.00. By utilizing the county workforce, we will be able to reduce this cost to \$6,032,500.00, resulting in a savings of \$1,897,000.00.

In order to best accomplish these projects in the most cost effective manner, we are changing the job duties of three of our longtime employees. Superintendent Halstead will now work solely on the capital improvement projects at 408 North Main Street, the Fire Training Tower, and the D.S.S. project, in addition to working closely with hospital staff on the Capital One Renovation Project. Assistant Superintendent Daryl Rogers will take over the day-to-day operations of Buildings and Grounds, and Don Roberts will be overseeing the Code Enforcement Department.

It is the belief of the board that with these internal changes, we will be better equipped to complete these projects in the most cost-effective manner.”

Chairman Berwanger thanked Supervisor Patti, T/Attica for his comments.

**RESOLUTION NO. 09-116
(February 6, 2009)**

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

APPROVE PROPERTY SALE

WHEREAS, The County of Wyoming has acquired the right to transfer the following property pursuant to a Judgment of Foreclosure under Article 11 of the Real Property Tax Law, and

WHEREAS, The Committee of the Whole has obtained an offer to purchase said property and recommends the acceptance thereof, namely:

PARCEL# 133; David Sullivan, 17 Ames Avenue, Tonawanda, NY 14150 has offered Ninety- Nine Hundred Ninety Dollars (\$9,990.00) for property located in the Town of Middlebury, 1936 Dale Road, 48.-1.31.

Now, therefore

BE IT RESOLVED, That the above is 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.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

There being no further business to come before this Board, Senior Supervisor, Mr. Harold Bush, T/Gainesville adjourned the meeting at 3:40 PM with a rap on his desk.

Respectfully submitted,

Cheryl J. Ketchum
Clerk to the Board of Supervisors

**REGULAR SESSION
(March 10, 2009)**

Tuesday

2:30 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. Also present were County Attorney, Eric T. Dadd; Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Brenda Ferrell.

At 2:31 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance this month was:

Brigadier General Anthony F. Caruana, US Army, (Retired)

In May 1969 as a Distinguished Military Graduate of the Army ROTC at Niagara University, he was commissioned as a second lieutenant, Adjutant General Corps and entered active duty. He served at Fort Sheridan, Illinois during the Vietnam War, from January 1970 to November 1971, as Chief, Casualty Branch, Office of the Adjutant General, and as Assistant Secretary to the General Staff, Headquarters Fifth US Army. Additionally, he served as Chief, Personnel Actions and Affairs Branch, US Army Garrison, Fort Sheridan.

In May 1972, BG Caruana entered the Army Reserve serving with the 98th Training Division. He has commanded at company, battalion, brigade, and division levels. His assignments included: S-1, 4th Brigade (CST), Amherst, NY; Executive Officer, 3rd Battalion, 98th Regiment, 4th Brigade, Olean, NY; Secretary, 1151st US Army Reserve Forces School, Tonawanda, NY; Commander, 409th Personnel Service Company, Tonawanda, NY; Commander, (two tours) of the 3rd Battalion, 98th Regiment, 4th Brigade (CST), Olean, NY; Assistant Chief of Staff Personnel, G1, Headquarters, 98th Division (TNG), Rochester, NY; Brigade Commander (TSB), 98th Division, Rochester, NY. He was assigned as Assistant Division Commander, 98th Division (TNG) in 1992 and was promoted to Brigadier General and Deputy Commanding General, 98th Division (IT), on October 16th, 1994. He was responsible for supervision of units throughout the northeast of the United States. In March 1996, he was transferred to the US Army Personnel Center in St. Louis, Missouri. November 1999, he was transferred to the Retired Reserves. In April 2007, he retired from the United States Army.

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His military education includes the Adjutant General Officer Basic and Advance Courses, the US Army Command and General Staff College, the Reserve Components National Security Course, National Defense University, the resident US Army War College, Carlisle, Pennsylvania and the US Army Division Command Course, Fort Leavenworth, Kansas.

Brigadier General Caruana's awards and decorations include:

The Legion of Merit;

The Meritorious Service Medal with two oak leaf clusters;

The Army Commendation Medal with one oak leaf cluster;

The Army Achievement Medal;

The Reserve Components Achievement Medal with four oak leaf clusters;

The National Defense Service Medal with Bronze Star;

The Armed Forces Reserve Medal with silver hour glass device;

The Army Service Ribbon, the New York State Conspicuous Service Cross; and

The Silver Order of the de Fleury Medal of the Army Corps of Engineers

In May of 2006 he was knighted into the Canadian Priority of the International Knightly Order of St. George.

Brigadier General Anthony F. Caruana was born in Buffalo, NY. He earned a Bachelor of Arts degree in English and a Master of Science degree in Education from Niagara University. Additionally, he completed post-master level courses in Education and Educational Administration and Supervision at Niagara University, the State University College of New York at Buffalo, and the State University of New York at Buffalo. He retired after 36 years of teaching Secondary English in the Depew Public Schools, Depew, NY. He was a past nominee for New York State Teacher of the Year, the Depew Schools Educator of the Year, a Dunlop and WBEN Radio Educator of the Week, and a multiple-year listee in Who's Who in American Education and in Who's Who Among America's Teachers.

General Caruana is the President of the Military Officers Association of America Western New York Chapter, a board member of the Buffalo and Erie County Naval and Military Park, and a three-time and current General Chairman for the Armed Forces Week Committee of Western New York. He serves on the Board of Directors of the Erie County Industrial Development Agency and is also involved in many other military, civic, religious, and community activities and organizations.

BG Caruana resides in the Town of Tonawanda, NY with his wife, Diane. They have two children; a daughter, Jennifer, who works in Buffalo and a son, Brian

and his wife Shannon and their one-year-old son Liam live in Northern Virginia. Brian spent a year in Iraq as a Captain in the US Army and now works in Washington, DC.

In January of 2008, Mr. Caruana began a four-year term as Supervisor of the Town of Tonawanda and Kenmore, New York, a community of nearly 80,000 residents.

The pledge was said by all.

Chairman Berwanger, T/Arcade thanked BG Caruana for leading in the pledge as he presented him with a certificate of appreciation. BG Caruana thanked the Chairman for the opportunity to lead in today's pledge. BG Caruana also stated that as a fellow Supervisor he felt at home in Wyoming County and would be contacting members of the Wyoming County Board in the near future to discuss going from a Board of Legislators in Erie County to a Board of Supervisors such as Wyoming County.

BG Caruana added that because he is the Chairman of the Armed Forces Week in Western New York, during the week of May 3rd through May 9th 2009, if the county hasn't seen it yet a petition will be circulating around to the lead counties asking for them to sign it in order to present a proclamation during the celebration. Chairman Berwanger stated that he would be glad to sign the petition on behalf of Wyoming County.

A brief DVD presentation where Town of Arcade resident and WWII veteran Bill Erick appeared was shared.

The Brigadier General was invited to present a Bronze Star and CIB to WWII Veteran William Erick. He started by sharing Mr. Erick's biography:

Mr. Erick's service to his country comes while serving during World War II. He enlisted in the United States Army on September 22, 1943 at the age of 18 and was inducted at Camp Upton, Long Island, where he took his battery of tests. Mr. Erick completed 16 weeks of Basic Training at Ft. Eustis, Virginia, where he became qualified as a Radio Operator and a crewman of a 40mm Anti-Aircraft weapon. He was then assigned to Ft. Benning, Georgia for Advanced Infantry Training, but while there contracted double pneumonia and spent 38 days in the hospital. He was then assigned to Camp McCain, Mississippi for further training, where he trained extra on weekends to make up training so the he could stay with his unit. Mr. Erick and his unit then boarded a Troop Ship "Mr. Black" at Ft. Dix, New Jersey and spent the next 10 days at Sea until docking in Glasgow, Scotland. He departed from South Hampton and was assigned duties with the 119th Infantry Regiment as a Radio Operator and crewman on a 40mm Anti-Aircraft gun. The 119th Infantry Regiment was under the 30th Infantry Division, and while assigned,

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Mr. Erick participated in Battles and Campaigns of: The Ardennes, Central Europe, Northern France, and the Rhineland. This included spending several days behind enemy lines. Mr. Erick returned to the United States with his unit and was Honorably Discharged at Ft. Dix, New Jersey on December 10, 1945.

The **Bronze Star Medal** was established by Executive Order 9419, February 4, 1944 (superseded by Executive Order 11046, August 24, 1962).

b. The Bronze Star Medal is awarded to any person who, while serving in any capacity in or with the Army of the United States after December 6, 1941, distinguished himself or herself by heroic or meritorious achievement or service, not involving participation in aerial flight, in connection with military operations against an armed enemy; or while engaged in military operations involving conflict with an opposing armed force in which the United States is not a belligerent party.

c. Awards may be made for acts of heroism, performed under circumstances described above, which are of lesser degree than required for the award of the Silver Star.

d. The Bronze Star Medal may be awarded for meritorious achievement or meritorious service according to the following:

(1) Awards may be made to recognize single acts of merit or meritorious service. The lesser degree than that required for the award of the Legion of Merit must nevertheless have been meritorious and accomplished with distinction.

(2) Award may be made by letter application to Commander, ARPERCEN, ATTN: DARP-VSE-A, 9700 Page Boulevard, St. Louis, MO 63132-5200 (enclosing documentary evidence, if possible), to each member of the Armed Forces of the United States who after December 6, 1941, has been cited in orders or awarded a certificate for exemplary conduct in ground combat against an armed enemy between December 7, 1941 and September 2, 1945, inclusive, or whose meritorious achievement has been otherwise confirmed by documents executed prior to July 1, 1947. For this purpose, an award of the Combat Infantryman Badge or Combat Medical Badge is considered as a citation in orders. Documents executed since August 4, 1944 in connection with recommendations for the award of decorations of higher degree than the Bronze Star Medal will not be used as the basis for an award under this paragraph.

(3) Upon letter application, award of the Bronze Star Medal may be made to eligible soldiers who participated in the Philippine Islands Campaign between December 7, 1941 to May 10, 1942. Performance of duty must have been on the island of Luzon or the Harbor Defenses in Corregidor and Bataan. Only soldiers who were awarded the Distinguished Unit Citation (Presidential Unit Citation) may be awarded this decoration. Letter application should be sent to the Commander, ARPERCEN, ATTN: DARP-VSE-A, 9700 Page Boulevard, St. Louis, MO 63132-5200.

The **Combat Infantryman Badge** (CIB) is an award of the United States Army which is presented to those officers, warrant officers and enlisted soldiers, in the grade of Colonel and below, who participate in active ground combat while assigned as a member of an infantry or special forces unit, brigade or smaller size, during any period subsequent to December 6, 1941. It, and the simultaneously created Expert Infantryman Badge (EIB) were created with the primary goal of recognizing the sacrifices of the infantrymen who were disproportionately likely to be killed or wounded during World War II.

Mr. Erick received a standing ovation.

Chairman Berwanger also presented Mr. Erick with a certificate from Senator Volker congratulating him on the receipt of his medals.

Mr. Erick's family and friends were present to witness his receipt of these prestigious metals. After Mr. Erick was presented with the Bronze Star and the Combat Infantryman Badge he was offered the opportunity to address the Board and members of the audience.

Mr. Erick thanked his wife and those that helped make today's presentation possible. He delighted everyone present with stories from his days in the service while overseas.

Supervisor Kushner, T/Eagle and Hospital CEO, Ron Krawiec were invited to the podium by Chairman Berwanger, T/Arcade for the presentation of the Wyoming County Community Hospital 2008 Employee of the Year Award. Heidi Walton is this year's recipient.

Each year Wyoming County Community Hospital chooses an employee of the year. Throughout 2008, 10 employees were Employees of the Month, of these the final three were selected and a hospital wide vote began. This year's Employee of the year has worked at WCCH for 23 years. She started as an aide in the Skilled Nursing Facility; went to third floor as a ward clerk and now works as a

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receptionist in the Rehab Department as well as for numerous doctors' offices. Her hobbies include golf, watching Boston Celtics basketball games, attending NASCAR events, reading and gardening. She enjoys the home she shares with Jim, her significant other, Gertie her cat and Sophie her dog. She was recommended for Employee of the Month in 2008 because of her friendliness to patients and her excellent work ethic. She enjoys working at WCCH because of the great people and the many friends she has made through the years.

Join us in congratulating the WCCH 2008 Employee of the Year Heidi Walton.

Chairman Berwanger stated that Heidi grew up in Eagle on a Dairy Farm. He stated that that is the reason Ms. Walton has such a great work ethic. Supervisor Kushner, T/Eagle presented Ms. Walton with a Certificate of Appreciation from the Board of Supervisors.

Mr. Krawiec stated that he wished, as any employer would, that he had a whole workforce full of Heidi Waltons.

Ms. Walton thanked the Board of Supervisors and everyone else responsible for her receiving this award.

Communications:

C1: Allegany County is hosting InterCounty this month at Alfred University. Their program is by the Director of Alfred University's Center for Advanced Ceramic Technology (CACT) RSVP's are due no later than Thursday, March 12, 2009.

Open Public Hearing:

Local Law A (1) of the year 2009, entitled, "A Local Law Repealing Local Law No. 12 of the Year 2008 Providing for the Wyoming County Board of Supervisors to Fill a Vacancy in the Office of the Wyoming County Clerk Pursuant to Municipal Home Rule Law §10"

RESOLUTION NO. 09-117 (March 10, 2009)

By Mr. Davis, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2009 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2009 accounts as follows:

Public Health			
To: 01.38.4035.2.20401 Misc Equipment \$ 2,000.00 01.38.4035.4.41204 Advertising 5,256. 00 01.38.4035.4.41214 Supplies Purchased 6,513. 00 01.38.4035.4.40301 Professional Svc Cont 10,000. 00 01.38.4035.4.40401 Training/Education 3,863.00 w/ 01.12.4035.4489 Other Health \$27,632.00 Reason: To appropriate for various expenses to be paid from 2008 SFY HPV Award, HIV Award, EC Award and LAO through the NYSDOH Title X Family Planning Grant with offsetting revenues in a/c 01.12.4035.4489 (other health)			
Public Health Total			\$27,632.00
Mental Health			
To: 01.38.4323.4.42411 Psychiatric Assignment Officers \$22,756.00 01.38.4325.4.42412 Forensic Case Mngmt 21,304.00 01.38.4325.4.42441 Misc. MH Programs 16,576.00 01.38.4325.4.42464 MICA Programs 11,492.00 01.38.4325.4.42467 Crisis Outreach 68,600.00 w/ 01.11.4323.3490 MH State Aid CSS \$22,756.00 01.11.4325.3490 MH State Aid Grant Program 32,796.00 01.11.4325.349003 Mental Health Perf Funds 55,100.00 01.11.4325.349004 Mental Health Reinvest 30,076.00 Reason: Conversion of WCCHS DSH payments to OMH state aid			
Mental Health Total			\$140,728.00
Sheriff			
To: 01.37.3110.4.42306 Other (Seized Asset Fund) \$200.00 w/01.08.3110.2665 Sales of Equipment (Fines & Forfeitures) Reason: appropriate windfall income from the sale of a donated junked car to the expense line item \$200.00			
Sheriff Total			\$200.00
Emergency Services			
To: 01.37.3640.4.40401 Training/Education \$1,239.57 w/01.03.3640.128901 Other Grant Funds \$1,239.57 Reason: Received grant award from William F. Thiel Trust for funding for defibrillators & training throughout the county buildings, Resolution No. 08-201.			
Emergency Services Total			\$1,239.57

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Highway			
To: 04.53.5112.4.42602 Cty Rd Fund Perm Imprvmt w/ 04.12.5112.4089 Corps of Engineers <i>from any funds available</i> Reason: Approved for an Economic Stimulus Project for rehabilitation of Bixby Hill Road with 100% reimbursement for Construction and Inspection with the county paying 100% for design. Not budgeted for 2009.	\$728,300.00	\$700,000.00 28,300.00	
Highway Total			\$728,300.00

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

Mr. Bush, T/Gainesville, Chairman of the Audit Committee, presented bills totaling **\$2,673,038.40** for the month of **February 2009**.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#2

**RESOLUTION NO. 09-118
(March 10, 2009)**

By Mrs. Totline, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH THE PINE LOUNGE 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 contract with the Pine Lounge, 164 Clinton Street, Cowlesville, NY 14037 for the provision of congregate meal site service, in an amount not to exceed budgeted amounts; effective February 23, 2009 through December 31, 2009. Contingent upon the availability of funds.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#3

**RESOLUTION NO. 09-119
(March 10, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

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RESOLUTION NUMBER 08-453 AMENDED

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WHEREAS, Resolution Number 08-453 entitled, “**CHAIRMAN AUTHORIZED TO SIGN 2009 RENEWAL CONTRACTS ON BEHALF OF MENTAL HEALTH**,” passed by this Board of Supervisors on December 09, 2008 provides for various 2009 renewal contracts for Mental Health; 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 Coordinated Care Services, Inc., 1099 Jay Street, Building J, Rochester, NY 14611 to provide for an additional seventeen thousand nine hundred seventy dollars (\$17,970.00) to cover salaries and expenses (100% State Aid); effective March 01, 2008 through February 28, 2009; and be it

FURTHER RESOLVED, That Resolution Number 08-453 be hereby amended to reflect the above changes.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

There was a motion by Mr. Fleischman, T/Java, to combine resolutions #4 through #6. A voice vote was taken and all voted aye.

#4

RESOLUTION NO. 09-120
(March 10, 2009)

By Mr. Fleischman, Chairman of the Planning Committee:

**JAMES MOREY AND MARK MERRILL REAPPOINTED
TO THE WYOMING COUNTY INDUSTRIAL
DEVELOPMENT AGENCY**

BE IT RESOLVED, That James Morey, 1061 Tower Road, Wyoming, N.Y. 14591 be hereby reappointed to the Wyoming County Industrial Development Agency for a term of three (3) years; effective April 12, 2009 through April 11, 2012; and be it

FURTHER RESOLVED, That Mark Merrill, 5442 Sheppard Road, Town of Eagle, Bliss N.Y. 14024 be hereby reappointed to the Wyoming

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County Industrial Development Agency for a term of three (3) years:
effective June 14, 2009 through June 13, 2012.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:**

#5

**RESOLUTION NO. 09-121
(March 10, 2009)**

By Mr. Fleischman, Chairman of the Planning Committee:

**RONALD SMITH REAPPOINTED TO THE
REGION 9 – FOREST PRACTICE BOARD**

BE IT RESOLVED, That Ronald Smith, 4553 Route 20A, Warsaw, NY 14569 be hereby reappointed to the Region 9 – Forest Practice Board for a term of three (3) years; effective through December 31, 2011.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:**

#6

**RESOLUTION NO. 09-122
(March 10, 2009)**

By Mr. Fleischman, Chairman of the Planning Committee:

**GRANT POLICY FOR MUNICIPALITIES AND
ORGANIZATIONS UTILIZING GRANT WRITING
SERVICES PROVIDED BY WYOMING COUNTY,
ADOPTED**

BE IT RESOLVED, That this Board of Supervisors does hereby approve and adopt the Grant Writing Services Policy for the County of Wyoming as presented to this Board and annexed hereto, for all municipalities and organizations utilizing grant writing services by Wyoming County, except the Wyoming County Community Hospital which shall maintain their procedures; and be it

FURTHER RESOLVED, That the Planning Committee of this Board of Supervisors shall be responsible for the implementation and adherence to this

Regular Session

Grant Writing Policy and by all municipalities and organizations affected; and be it

FURTHER RESOLVED, That these procedures may be amended and/or revised, with the approval of the Planning Committee of this Board as required.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

**GRANT POLICY FOR MUNICIPALITIES,
ORGANIZATIONS UTILIZING
GRANT WRITING SERVICES PROVIDED BY WYOMING
COUNTY**

Municipalities and/or Organizations must submit a grant description (no more than one page) with a cost estimate for grant writing service to the Chairman of the Planning Committee, who will then place the proposal on the Planning Committee agenda.

The Planning Committee will review the proposal utilizing the following criteria:

- 1) is the proposal consistent with County priorities?
- 2) is the proposal cost effective?

If approved by the Planning Committee, a Memorandum of Understanding is signed with the municipality/organization for ½ of the estimated grant preparation cost.

The Planning Committee Chairman will then authorize the grant writer to proceed and a purchase order is authorized and issued for the full estimated grant proposal cost

When the grant writer submits a voucher for payment, the Reimbursement and Budget Administrator will bill the municipality/organization. When payment is received from the municipality/organization, the payment will be credited against the expense. This will provide an accurate budget monitoring procedure.

If a municipality or organization does not pay its share of the cost, that municipality or organization will be ineligible for any future application preparation funds.

In the event of a need for a decision between Committee meetings, the Chairman of the Planning Committee will have the authority to commit county

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resources in an amount not to exceed two thousand five hundred dollars (\$2,500.00) along with consultation with the Chairman of the Board of Supervisors prior to the Planning Committee meeting using the criteria listed above. At the next meeting of the Planning Committee, the Chairman of the Committee will provide a review of the authorized proposal for committee members.

Planning Committee will establish county priorities in consultation with other committee chairs i.e.: infrastructure - repairs or expansion, green energy, economic development, public safety, records management, etc.

A copy of the grant application will be provided by the municipality or organization receiving grant writing services to the Wyoming County Budget Officer.

#7

**RESOLUTION NO. 09-123
(March 10, 2009)**

By Mr. Gozelski, Chairman of the Agriculture Committee:

**DARYL E. HEIBY REAPPOINTED TO THE WYOMING
COUNTY SOIL AND WATER CONSERVATION DISTRICT
BOARD**

BE IT RESOLVED, That Daryl E. Heiby, 31 Duncan Street, Ext, Warsaw NY 14569 be hereby reappointed to the Wyoming County Soil and Water Conservation District Board as a Member at Large for a term of three (3)

years; effective through December 31, 2010

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

There was a motion by Mrs. Meeder, T/Middlebury, to combine resolutions #8 and #9. A voice vote was taken and all voted aye.

#8

**RESOLUTION NO. 09-124
(March 10, 2009)**

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

**FEE SCHEDULE IN COUNTY CLERK'S OFFICE
ADOPTED**

BE IT RESOLVED, That the current Wyoming County Clerk's Office Fee Schedule is hereby amended to include updated fees and is annexed hereto.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

IMPORTANT: INCLUDE SELF-ADDRESSED STAMPED ENVELOPE FOR ALL DOCUMENTS TO BE RETURNED. CORRECTIVE RECORDINGS: Must clearly state fact and specify the nature of the corrections. ONCE ON RECORD: A document cannot be altered, nor any monies refunded for recording fees and/or taxes. PHONE NUMBERS: County Clerk Rhonda Pierce (585) 786-8810 Deputy County Clerk Laury Lakas (585) 786-8810 Real Property Tax Services (585) 786-8828 Treasurer's Office Tax Information (585) 786-8812 HOURS: 9:00 am – 5:00 pm Last recording: 4:45 pm STREET ADDRESS: Wyoming County Clerk's Office 143 North Main Street		<i>Clerk's Office</i> <i>Fee</i> <i>Schedule</i>  Rhonda L. Pierce County Clerk <u>Wyoming County</u> more than just a pretty place...

**RESOLUTION NO. 09-125
(March 10, 2009)**

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

RESOLUTION NUMBER 07-400 AMENDED

WHEREAS, Resolution Number 07-400 entitled, “**CHAIRMAN AUTHORIZED TO SIGN SUPPLEMENTAL CONTRACTS WITH NEW YORK STATE BOARD OF ELECTIONS,**” passed by this Board of Supervisors on December 11, 2007 provides for various supplemental contracts with the New York State Board of Elections, 40 Steuben St., Albany, NY 12207; 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 the following contract extensions with New York State Board of Elections, 40 Steuben St., Albany, NY 12207:

- Agreement #T002640 (#2. HHS Voting Access for Individuals with Disabilities – Polling Place Access Improvement) providing funding to establish, expand and improve access to and participation by individuals with a full range of disabilities in the election process in an amount not to exceed five thousand eight hundred sixteen dollars (\$5,816.00) in reimbursements; effective date extended April 01, 2009 through March 31, 2010.
- Agreement #T002582 (#3. Voter Education / Pollworker Training Program) providing funding to implement programs to educate individuals on the proper use of new voting systems, including ballot marking devices in an amount not to exceed twenty-four thousand two hundred thirteen dollars (\$24,213.00) in reimbursements; effective date extended April 01, 2009 through March 31, 2010.
- Agreement #T002823 for the provision of interest on the invested grant monies held by the state in a minimum amount of \$1,481.00; effective date extended April 01, 2009 through March 31, 2010; and be it

FURTHER RESOLVED, That Resolution Number 07-400 be hereby amended to reflect the above changes.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

Regular Session

There was a motion by Mr. Rogers, T/Pike, to combine resolutions #10 and #11.
A voice vote was taken and all voted aye.

#10

**RESOLUTION NO. 09-126
(March 10, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN AGREEMENT
WITH THE TOWN OF COVINGTON ON BEHALF OF THE
SHERIFF'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 an agreement with the Town of Covington for additional Vehicle and Traffic enforcement on Route 63; effective January 01, 2009 through December 31, 2009.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#11

**RESOLUTION NO. 09-127
(March 10, 2009)**

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

RESOLUTION NUMBER 08-307 AMENDED

WHEREAS, Resolution Number 08-307 entitled, “**CHAIRMAN AUTHORIZED TO SIGN A GRANT PARTICIPATION AGREEMENT WITH THE NEW YORK STATE EMERGENCY MANAGEMENT OFFICE ON BEHALF OF WYOMING COUNTY EMERGENCY SERVICES,**” passed by this Board of Supervisors on August 12, 2008 provides for various supplemental contracts with the New York State Emergency Management Office, 1220 Washington Avenue, Building 22, Suite 101, Albany, NY 12226-2251; 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 sign amended grant participation agreement with the New York State Emergency Management Office on behalf of Wyoming County Emergency Services to reflect a reduced grant award of eighteen thousand three hundred sixty-three dollars (\$18,363.00) from twenty-two thousand six hundred sixty-seven dollars (\$22,667.00) (a difference of \$4,304.00); and be it

FURTHER RESOLVED, That Resolution Number 08-307 be hereby amended to reflect the above changes.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

Chairman Berwanger, T/Arcade invited Supervisor Rogers, T/Pike to make an announcement. Supervisor Rogers thanked the Chairman and called on Sheriff Heimann to introduce 911 Coordinator. Sheriff Heimann introduced Floyd Feather as Wyoming County's newly appointed 911 Coordinator. He stated that Mr. Feather is a resident of the Town of Perry. He comes to the county from a well known communications corporation and has done some part time dispatching for several years for the county and for a few months has worked part time on the 911 Center. Background in technology and phone systems. Introduced as the "young Bob Jae." Mr. Jae has agreed to stay on for a few months while Mr. Feather gets settled in.

Mr. Feather thanked the Board of the opportunity and stated that he would do his best to make them proud.

There was a motion by Mr. Patti, T/Attica, to combine resolutions #12 and #13. A voice vote was taken and all voted aye.

#12

**RESOLUTION NO. 09-128
(March 10, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN A SHARED
SERVICES AGREEMENT WITH NEW YORK STATE**

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DEPARTMENT OF TRANSPORTATION ON BEHALF
OF COUNTY HIGHWAY

135

WHEREAS, Pursuant to Transportation Law Sections 14(14) and 14(15) and Section 99-r of the General Municipal Law, the State of New York and the County of Wyoming wish to join to share certain materials and services; and

WHEREAS, The County of Wyoming has agreed to provide trucking services for the transport of State owned millings on behalf of the State in exchange for a portion of the material; and

WHEREAS, By accepting this service, the State saves the costs of transportation of the millings; and

WHEREAS, The exchange of such materials and services shall promote and assist the maintenance of State and County roads and highways and provide a cost savings by maximizing the effective utilization of both parties' resources; 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 Shared Services agreement with the New York State Department of Transportation (NYSDOT), 50 Wolf Road, Albany, NY 12232 in consideration of the mutual promises made by each of the parties; effective one (1) year from the date of the signing of the agreement.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#13

RESOLUTION NO. 09-129
(March 10, 2009)

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

AUTHORIZING THE IMPLEMENTATION, AND
FUNDING IN THE FIRST INSTANCE 100% OF THE

March 10, 2009

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ECONOMIC RECOVERY PROJECTS AND
APPROPRIATING FUNDS THEREFORE.

WHEREAS, A Project for the **Rehabilitation of Bixby Hill Road (CR #59) from State Route 39 to the Cattaraugus County Line** (the Project") in the Town of Arcade, in Wyoming County 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;

NOW, THEREFORE, The Board of Supervisors, duly convened does hereby

RESOLVE, That the Board of Supervisors hereby approves the above project; and it is hereby further

RESOLVED, That the Board of Supervisors agrees to advance the Project through the Board of Supervisor's resources and hereby authorizes the Chairman to pay in the first instance 100% of the federal and non-federal share of any and all phases or portions thereof and hereby appropriates from the Board of Supervisors the funds necessary to complete the Project including all phases or portions thereof; and it is further

RESOLVED, That the Board of Supervisors make a 100% commitment of the non-federal share of the costs of the final design phase of work for the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation (hereinafter "NYSDOT") pursuant to the State/Local Agreement and it is hereby further

RESOLVED, that upon completion of Construction of the Project, or a fully usable portion thereof, the Board of Supervisors agree to maintain the Project, or fully usable portion thereof, at their sole cost and expense; and it is hereby 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, and it is further

RESOLVED, That the Chairman of the Board of Supervisors be and is hereby authorized to execute all necessary Agreements or certifications on behalf of the Board of Supervisors (subject to the Wyoming County's Attorney's approval as to form and content), with the NYSDOT in connection

with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the municipality's first instance funding of the non-federal share of the project costs and permanent funding of the non-federal share 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: XXX Ayes: 1596 Noes: Absent: Abstain:
2/3 Majority
#14

RESOLUTION NO. 09-130
(March 10, 2009)

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

**BOND RESOLUTION OF THE\COUNTY OF WYOMING, NEW YORK,
DATED MARCH 10, 2009, FOR THE ISSUANCE AND SALE OF BONDS
OF THE COUNTY OF WYOMING, NEW YORK, IN
THE AMOUNT OF \$300,000.00 FOR THE ACQUISITION OF
HIGHWAY DEPARTMENT 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 following equipment for the Wyoming County Highway Department.

Proceedings of the Board of Supervisors

Item	Estimated Maximum Cost
Highway Equipment:	
1. 20 ton to 23 ton Dump Truck	\$135,000.00
2. Maintenance Truck	\$52,000.00
3. 30,000# Excavator	\$115,000.00
4. Mill for the Skidsteer	<u>\$20,000.00</u>
Sub-Total	\$322,000.00
<i>Approximate Appraisal Value of Surplus Equipment:</i>	
Two (2) maintenance trucks	\$9,000.00
Gradall Excavator	<u>\$13,000.00</u>
Sub-Total	\$22,000.00
Grand Total	\$300,000.00

The estimated maximum cost of the acquisition of such equipment is the sum of \$300,000.00 and said amount is hereby appropriated therefore. The plan of financing involves the issuance of \$300,000.00 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 \$300,000.00 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 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 Highway Department.

Section 8. This resolution shall take effect immediately.

Carried: XXX Ayes: 1470 Noes: Absent: Abstain:

There was a motion by Mr. Davis, T/Covington, to pull resolution #19 in order to vote separately then combine resolutions #15 through #18 and 20 through 23. A voice vote was taken and all voted aye.

Prior to the Roll call vote being taken Supervisor Davis, T/Covington stated that resolution number 17 is a continuance not an additional 1% sales tax.

**RESOLUTION NO. 09-131
(March 10, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO EXTEND LETTER OF
UNDERSTANDING WITH HARTFORD LIFE &
ACCIDENT INSURANCE COMPANY
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 extend the current Letter of Understanding with Hartford Insurance Company, P.O. Box 2999, Hartford, CT 06104 on behalf of the County Insurance Office. This Letter of Understanding is for the provision of New York State Statutory Disability Insurance Benefits for the CSEA Bargaining Unit employees at a rate of fifteen dollars and ninety-five cents (\$15.95) per employee per month; effective January 01, 2009 through December 31, 2009.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#16

**RESOLUTION NO. 09-132
(March 10, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN CONTRACT WITH
PHILLIPS LYTLE, LLP ON BEHALF OF THE COUNTY
TREASURER'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 Phillips Lytle, LLP, 1400 First Federal Plaza, Rochester, NY 14614 on behalf of the County Treasurer's Office. Said contract is for the provision of legal counsel for REM proceedings of delinquent 2007 Town and County real property taxes at a fee of \$275 per parcel effective January 01, 2009 through December 31, 2009.

Regular Session

Contingent on the availability of funds.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#17

**RESOLUTION NO. 09-133
(March 10, 2009)**

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. 07-311, passed by this Board of Supervisors on September 11, 2007, as amended; now therefore

BE IT RESOLVED, That the County of Wyoming hereby requests that the New York State Legislature support and pass Senate bill S.2100 and Assembly bill, A.5467, 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, 2011; and be it

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

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#18

**RESOLUTION NO. 09-134
(March 10, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH GROVER & BATES ASSOCIATES ON BEHALF OF
THE COUNTY OF WYOMING**

March 10, 2009

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 Grover & Bates Associates (Licensed Professional Surveyors), 65 South Main Street, Perry, NY 14530 for the provision of providing surveying and mapping of the Wyoming County Forestland on Hobday Rd., in the Town of Wethersfield, as shown on Town of Wethersfield tax map no. 143 being approximately 358 acres±, in an amount not to exceed seven thousand seven hundred dollars (\$7,700.00).

Contingent upon the availability of funds.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#19

**RESOLUTION NO. 09-135
(March 10, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

**RESOLUTION OF THE WYOMING COUNTY BOARD OF
SUPERVISORS IN OPPOSITION TO PROPOSED NEW
YORK STATE LEGISLATION TO SELL WINE IN LOCAL
SUPERMARKETS / GROCERY STORES**

WHEREAS, Governor David Paterson has proposed legislation permitting the sale of wine in grocery, convenience and supermarket stores throughout New York State in an effort to raise money through licensing fees; and

WHEREAS, The Wyoming County Board of Supervisors, on behalf of the six independent Wyoming County wine and liquor stores, and the 2,600 total stores throughout New York State is opposed to Assembly Bill A00160 and Senate Bill S60-A that would legalize the sale of wine in New York State grocery, convenience and supermarket stores; and

WHEREAS, To allow the sale of wine in grocery, convenience and supermarket stores many of these independent wine and liquor stores would have no choice but to go out of business in our community; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors strongly urges Governor Paterson, the New York State Senate and the New

Regular Session

York State Assembly to not enact legislation permitting the sale of wine in grocery, convenience and supermarket stores as the same will have a devastating and detrimental effect upon independent wine and liquor stores who rely solely on the sale of these beverages and are not permitted to sell other items to supplement this income; and be it

FURTHER RESOLVED, That the Clerk to this Board is hereby authorized and directed to immediately send certified copies of this resolution to New York State Governor David Paterson; New York State Senate Majority Leader Malcolm A. Smith; New York State Senator Dale Volker; New York State Minority Leader Dean Skelos; New York State Assembly Speaker Sheldon Silver; New York State Assemblyman Daniel Burling; Todd Vandervort representing the New York State Liquor Store Association; New York State Association of Counties; and Inter-County Association of Western New York.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#20

**RESOLUTION NO. 09-136
(March 10, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

SALARY SCHEDULES “F,” “G,” AND “S” AMENDED

BE IT RESOLVED, That the Wyoming County Salary Plan which became effective January 01, 1967, as amended, is hereby amended to reflect the following changes to Salary Schedules “F,” “S,” and “G:”

Salary Schedule “F”:

Office for the Aging

- Set the salary of the Meal Site Manager at \$8.82/hr.; effective January 01, 2009
- Set the salary of the Meal Site Manager, PT at \$8.82/hr.; effective January 01, 2009
- Set the salary of the Meal Site Manager, Substitute at \$8.66/hr.; effective January 01, 2009

Salary Schedule “S”:

Department of Social Services

March 10, 2009

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- Set the salary of the Director of Programs at \$53,000.00/annually; effective March 10, 2009

Salary Schedule “G”

Public Health

- Set the salary of the Keyboard Specialist to:
 - o \$12.92/hour; effective April 23, 2007 (to mirror step increments of current CSEA Bargaining agreement);
 - o \$13.60/hour; effective April 23, 2008 (to mirror step increments of current CSEA Bargaining agreement);
 - o \$13.87/hour; effective January 01, 2009
- Set the salary of the Public Health Nurse (.6 fte) to:
 - o \$22.58/hour; effective April 20, 2008 (clinical ladder)
 - o \$23.13/hour; effective January 01, 2009 (clinical ladder)
 - o \$23.59/hour; effective January 01, 2009 (to mirror 2% increase of current CSEA Bargaining agreement)

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#21

RESOLUTION NO. 09-137 (March 10, 2009)

By Mr. Davis, Chairman of the Finance Committee:

ONE (1) POSITION OF CASEWORKER (PER DIEM) CREATED IN THE DEPARTMENT OF SOCIAL SERVICES

BE IT RESOLVED, That one (1) position of Caseworker (per diem)

be hereby created in the department of Social Services; effective immediately.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#22

RESOLUTION NO. 09-138 (March 10, 2009)

Regular Session

By Mr. Davis, Chairman of the Finance Committee:

RESOLUTION NUMBER 08-315 AMENDED

WHEREAS, Resolution Number 08-315, entitled, **“SALARY SCHEDULE “G” AMENDED,”** passed by this Board of Supervisors on August 12, 2008 provides for various salary adjustments to titles on Salary Schedule “G”; now therefore

BE IT RESOLVED, That resolution number 08-315 is hereby amended by removing the \$2,500.00 stipend payable to the Secretary I position within the District Attorney’s Office; effective immediately.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#23

**RESOLUTION NO. 09-139
(March 10, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

2009 UNITED WAY CAMPAIGN SUPPORTED

BE IT RESOLVED, 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 2009 campaign goal of one hundred seventy thousand dollars (\$170,000.00) 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 2009 United Way Campaign, and encourages county and municipal employees, county residents and employers to make a critical investment in their community. There is no one cause for the issues we face and no single solution. But, when we **“live united”** we can make a real difference.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

March 10, 2009

Public Comment:

County Attorney Dadd commented on the description of the local law within the resolution. He stated that the resolution itself needed to be revised. Clerk Ketchum acknowledged County Attorney Dadd's explanation of the resolution and agreed to make the necessary revisions prior to its certification.

Chairman Berwanger commented on the reason the local law is being repealed. He stated that it is the intent of Governor David A. Paterson to make the appointment replacing prior County Clerk, the late Richard Harrison. Chairman Berwanger stated that Ms. Pierce has been since appointed to the position of Wyoming County Clerk and congratulated her on her appointment.

Close Public Hearing:

There being no further comments on the following Local Law, Chairman Berwanger asked for a motion to close the Public Hearing.

Supervisor Smith, T/Warsaw moved that the public hearing be closed. Supervisor Rogers, T/Pike seconded the motion, all voted aye and the Public Hearing were closed.

Public Hearing
#24

RESOLUTION NO. 09-140
(March 10, 2009)

By Mrs. Meeder, Chairman of Human Resources Committee:

LOCAL LAW NO. 1 (INTRODUCTORY A) - YEAR 2009, "*A Local Law Repealing Local Law No. 12 of the year 2008 Providing for the Wyoming County Board of Supervisors to Fill a Vacancy in the Office of the Wyoming County Clerk Pursuant to Municipal Home Rule Law §10,*" **ADOPTED**

WHEREAS, There was duly presented and introduced at a meeting of this Board, held on the 6th day of February, 2009, a proposed local law of the County, designated as Local Law Introductory No. A, for the year 2009, entitled, ***A Local Law Repealing Local Law No. 12 of the year 2008 Providing for the Wyoming County Board of Supervisors to Fill a Vacancy in the Office of the Wyoming County Clerk Pursuant to Municipal Home Rule Law §10;*** and

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WHEREAS, In accordance with the provisions of Resolution No. 09-110, there was a public hearing held by this Board of Supervisors on this 10th day of March, 2009 at 2:30 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 ENACTED, That Local Law Introductory No. A, Year 2009, County of Wyoming, New York, as presented to this Board on the 10th day of March, 2009, is hereby adopted, enacted and passed by this Board in its original form as follows:

A Local Law Repealing Local Law No. 12 of the year 2008 Providing for the Wyoming County Board of Supervisors to Fill a Vacancy in the Office of the Wyoming County Clerk Pursuant to Municipal Home Rule Law §10.

Section 1. Local Law No. 12 of the year 2008 Entitled “A Local Law Providing for the Wyoming County Board of Supervisors to Fill a Vacancy in the Office of the Wyoming County Clerk Pursuant to Municipal Home Rule Law §10” is hereby repealed.

Section 2. This local law shall take effect upon filing with the office of the NYS Secretary of State.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

Chairman Berwanger asked if there was any Supervisor who objected to the presentation unanimous consent resolution #25. Hearing none, the Chairman asked the clerk to read Unanimous Consent resolution #25.

Prior to the roll call vote being taken Supervisor Fleischman, T/Java stated that the treaty of 1842 has been in effect for over 160 years. He stated that he felt it important to honor our predecessors’ intent. He will be voting no. Supervisor Grant, T/Bennington stated she too will be voting against this resolution and gave a brief explanation for her vote. Supervisor Bush, T/Gainesville stated that he will abstain as his wife is a Native American.

March 10, 2009

**RESOLUTION NO. 09-141
(March 10, 2009)**

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

**URGING GOVERNOR PATERSON TO ORDER THE
PRINTING AND ISSUING OF TAX EXEMPTION
COUPONS FOR MEMBERS OF INDIAN TRIBES**

WHEREAS, Sections 274e and 471e of the New York State Tax law call for tribal members to be exempt from payment of sales and excise taxes on motor fuel and cigarettes, respectively, when purchased on qualified reservations; and

WHEREAS, Failure to enforce these sections of the law has led to tax inequity, whereby Indian businesses that do not collect sales and excise taxes from their customers are given an unfair competitive advantage over non-Indian businesses that must collect these taxes, causing many non-Indian businesses to close; and

WHEREAS, Failure to enforce these laws has meant that the State of New York has failed to collect billions of dollars of revenue that it was due; and

WHEREAS, The State of New York is facing a budget deficit next year in excess of \$15 billion and income from this source would produce revenue approaching \$1 billion annually; and

WHEREAS, Failure to collect these cigarette and gasoline taxes will mean that many worthy social and economic development programs will have to be cut back or discontinued next year and in the future; and

WHEREAS, Governor Paterson has acknowledged that the policy of forbearance followed by three previous governors has not worked and that the present tax inequity is untenable; and

WHEREAS, The printing and issuing of tax exemption coupons for tribal members is the only legal impediment to the enforcement of current tax law, the establishment of tax equity, and the collection of revenue which otherwise must come from property and income taxes; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors urges Governor Paterson to order the printing and issuing of tax exemption coupons to Indian tribal members immediately, so that sections 274e and 471e of the New York State tax law can be enforced, tax equity can be restored, and revenue much-needed by the state and counties can be collected; and be it

FURTHER RESOLVED, That the Clerk to the Board be hereby authorized and directed to forward certified copies of this resolution to Senate majority Leader Malcolm Smith, Senate Minority Leader Dean Skelos, Senator Dale Volker, Speaker of the Assembly Sheldon Silver, Assemblyman Daniel Burling, InterCounty Association of Western New York, and the New York State Association of Counties.

Defeated: XXX	Ayes: 118(Castile)	Noes: 167(Arcade)	Absent: Abstain: 96(Gainesville)
	<u>57(Covington)</u>	154(Attica)	
	175Total	135(Bennington)	
		50(Eagle)	
		20(Genesee Falls)	
		92(Java)	
		63(Middlebury)	
		54(Orangeville)	
		192(Perry)	
		45(Pike)	
		106(Sheldon)	
		210(Warsaw)	
		<u>37(Wethersfield)</u>	
		1325Total	

Chairman Berwanger invited Don O'Geen, Chairman of the United Way Board of Supervisors to present the 2009 United Way Presentation.

Mr. O'Geen thanked the many hard working people involved both at the county and through the local United Way for all of the hard work and dedication. He shared with the Board all of the activities the community plans to support United Way efforts.

This year's goal is \$170,000.00

This year's United Way film was shared with all in attendance.

There being no further business to come before this Board, Senior Supervisor Bush, T/Gainesville, adjourned the meeting at 3:56 PM with a rap on his desk.

Respectfully submitted,

Cheryl J. Ketchum

Cheryl J. Ketchum, Board Clerk

March 10, 2009

**SPECIAL SESSION
(March 31, 2009)****Tuesday****1:00 PM**

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 Grant, T/Bennington Also present were Deputy Budget Officer, Beth Pond and Clerk to the Board of Supervisors, Cheryl Ketchum.

At 1:00 PM Chairman Berwanger, T/Arcade, called the meeting to order.

Supervisor Copeland, T/Wethersfield was asked to lead the Board in the Pledge to the Flag.

The pledge was said by all.

The purpose of this meeting is to consider a resolution entitled, ***“Authorizing the Implementation, and Funding in the First Instance 100% of the Economic Recovery Projects and Appropriating Funds Therefore”***

Chairman Berwanger, T/Arcade explained that the original resolution, passed during the March 10, 2009 Board Meeting (resolution number 09-129) lacked specific wording that New York Department of Transportation required. The yellow highlighted areas below mark the wording required by the state. The Board of Supervisors agreed to hold a special meeting to consider this resolution because time is of the essence for this funding.

#1

**RESOLUTION NO. 09-142
(March 31, 2009)**

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

**AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE
FIRST INSTANCE 100% OF THE ECONOMIC RECOVERY
PROJECTS AND APPROPRIATING FUNDS THEREFORE.**

**WHEREAS, A Project for the Rehabilitation of Bixby Hill Road
(CR #59) PIN #4LS079 / TIP #H09-81-WY2 from State Route 39 to the
Cattaraugus County Line (the Project") in the Town of Arcade, in Wyoming
Special Session**

County 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;

NOW, THEREFORE, The Board of Supervisors, duly convened does hereby

RESOLVE, That the Board of Supervisors hereby approves the above project; and it is hereby further

RESOLVED, That the Board of Supervisors agrees to advance the Project through the Board of Supervisor's resources and hereby authorizes the Chairman to pay in the first instance

100% of the federal and non-federal share of any and all phases or portions thereof and hereby appropriates from the Board of Supervisors the funds necessary to complete the Project including all phases or portions thereof; and it is further

RESOLVED, That the sum of \$700,000.00 be hereby appropriated from the Board of Supervisors and made available to cover the cost of participation in the construction phase of the project; and hereby appropriates from the Board of Supervisors the funds necessary to complete the project including phase(s) or portions thereof; and it is further

RESOLVED, That the Board of Supervisors make a 100% commitment of the non-federal share of the costs of the final design phase of work for the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation (hereinafter "NYSDOT") pursuant to the State/Local Agreement and it is hereby further

RESOLVED, that upon completion of Construction of the Project, or a fully usable portion thereof, the Board of Supervisors agree to maintain the Project, or fully usable portion thereof, at their sole cost and expense; and it is hereby 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, and it is further

RESOLVED, That the Chairman of the Board of Supervisors be and is hereby authorized to execute all necessary Agreements or certifications on behalf of the Board of

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Supervisors (subject to the Wyoming County’s Attorney’s approval as to form and content), with the NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the municipality's first instance funding of the non-federal share of the project costs and permanent funding of the non-federal share 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: XXX Ayes: 1461 Noes: Absent: 135 (Bennington) Abstain:

There being no further business to come before this Board, Senior Supervisor Bush, T/Gainesville, adjourned the meeting at 1:05 PM with a rap on his desk.

Respectfully submitted,

Cheryl J. Ketchum
Clerk to the Board of Supervisors

**REGULAR SESSION
(April 14, 2009)**

Tuesday

2:30 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. Also present were Assistant County Attorney, Jamie Welch; Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Brenda Ferrell.

At 2:37 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance this month was:

Stanley Kwiecien

Mr. Kwiecien's service to his country comes while serving during the Korean War. He enlisted in the United States Air Force in Rochester, New York on January 19, 1950. He completed Basic Training at Lackland Air Force Base Texas. Mr. Kwiecien then went to Sheppard Air Force Base, Texas and Chanute Air Force Base, Illinois where he completed Advanced Individual Training in the Occupational Specialty of Aircraft Avionics and Instrumentation. Mr. Kwiecien was then assigned to Presque Isle, which is in the very North Eastern part of Maine. There, he worked on the F86 aircraft under the United States Air Force's Air Defense Command. He was assigned to the 37th Fighter Interceptor Squadron where the aircraft that he maintained were on alert status and responded to many Soviet Aircraft approaching the United States north eastern border. Kwiecien's last duty assignment was at Ethan Allen Air Force base, (now the Vermont Air National Guard) in Burlington Vermont. Mr. Kwiecien obtained the rank of Staff Sergeant and was Honorably Discharged on January 18, 1954.

For his service to his country, Mr. Kwiecien was awarded:

**The National Defense Service Medal
The Good Conduct Medal**

Following his discharge, Mr. Kwiecien returned to this area and went to State University of New York at Geneseo where he received a Bachelor of Science Degree in Elementary Education. Mr. Kwiecien went to work for Mallory Timers in Warsaw as an inspector and then worked at the Moog Servo Controls Plant in East Aurora as a technician for several years. He then

April 14, 2009

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successfully ventured into self employment as an electrician and did that until he retired. Mr. Kwiecien enjoyed flying small aircraft for several years and now enjoys music, playing the accordion and computers. Mr. Kwiecien has been married to his wife, Catherine, since September 3rd 1955 and they live in Perry. They have 5 children, Mary, Deborah, Kenneth, Thomas, and Ronald.

The pledge was said by all.

Chairman Berwanger, T/Arcade thanked Mr. Kwiecien for leading in the pledge today and presented him with a certificate of appreciation. Mr. Kwiecien was offered the opportunity to address the Board. He thanked the Board.

Communications:

C1: Letter dated April 7th 2009 from New York State Senator Dale M. Volker that states, “Dear Ms. Ketchum:

This letter is to acknowledge receipt of your resolution to urge Governor Paterson and the New York State Legislature to not enact legislation permitting the sale of wine in grocery stores.

You may be happy to know that this proposal was withdrawn from the 2009-10 Enacted State Budget.

I appreciate your stance on this matter. Please do not hesitate to contact me at any time regarding any other issues.

Very truly yours,

Dale M. Volker”

#1

**RESOLUTION NO. 09-143
(April 14, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2009 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2009 accounts as follows

Office for the Aging			
To: 01.44.6772.4.42466 Sharing Your Wishes w/01.04.6772.1601 Community Health Foundation Reason: Carryover from 2008. Grant period 09/01/08 – 08/31/09	\$15,495.47	\$15,495.47	
Office for the Aging Total			\$15,495.47

Youth Bureau			
To: 01.45.7310.4.42434 Stars of Tomorrow w/01.03.7310.1289 Other Dept Income Reason: purchase two (2) \$50 savings bonds.	\$50.00	\$50.00	
To: 01.45.7310.4.42434 Stars of Tomorrow w/01.03.7310.1289 Other Dept Income Reason: Family Fun Night at the YMCA.	\$320.00	\$320.00	
Youth Bureau Total			\$370.00
Social Services			
To: 01.39.6010.2.20201 Computer Equipment w/ 01.12.6010.4610 Soc. Serv. Admin. Fed. Aid 01.11.6010.3610 Soc. Serv. Admin. State Aid <i>From any funds available</i> Reason: To cover cost of replacing the (17) computers.	\$10,285.00	3,452.00 103.00 \$6,730.00	
Social Services Total			\$10,285.00
Board of Elections			
To: 01.34.1450.4.41010 – Misc. Office Supplies <i>From Any Funds Available</i> Reason: to purchase 2 office chairs and a label maker.	\$800.00	\$800.00	
Board of Elections Total			\$800.00
District Attorney			
To: 01.32.1165.4.40401 Training/Education <i>From any funds available</i> Reason: To cover the cost of tuition for the 2009 Leadership Wyoming Program	\$800.00	\$800.00	
District Attorney Total			\$800.00
Sheriff			
To: 01.37.3110.4.40016 Internet Services 01.37.3110.4.41010 Misc Office Supplies 01.37.3110.4.42101 Law Enf Supplies w/01.12.3110.438903 Homeland Security Fed. Aid Reason: to purchase air cards, internet hub and masks under grant	\$773.82 999.60 960.99	\$2,734.41	
To: 01.37.3110.4.40305 Other: Drug Task Force w/01.12.3110.448917 (2008) Byrne-JAG Reason: to reimburse a portion of fringe benefits to police departments paid for hours worked under this grant in 2008.	\$2,531.38	\$2,531.38	
Sheriff Total			\$5,265.79
Emergency Services			
To: 01.37.3020.4.40801 Contr. Bldg. Repair Cty 911 w/01.02.3020.1140 911 Surcharge Reason: preparation of backup dispatch center at the Training Center.	\$2,000.00	\$2,000.00	
Emergency Services Total			\$2,000.00

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain: #2

**RESOLUTION NO. 09-144
(April 14, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

FUNDS TRANSFERED TO VARIOUS 2009 ACCOUNTS

April 14, 2009

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BE IT RESOLVED, That funds are hereby transferred to the various 2009 accounts as follows:

Capital Improvement Projects			
From: 12.61.9950.9.99004 Interfund Transfer To: 12.61.1620.2.21006 CIP Thomson Hall Reason: To cover the cost of improving sidewalks, parking, gutters, and signage at Thomson Hall.	\$25,000.00	\$25,000.00	
Capital Improvement Projects Total			\$25,000.00
Fire and Building Code Enforcement			
From: 01.37.3620.4.40503 Gas To: 01.37.3620.1.40601 Unused Benefit Time/Personal Svcs. Reason: to cover unused benefit time taken in pay by Schedule D and CSEA employee	\$2,000.00	\$2,000.00	
Fire and Building Code Enforcement Total			\$2,000.00

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:

Mr. Bush, T/Gainesville, Chairman of the Audit Committee, presented bills totaling **\$1,797,857.00** for the month of **March 2009**.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:

There was a motion by Mr. Patti, T/Attica, to combine resolutions #3 through #10. A voice vote was taken and all voted aye.

#3

**RESOLUTION NO. 09-145
(April 14, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN SUPPLEMENTAL
AGREEMENT #2 WITH BERGMANN ASSOCIATES, INC.
ON BEHALF OF COUNTY HIGHWAY**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign supplemental agreement #2 with Bergmann Associates, Inc., 40 LaRiviere Dr., Suite 150, Buffalo, NY 14202 on behalf of County Highway. Said agreement is for construction inspection and support for the rehabilitation of the Urf Road Bridge over Cayuga Creek, Town of Bennington. PIN 4754.99; BIN 3319640 in an amount not to exceed eighty thousand seven hundred forty-seven dollars (\$80,747.00).

Contingent upon the availability of funds.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain: #4

**RESOLUTION NO. 09-146
(April 14, 2009)**

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

**CHAIRMAN AUTHORIZED TO AWARD BID AND SIGN
CONTRACT WITH NICHOLS LONG-MOORE
CONSTRUCTION CORPORATION ON BEHALF OF
COUNTY HIGHWAY**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to award a bid and sign a contract with Nichols Long-Moore Construction Corp., (the low bidder) 149 Gunnville Road, Lancaster, NY 14086 on behalf of County Highway. Said contract is for the rehabilitation of the Urf Road Bridge over Cayuga Creek, in the Town of Bennington in an amount not to exceed four hundred ninety-eight thousand three hundred eighty-nine dollars and forty cents (\$498,389.40).

Contingent upon the availability of funds.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain: #5

**RESOLUTION NO. 09-147
(April 14, 2009)**

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

ANNUAL HIGHWAY MATERIAL BIDS APPROVED

BE IT RESOLVED, That the attached yearly County Highway material bids are hereby approved effective April 02, 2009 through April 02, 2010, all ties were awarded by lot at the March 27, 2009 Public Works Committee; and be it

April 14, 2009

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FURTHER RESOLVED, That the County of Wyoming reserves the right to allow all municipalities within the county to purchase any goods or services at the prices stated herein pursuant to section 103 of the General Municipal Law.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain: #6

**RESOLUTION NO. 09-148
(April 14, 2009)**

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

**AUTHORIZING THE IMPLEMENTATION, AND
FUNDING IN THE FIRST INSTANCE 100% OF THE
ECONOMIC RECOVERY PROJECTS AND
APPROPRIATING FUNDS THEREFORE**

WHEREAS, A Project for the **Rehabilitation of Broughton Road (CR #2) from State Route 19 to Route 19A** (the Project) in the Town of Gainesville, in Wyoming County 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;

NOW, THEREFORE, The Board of Supervisors, duly convened do hereby

RESOLVE, That the Board of Supervisors hereby approves the above project; and it is hereby further

RESOLVED, That the Board of Supervisors agrees to advance the Project through the Board of Supervisor's resources and hereby authorizes the Chairman to pay in the first instance 100% of the federal and non-federal share of any and all phases or portions thereof and hereby appropriates from the Board of Supervisors the funds necessary to complete the Project including all phases or portions thereof; and it is further

RESOLVED, That the sum of **\$1,630,000.00** be hereby appropriated from the Board of Supervisors and made available to cover the cost of participation in the construction phase of the project; and hereby appropriates from the Board of Supervisors the funds necessary to complete the project including phase(s) or portions thereof; and it is further

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RESOLVED, That the Board of Supervisors make a 100% commitment of the non-federal share of the costs of the final design phase of work for the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation (hereinafter “NYSDOT”) pursuant to the State/Local Agreement and it is hereby further

RESOLVED, that upon completion of Construction of the Project, or a fully usable portion thereof, the Board of Supervisors agree to maintain the Project, or fully usable portion thereof, at their sole cost and expense; and it is hereby 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, and it is further

RESOLVED, That the Chairman of the Board of Supervisors be and is hereby authorized to execute all necessary Agreements or certifications on behalf of the Board of Supervisors (subject to the Wyoming County’s Attorney’s approval as to form and content), with the NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the municipality’s first instance funding of the non-federal share of the project costs and permanent funding of the non-federal share 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: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:

#7

**RESOLUTION NO. 09-149
(April 14, 2009)**

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

April 14, 2009

Proceedings of the Board of Supervisors**CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT
WITH ENVOY ENVIRONMENTAL CONSULTANTS, INC. 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 an agreement with Envoy Environmental Consultants, Inc., 3556 Lakeshore Rd., 7th Floor, Suite 701, Buffalo, NY 14219 on behalf of Buildings and Grounds. Said agreement is to conduct a Full Hazard Survey at the Department of Social Services building located at 466 North Main St., Warsaw, in an amount not to exceed twenty thousand dollars (\$20,000.00). Funds to be used from CIP funds appropriated into 12.61.6010.2.21002. This survey is required by the New York State Department of Labor for renovation and demolition projects. Contingent upon the availability of funds.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:
#8

**RESOLUTION NO. 09-150
(April 14, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH
HUDSON ENERGY SERVICES, LLC 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 Hudson Energy Services LLC, 4 Executive Blvd., Suite 301, Suffern, NY 10901 on behalf of Buildings and Grounds. Said contract is to provide for the purchase of electricity for county buildings in an amount not to exceed \$.0677 / kwh; effective March 27, 2009 through March 26, 2011. Contingent upon the availability of funds.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:
#9

**RESOLUTION NO. 09-151
(April 14, 2009)**

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

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CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH
NOMAD ENTERPRISES, INC. ON BEHALF OF BUILDINGS AND
GROUND

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 NOMAD Enterprises, Inc., 6270 Abbott Rd., Silver Springs, NY 14550 on behalf of Buildings and Grounds. Said contract is for the provision of lawn maintenance for county properties in an amount not to exceed ten thousand five hundred forty-five dollars (\$10,545.00); effective April 01, 2009 through November 30, 2009.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain: #10

RESOLUTION NO. 09-152
(April 14, 2009)

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

CHAIRMAN AUTHORIZED TO SIGN CONTRACTS WITH WASTE
MANAGEMENT OF NEW YORK, LLC ON BEHALF OF BUILDINGS
AND GROUND

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 with Waste Management of New York, LLC, 10860 Olean Rd., Chaffee, NY 14030 on behalf of Buildings and Grounds:

- Waste removal at Social Services, 36 months @ \$125.12/mo., in an amount not to exceed four thousand five hundred four dollars and thirty-two cents (\$4,504.32); effective June 01, 2009 through May 31, 2012.
- Waste removal at Human Services, 36 months @\$120.42/mo., in an amount not to exceed four thousand three hundred thirty-five dollars and twelve cents (\$4,335.12); effective June 01, 2009 through May 31, 2012.
- Waste removal at Public Safety, 36 month @ \$219.63/mo., in an amount not to exceed seven thousand nine hundred six dollars and sixty-eight cents (\$7,906.68); effective June 01, 2009 through May 31, 2012.

April 14, 2009

Contingent upon the availability of funds.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:
#11

RESOLUTION NO. 09-153
(April 14, 2009)

By Mrs. Totslin, Chairman of the Human Services Committee, Mr. Kushner, Chairman of the Public Health Committee and Mr. Davis, Chairman of the Finance Committee:

NATIONAL HEALTHCARE DECISIONS DAY
PROCLAIMED

WHEREAS, *Healthcare Decisions Day* is designed to raise public awareness of the need to plan ahead for health care decisions, related to end of life care and medical decision-making whenever patients are unable to speak for themselves and to encourage the specific use of Advance Directives to communicate these important health care decisions; and

WHEREAS, In New York State, state law 10NYCRR,400.21 (d) (1) (i, ii, iii) Planning in Advance for Your Medical Treatment provides the specifics of our Advance Directives law and offers a model form for patient use; and

WHEREAS, The Federal Patient Self-Determination Act 42 C.F.R. § 489.102 requires that all Medicare-participating healthcare facilities provide information about health care decision making rights, ask all patients if they have an Advance Directive, educate their staff and community about Advance Directives and not discriminate against patients based on an Advance Directive status; and

WHEREAS, The U.S. Agency for Healthcare Research and Quality found that less than 50% of the severely or terminally ill patients studied had an Advance Directive in their medical record; only 12% of patients with an Advance Directive had received input from their physician in its development, and only between 25 and 35 percent of physicians whose patients had an Advance Directive actually knew the directive existed; and

WHEREAS, It is likely that a significant reason for these low percentage rates is that there is both a lack of knowledge and considerable confusion among the public about Advance Directives; and

WHEREAS, One of the principal goals of *Health Care Decisions Day* is to encourage hospitals, nursing homes, assisted living facilities, continuing care retirement facilities, home health care and hospice agencies to participate in a national effort to provide clear and consistent information to the public about Advance Directives, as well as encourage medical professionals and lawyers to take time to improve public knowledge and increase the number of Wyoming County residents having Advance Directives; and

WHEREAS, The Wyoming County Office for the Aging in conjunction with the Wyoming County Department of Health, the Wyoming County Community Health System and other members of the Wyoming County Long Term Care Council providing services for the Wyoming County residents have endorsed this event and are committed to educating the community about the importance of discussing health care choices and executing Advance Directives; and

WHEREAS, As a result of **April 16th 2009** being recognized as *Health Care Decisions Day* in Wyoming County, more residents will have conversations about their health care decisions; more residents will execute Advance Directives to make their wishes known; and fewer families and health care providers will have to struggle with making difficult health care decisions in the absence of guidance from the patient; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby proclaims **April 16th, 2009** as;

National Health Care Decisions Day

in the County of Wyoming, New York and commend this observance to the residents of this county.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:

Supervisor Totslie, T/Genesee Falls was invited by Chairman Berwanger to the podium to present the above resolution. Supervisor Totslie was accompanied by Supervisor Kushner, T/Eagle, Angie Proper/Deputy Director OFA; Suzanne Wheeler/Long Term Home Health Care; and Laura Paolucci/Public Health Administrator. Supervisor Kushner presented the resolution.

Suzanne Wheeler accepted the award and pointed out to the Board Members a "Sharing Your Wishes" informational booklet along with additional information on the program.

April 14, 2009

There was a motion by Mr. Totstline, T/Genesee Falls, to combine resolutions #12 through #17. A voice vote was taken and all voted aye.

#12

**RESOLUTION NO. 09-154
(April 14, 2009)**

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

WESTERN NEW YORK ARMED FORCES WEEK PROCLAIMED

WHEREAS, Since our nation's founding, the U.S. Military has been dispatched to all the world to defend our freedom and that of our allies. In battles big and small, our men and women of the U.S. Armed Forces have distinguished themselves through their strength, loyalty and valor; and

WHEREAS, Many members of our Armed Forces have come from all areas within our County, to fill the ranks of: The Army, The Navy, The Air Force, The Marines, and The Coast Guard, many being injured or even paying the ultimate sacrifice in the defense of our freedoms in our great country; and

WHEREAS, Armed Forces Day having its origin when President Truman declared May 20, 1950 as the first official day to celebrate and honor all branches of the Armed Forces under one department, The Department of Defense; and

WHEREAS, Citizens of our county are presently serving in all branches of the Armed Forces, in places all around the World, many in "harm's way" of the Gulf War in Iraq, Afghanistan, and Pakistan; and

WHEREAS, The members of the Wyoming County Board of Supervisors and the citizens of Wyoming County, in keeping with the tradition of our State and Nation, strongly support our Veterans who sacrifice so much to insure our freedom; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby designate the week of **May 3-9, 2009** as:

"WESTERN NEW YORK ARMED FORCES WEEK"

and be it

FURTHER RESOLVED, That the Clerk of this Board is hereby directed to forward certified copies of this resolution to President Barack Obama, U.S. Senators Charles Schumer and Kirsten Gillibrand, Congressman Chris Lee, Senator Dale Volker, Assemblyman Daniel Burling, and all others deemed appropriate and necessary.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain: #13

**RESOLUTION NO. 09-155
(April 14, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS EARLY
INTERVENTION 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 contracts on behalf of the Wyoming County Youth Bureau:

Effective July 01, 2009 – June 30, 2012

***Prices not to exceed 2009 – 2012 budget – amounts vary depending on number of clients served.**

Preschool Related Services:

Aurora Audiology
112 Olean Road, Suite 124
East Aurora, New York 14052

Buffalo Hearing and Speech
50 East Main Street
Buffalo, NY 14203

Chelsie Callan
252 Ross Street
Batavia, NY 14020

Catt-Allegany BOCES
1845 Windfall Road
Olean, NY 14760

Trudy Chapman
736 Alexander Road
Alexander, NY 14005

Sandra DeVoe
10725 Molasses Hill Road
Alexander, NY 14005

Erin Dressel
1087 Friedman Road
Attica, NY 14011

Candy Frazier
10792 Stickle Road
Freedom, NY 14065

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Hearing Impaired Instructional
Services, LLC
162 Highland Drive
Williamsville, NY 14221

243 South Main Street, Suite
220
Albion, NY 14411

Terri Humberstone
7064 Standpipe Road
Perry, NY 14530

Rehabilitation Today Services
PLLC
2416 Constitution Avenue
Olean, NY 14760

Integrated Therapy Services
25 Liberty Street
Batavia, NY 14020

Jessica Scheidt
5957 Bauer Road
Warsaw, NY 14569

Carla Jennetti
251 South Grove Street
East Aurora, NY 14052

Strong Center for
Developmental Disabilities,
University of Rochester
601 Elmwood Avenue
Rochester, NY 14642

Rochelle Kenny
220 Forest Drive
Orchard Park, NY 14127

Therapeutic Link for Children
6167 West Quaker Road
Orchard Park, NY 14127

Kidstart
18 Main Street
Mt. Morris, NY 14510-1036

Jody VonSanden
PO Box 433
Pavilion, NY 14525

Letchworth Central School
5550 School Road
Gainesville, NY 14066

Elizabeth Wascak
3820 Euclid Avenue
Perry, NY 14530

Karen Nelson
4588 Conway Road
East Bethany, NY 14054

Wyoming County Community
Health System
422 North Main Street
Warsaw, NY 14569

Olmstead Center for the
Visually Impaired
1170 Main Street, PO Box 398
Buffalo, NY 14209-0398

**Preschool Special Education
Services:**

Preschool Learning Center
393 North Street
Springville, NY 14141

Building Blocks
Comprehensive Services, Inc.
275 Parrish Street, Suite A
Canandaigua, NY 14424

Rainbow Preschool, The ARC
of Orleans County

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Catt-Allegany BOCES
1845 Windfall Road
Olean, NY 14760

393 North Street
Springville, NY 14141

Kidstart
18 Main Street
Mt. Morris, NY 14510-1036

Rainbow Preschool, The ARC
of Orleans County
243 South Main Street, Suite
220
Albion, NY 14411

Letchworth Little Learners
5550 School Road
Gainesville, NY 14066

Wyoming County Community
Health System
422 North Main Street
Warsaw, NY 14569

Preschool Learning Center

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:

#14

**RESOLUTION NO. 09-156
(April 14, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS PRE-SCHOOL
SPECIAL EDUCATION SERVICES AND PRESCHOOL RELATED
SERVICES 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 contracts on behalf of the Wyoming County Youth Bureau:

Effective July 01, 2009 – June 30, 2012

***Prices not to exceed 2009 – 2012 budget – amounts vary depending on number of clients served.**

Aurora Audiology
112 Olean Road, Suite 124
East Aurora, NY 14052

Chelsie Callan
252 Ross Street
Batavia, NY 14020

Buffalo Hearing and Speech
50 East Main Street
Buffalo, NY 14203

Catt-Allegany BOCES
1845 Windfall Road
Olean, NY 14760

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Trudy Chapman
736 Alexander Road
Alexander, NY 14005

Sandra DeVoe
10725 Molasses Hill Road
Alexander, NY 14005

Erin Dressel
1087 Friedman Road
Attica, NY 14011

Candy Frazier
10792 Stickle Road
Freedom, NY 14065

Hearing Impaired Instructional
Services, LLC
162 Highland Drive
Williamsville, NY 14221

Terri Humberstone
7064 Standpipe Road
Perry, NY 14530

Integrated Therapy Services
25 Liberty Street
Batavia, NY 14020

Carla Jennetti
251 South Grove Street
East Aurora, NY 14052

Rochelle Kenny
220 Forest Drive
Orchard Park, NY 14127

Kidstart
18 Main Street
Mt. Morris, NY 14510-1036

Letchworth Central School
5550 School Road
Gainesville, NY 14066

Karen Nelson
4588 Conway Road
East Bethany, NY 14054

Olmstead Center for the
Visually Impaired
1170 Main Street, PO Box 398
Buffalo, NY 14209-0398

Preschool Learning Center
393 North Street
Springville, NY 14141

Rainbow Preschool, The ARC
of Orleans County
243 South Main Street, Suite
220
Albion, NY 14411

Rehabilitation Today Services
PLLC
2416 Constitution Avenue
Olean, NY 14760

Jessica Scheidt
5957 Bauer Road
Warsaw, NY 14569

Strong Center for
Developmental Disabilities,
University of Rochester
601 Elmwood Avenue
Rochester, NY 14642

Therapeutic Link for Children
6167 West Quaker Road
Orchard Park, NY 14127

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Jody VonSanden
PO Box 433
Pavilion, NY 14525

Olean, NY 14760

Kidstart
18 Main Street
Mt. Morris, NY 14510-1036

Elizabeth Wascak
3820 Euclid Avenue
Perry, NY 14530

Letchworth Little Learners
5550 School Road
Gainesville, NY 14066

Wyoming County Community
Health System
422 North Main Street
Warsaw, NY 14569

Preschool Learning Center
393 North Street

Preschool Special Education

Services:

Building Blocks
Comprehensive Services, Inc.
275 Parrish Street, Suite A
Canandaigua, NY 14424

Rainbow Preschool, The ARC
of Orleans County
243 South Main Street, Suite 220
Albion, NY 14411

Catt-Allegany BOCES
1845 Windfall Road
Springville, NY 14141

Wyoming County Community
Health System
422 North Main Street
Warsaw, NY 14569

**Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:
#15**

**RESOLUTION NO. 09-157
(April 14, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS TRANSPORTATION
CONTRACT EXTENSIONS 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 transportation contract extensions on behalf of the Youth Bureau:

- **Letchworth Central School**, 5550 School Road, Gainesville, NY 14066 (*Resolution Number 06-328 as amended by 07-200 and 08-*

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- **McDonald's Bus Service, Inc.**, 248 Sargent Street, Cowlesville, NY 14037 (*Resolution Number 05-298 as amended by 08-184, and 08-246*) (*Resolution Number 07-227 as amended by 08-184*); and
- **Attica Bus Service Inc.**, 949 Creek Road, Attica, NY 14011 (*Resolution Number 05-298 as amended by 08-246*).

Contracts are effective July 01, 2009 through June 30, 2010, all else remains the same.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain: #16

RESOLUTION NO. 09-158
(April 14, 2009)

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

**GAIL MEYER APPOINTED TO THE OFFICE FOR THE AGING
ADVISORY COUNCIL**

BE IT RESOLVED, That *Gail Meyer (Town of Gainesville)* 5312 Hardy's Rd., Gainesville, NY 14066 is hereby appointed to the Office for the Aging Advisory Council to replace John Gilbertson ***for a term of one (1) year; effective April 1, 2009 through December 31, 2009.***

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain: #17

RESOLUTION NO. 09-159
(April 14, 2009)

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

**CHILD ABUSE AND NEGLECT PREVENTION MONTH
PROCLAIMED**

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WHEREAS, Child abuse is a complex and ongoing problem in our society, affecting great numbers of children in Wyoming County; and

WHEREAS, Every child is entitled to be loved, cared for, nurtured, and secure and to be free from verbal abuse, sexual abuse, emotional and physical abuse and neglect; and

WHEREAS, Wyoming County faces a continuing need to support community-based programs to prevent child abuse and neglect; and

WHEREAS, It is the responsibility of every adult who comes in contact with a child to protect that child's inalienable right to a safe nurturing childhood; and

WHEREAS, Wyoming County has dedicated individuals and organizations who work daily to counter the problem of child abuse and neglect and to help parents obtain assistance they need; and

WHEREAS, Our County is stronger when all citizens become aware of child abuse and neglect prevention and become involved in supporting parents to raise their children in a safe, nurturing environment; and

WHEREAS, Wyoming County residents celebrate children, this county's greatest resource and the community leaders of tomorrow; now therefore

BE IT RESOLVED; That the Wyoming County Board of Supervisors do hereby proclaim the Month of **April 2009** as:

CHILD ABUSE AND NEGLECT PREVENTION MONTH

in Wyoming County, and commend this observance to the citizens of this county.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:

Supervisor Totslin was invited to the podium to present the Armed Forces Week and the Child Abuse and Neglect Prevention Month Proclamations. Supervisor Totslin read the Armed Forces Week Proclamation first and stated that the Proclamation would be sent to the Veteran's Services Office as they were not able to be present to receive the proclamation. Then she invited Dave Rumsey to the podium to present and accept the Child Abuse and Neglect Prevention Month Proclamation.

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RESOLUTION NO. 09-160
(April 14, 2009)

By Mr. Kushner, Chairman of the Public Health Committee and Mr. Davis,
Chairman of the Finance Committee:

NATIONAL NURSES WEEK PROCLAIMED

WHEREAS, The depth and breadth of the nursing profession in Wyoming County meets the different and emerging health care needs of the county's population in a wide range of settings; and

WHEREAS, Nurses nationwide are working to chart a new course for health that relies on increasing delivery of primary and preventive healthcare; and

WHEREAS, A renewed emphasis on primary and preventive healthcare will require better use of all nursing resources; and

WHEREAS, Professional nursing has been demonstrated to be an indispensable component in the safety and quality of care of hospitalized patients; and

WHEREAS, The demand for nursing services will be greater than ever because of the aging of the population, the continuing expansion of life sustaining technology and the explosive growth of home healthcare services; and

WHEREAS, That more qualified nurses will be needed in the future to meet the increasingly complex needs of healthcare consumers in this community; and

WHEREAS, The cost-effective, safe and quality healthcare services provided by nurses will be an ever more important component of the healthcare delivery system in the future; and

WHEREAS, The week of May 6 - 12, 2009 has been declared throughout the United States as National Nurses Week with the theme "**Nurses: Strength, Commitment, Compassion**" in celebration of the ways in which

nurses strive to provide safe and high quality patient care and map out the way to improve our healthcare system; now therefore

BE IT RESOLVED, The Wyoming County Board of Supervisors do hereby proclaim **May 6 – 12, 2009** as:

NATIONAL NURSES WEEK

in Wyoming County, New York and ask that all residents of this great county of Wyoming join us in honoring the nurses who care for all of us; and be it

FUTHER RESOLVED, That the residents of Wyoming County celebrate nursing's accomplishments and efforts to improve our healthcare system and show our appreciation for nurses, not just during this week, but at every opportunity throughout the year.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:
*Supervisor Kushner, T/Eagle was invited to the podium to present the above adopted proclamation. The Supervisor invited **Charlotte Hamon, Patricia Millen, Dawn James, and Peggy Cunningham** as representatives of the Hospital's Nursing staff to accept the award. Supervisor Kushner asked the representatives to introduce themselves and share the number of years they've been in nursing.*

There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #19 through #21. A voice vote was taken and all voted aye.

#19

**RESOLUTION NO. 09-161
(April 14, 2009)**

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

**CHAIRMAN / COMMISSIONER OF HEALTH AUTHORIZED TO SIGN
A GRANT APPLICATIONS AND ACCEPTANCE AWARDS ON
BEHALF OF THE COUNTY HEALTH DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney are hereby authorized and directed to sign a grant application and acceptance award with New York State Department of Health, Corning Tower, ESP, Albany, NY 12237 for the provision of:

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- Funding for the ***Childhood Lead Poisoning Prevention Program*** in a minimum amount of thirty-seven thousand nine hundred seventy-one dollars (\$37,971.00); effective April 01, 2009 through March 31, 2010; and
- Funding for the ***Immunization Program*** in a minimum amount of thirty-eight thousand six hundred twenty-five dollars (\$38,625.00); effective April 01, 2009 through March 31, 2010.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain: #20

**RESOLUTION NO. 09-162
(April 14, 2009)**

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

**CHAIRMAN / COMMISSIONER OF HEALTH AUTHORIZED TO SIGN
A LEASE AGREEMENT WITH FORD MOTOR CREDIT COMPANY
ON BEHALF OF THE COUNTY HEALTH DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney are hereby authorized and directed to sign a lease agreement with Ford Motor Credit Company, The American Road, P.O. Box 1739, Dearborn, MI, 48121 on behalf of the County Health Department. Said lease is for a 2009 Ford Focus. Payments are as follows, first payment of three thousand two hundred dollars (\$3,200.00) & seven (7) payments of one thousand three hundred sixty-six dollars and sixty-two cents (\$1,366.62) with a one dollar (\$1.00) buyout at lease end. Lease expense is fully reimbursed by the approved New York State Department of Health ATUPA grant (October 1, 2008 through September 30, 2009).

Contingent upon the availability of funds.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain: #21

**RESOLUTION NO. 09-163
(April 14, 2009)**

Regular Session

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

**CHAIRMAN / COMMISSIONER OF HEALTH AUTHORIZED TO SIGN
A CONTRACT WITH FRANK J. HOLLISTER, JR. ON BEHALF OF
THE COUNTY HEALTH DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney are hereby authorized and directed to sign a contract with Frank J. Hollister, Jr., 3401Beardsley Road, Perry, NY 14530 on behalf of the County Health Department. Said contract is for the provision of Public Health Emergency Preparedness Coordination Services in fulfillment of New York State Department of Health deliverables in an amount of thirty dollars (\$30.00) per hour, not to exceed nine thousand four hundred fifty dollars (\$9,450.00); effective April 23, 2009 through August 9, 2009. Services are fully reimbursed through the approved New York State Department of Health PHEP grant. Contingent upon the availability of funding.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:

There was a motion by Mr. Fleischman, T/Java, to combine resolutions #22 through #26. A voice vote was taken and all voted aye.

#22

**RESOLUTION NO. 09-164
(April 14, 2009)**

By Mr. Fleischman, Chairman of the Planning Committee:

**MEMBERS REAPPOINTED TO THE WYOMING COUNTY BUSINESS
CENTER / LOCAL DEVELOPMENT CORPORATION BOARD OF
DIRECTORS**

BE IT RESOLVED, That **Richard Fish** (Chamber of Commerce), 7488 Route 39, Perry, New York is hereby reappointed to the Wyoming County Business Center Local Development Corporation's Board of Directors, for a term of three (3) years; effective **May 10, 2009 through May 9, 2012**; and be it

FURTHER RESOLVED, That **Mark Merrill** (Industrial Development Corporation), (Town of Wethersfield) 5442 Sheppard Road Bliss, New York 14024 is hereby reappointed to the Wyoming County Business Center Local

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Development Corporation's Board of Directors, *for a term of three (3) years; effective May 10, 2009 through May 9, 2012.*

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain: #23

**RESOLUTION NO. 09-165
(April 14, 2009)**

By Mr. Fleischman, Chairman of the Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN
NEW YORK STATE OFFICE OF COMMUNITY RENEWAL GRANT
APPLICATION**

WHEREAS, The County of Wyoming wishes to apply for a grant from the NYS Office of Community Renewal, Economic development program, for up to two hundred eleven thousand dollars (\$211,000) that will be used by the Wyoming County IDA to provide financial assistance to McCormick Farms, Inc., for their continued growth and expansion; and

WHEREAS, Any repayments of loan proceeds of this grant from McCormick Farms, Inc will 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 Office of Community Renewal for a NYS Community Development Block Grant, OCR Economic Development program, and is hereby authorized and directed, upon approval of the County Attorney, to take all actions needed for the submission of the grant application and to provide such additional information and assistance as may be necessary; and be it

FURTHER RESOLVED, That two public hearings on behalf of this Board of Supervisors will be held as required by the Office of Community Renewal on April 30, 2009 and May 7, 2009 at 3 pm 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: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:

**RESOLUTION NO. 09-166
(April 14, 2009)**

By Mr. Fleischman, Chairman of the Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN
NEW YORK STATE OFFICE OF COMMUNITY RENEWAL GRANT
APPLICATION**

WHEREAS, The County of Wyoming wishes to apply for a grant from the NYS Office of Community Renewal, Economic development program, for up to two hundred sixteen thousand dollars (\$216,000) that will be used by the Wyoming County IDA to provide financial assistance to TPi Arcade, Inc., for their continued growth and expansion; and

WHEREAS, Any repayments of loan proceeds of this grant from TPi Arcade, Inc will 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 Office of Community Renewal for a NYS Community Development Block Grant, OCR Economic Development program, and is hereby authorized and directed, upon approval of the County Attorney, to take all actions needed for the submission of the grant application and to provide such additional information and assistance as may be necessary; and be it

FURTHER RESOLVED, That two public hearings on behalf of this Board of Supervisors will be held as required by the Office of Community Renewal on April 30, 2009 and May 7, 2009 at 3 pm 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: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:

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RESOLUTION NO. 09-167
(April 14, 2009)

By Mr. Fleischman, Chairman of the Planning Committee:

**JAMES PIERCE APPOINTED TO THE GLOW WORKFORCE
INVESTMENT BOARD**

BE IT RESOLVED, That James Pierce (Wyoming County Chamber of Commerce), 6470 Route 20A, Suite #2, Perry, NY 14530-9798 be hereby appointed to the GLOW Workforce Investment Board as a Private Sector Member to fill a vacant three (3) year term; effective April 14, 2009 through December 31, 2009.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:
#26

RESOLUTION NO. 09-168
(April 14, 2009)

By Mr. Fleischman, Chairman of the Planning Committee:

RESOLUTION NUMBER 09-74 AMENDED

WHEREAS, Resolution Number 09-74 entitled, “**MEMBERS REAPPOINTED TO THE GENESEE / FINGER LAKES REGIONAL PLANNING COUNCIL**,” passed by this Board of Supervisors on February 06, 2009 provides for various member appointments to the Genesee / Finger Lakes Regional Planning Council; now therefore

BE IT RESOLVED, That the Resolution Number 09-74 be hereby amended to reflect the following changes:

Chairman Member:

One (1) year term: effective January 01, 2009 through December 31, 2009

- A. Douglas Berwanger (T/Arcade) 6608 E. Arcade Rd., Arcade, NY 14009

Chairman Member / Alternate:

One (1) year term: effective January 01, 2009 through December 31, 2009

- E. Joseph Gozelski (T/Castile) 6175 East Lake Road, PO Box 331, Silver

Springs, NY 14550

(Rescind the following appointments)

Supervisor Member / Alternates:

- James Fleischman (T/Java) 5824 Java Lake Road, Arcade, NY 14009
- James Brick (T/Perry) 7618 Route 20A, Perry, NY 14530

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:
#27

RESOLUTION NO. 09-169
(April 14, 2009)

By Mr. Gozelski, Chairman of the Agriculture Committee:

**WYOMING COUNTY BOARD OF SUPERVISORS SUPPORTS
EFFORTS BY THE NEW YORK STATE FARM BUREAU TO SEEK
RELIEF FOR WESTERN NEW YORK DAIRY FARMERS**

WHEREAS, With 6,200 dairy farms producing over 12 billion pounds of milk annually, New York is the nation's third largest dairy state with Wyoming County being the top milk producing county and the number one Dairy County in New York with approximately 46,000 milk cows and 1,025,000,000 pounds in milk production; and

WHEREAS, Dairy farmers across Wyoming County have experienced significant increases in input costs, including feed, fuel, equipment and rented land. Dairy farmers have experienced a 31% increase in 16% protein dairy feed rations since 2006. Coupled with historically low milk prices, anticipated to result in a \$60 million loss in milk revenue for 2009 according to Bruce Dehm, a well known and respected Agricultural Economist throughout the Western Region of New York State, dairy producers are struggling to meet their financial commitments; and

WHEREAS, Dairy is the state's largest agricultural sector, contributing significantly to the State's economy by generating \$2.4 billion at the farm gate, over half of the State's total agriculture receipts, and providing some of the highest economic multipliers in the State; and

WHEREAS, According to the March 10, 2009 issue of Farm Bureau's Leader Letter the USDA's Farm Service Agency (FSA) in New York has announced that it will immediately use \$145 million of the \$173 million

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provided in the federal stimulus package for its Direct Operating Farm Loan Program, which will give 2,042 farmers direct loans from the agency.

“These Loans will be used to purchase items such as farm equipment, feed, seed, fuel and other operating expenses and will stimulate rural economies by providing American farmers funds to operate,” said acting FSA executive director Mark Dennis. All remaining funding will be allocated through approved loans. Applications are being considered on a first come, first served basis with special emphasis placed on beginning and socially disadvantaged applicants. The maximum loan amount is \$300,000; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors supports efforts by the New York State Farm Bureau to pursue the following action steps:

These recommendations provide a short and long-term strategy for practical and meaningful economic solutions to the immediate and long-term challenges facing New York’s dairy community

- Provide immediate, addition funding for the MILC payment program through supplemental appropriation and/or the FY 2009 or FY 2010 Agriculture Appropriations Bill;
- Request an increase of the 45% payment rate for purposes of the MILC program; and
- Reinstatement of the Northeast Interstate Dairy Compact to provide long term sustainable support to our dairy industry.

The bleak economic climate has softened demand for dairy products in both domestic and foreign markets creating a surplus of dairy product in the marketplace further driving down commodity price. To counter act this:

1. Urge Secretary Vilsack of the USDA to expeditiously move product, particularly powder, off the domestic market by fully utilizing the Dairy Export Incentive Program and Food for Peace program to offset dairy overproduction.
2. Urge the USDA to make immediate dairy product purchases for WIC and other nutrition programs which received large increases in funding from the enacted stimulus package.

Each of these measures will provide relief to the economic challenges facing New York’s dairy farmers and effectively preserve domestic dairy production – ensuring availability of high-quality, safe, nutritious and affordable milk and dairy products. Most importantly, these measures will

maintain the economic backbone of New York's rural communities and agriculture infrastructure; and be it

FURTHER RESOLVED, That the Clerk to the Board of Supervisors shall forward copies of this resolution to Governor David Paterson, United States Senators, Charles E. Schumer and Kirsten Gillibrand, United States Congressman Chris Lee, New York State Senator Dale Volker, New York State Assemblyman Daniel Burling, Representative Eric Massa, the only NY Representative serving on the House Agriculture Committee, NYS Commissioner of Agriculture and Markets Patrick Hooker, New York State Association of Counties, and Inter-County Association of Western New York.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:
There was a motion by Mr. Rogers, T/Pike, to combine resolutions #28 through #36. A voice vote was taken and all voted aye.

#28

**RESOLUTION NO. 09-170
(April 14, 2009)**

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

**WYOMING COUNTY BOARD OF SUPERVISORS SUPPORTS
PASSAGE OF “JILLY’S LAW” LEGISLATION**

WHEREAS, Jill and Jeff Cahill were a married couple with two children living near Syracuse, New York, their marriage was facing some difficulties; and

WHEREAS, During an argument in April, 1996, Jeff Cahill bludgeoned Jill Cahill with a baseball bat, causing Jill to lapse into a coma. While out on bail, a restraining order was issued which required Jeff to stay away from Jill; and

WHEREAS, In October, 1996, Jeff was caught posing as a hospital staff member in the same hospital where Jill was recovering; and

WHEREAS, One week later, Jeff posed as a janitor at the same hospital, entered Jill’s room and murdered her; and

WHEREAS, Currently, the only factor that court’s can consider when setting bail in domestic violence cases is risk of flight; and

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WHEREAS, If the court was allowed to consider the brutal nature of the attack, the resulting injuries and Jill’s safety, Jill might still be alive today; and

WHEREAS, New York State Senate Bill 1401 and New York State Assembly Bill 3035 would permit courts to consider violations of court orders, history of threats or violence against an alleged victim, previous records of protection against the individual, the violent nature of the charged crime, the impact that the crime had against the victim and other relevant circumstances when determining bail in domestic violence cases; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors pause in its deliberations to acknowledge the importance of “Jilly’s Law” and urge the immediate passage and chaptering of New York State Senate Bill 1401 and New York State Assembly Bill 3035, which will provide additional protection to victims of domestic violence; and be it further

RESOLVED, That certified copies of this resolution be forwarded to Governor David Paterson, Assembly Speaker Sheldon Silver, Majority Leader Malcolm Smith, Attorney General Andrew Cuomo, Senator Dale Volker, Assemblyman Daniel Burling, and New York State Association of Counties.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain: #29

RESOLUTION NO. 09-171
(April 14, 2009)

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

NATIONAL TELECOMMUNICATOR’S WEEK PROCLAIMED

WHEREAS, Emergencies can occur at anytime requiring sheriff, police, fire or emergency medical services; and

WHEREAS, When an emergency occurs the prompt response of law enforcement, firefighters and emergency medical technicians is critical to the protection of life and preservation of property; and

WHEREAS, The safety of our deputy sheriffs, police officers, and firefighters is dependent upon the quality and accuracy of information obtained

from citizens who telephone the Wyoming County Sheriff's Office 911 Center; and

WHEREAS, Public Safety Dispatchers are the first and most critical contact our citizens have with emergency services; and

WHEREAS, Public Safety Dispatchers are the single vital link for our law enforcement and fire personnel by monitoring their activities by radio, providing them information and ensuring their safety; and

WHEREAS, Public Safety Dispatchers of the Wyoming County Sheriff's Office 911 Center have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

WHEREAS, Each Dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby proclaim the week of April 12-18, 2009:

National Public Safety Telecommunicator's Week

and joins in honoring the men and women whose diligence and professionalism keep our county and citizens safe.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:
#30

**RESOLUTION NO. 09-172
(April 14, 2009)**

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

**ONE (1) POSITION OF CONTROL ROOM OPERATOR (1.00 FTE)
IN THE COUNTY JAIL ABOLISHED**

BE IT RESOLVED, That one position of Control Room Operator (1.00 FTE) be hereby abolished in the County Jail; effective May 1, 2009.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:

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**RESOLUTION NO. 09-173
(April 14, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT EXTENSION
WITH SINCLAIR PHARMACY 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 extension with *Sinclair Pharmacy*, 75 North Main Street, Warsaw, NY 14569 on behalf of the County Jail. Said contract is to provide inmate pharmaceuticals; effective April 01, 2009 through March 31, 2011. All else remaining the same.

Contingent upon availability of funding.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:
#32

**RESOLUTION NO. 09-174
(April 14, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT WITH
ROBERT JAE ON BEHALF OF EMERGENCY SERVICES**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney be hereby authorized and directed to sign an agreement with Robert Jae, 2227 Route 20A, Varysburg, New York 14167 on behalf of Emergency Services. Said agreement is for consulting services on new plans and revisions of existing plans in an amount not to exceed forty dollars (\$40.00) per hour, not to exceed twelve thousand six hundred fifty-two dollars and forty cents (\$12,652.40) to be paid with remaining funding for services with New York State Homeland Security Program 2007 grant.
Contingent upon the availability of funds.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:

**RESOLUTION NO. 09-175
(April 14, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN AGREEMENT WITH
FRONTIER COMMUNICATIONS OF ROCHESTER, INC. 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 an agreement with Frontier Communications of Rochester, Inc., 180 South Clinton Avenue, Rochester, NY 14646 on behalf of Emergency Services. Said agreement is to install an XDC server and provide one (1) year maintenance and one (1) year help desk support in an amount not to exceed twelve thousand one hundred fourteen dollars and fifty cents (\$12,114.50); effective as of the installation date of the XDC server for one year.
Contingent upon the availability of funds.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:
#34

**RESOLUTION NO. 09-176
(April 14, 2009)**

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

RESOLUTION NUMBER 08-384 AMENDED

WHEREAS, Resolution Number 08-384 entitled, “**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICE ON BEHALF OF THE PUBLIC DEFENDER’S OFFICE**,” passed by this Board of Supervisors on October 14, 2008 and provides for the Indigent Parole Program funding for Attica Legal Aid in the minimum amount of one hundred sixty-nine thousand two hundred dollars (\$169,200.00), which is ten thousand eight hundred dollars (\$10,800.00) less than the previous year’s amount of one hundred eighty thousand (\$180,000.00); effective April 01, 2008 through December 31, 2009; now therefore

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BE IT RESOLVED, That Resolution Number 08-384 be hereby amended to reflect a reduced award amount of one hundred thirty-five thousand one hundred sixty dollars (\$135,160.00) less an additional thirty-four thousand forty dollars (\$34,040.00).

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:
#35

RESOLUTION NO. 09-177
(April 14, 2009)

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

**LARRY ROGERS REAPPOINTED TO THE
MERCY FLIGHT CITIZENS ADVISORY COMMITTEE**

BE IT RESOLVED, That Larry Rogers, PO Box 82, Pike, NY 14130-0082 be hereby reappointed to the Mercy Flight Citizens Advisory Committee as the Supervisor Member for a term of one (1) year; effective January 01, 2009 through December 31, 2009.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:

Chairman Berwanger invited Supervisor Rogers, T/Pike to the podium to present the National Telecommunicator's Week Proclamation. Supervisor Rogers began by recognizing some of Wyoming County's Emergency Services personnel – Sheriff/Farris Heimann; Under Sheriff/Paul Donnelly; 911 Coordinator/Floyd Feather; Emergency Services Administrative Assistant/Pearl Granger; Supervisor May, T/Orangeville/Civil Office; and Wyoming County Deputy Sheriff Dispatcher/Jay Myers. Mr. Myers was invited to the podium to receive the proclamation. Supervisor Rogers shared a funny story about his early days with Mr. Myers at school.

Prior to the roll call vote of non-consent resolution number #36 Chairman Berwanger offered the following comment regarding a letter to the Editor from Steve Hume of Gainesville. Mr. Hume was voicing his concern about the Building Codes Department and using a county vehicle for his transportation to and from work. Any decisions made regarding the use of county vehicles is discussed with great vigor, gusto, intelligence and input from many people involved in the department operation. With the Fire and Building Code Enforcement Department, Building Inspectors are assigned certain areas of the

county to perform their job. When the employee leaves their home in the morning they don't have to go to the county first to pick up a vehicle to travel to these inspection sites.

Supervisor Rogers, T/Pike stated that Building Inspectors are required to inspect chimney fires, etc. even in the middle of the night. It would not be feasible for an employee to have to travel to Warsaw to pick up a county vehicle then travel to a fire scene.

Chairman Berwanger stated that if anyone has further questions regarding this matter or any other they are welcome to contact any member of this Board of Supervisors.

**Non-Consent
#36**

**RESOLUTION NO. 09-178
(April 14, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN A LEASE
AGREEMENT WITH FORD MOTOR CREDIT COMPANY
ON BEHALF OF FIRE AND BUILDING CODE
ENFORCEMENT**

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 Ford Motor Credit Company, PO Box 1739 – MD 7500, Dearborn, MI 48121-1739 on behalf of Fire and Building Code Enforcement. Said lease is to provide for a new SUV Ford Escape with a lease term of 36 months at 5.85% interest with a one dollar (\$1.00) buy out option at the end of the lease in an amount not to exceed eighteen thousand six hundred fifty dollars (\$18,650.00); effective the date of commencement. Contingent upon the availability of funds.

Carried: XXX Ayes: 1294 Noes: Absent: 210 (Warsaw) Abstain:
92 (Java)
302 Total

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Supervisor Fleischman, T/Java stepped out of the meeting momentarily.

There was a motion by Mr. Davis, T/Covington, to vote on resolutions #37 and #39 first and separately as they require a 2/3 majority vote due to the fact each of these resolutions are for borrowing. A voice vote was taken and all voted aye.

There was a motion by Mr. Davis, T/Covington, to vote on resolution #42 next. A voice vote was taken and all voted aye.

There was a motion by Mr. Davis, T/Covington, to withdraw resolution #41, and combine resolutions #38, 40, 43 and #44. A voice vote was taken and all voted aye.

**2/3 Majority
#37**

**RESOLUTION NO. 09-179
(April 14, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

**A RESOLUTION AUTHORIZING THE
RECONSTRUCTION OF THE COUNTY NURSING HOME
(PHASE I) IN AND FOR THE COUNTY OF WYOMING,
NEW YORK, AT A MAXIMUM ESTIMATED COST OF
\$2,000,000, AND AUTHORIZING THE ISSUANCE OF
\$2,000,000 BONDS OF SAID COUNTY TO PAY THE COST
THEREOF**

WHEREAS, All conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, It is now desired to authorize the financing of such capital project; now therefore

BE IT RESOLVED, By the affirmative vote of not less than two-thirds of the total voting strength of the Board of Supervisors of the County of Wyoming, New York, as follows:

Section 1. The reconstruction of the County Nursing Home (Phase I) in and for the County of Wyoming, New York, including original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$2,000,000.

Section 2. It is hereby determined that the aforesaid purpose constitutes a Type II action as defined under the SEQR regulations of the State of New York which, by definition, will not have a significant adverse impact upon the environment.

Section 3. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$2,000,000 bonds of said County hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. The faith and credit of said County of Wyoming, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the County Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the County Treasurer shall deem best for the interests of the County.

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Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the County Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the County Treasurer. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the County Treasurer shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies

are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Clerk of the Board of Supervisors in substantially the form provided in Section 81.00 of the Local Finance Law.

Carried: XXX Ayes: 1263 Noes: Absent: 207 (Warsaw) Abstain: #38

**RESOLUTION NO. 09-180
(April 14, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

**CORRECTION OF ERRORS IN THE TOWN OF EAGLE
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:

Tax Map Parcel: Town of Eagle 177.-1-31./1

Location: 7294 Centerville Rd.

Owner: Noble Environmental Power, LLC
c/o Gina Gasper
8 Railroad Ave., Suite 8
Essex, CT 16426

local 7294 Centerville Rd
PO Box 72
Bliss, NY 14024

April 14, 2009

REASON: This parcel is exempt from general town & county tax levies per IDA agreement. Fire Tax does apply.

AUTHORITY: RPTL §550.7(a) “an entry on the taxable portion of the tax roll of the assessed valuation of real property which, except for the provisions of RPTL §490, is wholly exempt from taxation.”

ACTION: Correction 2009 Town/County Tax Bill
Original Bill \$6,408.18
Corrected Bill \$240.33

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:
2/3 Majority
#39

RESOLUTION NO. 09-181
(April 14, 2009)

By Mr. Davis, Chairman of the Finance Committee:

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF WYOMING AUTHORIZING AND
PROVIDING FOR THE INCURRENCE OF
INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A
PORTION OF THE COST OF ACQUIRING,
CONSTRUCTING, ENLARGING, IMPROVING, AND/OR
EXTENDING ITS 408 NORTH MAIN MEDICAL
BUILDING TO SERVE AN AREA LAWFULLY WITHIN
ITS JURISDICTION TO SERVE**

WHEREAS, It is necessary for the Wyoming County Board of Supervisors (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of \$1,500,000.00 pursuant to the provisions of Rural Development; and

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business - Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the

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planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U. S. C. 1983 (c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$ 10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the

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Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.

6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.
11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.

13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established and maintained, disbursements from that account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:
 - a. Paying the cost of repairing or replacing any damage to the facility caused by catastrophe.
 - b. Repairing or replacing short-lived assets.
 - c. Making extensions or improvements to the facility.Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required funded level.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$0 under the terms offered by the Government; that the County of Wyoming and Rural Development of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions

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of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

Carried: XXX Ayes: 1263 Noes: Absent: 207 (Warsaw) Abstain: #40

**RESOLUTION NO. 09-182
(April 14, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH ADECCO ON BEHALF OF THE COUNTY OF
WYOMING**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a master contract with Adecco, 230 East Main Street, Arcade, NY 14009 for the provision of Temporary Clerical Services needed by any Wyoming County Department. Amounts vary depending on the type of services required as per schedule provided; effective April 04, 2009 through December 31, 2009.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain: Withdrawn #41

**RESOLUTION NO. 09-
(April 14, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

RESOLUTION NUMBER 09-100 AMENDED

WHEREAS, Resolution Number 09-100 entitled, “**CHAIRMAN AUTHORIZED TO AWARD BID AND SIGN A CONTRACT WITH ELMER W. DAVIS ON BEHALF OF BUILDINGS AND GROUNDS,**” passed by this Board of Supervisors on February 06, 2009 and provides for bid awards and contracts with Elmer W. Davis, Inc., 1217 Clifford Avenue, Rochester, NY 14621 on behalf of Buildings and Grounds for the following services:

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- Reconstruction of the 408 North Main Medical Building roof in an amount not to exceed two hundred eight thousand three hundred seventy-seven dollars (\$208,377.00); effective through the completion of the project; and
- Reconstruction of the County Jail roof in an amount not to exceed two hundred seventy-nine thousand seventy-seven dollars (\$279,077.00); effective through the completion of the project; now therefore

BE IT RESOLVED, That Resolution Number 09-100 be hereby

amended to reflect additional wording as follows in bold type:

- Reconstruction of the 408 North Main Medical Building roof in an amount not to exceed two hundred eight thousand three hundred seventy-seven dollars (\$208,377.00); effective through the completion of the project; ***contingent upon concurrent approval by the United States Department of Agriculture Rural Development.***

Carried: Ayes: Noes: Absent: Abstain:

Prior to the roll call vote was taken on resolution number 42 Supervisor Grant, T/Bennington requested an opportunity to address the Board. She stated that she read about this proposed closure in the local papers and took it upon herself to do some research talking to some of the local agencies and learned that Wyoming County youth are not served by either of these facilities and has learned that our youth are sent to facilities in Erie, Monroe, and Chautauqua counties. Both State and Local agencies are trying to provide more preventative services to keep youth within the community and within their homes. She stated that she highly respects the efforts of Cattaraugus County to maintain the jobs within their community. However, she stated that the state and federal dollars that go to the support of these facilities can be better directed to local services allowing Social Services and Probation to utilize these funds.

#42

RESOLUTION NO. 09-183 (April 14, 2009)

By Mr. Davis, Chairman of the Finance Committee:

OPPOSING GOVERNOR PATERSON'S PROPOSED CLOSURE OF NYS OFFICE OF CHILDREN AND FAMILY

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SERVICES CATTARAUGUS RESIDENTIAL CENTER
IN LIMESTONE AND GREAT VALLEY RESIDENTIAL
CENTER

WHEREAS, The New York State Office of Children and Family Services (OCFS) has systematically diverted youth from Western New York to facilities outside of Western New York, and

WHEREAS, The Great Valley Residential Center is a non-secure facility that has the capacity to house 25 youth in a court-recognized foster care setting, and

WHEREAS, In response to the requirement that the facility be kept open, the OCFS transferred the youth from that facility to other facilities in New York State, and

WHEREAS, The Great Valley and Limestone facilities receive 50 percent of their operating budget from the federal government, as compared with the larger facilities across the state, which are 100 percent state funded, and

WHEREAS, The Cattaraugus Residential Center in Limestone, is a new facility which was open in May 1995, and requires no current or proposed, capital improvement project, and

WHEREAS, The Cattaraugus Residential Center in Limestone has begun utilizing the sanctuary model training approach to deal with troubled youth, and

WHEREAS, The Cattaraugus Residential Center is one of the OCFS facilities that has initiated the new training approach, and

WHEREAS, Both the Great Valley Residential Center and the Cattaraugus Residential Center are major employers in the respective Towns of Great Valley and Carrollton, and

WHEREAS, The facilities employ staff who would have to relocate from the area to other state facilities, and

WHEREAS, The New York State Office of Children and Family Services has an apparent current philosophy of treating children in a close proximity to their homes, yet is closing the only two facilities for troubled youth in Western New York, and

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WHEREAS, The loss of jobs, as well as treatment opportunity for the youth of the western portion of the state, would adversely effect the residents of Wyoming County, as well as Cattaraugus County; now therefore

BE IT RESOLVED, That Wyoming County hereby opposes the closure of the New York State Office of Children and Family Services Great Valley Residential Center in the Town of Great Valley and the Cattaraugus Residential Center in Limestone, in the Town of Carrollton for the above- stated reasons, and be it further

RESOLVED, That the Clerk of this Board is hereby directed to forward certified copies of this resolution to Governor David Paterson, Senator Dale Volker, Assemblyman Daniel Burling, and Gladys Carrion, Esq., OCFS Commissioner.

Carried: XXX Ayes: 808 Noes: 135 (Bennington) Absent: 210 (Warsaw) Abstain:
118 (Castile)
96 (Gainesville)
20 (Genesee Falls)
92 (Java)
63 (Middlebury)
54 (Orangeville)
578 Total

#43

**RESOLUTION NO. 09-184
(April 14, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

**COUNTY HIGHWAY SUPERINTENDENT AUTHORIZED TO
EXTEND THE SNOW AGREEMENT WITH TOWNS AND VILLAGES
FOR 2009/2010 AND 2010/2011**

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 **2009/2010** and

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2010/2011. Payment will be made to the Towns and Villages by the County from the County Snow Funds; contingent upon the availability of funds.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain: #44

**RESOLUTION NO. 09-185
(April 14, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

POSITION CREATIONS APPROVED

BE IT RESOLVED, That the following positions are hereby created within the various Wyoming County Departments:

Buildings and Grounds:

- One (1) position of Laborer (Temp.) not to exceed 40 hours weekly; to be utilized for Capital Improvement Projects (North Main Medical building located at 408 N. Main St., Warsaw, New York and/or the Lower Department of Social Services building located at 466 N. Main St., Warsaw, New York); effective for six (6) months from the date of hire.

Department of Social Services:

- One (1) position of Administrative Assistant (Fiscal Operations) (1.00 FTE) position in the Fiscal Unit; effective April 14, 2009
 - o To be placed on Salary Schedule “S” (suggested salary level \$30,000.00 to \$33,000.00).

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- o Abolish Principal Account Clerk position contingent upon completion of probationary period for employee currently in position (transferred to treasurer's office).

Public Health:

- One (1) position of Student Aide (Seasonal) in the Environmental Unit. \$8.00 per hour plus an additional \$0.25 per hour for each previous season worked, with no benefits extended other than those mandated by law. Salary and fringe expense fully reimbursed through New York State Department of Health Drinking Water Enhancement grant, subject to the availability of funding; effective April 14, 2009.

Jail:

- One (1) position of Correction Officer, FT to be placed on the appropriate step and grade of the Wyoming County Sheriff's Employee's Association. This position will replace the Control Room Operator being abolished in the County Jail; effective May 1, 2009 as per provisions of a New York State Commission of Corrections, letter dated June 3, 2005.
- One (1) position of Correction Officer, FT (Temporary); effective through a current employee's medical leave of absence; effective April 14, 2009.

Probation:

- One (1) position of Account Specialist to be placed on Grade 8. This creation will eventually result in a promotion for the department's current Senior Account Clerk due to an increase in duties and responsibility; effective April 14, 2009.

•

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:

Chairman Berwanger asked if there was any Supervisor who objected to the presentation of unanimous consent resolutions #45 through #48. Hearing none, the Chairman asked the clerk to read Unanimous Consent resolution #45 through #48.

UC#45

RESOLUTION NO. 09-186 (April 14, 2009)

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

SET PUBLIC HEARING – INTRODUCTORY LOCAL LAW NO. I YEAR 2008

April 14, 2009

WHEREAS, There has been duly presented and introduced at a meeting of this Board of Supervisors of Wyoming County on this 14th day of April, 2009, a proposed local law entitled, “Local Law Introductory No. 1 Year 2008, **“A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF THE YEAR 2006 TO REVISE AN EMPIRE ZONE (FORMERLY KNOWN AS AN ECONOMIC DEVELOPMENT 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 will be held on the said proposed Local Law by this Wyoming County Board of Supervisors on the 28th day of April, 2009 at 1:00 PM at the Wyoming County Government Center, 143 North Main Street, Warsaw, New York.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:

**RESOLUTION NO. 09-187
(April 14, 2009)**

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

FUNDS APPROPRIATED TO VARIOUS 2009 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2009 accounts as follows:

Planning & Development			
To: 16.65.6422.4.40301 Professional Services	\$50,000.00		
16.65.6422.4.42277 Micro Loan Program Funds	350,000.00		
w/16.12.6422.408903 Federal Aid CDGB Program		\$400,000.00	
Reason: Small Cities/Micro Enterprise Program (1279ME119-08)			
Planning & Development Total			\$400,000.00

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:

Prior to the roll call vote was taken on Unanimous Consent resolution number 47, Chairman Berwanger explained that the reason the following resolution is being considered is as a result of a meeting between Patrick Brennan, former Director of New York State USDA Rural Development agency to provide for consulting services to not only the County, but to the Town and Villages to access Stimulus money and USDA money. He reported that there will be more communication regarding these services as a relationship is developed with Mr. Brennan. However, this is the first step.

UC#47

**RESOLUTION NO. 09-188
(April 14, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH THE
BRENNAN GROUP CONSULTING, LLC ON BEHALF OF THE
COUNTY OF WYOMING**

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 Brennan Group Consulting, LLC, 7705 Sally Road, Waterville, NY 13480 on behalf of the County of Wyoming. Said contract is to provide for consulting services in an amount not to exceed twelve thousand

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dollars (\$12,000.00) (payable in monthly installments of \$2,000.00) for a term of 6 months; effective from the date of commencement of agreement.

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:
UC#48

RESOLUTION NO. 09-189
(April 14, 2009)

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

FUNDS APPROPRIATED TO VARIOUS 2009 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2009 accounts as follows:

Board of Supervisors			
To: 01.31.1010.4.40301 Professional Svc. <i>from any funds available</i> Reason: Provision of consulting services by The Brennan Group Consulting, LLC	\$12,000.00	\$12,000.00	
Board of Supervisors Total			\$12,000.00

Carried: XXX Ayes: 1386 Noes: Absent: 210 (Warsaw) Abstain:

Chairman Berwanger shared that today marks Commissioner Schmitt's last official Board Meeting as the Commissioner of Social Services. She has resigned to take another position. Chairman Berwanger asked Ms. Schmitt to stand and he offered her the following parting words on behalf of the entire Board of Supervisors, "You have been a wonderful person to work with and we appreciate all of the things you've done for Wyoming County. A few of the things that come to mind when I think of you is intelligent, dedicated, passionate, loyal, and just a good person. You have gone into several departments where chaos existed and made tranquility and believe me, having been involved with that from every point, I can sincerely say you've done a great job for Wyoming County and we wish you the very best in your next in your life and career. Thank you for working for us. It has been a very positive and pleasurable experience.

Commissioner Schmitt thanked the Board and stated that she will be back in the Health Care field.

Supervisor Rogers announced that the Town of Pike Planning Committee would be touring a Wind place in Geneseo at 5:30 PM today. If he finds any good information he will bring it back and share it with them.

There being no further business to come before this Board, Senior Supervisor Bush, T/Gainesville, adjourned the meeting at 3:48 PM with a rap on his desk.

Respectfully submitted,

Cheryl J. Ketchum

Cheryl J. Ketchum, Board Clerk

April 14, 2009

**SPECIAL SESSION
(April 28, 2009)****Tuesday****1:00 PM**

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 Grant, T/Bennington. Also present were Clerk to the Board of Supervisors, Cheryl Ketchum, Director of Planning and Development/D. Shapiro, Executive Director of the Industrial Development Agency/M. Heftka and Executive Director of the Wyoming County Chamber of Commerce/J. Pierce.

At 1:03 PM Chairman Berwanger, T/Arcade, called the meeting to order.

Supervisor Smith, T/Warsaw leads the Pledge of Allegiance.

Open Public Hearing:

LOCAL LAW NO. 2 (INTRODUCTORY I, YEAR 2008) - YEAR 2009, "A Local Law amending Local Law NO. 2 of the Year 2006 to Revise an Empire Zone (Formerly Known as an Economic Development Zone)"

Public Comment:

Chairman Berwanger offered Mr. Heftka an opportunity to speak to the Empire Zone revisions being offered through the passage of Local Law #2 for the year 2009. Zone modifications are in Arcade, Warsaw, and Perry.

Mr. Pierce was offered an opportunity to speak next. He stated that the Empire Zone revisions were from further work on the areas from the time of the Empire Zone's inception back in 2006.

Mr. Shapiro was offered an opportunity to speak in regard to the Empire Zone revisions. He stated that the Planning and Development Department has worked in partnership with the above entities on the proposed revisions and they support the new boundaries. Empire State Development has just approved these modifications.

Supervisor Brick, T/Perry questioned the whereabouts of the asterisks for the parcels for the Town of Perry as there were no parcels marked in red and marked with asterisks for these additions.

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Supervisor Rogers, T/Pike asked if there were maps depicting these additions.

Chairman Berwanger stated that the local law can be voted on subject to the verification of Schedule A.

Close Public Hearing:

There being no further comments on the following Local Law, Chairman Berwanger asked for a motion to close the Public Hearing.

Supervisor Rogers, T/Pike moved that the public hearing be closed. Supervisor May, T/Orangeville seconded the motion, all voted aye and the Public Hearing were closed.

#1

**RESOLUTION NO. 09-190
(April 28, 2009)**

By Mr. Fleischman, Chairman of Planning Committee:

**LOCAL LAW NO. 2 (INTRODUCTORY I, YEAR 2008) -
YEAR 2009, “A Local Law amending Local Law NO. 2 of the
Year 2006 to Revise an Empire Zone (Formerly Known as an
Economic Development Zone),” ADOPTED**

WHEREAS, There was duly presented and re-introduced at a meeting of this Board, held on the 14th day of April, 2009, a proposed local law of the County, designated as Local Law Introductory No. I, for the year 2008, entitled, **A Local Law Amending Local Law No. 2 of the Year 2006 to Revise an Empire Zone (Formerly Known as an Economic Development Zone);** and

WHEREAS, In accordance with the provisions of Resolution No. 09-186, there was a public hearing held by this Board of Supervisors on this 28th day of April, 2009 at 1:00 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

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BE IT ENACTED, That Local Law Introductory No. I, Year 2008, County of Wyoming, New York, as presented to this Board on the 28th day of April, 2009, is hereby adopted, enacted and passed by this Board in its original form as follows:

LOCAL LAW NO. 2 - YEAR 2009

A Local Law Amending Local Law No. 2 of the Year 2006 to Revise an Empire Zone (Formerly Known as an Economic Development Zone)

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WYOMING AS FOLLOWS:

1. Amendments to Local Law No. 2 of 2006 of the County of Wyoming

Section 2. The boundaries of said areas to be included in said Empire Zone are hereby amended and shall be as set forth in Schedule A, which is attached hereto and made a part hereof.

2. 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

The following areas shall be designated as Empire Zones in connection with the Empire Zone established for Wyoming County.

<u>Arcade Village & Arcade Town,</u>			
<u>Dev. Zone #1</u>	<u>Liber</u>		<u>Page</u>
Portion of 182.16-1-1.12, portion of deed,	586		39
182.16-1-1.11, as shown in deed,	644		362
182.16-1-5, as shown in deed,	644		362
182.16-1-6.1 & 6.2, as shown in deed,	603		119
182.16-1-7, as shown in deed,	703		677
Portion of 182.16-1-22.1, portion of deed,	648		284
Portion of 182.16-1-23.1, portion of deed,	648		284
Portion of 182.16-1-14.1			
193-3-1.112			

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Portion of 193-2-20			
193-2-9.121, as shown in deed,	646		277
Portion of 193-2-17.111, portion of deed	636		871
southwest of Clear Creek,			
Portion of 193-2-1.2, portion of deed southwest of Clear Creek,	699		871
182.19-1-5.2, as shown in deed,	641		793
182.19-1-5.1, as shown in deed,	641		790
182.19-1-16, as shown in deed,	688		846
182.19-1-8.112, as shown in deed,	686		634
182.19-1-4.12, as shown in deed,	532		228
182.19-1-4.112			
182.19-1-2, as shown in deed,	607		900
182.19-1-7, as shown in deed,	607		900
182.19-1-6.3, as shown in deed,	607		900
182.19-1-1, as shown in deed,	607		900
182.19-1-6.2, as shown in deed,	607		900
182.19-1-12.13, as shown in deed,	664		163
Portion of 183.14-1-18			
183.14-1-21, as shown in deed,	704		488
183.14-1-93, as shown in deed,	353		870
183.14-1-94, as shown in deed,	634		202
183.14-1-95, as shown in deed,	217		270
183.14-1-96, as shown in deed,	346		257
183.14-1-82.2, portion of deed, parcel A,	691		507
183.14-1-82.1, as shown in deed,	683		902
Portion of 183.18-1-57.1, portion of deed,	617		738
183.14-1-61.2, as shown in deed,	652		256
183.14-1-61.1, as shown in deed,	692		157
183.10-1-47.11, portion of deed, parcel 4	705		534
183.10-1-44.12, as shown in deed,	692		803
183.10-1-44.11, as shown in deed,	692		803
183.10-1-37, portion of deed,	617		738
183.10-1-27, as shown in deed,	600		413

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183.14-1-24 *	656		485
183.14-1-23 *	637		293
183.14-1-22 *	515		25
183.14-1-20 *	696		644
183.14-1-19 *	374		258
183.14-1-17 *	715		588
183.14-1-16.1 *	659		960
183.14-1-14 *	651		858
183.14-1-15.1 *	699		910
183.14-1-13 *	623		304
183.14-1-18.1 *			
183.14-1-12 *	701		603
183.14-1-11 *	678		925
183.14-1-10 *	691		276
183.14-1-10 *	691		276
183.18-1-38, as shown in deed,	629		593
183.18-1-37, as shown in deed,	690		863
183.18-1-36, as shown in deed,	628		779
183.18-1-35, as shown in deed,	686		605
183.18-1-34, as shown in deed,	687		70
183.18-1-33, as shown in deed,	661		838
183.18-1-56.1, portion of deed,	662		649
Portion of 183.13-2-2.1			
Portion of 183.13-2-5 the southerly 230 ft.portion of deed,	680		136
183.13-2-12, portion of deed,	614		627
183.13-2-14.1, portion of deed,	699		234
183.13-2-40, as shown in deed,	632		375
183.13-2-63, as shown in deed,	383		716
182.15-1-8, as shown in deed,	646		553
182.15-1-7, as shown in deed,	367		478
182.15-1-6, as shown in deed,	586		39
182.15-1-5, as shown in deed,	501		226
182.15-1-26.2, as shown in deed,	691		703
182.15-1-28, as shown in deed,	685		60

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182.15-1-26.1, as shown in deed,	691		700
Portion of 183.06-1-2.1, as shown in deed,	607		933
192.07-1-1, as shown in deed,	641		793
192.07-1-2, as shown in deed,	615		875
173-1-40, as shown in deed,	706		450
Portion of 173-1-14.2, portion of deed south of A&A Railroad	679		375
Portion of 173-1-54, as shown in deed, parcel B	634		936
183-1-21, as shown in deed,	644		691
183-1-18, as shown in deed,	704		110
183-1-17, as shown in deed,	673		410
183-1-16, portion of deed,	617		738
Portion of 183-1-32, as shown in deed,	370		512
183-1-15, portion of deed,	617		738
Portion of A&A Railroad rail line, running through parcel 182.16-1-1.11			
Portion of NYS Route 39, adjacent to parcels 182.15-1-6 & 182.15-1-26.2			
Portion of NYS Route 98, adjacent to parcels 193-2-9.121 & 193-2-20			
Portion of William Street, adjacent to parcels 182.19-1-12.13 & 182.19-1-4.112			
Portion of Cattaraugus Creek, adjacent to parcels 183.14-1-18.1 & 183.10-1-27			
Portion of Main Street, adjacent to A&A Railroad rail crossing			
Portion of Mill Street, adjacent to A&A Railroad rail crossing			
Portion of A&A Railroad rail line, adjacent to parcels 183.10-1-27 & 183.10-1-26			
Portion of Curriers Road, adjacent to A&A Railroad road crossing			
Portion of North Street, adjacent to A&A Railroad road crossing			
Portion of Park Street, adjacent to A&A Railroad road crossing			
Portion of A&A Railroad rail line between North St. and Curriers Road			

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Portion of Deacon Drive, adjacent to parcels 183.18-1-33 & 183.18-1-56.1			
Portion of Bixby Hill Road, adjacent to parcels 183.13-2-2.1 & 183.13-2-12			
Portion of A&A Railroad rail line, between west parcel line of 183.13-2-14.7 & Park St.			
Portion of Conrail rail line, between Cattaraugus Creek and NYS Route 39			
Portion of NYS Route 39, adjacent to parcels 182.16-1-5 & 182.16-1-22.1			
<u>Village of Attica, Dev. Zone #2</u>			
6.10-1-33.1, portion of deed,	702		95
6.10-1-44, as shown in deed,	642		933
6.10-1-43, as shown in deed,	487		272
6.10-1-42, as shown in deed,	680		574
6.10-1-41, as shown in deed,	686		484
6.10-1-40, as shown in deed,	686		484
6.10-1-50.1, as shown in deed,	589		174
6.10-1-50.2, as shown in deed,	629		306
6.10-1-53, as shown in deed,	686		484
6.10-1-51			
6.10-1-52.1, portion of deed,	370		141
6.10-1-59.2, as shown in deed,	672		363
6.10-1-59.1, portion of deed,	596		293
6.10-1-60.2, as shown in deed,	672		363
6.10-1-60.1, portion of deed,	596		293
6.10-1-61, as shown in deed,	642		155
6.10-1-62, as shown in deed,	587		152
6.14-1-15, as shown in deed,	360		180
6.14-1-16, as shown in deed,	687		229
6.14-1-17, as shown in deed,	670		191
6.14-1-18, as shown in deed,	700		436
6.14-1-19, as shown in deed,	599		864
6.14-1-20.11	491		140
6.14-2-47, as shown in deed,	593		36

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6.14-2-46, as shown in deed,	706		847
6.14-2-45, as shown in deed,	643		349
6.14-2-44, portion of deed,	693		937
6.14-2-43	601		749
6.14-2-42	601		749
6.14-2-41	670		13
6.14-2-40	674		980
6.14-2-36.1	674		976
6.14-2-36.2	670		13
6.14-2-35	601		90
6.14-2-34	650		383
6.14-2-33	695		482
6.14-2-32	601		88
6.14-2-31	624		287
6.14-2-30	679		961
6.14-3-45	461		55
6.14-3-46.1			
6.14-3-46.2	652		523
6.15-1-36.1	704		20
6.15-1-50	625		864
6.15-1-47.2	678		938
6.15-1-47.1	706		882
6.15-1-27	706		799
6.15-2-25	363		458
6.15-2-52	363		458
6.15-2-23	692		893
6.15-2-24	616		654
Portion of West Ave. adjacent to parcels 6.10-1-44 & 6.10-1-50.1			
Portion of NYS Rt. 98 adjacent to parcels 6.14-1-20 & 6.14-2-47			
Portion of Tonawanda Creek adjacent to parcels 6.14-2-44 & 6.14-2-43			
Portion of Exchange Street adjacent to parcels 6.14-2-34 & 6.14-3-45			
Portion of Conrail rail line adjacent to parcels 6.15-1-36.1 & 6.15-1-50			

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Linear Portion of Conrail rail line from northwest of Favor St. to southeast of Jackson St.			
<u>Perry Village in Perry Town,</u>			
<u>Dev. Zone #3</u>	Liber		Page
88.15-1-8.1, as shown in deed,	690		643
88.15-1-8.2, as shown in deed,	637		921
88.15-1-14, as shown in deed Parcel A,	637		907
88.15-1-9, as shown in deed Parcel I,	665		358
88.15-1-5, as shown in deed,	650		102
88.15-1-4, as shown in deed, Parcel I,	665		358
88.15-1-3.1	611		922
88.15-1-1.1	699		881
88.15-1-16	699		881
88.15-1-15, as shown in deed, Parcel F,	637		907
88.15-1-13	637		905
Portion of 088.14-1-1.2, easterly 1,025ft of deed,	594		771
88.15-1-6.11	629		397
88.15-1-21.1	594		767
88.15-1-20	648		557
88.15-1-17	660		76
88.15-1-19	648		557
88.15-1-6.121	624		315
88.15-1-18	652		348
88.15-1-22	684		367
88.16-1-2	655		317
Portion of 88.20-1-1, as shown in deed,	370		595
Portion of 88.16-1-22, as shown in deed,	396		246
88.16-1-17	530		199
88.16-1-16	683		149
88.16-1-23	683		149
88.16-1-11.2	683		149
88.20-3-16.1	657		1

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88.20-3-14.1	608		904
88.20-3-13	619		873
88.20-3-12.1	638		643
Portion of North Center Street adjacent to parcels 88.15-1-8.1 & 88.15-1-6.11			
Portion of North Main Street adjacent to parcels 88.16-1-17 & 88.16-1-22			

Perry Village in Perry Town,

<u>Dev. Zone #4</u>	<u>Liber</u>		<u>Page</u>
100.10-2-1	582		224
100.10-2-14, portion of deed,	249		271
100.10-2-12, as shown in deed,	364		568
100.10-2-11	650		97
100.10-2-13			
100.10-2-10, as shown in deed,	598		705
100.10-2-9			
100.10-2-8, as shown in deed,	388		115
100.10-2-6.1, as shown in deed,	656		872
100.10-2-5, as shown in deed,	501		84

Perry Village in Castile Town,

<u>Dev. Zone #4</u>	<u>Liber</u>		<u>Page</u>
Portion of 100.10-3-25, portion of deed including lots 116-122,	257		217
100.10-3-26			
100.10-3-27, as shown in deed,	664		573
100.10-3-30.1, as shown in deed,	667		107
100.10-3-31, as shown in deed,	667		107
Portion of 100.10-3-34.1, portion of deed including lot 42	619		886
100.10-3-32, as shown in deed,	632		15
100.10-3-33, as shown in deed,	669		628
100.11-5-39.1, as shown in deed,	687		445
100.11-5-38, as shown in deed,	627		286
100.11-5-37.1, as shown in deed,	612		679
100.11-5-27.21, as shown in deed,	700		771
100.11-5-58, as shown in deed,	700		771

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100.11-5-27.1, as shown in deed,	616		128
Portion of 100.11-5-26, as shown in two deeds excepting	648		126
195 ft. west of St. Helena St. west line			
Portion of 100.11-5-25, as shown in two deeds excepting	530		3
195 ft. west of Helena St. west line			
100.15-1-6.1, as shown in deed,	603		423
100.15-1-5, as shown in deed,	704		465
Portion of 100.15-1- 1.111, westerly 1,100 ft. of parcel,	665		741
100.15-1-7, as shown in deed,	633		754
Portion of 100.15-1-8, westerly 1,100 ft of parcel	642		18
100.6-2-27.1***	707		178
Portion of South Federal Street adjacent to parcels 100.10-3-33 & 100.11-5-39.1			
Portion of South Main Street adjacent to parcels 100.11-5-39.1 & 100.11-5-38			

Village & Town of Castile, Dev.

<u>Zone #5</u>	<u>Liber</u>		<u>Page</u>
147.10-3-10	630		728
147.10-2-12, as shown in deed,	661		561
147.10-2-16.1, as shown in deed,	351		289
147-2-24, as shown in deed,	647		918
147-2-25, portion of deed,	249		524
147-2-26	683		654
A small portion of Conrail rail line adjacent to parcel 147.10-3-11			
A small portion of Railroad Street adjacent to parcel 147.10-3-16.1			

**Village of Silver Springs & Town
of Gainesville, Dev. Zone #6**

	<u>Liber</u>	<u>Page</u>
134.08-1-42, as shown in deed,	614	384
134.08-1-1, as shown in deed,	649	122
135.05-1-1.11, as shown in deed,	567	272
135.05-1-1.2	615	256
135.05-1-1.121, as shown in deed,	614	589
122.20-3-48.1, as shown in deed,	649	122

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Portion of 134.06-1-42

Portion of 122.19-1-6.11	575	9

134-1-24.69, as shown in deed,	614	589

134-1-24.131, as shown in deed,	567	272

134-1-24.122, as shown in deed,	615	256

Portion of 134-1-24.11, as shown in deed, Portion of NYS Route 19A adjacent to parcels 134.08-1-42 & 134.08-1-1 Portion of Rochester Southern rail line adjacent to parcels 134-1-24.11 & 134-1-1.21	567	272

Warsaw Village, Dev.

<u>Zone #7</u>	<u>Liber</u>	<u>Page</u>
85.12-1-24.1 **	633	115
85.12-1-25.11 **	671	408
85.12-1-1 **	710	484
85.12-1-30.1 **	670	173
85.12-1-37 **	393	63
85.12-1-33 **	396	63
85.16-1-2 **	396	63
85.12-1-40 **	338	379
85.12-1-39.1 **	652	187
85.12-3-19.1 **	598	267
85.12-3-38 **	640	373
85.12-3-18 **	688	109
85.16-1-5.1 **	603	131

10/29/2008

- * Revised Parcels in Town/ Village of Arcade
- ** Revised Parcels in Town/ Village of Warsaw
- *** Revised Parcels in Town/ Village of Perry

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Carried: XXX Ayes: 1461 Noes: Absent: 135 (Bennington) Abstain:

There being no further business to come before this Board, Senior Supervisor Bush, T/Gainesville, adjourned the meeting at 1:20 PM with a rap on his desk.

Respectfully submitted,

Cheryl J. Ketchum

Cheryl J. Ketchum, Board Clerk

**REGULAR SESSION
(May 12, 2009)**

Tuesday

2:30 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. Also present were Assistant County Attorney, Jamie Welch; Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Brenda Ferrell.

At 2:43 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance this month was:

GORDON H. LINK

Mr. Link's service to his country comes while serving in the United States Air Force during both the Korean and Vietnam Wars. He enlisted in the United States Air Force on July 15, 1950, completing his Basic Training at Lackland AFB in Texas and Advanced Individual Training at Lowry AFB, Colorado, qualifying as a Remote Control Turret Technician. His first assignment was with the 3422nd Student Squadron as a Turret Systems Mechanic on B-29's and B-50's and was promoted to Corporal. His next assignment was with the 3425th Training Sqd. where he became a Technical Instructor and was promoted to Airman First Class. Mr. Link trained "Fire Control Maintenance" personnel and Air Craft Gunners prior to their deployment to the Korean War and was promoted again to Staff Sgt. in March of 1953.

Mr. Link was assigned Temporary Duty at Hill AFB, Utah and participated in tests related to nuclear fallout from Atomic Testing in Nevada. He was assigned to HQ, 3200 Test Wing Maintenance at Elgin Air Force Base, Florida and worked on the Fire Control systems of the new B-52 bomber. Mr. Link also was TDY to Edwards Air Force Base, California for phase VI testing of the RB-52B. After returning to Elgin AFB, Florida, he was promoted to Tech. Sgt. in December of 1956, and then was assigned TDY to Hughes Aircraft Company for training on the new MG-13 Fire Control System. In April of 1958, he was assigned to USAF Officers Candidate School at Lackland AFB, Texas.

Mr. Link completed his officer training and was commissioned a 2nd Lt. in December of 1958.

His first assignment as an officer was with the 3610th Navigator Training Wing at Harlingen AFB, Texas and completed training in Primary Navigation. He was then assigned to the 3401st Training Sqd. at Keesler AFB, Mississippi as an Electronic Warfare Officer. Further training included: training with the 4126th Strategic Wing SAC at Beale AFB, CA; survival training with the 3637th Combat Crew Training Sqd. at Stead AFB, Nevada; and B-52 Combat Crew training at Castle AFB California and Walker AFB New Mexico. Mr. Link was promoted to 1 Lt. in September of 1960 and assigned duties at Beale AFB with the 31st Bombardment Sq. Strategic Air Command with a B-52 crew as an Electron Weapons Officer.

September 1962, Mr. Link was appointed as a Test Flight Crew Member with the B-52 Standardization Div. and in March of 1963 was promoted to CPT. He continued as a trainer on B-52 flights at the USAF Academy and also in the new Electronic Countermeasure System at Castle AFB, CA. Mr. Link was promoted to Major in May of 1964 and participated in Bombing Competition at Fairchild AFB Washington representing the 744th Bomber Sq. from Beale AFB, CA. He was on Airborne Alert off the coast of Alaska on a B-52 mission when the Cuban Crisis happened.

In August of 1967, Mr. Link received a PCS assignment to the Air Command & Staff College at Maxwell AFB, Alabama. He then completed Sea Survival Training at Homestead AFB, Florida and Tac. Fighter Wing Training at Nellis AFB, Nevada, and was then assigned duties with the 355th Tactical Fighter Wing at Takhli AFB, Thailand. Here, Mr. Link headed the Functional Flight Crew of the F105 Aircraft and was promoted to Lt. Col. in October of 1969. Col. Link flew 185 missions in the F105.

May of 1970 Col. Link was assigned to the Joint Reconnaissance Center in the Pentagon under the Joint Chiefs of Staff. It was his responsibility to prepare the Monthly Joint Reconnaissance Schedule for approval of the Joint Chiefs of Staff, the Secretary of Defense, and the President's Staff. In September of 1973 Col. Link was assigned Chief Electronic Warfare Officer of the 1141st USAF Special Sq, HQ, European Command where he was responsible for the coordination, evaluation, and effectiveness of the electronic countermeasures of all the armed forces. In doing so, Col. Link became the Commander of the European Defense Analysis Center in August of 1975. July of 1977, Col. Link returned to the Pentagon in Washington D.C. and was assigned to the Headquarters of the USAF and worked with the Joint Chiefs of Staff until his retirement in May of 1980.

For his service to his country Col. Link was awarded:

**The USAF Good Conduct Medal
The National Defense Service Medal w/1 Bronze Service Star
The Small Arms Expert Marksmanship Badge
The Air Force Longevity Service Award w/6 Oak Leaf Clusters
The Combat Readiness Medal
The Vietnam Campaign Medal
The Republic of Vietnam Gallantry Cross Medal w/palm
The Air Force Commendation Medal
The Air Medal w/12 Oak Leaf Clusters
The Legion of Merit
The Distinguished Flying Cross**

Col. Link returned to rural New York, to attend college and earned both a Bachelor's and Master's Degree in Education. He taught for 15 years while working on his Doctorate. He is a member of the Warsaw Village Planning Board. Col. Link prepares newsletters for retired teachers' organizations. He enjoys using his computer, working on his lawn and garden, and presently lives in the Village of Warsaw.

The pledge was said by all.

Chairman Berwanger, T/Arcade thanked Mr. Link for leading in the pledge today and presented him with a certificate of appreciation. Mr. Link was offered the opportunity to address the Board. Mr. Link thanked the Board.

Communications:

C1: Letter dated April 21st 2009 from New York State Assemblyman Daniel J. Burling that states, ***"Dear Honorable Members of the Board of Supervisors:***

Thank you for sending me a copy of four resolutions that were adopted by your Honorable Body on April 14, 2009.

Resolution 09-154 proclaims May 3-9, 2009 as Western New York Armed Forces Week.

I join you in support of our veterans in recognizing their service and dedication to insure our freedom.

Resolution 09-169 supports efforts by the New York State Farm Bureau to seek relief for Western New York Dairy Farmers.

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Our dairy farmers are critical to our economy across the state. I do support the efforts of the Farm Bureau to assist our farmers who are facing increasing economic challenges.

Resolution 09-170 Supports Passage of Jilly's Law Legislation.

This legislation, Senate Bill S. 1401 by Senator Maziarz and Assembly Bill A. 3035 by Assemblymember Christensen, would allow the courts to consider a broader scope of criteria when ordering bail for a defendant. This legislation, which is currently in the Codes Committee in each house, would protect victims of domestic violence. You can rest assured of my strong support for this bill.

Resolution 09-183 opposes Governor Paterson's proposed closure of New York State Office of Children and Family Services Cattaraugus Residential Center in Limestone and Great Valley Residential Center.

I recently joined with the Western New York Legislative Delegation in writing the Governor to oppose this closure which will have a devastating impact on many youth and their families.

I appreciate receiving your position on these important issues and thank you for forwarding this information to me.

Sincerely,

***Daniel J. Burling, Member of the Assembly
147th Assembly District***

C2: Letter from Kathleen Kohl, Realty Check Program Coordinator that states, ***"Dear A. D. Berwanger,***

Enclosed is a certificate of appreciation from the Western NY Tobacco Free Program's Commitment to Our Community recognition event. We are sorry you could not join us for the event, but we would again like to thank the Wyoming County Board of Supervisors for their support."

RESOLUTION NO. 09-191 (May 12, 2009)

By Mr. Davis, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2009 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2009 accounts as follows:

Capital Improvement Projects Fund			
(on behalf of Machinery) To: 13.62.5130.2.23001 Machinery Equip Purchased w/13.14.5130.5731 Proceeds from BAN Reason: To appropriate funds for Machinery BAN 09-130	\$300,000.00	\$300,000.00	
Capital Improvement Projects Fund Total			\$300,000.00
Board of Supervisors			
To: 01.31.1010.4.40301 Professional Svc. From any funds available Reason: Surveying services for county forest lands on Hobday Rd. in the Town of Wethersfield by Grover and Bates in an amount not to exceed \$7,700.00 and an updated title search by Crossroads Abstract in an amount not to exceed \$900.00.	\$8,600.00	\$8,600.00	
Board of Supervisors Total			\$8,600.00
Highway			
To: 04.53.5110.4.41904 Bituminous Products w/ 04.11.5110.3501 Consolidated Hwy Aid Reason: To allocate funds for CHIPS increased funding for 2009.	\$184,891.81	\$184,891.81	
To: 04.53.5112.4.40940 HBRR Contract w/ 04.12.5112.4089 Corps of Engineers 04.11.5112.3089 Other State Aid From any funds available Reason: Funds not used in 2008 to be carried over for the 2009 expenses, for construction inspection of Bennington Bridge #04 (Tooley Rd); engineering, construction and construction inspection of Bennington Bridge No. 10 (Urf Rd) and design and engineering of East Lake Road.	\$675,354.51	535,900.52 98,149.84 41,304.15	
Highway Total			\$860,246.32
Office for the Aging			
To: 01.44.6772.4.40916 Food Service w/01.12.6772.477203 Title III-C-1 01.12.6772.477204 Title III-C-2 Reason: Additional funding from the ARRA.	\$13,072.00	\$8,493.00 4,579.00	
Office for the Aging Total			\$13,072.00

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Public Health			
To: 01.38.4010.4.40712 Lab Fees - CSP w/01.11.4010.340110 PH OFA Cancer Services Screening 01.12.4010.448905 PH Cancer Screening Reason: clinical patient services fees payments for Livingston Wyoming Cancer Services Partnership.	\$72,738.00	\$57,738.00 \$15,000.00	
Public Health Total			\$72,738.00
Emergency Services			
To: 01.37.3020.2.20101 Telecommunications 01.37.3020.2.20401 Misc. Equipment 01.37.3020.2.20001 Furniture w/01.02.3020.114001 Wireless Surcharge Reason: Provide required back-up 911 Dispatch Center	\$30,000.00 7,000.00 3,000.00	\$40,000.00	
Emergency Services Total			\$40,000.00

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

#2

RESOLUTION NO. 09- 192 (May 12, 2009)

By Mr. Davis, Chairman of the Finance Committee:

FUNDS TRANSFERED TO VARIOUS 2009 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2009 accounts as follows:

Capital Improvement Projects Fund			
From: 12.61.9950.9.99004 Interfund Transfer To: 12.61.1620.2.21006 CIP Thomson Hall Reason: To cover the cost of continued renovation to office space at Thomson Hall.	\$10,000.00	\$10,000.00	
Capital Improvement Projects Total			\$10,000.00

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

Mr. Bush, T/Gainesville, Chairman of the Audit Committee, presented bills totaling **\$1,186,620.98** for the month of **April 2009**.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

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There was a motion by Mr. Patti, T/Attica, to combine resolutions #3 through #7. A voice vote was taken and all voted aye.

#3

**RESOLUTION NO. 09- 193
(May 12, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT
WITH LU ENGINEERS ON BEHALF OF COUNTY
HIGHWAY**

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 Lu Engineers, 2230 Penfield Road, Penfield, NY 14526 on behalf of County Highway. Said agreement is to provide for engineering and design for the rehabilitation of the West Street Bridge over Cattaraugus Creek, Town of Arcade PIN 4754.06; BIN 3319440 in an amount not to exceed one hundred ninety-three thousand seventy-one dollars and seventy one cents (\$193,071.71).

Contingent upon the availability of funds.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

#4

**RESOLUTION NO. 09-194
(May 12, 2009)**

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

PAVEMENT MARKING BIDS APPROVED

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to award a bid and sign contracts for Pavement Markings with Seneca Pavement Marking, Inc., 23 Hunters Run, Horseheads, NY 14845 on behalf of County Highway in

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an amount not to exceed two hundred two dollars (\$202.00) per/mile on centerline application (including material). All municipalities within the county may use this bid.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

#5

**RESOLUTION NO. 09-195
(May 12, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN AGREEMENTS
WITH DEWBERRY-GOODKIND, INC. ON BEHALF OF
COUNTY HIGHWAY**

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 agreements with Dewberry-Goodkind, Inc., 700 Alliance Building, 183 East Main Street, Rochester, NY 14604 on behalf of County Highway:

- **Supplement Agreement #2** for East Lake Road Improvements, Towns of Castile and Gainesville PIN 4754.98: Additional design services in an amount not to exceed twenty-seven thousand three hundred sixty-six dollars (\$27,366.00).
- Construction and Construction Inspection Services for the East Lake Road Improvements, Towns of Castile and Gainesville PIN 4754.98 in an amount not to exceed ninety thousand dollars (\$90,000.00).

Contingent upon the availability of funds.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

Regular Session

**RESOLUTION NO. 09-196
(May 12, 2009)**

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

**CHAIRMAN AUTHORIZED TO AWARD BID AND SIGN A
CONTRACT WITH WYCO CONSTRUCTION, INC. ON
BEHALF OF COUNTY HIGHWAY**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney, Engineer and Construction Project Coordinator be hereby authorized and directed to award a bid and sign a contract with WYCO Construction, Inc., 4608 Liberty Street Road, Warsaw, NY 14569 (lowest responsible and reliable bidder) on behalf of County Highway. Said contract is for the County Road #60 (Wyoming Road) culvert replacements in an amount not to exceed seventy-six thousand two hundred eighteen dollars (\$76,218.00).

Contingent upon the availability of funds.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

#7

**RESOLUTION NO. 09-197
(May 12, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH SCHINDLER ELEVATOR CORPORATION 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 Schindler Elevator Corporation, 80 Curtwright Drive, Suite 3, Williamsville, NY 14221 on behalf of Buildings and Grounds. Said contract is

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for refurbishment of the elevator at 408 North Main Street, Warsaw as part of the Capital Project (all funds from 14.63.1620.2.21002) in an amount not to exceed sixty-two thousand four hundred eighty-six dollars (\$62,486.00).

Contingent upon the availability of funds.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

There was a motion by Mrs. Totline, T/Genesee Falls, to combine resolutions #8 through #15. A voice vote was taken and all voted aye.

#8

RESOLUTION NO. 09-198
(May 12, 2009)

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

FOSTER CARE MONTH PROCLAIMED

WHEREAS, The family, serving as the primary source of love, identity, self-esteem and support, is the very foundation of our community and our State; and

WHEREAS, In Wyoming County there are 39 children and youth in foster care being provided with a safe, secure and stable environment, along with the compassion and nurturing of 29 foster families and voluntary agencies; and

WHEREAS, Foster families, who open their homes and hearts and offer help to children whose families are in crisis play a vital role helping children and families heal and reconnect, launching children into successful adulthood; and

WHEREAS, Dedicated foster families frequently adopt foster children, resulting in a greater need for more foster families; and

WHEREAS, There are numerous individuals, public and private organizations who work to increase public awareness of the needs of children in

Regular Session

and leaving foster care as well as the enduring and valuable contribution of foster parents within the foster care “system.” The system is only as good as those who choose to be part of it; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby proclaim **May 2009** as:

FOSTER CARE MONTH

in Wyoming County and urge all citizens to come forward and do something positive that will help change a lifetime for children and youth in foster care.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

#9

RESOLUTION NO. 09-199
(May 12, 2009)

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

CHAIRMAN / COMMISSIONER OF SOCIAL SERVICES
AUTHORIZED TO SIGN A CONTRACT WITH DDR
WARSAW PLAZA, LLC 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 DDR Warsaw Plaza, LLC, 3300 Enterprise Parkway, Beachwood, OH 44122 on behalf of the Department of Social Services. Said contract will provide for temporary office space during the renovation project located at the Tops Plaza - Warsaw (former Hollywood Video Building) on Rt. 19, Warsaw, NY in an amount not to exceed four thousand dollars (\$4,000.00) per month (price includes utilities); effective one year from date of signing.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

May 12, 2009

RESOLUTION NO. 09-200
(May 12, 2009)

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

**DAVID A. RUMSEY APPOINTED COMMISSIONER OF
SOCIAL SERVICES (ACTING)**

BE IT RESOLVED, That David A. Rumsey, 6436 Main Road, Stafford NY 14143 be hereby appointed Commissioner of Social Services (Acting) until a permanent appointment to the position can be made; effective May 02, 2009.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

#11

RESOLUTION NO. 09-201
(May 12, 2009)

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH NEW YORK STATE 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 contract with New York State Office for the Aging, 2 Empire State Plaza, Albany, NY 12223-1251 on behalf of the Wyoming County Office for the Aging. Said contract is for the provision of expansion of Congregate and Home Delivered Meal Programs through the American Recovery and Reinvestment Act in a minimum amount of thirteen thousand seventy-two dollars (\$13,072.00); effective March 18, 2009 through December 31, 2009.

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Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

#12

**RESOLUTION NO. 09-202
(May 12, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH PITNEY BOWES ON BEHALF OF WYOMING
COUNTY OFFICE FOR THE AGING
AND 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 Pitney Bowes, 405 North French Road, Suite 116, Buffalo, NY 14228 on behalf of the Wyoming County Office for the Aging and Youth Bureau. Said contract is for the provision of a postage meter in an amount not to exceed six thousand nine hundred eighty-seven dollars (\$6,987.00) 51 payments of \$137.00; effective May 01, 2009 through July 30, 2013.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

#13

**RESOLUTION NO. 09-203
(May 12, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH JOANNE SHANNON ON BEHALF OF THE
WYOMING COUNTY YOUTH BUREAU**

May 12, 2009

Proceedings of the Board of Supervisors

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 Joanne Shannon, 677 McKinley Parkway, Buffalo, NY 14220 on behalf of the Wyoming County Youth Bureau. Said contract is for the provision of Pre-School Related Services in an amount not to exceed 2009-2012 budgeted amounts (variable depending on number of services rendered); effective April 01, 2009 through December 31, 2012.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

#14

RESOLUTION NO. 09-204
(May 12, 2009)

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
 WITH BUILDING BLOCKS COMPREHENSIVE
 SERVICES ON BEHALF OF THE 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 Building Blocks Comprehensive Services Inc., 275 Parrish Street, Suite A, Canandaigua, NY 14424 on behalf of the Wyoming County Youth Bureau. Said contract is for the provision of Pre-School Related Services in an amount not to exceed 2009-2012 budget (variable depending on number of services rendered); effective April 01, 2009 through December 31, 2012.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

**RESOLUTION NO. 09-205
(May 12, 2009)**

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

OLDER AMERICANS MONTH PROCLAIMED

WHEREAS, The County of Wyoming is a community in which approximately 7,000 citizens age 55 and over make their home; and

WHEREAS, Older adults in Wyoming County and throughout the nation are an increasing population with evolving needs; and

WHEREAS, Older Americans are valuable members of our society who enhance our communities and personal lives; and

WHEREAS, The increasing number of baby boomers reaching traditional retirement age highlights the need for increased support of older adults; and

WHEREAS, Our older citizens of today and tomorrow promise to be among the most active and involved older adult populations in our nation's history; and

WHEREAS, It is the responsibility of this and all U.S. communities to work collaboratively to address older adults' unique health and long-term care challenges; and

WHEREAS, it is crucial that communities modernize systems of care to help empower older Americans and give them more control over their own lives; and

WHEREAS, Communities can improve older citizens' overall quality of life by helping them:

-  Make behavioral changes in their lifestyles that can reduce the risk of disease, disability, and injury;
-  Obtain the tools they need to make informed decisions about, and gain better access to, existing health and long-term care options in their communities; and
-  Have more options to avoid placement in nursing homes and remain at home as long as possible; now therefore

May 12, 2009

BE IT RESOLVED, The Wyoming County Board of Supervisors do hereby proclaim **May 2009** to be:

Older Americans Month

and urges everyone to take time this May to honor our older adults and the professionals, family members, and citizens who care for them. Our efforts can improve the lives of our older citizens and help pave the way for future generations.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

*Chairman Berwanger, T/Arcade invited Supervisor Totstline to the podium to present proclamations for **Foster Care Month** and **Older Americans Month**.*

Supervisor Totstline invited Acting Commissioner Dave Rumsey to join her at the podium to receive the Foster Care Month Proclamation. Mr. Rumsey thanked the Board and asked that everyone present consider becoming a Foster Parent. Wyoming County really needs good foster families.

Next Supervisor Totstline invited Director of the Office for the Aging, Andrea Aldinger and Deputy Director of the Office for the Aging, Angie Proper to the podium to receive the Older Americans Month Proclamation. Director Aldinger agreed to read the proclamation. She thanked the Board for their continued financial support of the Wyoming County Seniors' programs.

Before moving on with the agenda Chairman Berwanger introduced the newly appointed Acting Commissioner of Social Services, David Rumsey.

There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #16 through #22. A voice vote was taken and all voted aye.

#16

RESOLUTION NO. 09-206
(May 12, 2009)

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

**CHAIRMAN / COMMISSIONER OF HEALTH
AUTHORIZED TO SIGN AGREEMENTS WITH THE
UNIVERSITY OF ROCHESTER CENTER FOR
COMMUNITY HEALTH ON BEHALF OF THE COUNTY
HEALTH DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney are hereby authorized and directed to sign the following agreements with the University of Rochester Center for Community Health, 46 Prince St., Rochester, NY 14607:

- For payment of the Livingston Wyoming Cancer Services Partnership clinical patient services fees, in an amount not to exceed fifty-seven thousand seven hundred thirty-eight dollars (\$57,738.00); effective April 1, 2009 through March 31, 2010;
- For payment of the Livingston Wyoming Cancer Services Partnership clinical patient services fees, in an amount not to exceed fifteen thousand dollars (\$15,000.00); effective April 1, 2009 through June 30, 2009; and
- For reimbursement of Livingston Wyoming Cancer Services Partnership infrastructure expenses in the amount of one hundred twenty-seven thousand nine hundred ninety dollars \$127,990.00 from April 1, 2009 through March 31, 2010.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

#17

**RESOLUTION NO. 09-207
(May 12, 2009)**

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

**CHAIRMAN / COMMISSIONER OF HEALTH
AUTHORIZED TO SIGN AN AGREEMENT WITH LYDIA**

May 12, 2009

Proceedings of the Board of Supervisors
THOMAS ON BEHALF OF THE COUNTY HEALTH
DEPARTMENT

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney be hereby authorized and directed to sign an agreement with Lydia Thomas, 6860 Old East Arcade Road, Arcade, NY 14009 on behalf of the County Health Department. Said agreement is for the provision of Livingston Wyoming Cancer Services Partnership Marketing and Outreach Services at \$23.00/hr in an amount not to exceed eleven thousand nine hundred sixty dollars (\$11,960.00). Grant is reimbursable through agreement with University of Rochester; effective April 1, 2009 through March 31, 2010. Contingent upon the availability of funds.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total **#18**

RESOLUTION NO. 09-208
(May 12, 2009)

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

CHAIRMAN / COMMISSIONER OF HEALTH
AUTHORIZED TO SIGN AN AGREEMENT WITH
CATTARAUGUS COUNTY HEALTH DEPARTMENT ON
BEHALF OF THE COUNTY HEALTH DEPARTMENT

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney are hereby authorized and directed to sign an agreement with the Cattaraugus County Health Department, 1 Leo Moss Drive, Suite 4010, Olean, NY 14760-1154 on behalf of the County Health Department. Said agreement is for the provision of Environmental Health water testing services, according to fee schedule provided, effective April 20, 2009 through December 31, 2009, not to exceed amount budgeted. Contingent upon the availability of funds.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

**RESOLUTION NO. 09-209
(May 12, 2009)**

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

**CHAIRMAN / COMMISSIONER OF HEALTH
AUTHORIZED TO SIGN A GRANT APPLICATION AND
ACCEPTANCE AWARD WITH THE NEW YORK STATE
DEPARTMENT OF HEALTH, CENTER FOR
ENVIRONMENTAL HEALTH ON BEHALF OF THE
COUNTY HEALTH DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney are hereby authorized and directed to sign a grant application and acceptance award with the New York State Department of Health, Center for Environmental Health, 547 River Road, Troy, NY 12180 on behalf of the County Health Department. Said grant will provide funding for the Drinking Water Enhancement Program in a minimum amount of eighty-eight thousand four hundred thirty-five dollars (\$88,435.00); effective April 1, 2009 through March 31, 2010.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

#20

**RESOLUTION NO. 09-210
(May 12, 2009)**

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

**CHAIRMAN / COMMISSIONER OF HEALTH
AUTHORIZED TO SIGN A GRANT APPLICATION AND
ACCEPTANCE AWARD WITH THE NEW YORK STATE
GOVERNOR'S TRAFFIC SAFETY COMMITTEE ON
BEHALF OF THE COUNTY HEALTH DEPARTMENT**

May 12, 2009

Proceedings of the Board of Supervisors

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney are hereby authorized and directed to sign a grant application and acceptance award with the New York State Governor's Traffic Safety Committee, 6 Empire State Plaza, Room 414, Albany, NY 12228 on behalf of the County Health Department. Said grant is to provide funding for the Child Passenger Safety Program in a minimum amount of six thousand five hundred dollars (\$6,500.00); effective October 1, 2009 through September 30, 2010.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

#21

RESOLUTION NO. 09-211
(May 12, 2009)

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

MENTAL HEALTH MONTH PROCLAIMED
CHILDREN'S MENTAL HEALTH WEEK PROCLAIMED
OLDER AMERICAN'S MENTAL HEALTH WEEK
PROCLAIMED

WHEREAS, Fifty-eight percent of Americans reported struggling in their lives at the end of 2008, including almost 21 percent of children and adolescents aged 9-17; and

WHEREAS, Americans need to know that there are tools that can buffer the effects of stress and help them cope better with the many challenges they face, regardless of age and economic situation, building resiliency and the ability to recover from difficult events and illnesses; and

WHEREAS, Persons with mental illness tend to receive sub-par medical care and die, on average, twenty-five years younger than the general population. Most suicides are by people who are not receiving mental health services and would probably have benefitted from them if they had; and

WHEREAS, Local and national organizations are encouraging our citizens to ***"Live Your Life Well"*** through improved well-being by better handling challenges and protecting their overall health and wellness. It is

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important that children, their families and the community learn about the warning signs of mental health challenges and where to obtain necessary assistance and treatment. Good Mental Health keeps us productive, energetic, happy and hopeful, even in the face of life's challenges, by:

- Connecting with Others
- Staying Positive
- Get Physically Active
- Helping Others
- Get Enough Rest
- Create Joy and Satisfaction
- Eat Well
- Take Care of Your Spirit
- Deal Better with Hard Times, and
- Get Professional Help, if you need it.

now therefore,

BE IT RESOLVED, That Wyoming County Board of Supervisors do hereby proclaim:

May 2009 as Mental Health Month

May 3rd through 11th 2009 as Children's Mental Health Week

May 24th through 30th 2009 as Older American's Mental Health Week

and urges County residents to “*Live Your Life Well*” to strengthen personal mental health for each of us.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

#22

**RESOLUTION NO. 09-212
(May 12, 2009)**

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

**RENEE GILMORE APPOINTED TO THE MR/DD
SUBCOMMITTEE**

May 12, 2009

Proceedings of the Board of Supervisors

BE IT RESOLVED, That **Renee Gilmore**, 3709 Main Street, Apt. 4, Strykersville, NY 14145 be hereby appointed to the **Mental Retardation/Developmental Disabilities (MR/DD) Subcommittee** as a **Community At Large Member** to fill the vacant unexpired four (4) year term created by Jacqueline Tisdale through December 31, 2010.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

*Chairman Berwanger, T/Arcade invited Supervisor Kushner, T/Eagle to the podium to present proclamations for **Mental Health Month, Children's Mental Health Week, and Older American's Mental Health Week.***

Supervisor Kushner, T/Eagle invited Director of Community Services, Steve Snell and Supervisor Grant, T/Bennington and Mental Health Fiscal Officer I, to join him at the podium. He asked Ms. Grant to be the presenter of the proclamation as well.

Director Snell stated that there are a lot of things going on in Wyoming County as a result of May being Mental Health Month. May 28th is the Mental Health Breakfast. All are invited. Pleasure to hear Ellen read the proclamation. She co-authored the proclamation along with Director Snell. Special pleasure and treat for him when goes into speak with his fiscal officer and addresses her as Madame Supervisor.

There was a motion by Mrs. Meeder, T/Middlebury, to combine resolutions #23 and #24. A voice vote was taken and all voted aye.

#23

RESOLUTION NO. 09-213
(May 12, 2009)

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

**REVISED FEE SCHEDULE IN COUNTY CLERK'S
OFFICE APPROVED**

BE IT RESOLVED, That the current Wyoming County Clerk's Office Fee Schedule is hereby revised to include updated fees and annexed hereto.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

CIVIL ACTIONS	IN OFFICE COPIES	NOTARY PUBLIC
Issuance of index number ----- 210.00 Third party index number ----- 210.00 Request of judicial intervention --- 95.00 Note of issue ----- 30.00 Jury demand ----- 65.00 Notice of appeal ----- 65.00 Dissolution of marriage ----- 5.00 Separation agreements ----- 5.00 As part of civil-action file ----- 0.00 Motion or cross motion ----- 45.00 Stipulation of settlement or ----- Voluntary discontinuance ----- 35.00	Of recorded & filed documents ----- .50/page To prepare & certify a copy ----- 5.00 LIENS Building & Loan agreement ----- 25.00 Discharge ----- NO FEE Lis Pendens (210.00 for index #) --- 35.00 Mechanics Lien Filing ----- 15.00 Discharge ----- 0.00 Affidavit of service ----- 5.00 Order to continue ----- 0.00 Satisfaction or cancel ----- 0.00 Notice of Lending ----- 15.00	File Certificate of appointment -60.00 File Certificate of official character ----- 10.00 Issue Certificate of appointment/official character ----- 5.00 Certificate authenticating notary 3.00 BOND OR UNDERTAKING File or Discharge, Public Official no fee CRIMINAL SEARCHES (per name) 1 - 5 Years ----- 10.00 6 - 10 Years ----- 15.00 11 - 20 Years ----- 20.00 Over 20 Years ----- Quote Certificate of disposition-- 5.00 MAPS Filing ----- 10.00 Requirements: Linen or mylar original SUBDIVISION MAPS Filing ----- 10.00 Required: (1) Linen or mylar, and (2) copies, all with original Seal & Signature of Surveyor; Signature of Chairman Of Planning Board; and name of Town/Village they represent. If Parcel is located in both village & Town, you only need one signature. The Chairman of the Planning Board
JUDGMENTS Transcript of judgment Filing ----- 10.00 Issue a transcript ----- 5.00 Income/Property execution ----- 5.00 Certificate of: Disposition, cancellation, assignment To issue ----- 5.00 To file ----- NO Exemplified judgments ----- 15.00	MORTGAGES AS OF 1-1-06 MTG TAX 1 1/4% Record (including cover page) ----- 45.00 Plus \$5.00 per page & \$.50 notations Assignment record (including cover page) ----- 45.00 Plus \$5.00 per page & \$.50 notations ***Plus \$3.50 each additional mortgaged dollar amount (state separately)** Consolidation, extension, modification, Subordination, corrections, etc. (including cover page) ----- 45.00	
DEEDS Lease, easement, power of attorney, Release Of lien of estate tax, Assignment of Oil/Gas Leases, Assignment of Rents Record (including cover page) ----- 45.00 Plus \$5.00 per page & \$.50 notations Small Claims assessment review -- 30.00 Transfer Tax affidavit (TP584) --- 5.00 Transfer Tax is \$4.00 per \$1,000 Equalization Form (RP5217) 125.00/250.00		
UCC UNIFORM COMMERCIAL CODE Any Statement (has to pertain to Real property) ----- 40.00 UCC-11 written search request --- 25.00		

IMPORTANT: INCLUDE SELF-ADDRESSED STAMPED ENVELOPE FOR ALL DOCUMENTS TO BE RETURNED. CORRECTIVE RECORDINGS: Must clearly state fact and specify the nature of the corrections. ONCE ON RECORD: A document cannot be altered, nor any monies refunded for recording fees and/or taxes. PHONE NUMBERS: County Clerk Rhonda Pierce (585) 786-8810 Deputy County Clerk Laury Lakas (585) 786-8810 Real Property Tax Services (585) 786-8828 Treasurer's Office Tax Information (585) 786-8812 HOURS: 9:00 am – 5:00 pm Last recording: 4:45 pm STREET ADDRESS: Wyoming County Clerk's Office 143 North Main Street, Suite 104 Warsaw, NY 14569	<i>Fee</i> <i>Schedule</i>  Wyoming County Clerk's Office Rhonda Pierce County Clerk Wyoming County more than just a pretty place

**RESOLUTION NO. 09-214
(May 12, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN RENEWAL
CONTRACT WITH NEW YORK STATE DEPARTMENT
OF AGRICULTURE AND MARKETS ON BEHALF OF
WEIGHTS AND MEASURES**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a renewal contract with New York State Department of Agriculture and Markets, 10B Airline Dr., Albany, NY 12235-0001 on behalf of Wyoming County Weights and Measures. Said contract is for Petroleum Product Quality Program (PPQP) in a minimum amount of three thousand two hundred forty dollars (\$3,240.00) annually for a total 5 year grant award of sixteen thousand two hundred dollars (\$16,200.00): effective April 1, 2009 through March 31, 2014.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

#25

**RESOLUTION NO. 09-215
(May 12, 2009)**

By Mr. Fleischman, Chairman of the Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN AN INTER-
MUNICIPAL COOPERATION CONTRACT RENEWAL
AGREEMENT WITH THE GLOW REGION SOLID
WASTE MANAGEMENT COMMITTEE**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a two year Inter-Municipal Cooperation Contract Renewal Agreement with the Genesee, Livingston and Wyoming Counties (GLOW) Region Solid Waste
May 12, 2009

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Management Committee, 3837 W. Main St. Rd., Genesee County Bldg. #2, Batavia, NY 14020 on behalf of the Planning and Development. Said agreement to carry out GLOW Solid Waste pharmaceutical and household hazardous waste collection programs and services in an amount not to exceed eighteen thousand dollars (\$18,000.00); effective January 1, 2010 through December 31, 2011.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

#26

RESOLUTION NO. 09-216
(May 12, 2009)

By Mr. Gozelski, Chairman of the Agriculture Committee:

**RESOLUTION IN SUPPORT OF REINTRODUCTION OF
 FEDERAL SENATE BILL S-1722, THE FEDERAL MILK
 MARKETING IMPROVEMENT ACT**

WHEREAS, Our Nation's vast farming industry contributes to our nation's health and prosperity every day of the year and the dairy farming industry is the backbone of Wyoming County; and

WHEREAS, It is estimated that dairy farmers are currently being paid about 95 cents per gallon of milk, while it costs them \$1.50 per gallon to produce that same gallon and the rising costs of production, along with the extreme drop in price per hundred weight of milk has many dairy farmers in Wyoming County concerned about providing for their families now and in the future; and

WHEREAS, United States Senators Arlen Specter and Robert P. Casey Jr. have lead the effort to reintroduce "The Federal Milk Marketing Improvement Act of 2007 (S-1722) which is "an act to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to determine the price of milk or for manufactured purposes, which shall be classified as Class II milk, by using the national average cost of production and other purposes;" and

WHEREAS, This bill was designed to correct the disparity in payment versus cost and the reintroduction of this bill would mean a raise in the price per hundred weight from a current approximate price of just under \$12 to an approximate price of \$22.46; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors supports the reintroduction of S-1722 (S-667, reintroduced on March 23rd, 2009) the “Federal Milk Marketing Improvement Act of 2007” and requests our representatives in the United States Congress and Senate to pass this bill to correct the many inequities the dairy farming industry is facing in Wyoming County and nation wide; and be it

FURTHER RESOLVED, That certified copies of this resolution be forwarded to President Barack Obama, United States Senators Arlen Specter, Robert P. Casey Jr., Charles Schumer, and Kirstin Gillibrand, United States Congressmen Michael Arcuri and Chris Lee, New York State Senator Dale Volker, New York State Assemblyman Daniel Burling, New York State Commissioner of Agriculture and Markets Patrick Hooker, New York State Association of Counties and Progressive Agriculture Organization (Pro-Ag).

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total **#27**

RESOLUTION NO. 09-217
(May 12, 2009)

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

REVISED FIRE AND BUILDING CODE ENFORCEMENT
FEE SCHEDULE APPROVED

BE IT RESOLVED, That the current Wyoming County Fire and Building Code Enforcement Fee Schedule is hereby revised to include updated fees and annexed hereto.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

There was a motion by Mr. Davis, T/Covington, to combine resolutions #28 through #33. A voice vote was taken and all voted aye.

May 12, 2009

Prior to the roll call vote Chairman Berwanger, T/Arcade invited Supervisor Rogers, T/Pike Chairman of the Public Safety Committee to offer an explanation to the creation of the position in the County Jail.

Supervisor Rogers explained that the State of New York Corrections conducted a manpower survey on the county jail. The results of that survey indicated to the state that Wyoming County was to add seven (7) Correction Officers to the county workforce.

As a compromise to this mandate Wyoming County negotiated to add four (4) Correction Officers. One was created this past January, one is being created today, and two more will be added in January of 2010.

#28

**RESOLUTION NO. 09-218
(May 12, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

SENIOR ACCOUNT CLERK POSITION REASSIGNED

BE IT RESOLVED, That the position of Senior Account Clerk within the Board of Supervisors' Office be reassigned to the Budget Office; effective January 01, 2010.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

#29

**RESOLUTION NO. 09-219
(May 12, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

Mr. Davis, Chairman of the Finance Committee, presented the **SEMI-ANNUAL MORTGAGE TAX REPORT** for the period of October 01, 2008 through

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March 31, 2009 and moved that the Clerk draw warrants on the County Treasurer for the various amounts therein.

To: Cheryl D. Mayer, 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 **\$137,262.15** 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	VILLAGE	TOWN
Arcade	\$18,401.01	\$4,322.38	\$14,078.63
Attica	\$11,326.65	\$2,292.77	\$9,033.88
Bennington	\$16,196.46		\$16,196.46
Castile	\$16,113.13	\$1,259.18	\$13,848.72
Perry Village		\$1,005.23	
Covington	\$5,454.18		\$5,454.18
Eagle	\$3,106.35		\$3,106.35
Gainesville	\$3,556.45	\$113.66	\$2,992.04
Silver Springs Village		\$450.75	
Genesee Falls	\$459.08		\$459.08
Java	\$9,668.64		\$9,668.64
Middlebury	\$4,477.08	\$414.90	\$4,062.18
Orangeville	\$3,734.48		\$3,734.48
Perry	\$13,450.29	\$3,630.55	\$9,819.74
Pike	\$1,674.46	\$148.69	\$1,525.77
Sheldon	\$10,409.93		\$10,409.93
Warsaw	\$16,397.98	\$5,318.07	\$11,079.91
Wethersfield	\$2,835.98		\$2,835.98
Total:		\$18,956.18	\$118,305.97
Grand Totals:		\$137,262.15	

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Let This Be Your Warrant for Such Payment: **\$137,262.15** IN WITNESS
 WHEREOF, I have hereunto set my hand and seal of the Board of Supervisors
 this 12th day of May 2009.

s/ Cheryl J. K

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

#30

RESOLUTION NO. 09-220
(May 12, 2009)

By Mr. Davis, Chairman of the Finance Committee:

**CORRECTION OF ERRORS IN THE TOWN OF
 BENNINGTON 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 Bennington
 Tax Map # 2.-1-10.2

LOCATION: Lapp Rd. (vacant)

ASSESSED TO: Charles Airey / Mary Airey
 12896 Broadway Rd.
 Alden, NY 14004

ERROR TYPE: Error in Essential Fact

AUTHORITY: **RPTL §550.3(b)** *“an incorrect entry on the taxable portion of the tax roll, of the assessed valuation of an improvement to real property which was not in existence or which was present on a different parcel”*

ACTION: Correct/Cancel 2009 Town/County Tax Bill
w/School Relevy
Original Bill \$ 9,503.10
Corrected Bill \$ 653.13

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

#31

**RESOLUTION NO. 09-221
(May 12, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

**POSITION CREATIONS / POSITION ABOLISHED
APPROVED**

BE IT RESOLVED, That the following positions are hereby created within the various Wyoming County Departments:

County Highway:

- One (1) position of Motor Equipment Operator (Seasonal) not to exceed 19 weeks at a rate of \$12.25/hr. – budgeted.

Department of Social Services:

- One (1) position of Caseworker Trainee, Schedule A, grade 12 @ \$16.62/hr, effective immediately.
- Abolish one (1) position of Caseworker (1.00 FTE) after LOA expires.

May 12, 2009

Jail:

- One (1) position of Correction Officer, FT to be placed on the appropriate step and grade of the Wyoming County Sheriff's Employee's Association. This position creation is as the result of a New York State Corrections Man Power survey conducted in 2007.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

#32

RESOLUTION NO. 09-222
(May 12, 2009)

By Mr. Davis, Chairman of the Finance Committee:

SALARY SCHEDULES “D” AND “G” AMENDED

BE IT RESOLVED, That the Wyoming County Salary Plan which became effective January 01, 1967, as amended, is hereby amended to reflect the following changes to Salary Schedules “D” and “G:”

Salary Schedule “D”:

Social Services

- Add the title of Commissioner of Social Services (Acting) with the department of Social Services and set the salary at \$67,000.00 annually; effective 05/02/09.

Salary Schedule “G”:

Health Department

- Abolish Public Health Emergency Preparedness Coordinator, effective 4/23/09; and
- Set the salary of the Keyboard Specialist at \$14.14/hr, effective 4/23/09.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

**RESOLUTION NO. 09-223
(May 12, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH
LINDA NASH ON BEHALF OF WYOMING COUNTY
HUMAN RESOURCES**

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 Linda Nash, 3858 Route 77, North Java, NY 14113 on behalf of Wyoming County Human Resources. Said agreement is for tuition reimbursement per Schedule S Handbook in an amount not to exceed \$10,000.00 (with an annual cap of \$2,500.00); effective May 08, 2009 through December 31, 2012.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

Prior to the roll call vote of resolution office number 34 Chairman Berwanger explained that per discussions earlier in a meeting of the Committee of the Whole it is necessary to amend the amount of the borrowing resolution. The amendment is to reflect an increase of \$110,000.00, from \$3,730,000.00 to \$3,840,000.00.

Motion by Supervisor Kushner to amend the following resolution to reflect the above change. All voted aye.

Chairman Berwanger also reminded the attendees that resolutions involving borrowing are required by law to have a 2/3 majority affirmative vote. That is the reason resolution number 34 is being voted on separately.

May 12, 2009

**RESOLUTION NO. 09-224
(May 12, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

**A RESOLUTION AUTHORIZING THE
RECONSTRUCTION OF VARIOUS ROADS
THROUGHOUT AND IN AND FOR THE COUNTY OF
WYOMING, NEW YORK, AT A
MAXIMUM ESTIMATED COST OF
\$3,840,000.00, AND AUTHORIZING THE
ISSUANCE OF \$3,840,000.00 BONDS OF SAID
COUNTY TO PAY THE COST THEREOF.**

WHEREAS, All conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, It is now desired to authorize the financing of such capital project; now, therefore,

BE IT RESOLVED, By the affirmative vote of not less than two-thirds of the total voting strength of the Board of Supervisors of the County of Wyoming, New York, as follows:

Section 1. The reconstruction of various roads throughout and in and for the County of Wyoming, New York, including sidewalks, gutters, drainage, landscaping, grading or improving rights-of-way and other improvements and costs incidental thereto, is hereby authorized at a maximum estimated cost of \$3,840,000.00.

Section 2. It is hereby determined that the aforesaid purpose constitutes a Type II action as defined under the SEQR regulations of the State of New York which, by definition, will not have a significant adverse impact upon the environment.

Section 3. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$3,840,000.00 bonds of said County hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. The faith and credit of said County of Wyoming, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the County Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the County Treasurer shall deem best for the interests of the County.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by

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the facsimile signature of the County Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the County Treasurer. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the County Treasurer shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Clerk of the Board of Supervisors in substantially the form provided in Section 81.00 of the Local Finance Law.

Carried: XXX Ayes: 1213 Noes: Absent: 50 (Covington) Abstain:
207 (Warsaw)
257 Total

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Chairman Berwanger asked if there was any Supervisor who objected to the presentation unanimous consent resolution #35 and #36. Hearing none, the Chairman asked the clerk to read Unanimous Consent resolution #35.

UC#35

**RESOLUTION NO. 09-225
(May 12, 2009)**

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

FUNDS APPROPRIATED TO VARIOUS 2009 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2009 accounts as follows:

Human Resources			
To: 01.34.1431.4.41506 Employee Educational Program <i>From any funds available</i>	\$10,000.00	\$10,000.00	
Reason: For the purpose of workforce development.			
Human Resources Total			\$10,000.00

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

UC#36

**RESOLUTION NO. 09-226
(May 12, 2009)**

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

**CHAIRMAN AUTHORIZED TO ENTER INTO
AGREEMENT WITH ACTION ROOFING,
INC. OF GLENWOOD, NEW YORK**

WHEREAS, The County of Wyoming has received and reviewed bids for new roofing systems to replace the existing roof at the 408 North Main Medical Building, Warsaw, New York and the existing roof at the Wyoming County Jail.

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BE IT RESOLVED, That, upon the recommendation of the Public Works Committee, Dennis Halstead, Superintendent of the Buildings and Grounds Department, and Clark Patterson Lee, it is determined to accept the bid of Action Roofing, Inc. of Glenwood, New York in the base bid amount of \$208,786.00 to replace the existing roof at the 408 North Main Medical Building and award said contract to Action Roofing, Inc., contingent upon concurrence of award by USDA Rural Development; and it is further

RESOLVED, That, upon the further recommendation of the Public Works Committee, Dennis Halstead, Superintendent of the Buildings and Grounds Department, and Clark Patterson Lee, it is determined to accept the bid of Action Roofing, Inc. of Glenwood, New York in the base bid amount of \$281,500.00 to replace the existing roof at the Wyoming County Jail and award said contract to Action Roofing, Inc.; and it is further

RESOLVED, That the Chairman of the Board of Supervisors, upon the approval of the County Attorney, is hereby authorized and directed to execute all documents necessary in connection with said roof renovation contracts.

Carried: XXX Ayes: 1329 Noes: Absent: 57 (Covington) Abstain:
210 (Warsaw)
267 Total

Before the meeting was adjourned Chairman Berwanger thanked Asst. County Attorney Jamie Welch for sitting in for County Attorney Dadd.

There being no further business to come before this Board, Senior Supervisor Bush, T/Gainesville, adjourned the meeting at 3:29 PM with a rap on his desk.

Respectfully submitted,

Cheryl J. Ketchum

Cheryl J. Ketchum, Board Clerk

**REGULAR SESSION
(June 09, 2009)**

Tuesday

2:30 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. Also present were County Attorney, Eric T. Dadd; Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Brenda Ferrell.

At 2:42 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance this month was:

FREDERICK S. HANCE

Mr. Hance's service to his country comes while serving during the Korean War. Mr. Hance had been working for the Genesee Parks Commission (Letchworth Park) in surveying when he answered the call to arms and joined the United States Army on November 16, 1950. He completed both Basic and Advanced Training at Ft. Dix, N.J. and became qualified as a Combat Engineer.

Mr. Hance was then shipped overseas to Korea and was assigned to the Headquarters and Service Company of the 1092nd Combat Engineer Battalion, which was located north of the 38th parallel and on the DMZ. His part of the unit was 'Intelligence and Reconnaissance' and his additional duties included: clearing minefields and building bridges. One noted mission included entering the Village of Chor-Won, an insecure area of which the only remaining building standing was a church.

Mr. Hance returned to the United States a year later and was honorably discharged at Ft. Indiantown Gap, Pennsylvania on August 22, 1952 at the rank of Tech. Sgt.

For his service to his country Mr. Hance was awarded:

**The National Defense Service Medal
The Korean Service Medal w/2 Bronze Service Stars
The United Nations Service Medal**

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Mr. Hance returned to this area and went to work for the Capitol Engineers of Pennsylvania as an inspector in highway construction. A year later, he took advantage of the GI Bill and enrolled in Clarkson University in 1953 where he graduated with a BA in Civil Engineering in 1956. He then went to work for New York State as a Civil Engineer and kept this position until his retirement in 1991 completing 32 years of State Service.

Mr. Hance's service is to his community as well. He has been an active life member for 55 years at the Wallace-Jeffers Post 753 of the American Legion in Castile, past-Commander of the Wyoming County American Legion, a life member of VFW Post 5009 in Perry, a 40 year member of the Oakland Lodge of Masons in Castile, and a present member of the Castile Historical Society. He has been married to his wife, Jane for 59 years, and they live in the Village of Castile.

The pledge was said by all.

Chairman Berwanger, T/Arcade thanked Mr. Hance for leading in the pledge today and presented him with a certificate of appreciation. Mr. Hance was offered the opportunity to address the Board. He shared a brief story regarding what his draft letter read years ago and thanked the Board for inviting him to lead in the pledge.

Communications:

C1: Yates County is hosting InterCounty this month at the Glenora Wine Cellars in Dundee, NY this month's guest speaker is Peter Landre, Executive Director of Yates County Cornell Cooperative Extension – **"Small Farms, Big Impacts!"** Reservations are due no later than June 11th.

C2: July 1st Ag Committee to be held in the Government Center not Camp Wyomoco like the agenda indicates.

Chairman Berwanger, T/Arcade stated that because Wyoming County will be celebrating Dairy Month during June 2009 he asked that Resolution Numbers 14 and 13 be considered first.

**RESOLUTION NO. 09-240
(June 09, 2009)**

By Mr. Gozelski, Chairman of the Agriculture Committee:

**JUNE 2009 PROCLAIMED DAIRY MONTH IN WYOMING
COUNTY**

WHEREAS, June as Dairy Month was originally celebrated to help stabilize the demand for milk and dairy products during the spring months of peak production. Today we simply honor our dairy farmers and the safe, wholesome products they produce; and

WHEREAS, New York is the nation's third largest dairy state behind California and Wisconsin; and

WHEREAS, Wyoming County is the leading milk producing county in New York State in terms of total milk production and cow numbers; and

WHEREAS, The average dairy farm in New York State is family owned and consists of 100 cows, producing an average of 19,303 pounds of milk per cow per year. The top three leading dairy counties in the state are Wyoming, Cayuga and St. Lawrence; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors, hereby proclaims *June 2009* to be:

*National Dairy Month
In
Wyoming County*

and encourages all our citizens to enjoy milk and other dairy foods and do urge 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: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

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Chairman Berwanger, T/Arcade invited Supervisor Gozelski, T/Castile to come to the podium and present the June 2009 Proclaimed Dairy Month in Wyoming County Resolution to Stephanie Bush, the 2009 Wyoming County Dairy Princess.

Chairman Berwanger, T/Arcade introduced Ms. Bush by stating, “The Wyoming County Dairy Princess for 2009 is Stephanie Bush. She is the daughter of Timothy and Linda Bush of Silver Springs. Stephanie’s grandparents and great grandparents on both sides of her family were farmers. (The Bush family from Silver Springs and the Hopper family from Perry.)

Stephanie attends Letchworth Central School and is currently in the 10th grade. She is involved in Cheerleading, Big Buddy, Ski Club, and enjoys babysitting and spending time with her friends.

She plans to attend college after high school, with the goal of becoming an Elementary Teacher.

Stephanie was a Dairy Ambassador for 6 years before becoming the Wyoming county Dairy Princess. As Dairy princess, she is excited to promote the daily industry and plans on teaching today’s youth how important it is to have Dairy Products daily.”

Ms. Bush graciously accepted the resolution and gave a brief explanation of her goals as Dairy Princess. She also made a point of thanking Ron McCormick who was in attendance today for the milk provided by Upstate Dairy at today’s Dairy Princess Reception.

Prior to the roll call vote being taken on the next resolution Chairman Berwanger introduced Ron McCormick and Roger Almeter from Upstate Niagara Dairy Cooperative.

They explained to the Board why the local farmers are opposed to this legislation as it is currently written. Mr. McCormick stated that the bill is basically supply management and farmers are opposed to being told how much milk they can produce. He stated that it is impossible to shut off a cow...

He also stated that each farmer knows what they need to produce in order to make a living and pay the bills.

Mr. McCormick touched on other legislation that farmers are opposed to that would require both the clean product and the dirty plastic milk containers be transported on the same truck.

Supervisor Rogers, T/Pike explained the pricing Mr. McCormick spoke of is per hundred weight.

Roger Almeter explained the Milk Export Assistance Program that Mr. McCormick spoke briefly of. He stated that US farmers are not allowed to export their products. He stated that area farmers are at a competitive disadvantage to the rest of the world in milk exporting. Congress has recently allowed DEP to go ahead. This legislation would allow farmers to compete on the world market. Opposed to Government telling them what they can and can't do.

Chairman Berwanger further challenged the Ag. Committee to draft a resolution that can be sent on to state and federal representatives urging comprehensive relief to US farmers.

#13

**RESOLUTION NO. 09-239
(June 09, 2009)**

By Mr. Gozelski, Chairman of the Agriculture Committee:

RESOLUTION NUMBER 09-216 RESCINDED

WHEREAS, Resolution Number 09-216 entitled, **“RESOLUTION IN SUPPORT OF REINTRODUCTION OF FEDERAL SENATE BILL S-1722, THE FEDERAL MILK MARKETING IMPROVEMENT ACT,”** passed by this Board of Supervisors on May 12, 2009 provides for support by the Wyoming County Board of Supervisors to reintroduce S.1722 “Federal Milk Marketing Improvement Act of 2007” and requests that our representatives in the United States Congress and Senate pass the bill to correct the many inequities the dairy farming industry is facing in Wyoming County and nation wide; now therefore

BE IT RESOLVED, That resolution number 09-216 be hereby rescinded. The Wyoming County Board of Supervisors has since learned that the New York State Farm Bureau is not in support of the reintroduction of S.1722 as it is currently written. Representatives from local Dairy Cooperatives have stated that they feel there is a better way to solve the milk pricing problem other than supply management.

FURTHER RESOLVED, That certified copies of this resolution be forwarded to President Barack Obama, United States Senators Arlen Specter,

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Robert P. Casey Jr., Charles Schumer, and Kirstin Gillibrand, United States Congressmen Michael Arcuri and Chris Lee, New York State Senator Dale Volker, New York State Assemblyman Daniel Burling, New York State Commissioner of Agriculture and Markets Patrick Hooker, New York State Association of Counties, and Progressive Agriculture Organization (Pro-Ag).

Carried: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

Chairman Berwanger, T/Arcade invited Supervisor Kushner, T/Eagle and/or Supervisor Davis, T/Covington to offer an explanation on the \$2.240 million dollar appropriation to the Hospital. Supervisor Kushner explained the much needed renovations associated with the “Dress for Success” Campaign for areas of the hospital not undergoing major renovations.

Chairman Berwanger, T/Attica then invited Supervisor Patti, T/Attica and Chairman of the Public Works Committee to comment on the Highway Capital Improvement Project appropriation. Supervisor Patti, T/Attica stated that the Better Pavement Project began approximately three years ago and this appropriation would allow for the continuance of County Road renovations.

#1

RESOLUTION NO. 09-227
(June 09, 2009)

By Mr. Davis, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2009 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2009 accounts as follows:

Wyoming County Community Hospital			
To: 01.52.9950.9.99008 Transfer to Hospital Capital Fund <i>From any funds available</i> Reason: For partial funding of 3 rd Floor WCCH “Dress for Success” renovations.	\$120,000.00	\$120,000.00	
To: 02.56.4510.4.42501 Contractual – Hospital w/02.13.4510.5031 Interfund Transfer Reason: For partial funding of 3 rd Floor WCCH “Dress for Success” renovations.	\$120,000.00	\$120,000.00	
To: 26.73.4510.2.20801 Hospital Equipment w/26.14.4510.5730 Ban Proceeds Reason: To establish budget for hospital equipment BAN 09-179	\$2,000,000.00	\$2,000,000.00	
Wyoming County Community Hospital Total			\$2,240,000.00

Wyoming County Community Action			
To: 06.57.6290.4.42449 JTPA 2A Admin w/06.12.6290.4790 Federal Aid - JTPA 2A Reason: For the Job Training Program through Wyoming County Community Action.	\$259,458.00	\$259,458.00	
Wyoming County Community Action Total			\$259,458.00
Public Health			
To: 01.38.4010.4.42461 Cancer Svc Pgrm Grant w/01.11.4010.340106 State Aid Reason: For OTPS expenses for NYSDOH Cancer Services Program from 4/1/09 to 3/31/10.	\$38,479.00	\$38,479.00	
Public Health Total			\$38,479.00
Youth Bureau			
To: 01.45.7310.4.42434 Stars of Tomorrow w/01.09.7310.2705 – Donations Reason: Funds will be used towards the Red Wings Camp Day program on July 23, 2009.	\$491.00	\$491.00	
Youth Bureau Total			\$491.00
Social Services			
Re-Appropriation: To: 01.39.6015.4.42306 Other Point of Entry w/01.11.6015.3615 Point of Entry State Aid Reason: POE year 2 grant was extended thru 03/31/2009 balance of 2008 to re-appropriated to 2009.	\$18,116.23	\$18,116.23	
To: 01.39.6015.2.20201 Computer Equip 01.39.6015.4.41402 Computer Other 01.39.6015.4.41410 Software 01.39.6015.4.42306 Other Point of Entry w/01.11.6015.3615 Point of Entry Reason: Point of Entry 3 Grant 10/01/2008-09/30/2009	\$ 5,070.00 262.00 665.00 56,003.00	\$62,000.00	
Social Services Total			\$80,116.23
Department of Motor Vehicles			
To: 01.34.1411.1.10601 Unused Benefit Time w/01.03.1411.1255 Clerk Fees Reason: sell back of unused vacation time	\$ 1,407.70	\$ 1,407.70	
Department of Motor Vehicles Total			\$ 1,407.70
Records Retention			
To: 01.34.1460.8.89001 Health Insurance From any funds available Reason: In order to pay unbudgeted Healthcare Insurance for Records Clerk new enrollment.	\$7,705.36	\$7,705.36	
Records Retention Total			\$7,705.36
District Attorney			
To: 01.32.1165.4.41304 Extradition Expenses 01.32.1165.4.42301 Books, Pubs, Subs 01.32.1165.4.40103 Auto Insurance 01.32.1165.4.40503 Gasoline From any funds available Reason: To cover bills of the District Attorney's Office	\$3,000.00 2,000.00 500.00 500.00	\$6,000.00	
District Attorney Total			\$6,000.00
Sheriff			
To: 01.37.3110.2.23001 Cars w/01.12.3110.438903 Homeland Security Grant Reason: funds to be used toward the purchase of a mobile command post	\$36,720.00	\$36,720.00	
Sheriff Total			\$36,720.00

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Highway			
To: 04.53.5110.4.41912 Pavement Markings w/ 04.03.5110.128902 Misc Grant Reason: To allocate funds for GTC grant	\$24,000.00	\$24,000.00	
To: 04.53.5110.4.41904 Bituminous Products w/ 04.03.5110.1289 Other Dept. Income Reason: To allocate funds for Road Use Agreement with Noble Environmental Power, Wethersfield Wind Project.	\$85,000.00	\$85,000.00	
Highway Total			\$109,000.00
Highway Road Capital Project			
To: 17.66.5112.2.24005 Wyoming Road 17.66.5112.2.24001 Middle Reservation w/ 17.03.5112.1289 Other Dept. Income Reason: To allocate funds from 09.0030.17 Trust Fund – Bid Deposit to use since all money has been refunded that will be.	\$275.00 \$850.00	\$1,125.00	
To: 17.66.5112.2.24001 Middle Res. Rd. 17.66.5112.2.24005 Wyoming Road 17.66.5112.2.24006 Weaver Road w/17.14.5112.5730 BAN Highway Capital Project Reason: To appropriate funds for BAN B Road Projects.	\$2,680,785.00 801,494.00 357,721.00	\$3,840,000.00	
Highway Road Capital Project Total			\$3,841,125.00

Carried: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

#2

RESOLUTION NO. 09- 228
(June 09, 2009)

By Mr. Davis, Chairman of the Finance Committee:

FUNDS TRANSFERED TO VARIOUS 2009 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2009 accounts as follows:

Public Health			
From: 01.38.4013.1.10101 FT CSEA To: 01.38.4013.4.40301 Prof Svc Contract REASON: To pay Professional Service Contract (Frank J. Hollister, Public Health Emergency Preparedness Coordination Services).	\$9,450.00	\$9,450.00	
Public Health Total			\$9,450.00

Emergency Services			
From: 01.37.3645.4.42102 Safety Expenses To: 01.37.3645.2.23001 Motor Vehicles Reason: To purchase recreational vehicle to be converted into mobile command post with Homeland Security Grant funds, Contract Number WM07838870.	\$50,000.00	\$50,000.00	
Emergency Services Total			\$50,000.00

Carried: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

Prior to the roll call vote being taken on the next resolution Chairman Berwanger, T/Arcade asked Sarah Matthews, Health Department Fiscal Administrator to explain what these funds are for. She stated that the Cash Assessments Program was paid in the past on all of the department's cash receipts. For some reason the program went away for a period of time. Now the state has seen fit to reinstitute the "tax." If this assessment goes unpaid by the county there will be a 12% assessment. No choice but to pay the state this fee. Chairman Berwanger stated that it amounts to a tax on a subsidy which is a tax that the county tax payers pay.

Supervisor Kushner, T/Eagle stated that there is no Supervisor who agrees with this charge. There is no choice but to pay it.

Non-Consent
#3

RESOLUTION NO. 09-229
(June 09, 2009)

By Mr. Davis, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2009 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2009 accounts as follows:

Public Health			
To: 01.38.4050.4.41801 Misc Chg Other Govt w/01.04.4050.161003 CHHA Private Insurance Reason: For Health Facility Cash Assessment Program cash receipts of the Article 26 Certified Home Health Agency.	\$4,125.00	\$4,125.00	
Public Health Total			\$4,125.00

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Carried: XXX Ayes: 959 Noes: 167 (Arcade) Absent: 106 (Sheldon) Abstain:
154 (Attica) 210 (Warsaw)
321 Total 316 Total

Mr. Bush, T/Gainesville, Chairman of the Audit Committee, presented bills totaling **\$1,358,104.13** for the month of **May 2009**.

Carried: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

There was a motion by Mrs. Totstline, T/Genesee Falls, to combine resolutions #4 through #7. A voice vote was taken and all voted aye.

#4

RESOLUTION NO. 09-230
(June 09, 2009)

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

FLAG DAY PROCLAIMED

WHEREAS, The American Flag represents and has been the enduring symbol of our Nation's ideals since the earliest days of our Nation. Wherever it flies, we are reminded of America's unity and in the great cause of liberty and justice for all; and

WHEREAS, Two hundred and thirty years ago, the Second Continental Congress officially made the Stars and Stripes the Symbol of America. The Founders declared that the 13 stars gracing the original flag represented "a new constellation," just as America embodied new hope and new light for mankind. Today, our flag continues to convey the bold spirit of a proud and determined Nation; and

WHEREAS, Americans have long flown our flag as a sign of patriotism and gratitude for the blessings of liberty. We also pledge allegiance to the flag as an expression of loyalty to our country and to the belief in the American creed of freedom and justice. By displaying and showing respect for the flag, we honor the ideals upon which our democracy rests and show appreciation for the freedoms we enjoy today. Flying the flag can also be an expression of thanks for the men and women who have served and sacrificed in

defense of our Freedoms – from the early patriots of the Continental Army to the courageous Americans in uniform who are defending those freedoms around the world today; and

WHEREAS, During Flag Day and National Flag Week, we honor Old Glory and reflect on the foundations of our freedom. As citizens of this great Nation, we are proud of our heritage, grateful for our liberty, and confident in our future; and

WHEREAS, To commemorate the adoption of our flag, the Congress, by joint resolution approved August 3, 1949, as amended (63 Stat. 492), designated June 14 of each year as “Flag Day” and requested that the President issue an annual proclamation calling for its observance and for the display of the flag of the United States on all Federal Government buildings. The Congress also requested, by joint resolution approved June 9, 1966, as amended (80 Stat. 194), that the President issue annually a proclamation designating the week in which June 14 occurs as “National Flag Week” and calling upon all citizens of the United States to display the flag during that week; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors, do hereby proclaim:

***June 14, 2009, as Flag Day
and***

The week beginning June 14, 2009, as National Flag Week

and direct the appropriate officials to display the flag on all County Government buildings during that week, and we urge all Americans to observe Flag Day and National Flag Week by flying the Stars and Stripes from their homes and other suitable places. We also call upon the people of the United States to observe with pride and all due ceremony those days from Flag Day through Independence Day, also set aside by the Congress (89 Stat. 211), as a time to honor America, to celebrate our heritage in public gatherings and activities, and to publicly recite the Pledge of Allegiance to the Flag of the United States of America; and be it

FURTHER RESOLVED, That the Clerk of this Board, be hereby directed to forward certified copies of this resolution to President Barack Obama, U.S. Senators Charles Schumer and Kirsten Gillibrand, Congressman Chris Lee, NYS Senator Dale Volker, Assemblyman Daniel Burling, and all others deemed appropriate and necessary.

Carried: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

June 9, 2009

**RESOLUTION NO. 09-231
(June 09, 2009)**

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

RESOLUTION NUMBER 09-157 AMENDED

WHEREAS, Resolution Number 09-157 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS TRANSPORTATION CONTRACT EXTENSIONS ON BEHALF OF THE YOUTH BUREAU**,” passed by this Board of Supervisors on April 14, 2009 provides for various transportation contract extensions on behalf of the Youth Bureau; now therefore

BE IT RESOLVED, That Resolution Number 09-157 be hereby amended to reflect a 2.5% increase to the following extensions:

- **Letchworth Central School**, 5550 School Road, Gainesville, NY 14066 (*Resolution Number 06-328 as amended by 07-200 and 08-183*);

McDonald’s Bus Service, Inc., 248 Sargent Street, Cowlesville, NY 14037
(*Resolution Number 05-298 as amended by 08-184, and 08-*

- *246*) (*Resolution Number 07-227 as amended by 08-184*); and
- **Attica Bus Service Inc.**, 949 Creek Road, Attica, NY 14011
(*Resolution Number 05-298 as amended by 08-246*).

Contracts are effective July 01, 2009 through June 30, 2010 with the agreed upon increase of 2.5%, all else remains the same.

Carried: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

**RESOLUTION NO. 09-232
(June 09, 2009)**

Regular Session

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

**CHAIRMAN /COMMISSIONER OF SOCIAL SERVICES
AUTHORIZED TO SIGN CONTRACT WITH LABORATORY
CORPORATION OF AMERICA HOLDINGS 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 be hereby authorized and directed to sign a contract with Laboratory Corporation of America Holdings, 1440 York Court Extension, Burlington, NC 27215 on behalf of the Department of Social Services. Said contract is for the provision of DNA testing to prove paternity for child support services in an amount not to exceed six thousand dollars (\$6,000.00), per calendar year; effective July 01, 2009 through June 30, 2012.
Contingent upon the availability of funds.

Carried: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

#7

**RESOLUTION NO. 09-233
(June 09, 2009)**

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

RESOLUTION NUMBER 08-292 AMENDED

WHEREAS, Resolution Number 08-292 entitled, “**CHAIRMAN / COMMISSIONER OF SOCIAL SERVICES AUTHORIZED TO SIGN A MEMORANDUM OF AGREEMENT WITH ADECCO ON BEHALF OF THE DEPARTMENT OF SOCIAL SERVICES,**” passed by this Board of Supervisors on August 12, 2008 provides for the employment of 2 Energy Resource Aides for the HEAP Program for the 2008-2009 season in an amount not to exceed forty thousand five hundred six dollars (\$40,506.00) (100% Federal); effective September 12, 2008 through September 30, 2009.
Contingent upon the availability of funds; now therefore

BE IT RESOLVED, That the Resolution Number 08-292 be hereby amended to reflect an increased cost of employment for 2 Energy Resource Aides for the HEAP Program for the 2008-2009 season in an amount not to
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exceed forty-two thousand forty-four dollars (\$42,044.00) from the amount of forty thousand five hundred six dollars (\$40,506.00), effective September 12, 2008 through September 30, 2009.

Carried: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

Chairman Berwanger, T/Arcade invited Supervisor Totslime, T/Genesee Falls to come to the podium to present the Flag Day Proclamation. Supervisor Totslime, T/Genesee Falls invited Veteran Services Director, Gary Cousins to the podium. He agreed to read the proclamation prior to his acceptance. Before he began to read he asked for an opportunity to clear the air about the VA Clinic closing. Director Cousins stated that once he had heard the rumor he contacted hospital CEO, Ron Krawiec and discovered that the CBOC clinic will remain intact at the facility. The misconception was with the expansion of the clinic. They are outgrowing their current space and the hospital is unable to provide the much needed additional space.

Wyoming County CBOC passed accreditation and is within the top 9 sites within the United States.

Director Cousins then extended an invitation for anyone wishing to celebrate Flag Day to join Dan and Cindy Bunch at their place in Hermitage on Bug Rd. Mr. Bunch is the local Commander for the VFW Post. He and his wife host a ceremony every year to honor retiring flags.

There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #8 and #9. A voice vote was taken and all voted aye.

#8

RESOLUTION NO. 09-234
(June 09, 2009)

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

RESOLUTION NUMBER 08-341 AMENDED

WHEREAS, Resolution Number 08-341 entitled, “CHAIRMAN / COMMISSIONER OF HEALTH AUTHORIZED TO SIGN A CONTRACT WITH RESEARCH & MARKETING STRATEGIES, INC. ON BEHALF OF THE COUNTY HEALTH DEPARTMENT,” passed by

Regular Session

this Board of Supervisors on September 09, 2008 provides for development of a comprehensive Wyoming County Health & Wellness Strategic Plan in an amount not to exceed thirty-four thousand five hundred fifty-nine dollars (\$34,559.00); amount fully reimbursed by grant funding from the Greater Rochester Health Foundation; effective September 1, 2008 through June 30, 2009. Contingent upon the availability of funds; now therefore

BE IT RESOLVED, That the Resolution Number 08-341 be hereby amended to reflect an increase of deliverables to include a Dementia Feasibility Study; total additional expense not to exceed twelve thousand five hundred dollars (\$12,500.00) through September 30, 2009. Additional expense is fully reimbursable by the NY Connects Grant Point of Entry held by DSS on behalf of the County Health Department.

Carried: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

#9

RESOLUTION NO. 09-235
(June 09, 2009)

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

RESOLUTION NUMBER 08-399 AMENDED

WHEREAS, Resolution Number 08-399 entitled, **“CHAIRMAN / COMMISSIONER OF PUBLIC HEALTH AUTHORIZED TO SIGN A GRANT ACCEPTANCE AWARD WITH THE NEW YORK STATE DEPARTMENT OF HEALTH OFFICE OF SCIENCE ON BEHALF OF THE HEALTH DEPARTMENT,”** passed by this Board of Supervisors on November 09, 2008 provides for funding for Public Health Emergency Preparedness activities in an amount not to exceed seventy-five thousand dollars (\$75,000.00); effective August 10, 2008 through August 09, 2009; now therefore

BE IT RESOLVED, That the Resolution Number 08-399 be hereby amended to reflect a grant acceptance award with NYSDOH Office of Science reduction in grant award by eleven thousand three hundred twenty-eight dollars (\$11,328.00) to sixty-three thousand six hundred seventy-two dollars (\$63,672.00) due to NYS budget & reduce NYSDOH grant Deliverables; all other terms & conditions remain unchanged.

June 9, 2009

Carried: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

There was a motion by Mr. Fleischman, T/Java, to combine resolutions #10 through #12. A voice vote was taken and all voted aye.

#10

RESOLUTION NO. 09-236
(June 09, 2009)

By Mr. Fleischman, Chairman of the Planning Committee:

**2010 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 2010 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: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

#11

RESOLUTION NO. 09-237
(June 09, 2009)

By Mr. Fleischman, Chairman of Planning Committee:

Regular Session

**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 2010 Matching Funds Program for tourists promotional activities and hereby commits the County of Wyoming to thirty thousand dollars (\$30,000.00) in matching funds, which is in addition to the operational budget amount to be included in the year 2010 County Budget; contingent upon the availability of funds from New York State.

Carried: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

#12

**RESOLUTION NO. 09-238
(June 09, 2009)**

By Mr. Fleischman, Chairman of Planning Committee:

RESOLUTION NUMBER 08-330 AMENDED

WHEREAS, Resolution Number 08-330 entitled, **“CHAIRMAN AUTHORIZED TO SIGN CDBG SMALL CITIES GRANT AGREEMENT,”** passed by this Board of Supervisors on September 09, 2008 provides for a four hundred thousand dollar (\$400,000.00) Small Cities/Office of Community Renewal grant (Project #1279ME119-08); effective September 01, 2008 through September 30, 2010, that will be used by the Wyoming County IDA to provide financial assistance to qualified microenterprise businesses; now therefore

BE IT RESOLVED, That the Resolution Number 08-330 be hereby amended to replace the Wyoming County Industrial Development Agency with the Wyoming County Business Center to implement and administer the grant; all other terms & conditions remain unchanged.

Carried: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

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There was a motion by Mrs. Meeder, T/Middlebury, to combine resolutions #15 through #17. A voice vote was taken and all voted aye.

#15

**RESOLUTION NO. 09-241
(June 09, 2009)**

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

**FAMILY AND MEDICAL LEAVE ACT POLICY
AMENDED**

BE IT RESOLVED, That the Family and Medical Leave Act policy which became effective in 1994, as amended, is hereby further amended to better state use of sick time leave and is annexed hereto.

Carried: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

WYOMING COUNTY
WARSAW, NEW YORK

**ADMINISTRATIVE
POLICY AND PROCEDURE**

EFFECTIVE DATE: 02/01/2006	REVIEWED BY (Individuals/Committees) County Attorney HR Committee, BOS Sr. Management Team/WCCH	DEPARTMENT(S) AFFECTED: All County Depts.
DATE DEVELOPED: 01/12/2006		
DATE REVISED: 01/16/09		
DATE REVIEWED:		

ADMINISTRATIVE APPROVAL: A.D. Berwanger, Chairman BOS Ronald J. Krawiec, WCCH CEO	PREPARED BY: Connie Almeter, RN BSN Director of WPHS & Deborah Schmitt, RN BSN ,MPA: Commissioner of DSS	SUPERSEDES: WCCHS Family and Medical Leave Policy 1993, 1/2000 and 8/2002 ; Wyoming County FMLA policy 1994, 2006
	REVISED BY: Brenda Jones, H.R. Director	REFERENCES: The Family Medical Leave Act of 1993, Federal Regulations Part 825, 1995, 2009

FAMILY MEDICAL LEAVE ACT OF 1993**PURPOSE:**

The purpose of the Act is to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity.

The Act also is to entitle employees to take reasonable job-protected leave for medical reasons, for the birth or adoption of a child, and for the care of a child, spouse, or parent who has a serious health condition, to address the needs of Military Family Entitlement, Military Employee Leave/Medical and to accomplish this in a manner that accommodates the legitimate interests of employers.

POLICY:**1. ELIGIBILITY CRITERIA:**

Employees who have been employed for at least one year and have rendered service for at least 1,250 hours (not including paid time off) during the preceding 12-month period, from the date leave commences or should commence, are eligible for Family Medical Leave. The 12 month period will be measured forward from the

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date the employee's first FMLA leave begins. Employees normally working full time hours per week will have the following hours of leave as a starting point: 35.0 hr/wk = 420 hrs; 37.0 hr/wk = 444 hrs; 37.5 hr/wk = 450; 40 hr/wk = 480 hours of leave. Part time employees will be granted leave on a pro-rata basis.

An employee may take leave all at once or intermittently, including reduced workdays. New York Disability or Workers' Compensation Benefits which require time off shall run concurrently with qualifying FMLA leave.

2. QUALIFYING REASONS FOR LEAVE:

All employees who meet the applicable time-of-service requirements may be granted a total of 12 weeks of Family Medical Leave for the following reasons (combined uses for "Recognized Reasons for Leave" may not exceed a total of twelve weeks in a one (1) year period):

- A. The birth of employee's child or to care for a newborn child; the placement with the employee of a child for adoption or foster care.
- B. Special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12 month period. This covers service members in any branch of the Armed Forces who has a serious injury or illness incurred in the line of duty which may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status or is on the temporary disability retired list.

Definitions:

Spouse: Legally married spouse as defined by state law.
(Common law not recognized in NYS)

Child:

- Any child under age 18 for whom the employee is acting as a parent (“in loco parentis”).
- A child age 18 or older, if the child is (a) incapable of self-care, (b) has a mental or physical disability as recognized by the American’s with Disabilities Act (ADA).

Parent:

- Biological parent.
- Individual who acted in the place of (in loco parentis) when the employee was a son or daughter as defined above.
- Parents-in-law are NOT part of this condition.

- C. To care for a spouse, child or parent (not in-law) who has a serious health condition and is unable to care for himself or herself; or
- D. A serious health condition that renders the employee incapable of performing one or more of the essential functions of their job.
- E. Military family leave entitlements for spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Serious Health Condition:

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- A serious health condition is an illness, injury, impairment or physical or mental condition which involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities.
- Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Spouses:

If two spouses are employed and eligible for family leave, you are entitled to a combined 12-week allotment for birth, adoption or placement of a foster child with your spouse. If one spouse returns before exhausting the allotment, the other spouse may take any leave remaining. Where both employees use a portion of their 12 weeks of leave for the birth, adoption or placement of a foster child, each is entitled to the difference between the amount taken individually and 12 weeks of FMLA leave for another purpose (such as their own serious health condition). For example, if each spouse takes 6 weeks to care for a healthy newborn, each could use an additional 6 weeks to care for their own serious health condition, or that of a child, spouse or parent.

3. BENEFIT COVERAGE DURING LEAVE AND SCHEDULING: EMPLOYEE NOTICE REQUIREMENTS

Benefit Time:

The employee must use all of their accrued benefit time including vacation, compensatory,

holiday, sick and personal leave benefits to cover the leave period if the leave is for them self. In the event that an employee does not have any accrued benefits nor has an insufficient amount available, that period will be without pay. If the employee has an FMLA for a qualified family member the employee must follow company policy which means the employee would use vacation, P.L. and Holiday first as the FMLA is not for themselves. Sick time would be utilized only in the event that all other benefit time was exhausted. This applies whether the FMLA is continuous or intermittent.

Scheduling:

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Employee notice requirements: (Foreseeable Leave)

Thirty (30) day's advance notice or as soon as practicable (normally the business day or next business day if off work when learning of leave need) If timely notice is not given the period of delay counts as non-FMLA absence. Employee must comply with the employer's usual notice requirements absent unusual circumstances

Employee notice requirements: (Unforeseeable Leave)

Employee will notify the employer as soon as practicable or in accordance with the employer's usual and customary absence notification policy.

Health Insurance:

An employee will be retained on the County Health Care Benefit Plan for the duration of the 12 week FMLA, regardless of whether it is a paid or unpaid leave. On completion of the 12 weeks if the employee remains off on a **paid leave of absence (using their accrued benefit time)** there will be no change in contributions to the Health Care Benefit Plan. If an employee remains on an **unpaid leave of absence** they will need to contribute the full amount of their health care benefit coverage or a loss of coverage will occur.

During a period of Family Medical Leave, an employee will be retained on the County's health plan under the same conditions that applied before leave commenced. To continue health coverage, the employee must continue to make any contributions the employee made to the plan before taking the leave. Failure of the employee to pay such share of the health insurance may result in loss of coverage. The same process pertains to the County's Dental Plan.

4. RETURN FROM LEAVE:

Upon return from leave every attempt will be made to restore the employee to their original or equivalent position with equivalent pay, benefits and other employment terms.

If the leave is intermittent, the employer may require such employee to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified and has equivalent pay and benefits and better accommodates recurring periods of leave than the regular position of the employee.

The exception being, is for those employees designated as "key" employees

PROCEDURE: The following procedure will be followed:

EMPLOYEE RESPONSIBILITIES:

1. Employees must provide to the employer an FMLA application and medical certification by a health care provider. Medical certification may include and is not limited to:
 - a. The date on which the serious health condition commenced;
 - b. The probable duration of the condition;
 - c. The appropriate medical facts within the knowledge of the health care provider regarding the condition;
 - d. A statement that the eligible employee is needed to care for the son, daughter, spouse, or parent and an estimate of the amount of time such employee is needed to care for them.
 - e. A statement that the employee is unable to perform the functions of the employee's position.
 - f. For planned medical treatment, dates on which such treatment is expected to be given and the estimated duration of such treatment.
2. Employees must provide 30 days advance notice of the need to take an FMLA leave when foreseeable. When 30 days notice is not foreseeable the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures (WCCH Human Resources provides and processes request forms for all hospital employees and the Wyoming County Worker's Compensation Office

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- provides and processes requests forms for all other County Departments). Completed request forms are to be returned by the employee to the appropriate mentioned departments above.
3. All employees returning from Family Medical Leave for their own serious health condition must submit a written statement from their physician/health provider to the appropriate designee before the employee can return to work. Employee may be requested to have a Return to Work Fitness for Duty Evaluation done by Workplace Health Services prior to returning to work.
 4. If an employee wishes to return to work before the expiration of a leave notification must be given at least two weeks prior to the planned return or as soon as reasonably possible.
 5. Failure of an employee to return to work upon the expiration of the approved Family Medical Leave will be counted as an unexcused absence and may be subject to corrective action process, up to and including termination (i.e. may be considered an abandonment of employment).
 6. An employee may request an extension of the Family Medical Leave. The employee must submit a request for extension to the appropriate designee as soon as the employee learns they cannot return on the approved return date. Requests for extension **must be made prior to the expiration.** In no case can the total leave granted be for more than 12 weeks in a one year period, including the extension.

NOTE:

The Physician/Physician Assistant/Nurse Practitioner treating the “serious health condition” must complete the physician portion of the FMLA form.

EMPLOYER RESPONSIBILITIES:

1. The employer must respond within the required time period (5 business days) with information on FMLA rights, benefits during leave, any certification requirements, etc. A copy of the policy will be provided to all employees.
2. The employer may deny leave or delay it for 30 days if notice of foreseeable leave is not given on time.
3. The employer will provide applicable forms for leaves and assure processing of forms/notification within 5 business days.
4. The employer can not count FMLA leave against employees for attendance purposes.
5. The employer may ask for periodic status reports from employees on leave (i.e. recertification at a minimum of every 30 days).
6. The employer may require independent medical exam (2nd or 3rd) opinions at the employer's expense. The 3rd opinion is binding and final.
7. The employer is obligated to notify an employee if a form is incomplete however, is NOT obligated to notify employee if the form is not received.
8. The employer may require an employee needing intermittent or reduced leave, based on a planned medical treatment schedule, to transfer temporarily to an available alternative position for which the employee is qualified and which has equivalent pay and benefits and better accommodates recurring periods of leave. When the transferred employee

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no longer needs the leave and is able to resume full time work, the employee must be placed in the same or equivalent position as he/she was transferred from.

9. The employer must maintain records for 3 years and keep records confidential.
10. FMLA makes it unlawful for any employer to:
 - ◆ Interfere with, restrain or deny the exercise of any right provided under FMLA.
 - ◆ Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

ENFORCEMENT:

1. The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
2. An eligible employee may bring a civil action against an employer for violations.
3. FMLA does not affect any Federal or State Law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement, which provides greater family, or medical leave rights.
4. This policy covers a majority of the 1993 FMLA Act. If any unusual circumstances should arise, the Act will be referenced as guidance for correct steps in proceeding with the circumstance.

**RESOLUTION NO. 09-242
(June 09, 2009)**

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

DONATION OF BENEFIT TIME POLICY AMENDED

BE IT RESOLVED, That the Donation of Benefit Time policy which became effective on December 12, 2006, as amended, is hereby further amended to better state language making the policy clearer and is annexed hereto.

Carried: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

**WYOMING COUNTY
ADMINISTRATIVE POLICY AND PROCEDURE**

EFFECTIVE DATE:	REVIEWED BY: Wyoming County HR Committee and WCCHS Sr. Management Team	DEPARTMENT: All County Departments
Date Developed: 11/1/06 Date Revised: 06/09/09 Res #09-		Supersedes: 2/13/07; Res 07-64 12/12/06; Res 06- 391 12/11/07; Res 07- 397

June 9, 2009

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Administrative Approval:	PREPARED BY:	REFERENCE:
	HR Work Group 10/25/07	
A.D. Berwanger Chairman, Board of Supervisors	REVISED BY: D. Perkins 06/09/09	
Ron Krawiec WCCHS CEO		

Donation of Benefit Time

POLICY: Procedure for Wyoming County employees to voluntarily donate benefit time to another Wyoming County employee with serious health conditions or family related serious health conditions.

PURPOSE: To provide Wyoming County employees a means of donating time to co-workers on a voluntary basis who are experiencing serious health issues or a family member for which they are a care giver.

PROCEDURE:

- 1) WCCHS department managers must submit a written request to the Human Resource Director, who will present it to the Sr. Management Team for review and approval. For all other County Departments, a written request from the department head is to be sent to the Human Resource Department for review and approval.
- 2) The employee experiencing the serious health issue must exhaust all of their available benefit time in order to be eligible to receive donated benefit time to their sick

leave accruals. After the employee has exhausted all their own benefit time, the donated benefit time will be added in increments as needed per pay period. While receiving/using donated benefit time, the employee understands they will not accrue any benefit time. This supersedes all Wyoming County Collective Bargaining Agreements regarding benefit time.

- 3) Upon approval, a memo will be forwarded to all County departments by the Human Resource Department informing them of the donation needed. Employees wishing to donate time will sign the donation form and indicate the amount of time in hours they wish to donate. Vacation benefit time will be the only type of benefit time that may be donated. The form will indicate this donation is strictly voluntary and will not be re-paid to the employee making the donation. The donation form must be returned to the HR Department.
- 4) Upon receipt of the Donated Benefit Time List, the HR Department will send a copy to the appropriate payroll department who will make the necessary changes to the employees involved.
- 5) If the employee has not returned to work and further donations are needed another written request must be submitted as outlined in section 1 of this policy.
- 6) In the event the employee is removed from payroll for any reason, the balance of donated time will be deleted by the appropriate payroll department.

**RESOLUTION NO. 09-243
(June 09, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH CLARION CALL, LLC ON BEHALF OF HUMAN
RESOURCES**

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 Clarion Call, LLC, 299 Berryman Drive, Amherst, NY 14226 on behalf of Wyoming County Human Resources. Said contract is to provide staff development training for the County Workforce as needed; effective March 1, 2009 to December 31, 2009 at a rate of \$125 per hour. Contingent upon the availability of funds.

Carried: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

#18

**RESOLUTION NO. 09-244
(June 09, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN A SOFTWARE
MAINTENANCE AGREEMENT WITH AUTOMON 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 software maintenance agreement with Automon, 3025 South Parker Road, 12th Floor, Aurora, CO 80014 on behalf of Wyoming County Probation. Said agreement is for the provision of funding for maintenance of the existing software program in an amount not to exceed four thousand five hundred sixty-

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two dollars (\$4,562.00); effective June 26, 2009 through June 25, 2010.
Contingent upon the availability of funds.

Carried: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

There was a motion by Mr. Patti, T/Attica, to combine resolutions #19 through #25. A voice vote was taken and all voted aye.

#19

**RESOLUTION NO. 09-245
(June 09, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT WITH
DEWBERRY-GOODKIND, INC. ON BEHALF OF COUNTY
HIGHWAY**

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 Dewberry-Goodkind, Inc., 700 Alliance Building, 183 East Main Street, Rochester, NY 14604 on behalf of County Highway. Said agreement is for construction and inspection of the rehabilitation of Bixby Hill Road (CR#59), Town of Arcade. PIN 4LSo.79 in an amount not to exceed fifty thousand dollars (\$50,000.00); effective through the completion of the project. Contingent upon the availability of funds.

Carried: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

#20

**RESOLUTION NO. 09-246
(June 09, 2009)**

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

June 9, 2009

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Highway Superintendent, Project Engineer, and County Attorney is hereby authorized and directed to sign a contract with D& H Excavating, Inc. 11939 Route 98 South, Arcade, NY 14009 as the lowest responsible bidder on behalf of county highway. Said contract is for the County Road #59 (Bixby Hill Road) rehabilitation in an amount not to exceed \$575,000.00; effective immediately through the completion of the project.

#21

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

WHEREAS, The real property described below located in the Town of Castile, Wyoming County, New York is needed to be acquired by the County of Wyoming for the rehabilitation of East Lake Road in the Town of Castile, Wyoming County, New York, as described on maps on file in the Office of the Wyoming County Superintendent of Highways;

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M.A. Cook	123.-1-7	East Lake Road Castile, NY 14427	9	0.008±
Mark L. Milcarek	123.-1-3.1	East Lake Road Castile, NY 14427	11	0.003±
Mark L. Milcarek	123.-1-3.1	East Lake Road Castile, NY 14427	13	0.003±
Mark L. Milcarek	123.-1-3.3	East Lake Road Castile, NY 14427	15	0.005±
Oob Fish & Game Club, Inc.	123.-1-34	East Lake Road Castile, NY 14427	18	0.005±
Oob Fish & Game Club, Inc.	123.-1-34	East Lake Road Castile, NY 14427	20	0.003±
Wesley Bathrick Patricia Bathrick	123.-1-40	6746 East Lake Road Castile, NY 14427	21	0.006±
Southview Farm LLP	112.00-1-7	East Lake Road Castile, NY 14427	22	0.003±
Walter Faryna	112.00-1-9.11	East Lake Road Castile, NY 14427	23	0.007±
Donald D. Hillhouse	112.00-1-6	East Lake Road Castile, NY 14427	24	0.006±

WHEREAS, Said real property owners have agreed to graciously donate said real property so that said rehabilitation may be completed; now therefore

Carried: XXX	Ayes: 1280	Noes:	Absent: 106 (Sheldon) 210 (Warsaw)	Abstain:
			316 Total	

#22

RESOLUTION NO. 09-248
(June 09, 2009)

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

2008 – 2009 SALT BID AWARD EXTENDED

June 9, 2009

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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 extend the 2008 – 2009 Snow Season Salt Bid Award for the purchase of road salt through the 2009 – 2010 snow season to American Rock Salt Co., LLC, PO Box 190, Mt. Morris, NY 14510 in an amount not to exceed \$39.76/ton delivered.

Carried: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

#23

RESOLUTION NO. 09-249
(June 09, 2009)

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

**GENESEE TRANSPORTATION COUNCIL SAFE
 PASSING ZONE SURVEY GRANT APPROVED**

BE IT RESOLVED, That the Genesee Transportation Council, 50 West Main Street, Suite 8112, Rochester, NY 14614-1227 Safe Passing Zone Survey Grant be hereby approved and accepted in an amount up to twenty-four thousand dollars (\$24,000.00). Said grant is to provide funding for a survey of county roads on safe passing zones.

Carried: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

#24

RESOLUTION NO. 09-250
(June 09, 2009)

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

**CHAIRMAN AUTHORIZED TO SIGN A LETTER WITH
 NOBLE ENVIRONMENTAL POWER ON BEHALF OF COUNTY
 HIGHWAY**

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

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letter with Noble Environmental Power, 7294 Centerville Road, Bliss, NY 14024 which will authorize the County Highway Dept. to do repairs on Poplar Tree Road and Mote Road in the Town of Wethersfield in the amount of eighty-five thousand (\$85,000.00) to satisfy the Road Use Agreement.

Carried: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

#25

**RESOLUTION NO. 09-251
(June 09, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH SG
SECURITY SYSTEMS, INC. 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 SG Security Systems, Inc. P.O. Box 335, 22 Main Street, Bloomfield, NY 14469 on behalf of Buildings and Grounds. Said contract will provide for all material and labor for the installation of a fire alarm system throughout 408 North Main Street, Warsaw, NY in an amount not to exceed nine thousand nine hundred thirty-four dollars and thirty-five cents (\$9,934.35); effective June 09, 2009 through the completion of the project.

Carried: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

After the roll call vote was taken on resolutions 19 through 25 Chairman Berwanger invited Supervisor Patti, T/Attica, Chairman of the Public Works Committee to the podium to make a presentation that is a first in recent history for Wyoming County Highway.

Supervisor Patti, T/Attica presented County Highway Superintendent, Todd Gadd with a plaque that was recently awarded to County Highway for the 2008 Bridge under \$1M Award by the Western New York Chapter of the Association of Bridge Construction and Design (ABCD) for the Tooley Road Bridge in the Town of Bennington. Engineers for the project were LaBella Associates and the

June 9, 2009

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Contractor was Wind-Son. The plaque depicted a very nice picture of the finished project.

There was a motion by Mr. Davis, T/Covington, to combine resolutions #26 through #30. A voice vote was taken and all voted aye.

#26

**RESOLUTION NO. 09-252
(June 09, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

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 October 1, 2008 through March 31, 2009 and moved that the Clerk draw warrants on the County Treasurer for the various amounts therein.

To: Cheryl D. Mayer, County Treasurer of Wyoming County, NY

You are hereby authorized and directed to distribute the Semi-Annual Revenue Sharing amounts totaling **\$29,750.31** (twenty-nine thousand seven hundred fifty dollars and thirty-one 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 DISTRIBUTIED
Arcade	\$3,988.26
Attica	\$2,454.95
Bennington	\$3,510.44
Castile	\$3,492.38
Covington	\$1,182.15
Eagle	\$673.27
Gainesville	\$770.83
Genesee Falls	\$99.51
Java	\$2,095.58
Middlebury	\$970.37

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Orangeville	\$809.41
Perry	\$2,915.23
Pike	\$362.92
Sheldon	\$2,256.26
Warsaw	\$3,554.11
Wethersfield	\$614.64
Grand Totals:	\$29,750.31

Let this be your Warrant for Such Payment: **\$29,750.31** (twenty-nine thousand seven hundred fifty dollars and thirty-one cents) IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Board of Supervisors this 9th day of June, 2009.

s/ Cheryl J. Ketchum, Clerk
Board of Supervisors

Carried: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

#27

RESOLUTION NO. 09-253
(June 09, 2009)

By Mr. Davis, Chairman of the Finance Committee:

POSITION CREATIONS APPROVED

BE IT RESOLVED, That the following positions are hereby created within the various Wyoming County Departments:

Board of Supervisors:

- One (1) position of Student Aide (Seasonal) (.6 FTE) with only those benefits mandated by law at a rate of \$8.00/hr.; effective June 01, 2009 not to exceed 11 weeks

June 9, 2009

- One (1) position of RPN (CHHA); effective immediately.

- Three (3) positions of Motor Equipment Operator (Seasonal). To be filled for a period not to exceed 19 weeks each year.

- One (1) position of Student Aide (Seasonal) (.4 FTE) with only those benefits mandated by law at a rate of \$8.00/hr.; effective June 01, 2009 not to exceed 11 weeks

Carried: XXX Ayes: 1280 Noes:

Absent: 106 (Sheldon)
210 (Warsaw)
316 Total

Abstain:

#28

RESOLUTION NO. 09-254
(June 09, 2009)

By Mr. Davis, Chairman of the Finance Committee:

SALARY SCHEDULE "S" AMENDED

BE IT RESOLVED, That the Wyoming County Salary Plan which became effective January 01, 1967, as amended, is hereby amended to reflect the following changes to Salary Schedule "S":

- Set the salary of the Assistant County Attorney, FT (2nd) at \$46,000.00 annually; effectively 10-06-08.

Carried: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

#29

RESOLUTION NO. 09-255
(June 09, 2009)

By Mr. Davis, Chairman of the Finance Committee:

Regular Session

RESOLUTION NUMBER 09-221 AMENDED

WHEREAS, Resolution Number 09-221 entitled, **“POSITION CREATIONS / POSITION ABOLISHED APPROVED,”** passed by this Board of Supervisors on May 12, 2009 provides for the creation and abolishment of positions throughout various County Departments; now therefore

BE IT RESOLVED, That the Resolution Number 09-221 be hereby amended to better state the seasonal appointment only of the position:

- One (1) position of Motor Equipment Operator (Seasonal). To be filled for a period not to exceed 19 weeks each year.

Carried: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

#30

**RESOLUTION NO. 09-256
(June 09, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

**INVESTMENT POLICY FOR WYOMING COUNTY
ADOPTED; CHAIRMAN AUTHORIZED TO SIGN
CUSTODIAL AGREEMENTS TO MAINTAIN PLEDGED
SECURITIES**

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby approves and adopts the following investment policy:

**INVESTMENT POLICY
FOR WYOMING COUNTY**

June 9, 2009

I. SCOPE

This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

II. OBJECTIVES

The primary objectives of the local government's investment activities are, in priority order,

- * to conform with all applicable federal, state and other legal requirements (legal);
- * to adequately safeguard principal (safety);
- * to provide sufficient liquidity to meet all operating requirements (liquidity); and
- * to obtain a reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The governing board's responsibility for administration of the investment program is delegated to the Chief Fiscal Officer who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include and adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the County of Wyoming to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investments, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the

investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the County of Wyoming to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

VI. INTERNAL CONTROLS

It is the policy of the County of Wyoming for all moneys collected by any officer or employee of the government to transfer those funds to the chief fiscal officer within 7 days of deposit, or within the time period specified in law, whichever is shorter.

The Chief Fiscal Officer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from un-authorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITARIES

The banks and trust companies authorized for the deposit of moneys up to the maximum amounts are:

<u>Depository Name</u>	<u>Maximum Amount</u>	<u>Officer</u>
<u>Five Star Bank</u>	<u>\$ 20,000,000.00</u>	
<u>Bank of Castile</u>	<u>\$ 20,000,000.00</u>	
<u>M & T Bank</u>	<u>\$ 20,000,000.00</u>	
<u>HSBC</u>	<u>\$ 20,000,000.00</u>	
<u>JP Morgan Chase</u>	<u>\$ 10,000,000.00</u>	

VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law, Sec.10, all deposits of Wyoming County, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

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1. By a pledge of "eligible securities" with an aggregate "market value" as provided by GML Sec. 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organizations or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by the depository and/or a third party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events, which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the County of Wyoming or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The

agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

X. PERMITTED INVESTMENTS

As authorized by General Municipal Law, Sec. 11, the County of Wyoming authorizes the Chief Fiscal Officer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- * Special time deposit accounts;
- * Certificates of deposit;
- * Obligations of the United States of America;
- * Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United State of America;
- * Obligations of the State of New York;
- * Obligations issued pursuant to LFL Sec. 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the County of Wyoming;

Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments.

- * Certificates of Participation (COP's) issued pursuant to GML Sec. 109b.
- * Obligations of this local government, but only with any moneys in a reserve fund established pursuant to GML Sec. 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the County of Wyoming within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the County of Wyoming within two years of the date of purchase.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The County of Wyoming shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments, which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the County of Wyoming. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary

dealers. The Chief Fiscal Officer is responsible for evaluating the financial position and maintaining a listing of proposed depositaries, trading partners and custodians. Such listings shall be evaluated at least annually.

XII. PURCHASE OF INVESTMENTS

The Chief Fiscal Officer is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.
3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the County of Wyoming by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held

pursuant to a written custodial agreement as described in General Municipal Law, Sec. 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

- All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- No substitution of securities will be allowed.
- The custodian shall be a party other than the trading partner.

APPENDIX A

Schedule of Eligible Securities

___ (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.

___ (ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank, and the African Development Bank.

___ (iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market Value of the obligation that represents the amount of the insurance or guaranty.

___ (iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or

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district corporation of such State or obligations of any public benefit corporation, which under a specific State statute may be accepted as security for deposit of public moneys.

___ (v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

___ (vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

___ (vii) Obligations of counties, cities and other governmental entities of a state other than the State of New

York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

___ (viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.

___ (ix) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.

___ (x) Commercial paper and banker's acceptances issued by a bank, other than the Bank, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.

___ (xi) Zero coupon obligations of the United States government marketed as "Treasury strips".

and be it

FURTHER RESOLVED, That the Chairman of this Board and/or the County Treasurer, with the approval of the County Attorney, are hereby authorized and directed to sign Custodial Agreements with the different area banks or their agents to maintain pledged securities to cover deposits made by the County of Wyoming.

Carried: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

**RESOLUTION NO. 09-257
(June 09, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

RULES OF PROCEDURE AMENDED AND ADOPTED

BE IT RESOLVED, That this Board of Supervisors hereby adopts, as its Rules of Procedure, the Rules of this Board as adopted May 11, 1999, as amended, and be it

FURTHER RESOLVED, That the Rules of Procedure are hereby amended as follows:

Rule 17. Committee No. 6: Agriculture.

- a. Conservation
- b. Soil and Water
- c. Dog Control
- d. Cooperative Extension
- e. Fair Association

f. County Forestland management

This Committee shall have charge of all matters relating to the above sub-headings. The Chairmen of this Committee shall be a representative to the Cornell Cooperative Extension, Wyoming County.

Rule 18. Committee No. 7: Green Energy.

a. Green Energy Sources

This Committee shall have charge of all matters relating to the above sub-heading. The Chairmen of this Committee shall be a representative to the Cornell Cooperative Extension, Wyoming County.

Rule 19. Committee No. 8: Public Works.

- a. Highway and Bridges
- b. Highway Vehicles
- c. Traffic Safety Board
- d. Building Maintenance

This Committee shall have charge of all matters relating to the above sub-headings, including county buildings and real property, (***except county forestlands***) their care and maintenance, excepting the Hospital; bidding and /or purchase of all needed highway materials and highway vehicles with Board

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approval prior to bidding or purchase; disposal of , by auction or other means, all vehicles declared surplus by county departments and any other property directed to the Highway Department for disposition.

Subsequent sections are to be renumbered accordingly.

Carried: XXX Ayes: 1168 Noes: Absent: 95 (Sheldon) Abstain:
207(Warsaw)
302 Total

Chairman Berwanger asked if there was any Supervisor who objected to the presentation unanimous consent resolutions #32 through #35. Hearing none, the Chairman asked the clerk to read unanimous consent resolution #32.

Prior to the Roll Call vote being taken Chairman Berwanger asked if there was any Supervisor that wished to comment on unanimous consent resolution #32.

Supervisor Davis, T/Covington stated that he would love to be able to hunt with a rifle in Wyoming County. However, he felt that the population density of the county in certain areas is too high to allow rifle hunting in some of the southern towns like Eagle, Pike and Covington would be fine however, towns like Warsaw, Arcade, Attica, Perry and Castile may not be. So, looking out for all residents of Wyoming County Supervisor Davis will be voting no on this resolution.

Supervisor Rogers, T/Pike stated that he called Russell Biss from the NYS DEC, he's a regional wild life biologist with the DEC. He stated that the DEC takes no position on this issue and that it would be a local matter. He also shared state statistics regarding rifle accidents and recommendations by the Pike Town Board he will be voting in favor of this resolution.

Supervisor Copeland, T/Wethersfield stated that he also discussed the issue with his Town Board and they instructed him to support this resolution.

Supervisor Gozelski, T/Castile added that he agrees with the statements made by Supervisor Davis and he will be voting against this resolution.

Chairman Berwanger, T/Arcade stated that he will be voting no for this resolution because of the close proximity to other homes within his community.

RESOLUTION NO. 09-258
(June 09, 2009)

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

**RESOLUTION BY THE WYOMING COUNTY BOARD OF
SUPERVISORS IN FAVOR OF AMENDING
ENVIRONMENTAL CONSERVATION LAW TO ALLOW
RIFLE HUNTING OF BIG GAME IN WYOMING COUNTY**

WHEREAS, Earlier this year the Wyoming County Wildlife Federation asked their member organizations to survey its membership regarding the use of center-fire rifles for deer hunting in Wyoming County; and

WHEREAS, The vast majority of members surveyed were in favor. The results of several surveys conducted of Sportsmen in Wyoming County were discussed at the April 2009 meeting of the Wyoming County Wildlife Federation and a motion to seek the support of the Wyoming County Board of Supervisors to amend the NYS Environmental Conservation Law to allow the use of rifles for Big Game Hunting in Wyoming County passed by a unanimous vote; and

WHEREAS, According to representatives of the Wildlife Federation on reason the State originally disallowed the use of rifles was not a matter of safety but a matter of conservation. In the late 19th and 20th centuries, because of overhunting and the widespread clearing of land for farming, the deer population was in steep decline. By limiting deer hunting to shotguns the hunter had to be close to be effective therefore conserving the limited deer resource. Much of the land that was cleared for farming has since reverted back to woodland as the small farmers discontinued the business. Limiting deer hunting to shotgun slugs was a wise strategy at the time. The Department of Environmental Conservation estimates the current New York deer herd at 1 million and as a result there is a growing problem with crop damage and motor vehicle accidents; and

WHEREAS, Rifle caliber handguns have been used for deer hunting in Wyoming County for many years. Rifles can be used with DEC nuisance deer permits. Therefore rifles can be used in Wyoming County for most of the year except for the period of time when big game hunting season is open; and

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WHEREAS, The majority of land in Wyoming County is privately owned and posted, therefore it would be up to the landowner to decide if he or she will allow hunting with rifles on their property; and

WHEREAS, When the big game hunting regulations were amended to allow the use of rifles in counties that previously did not allow them, a trial period of 1 to 3 years was enacted to see if there were any problems resulting from the use of rifles by big game hunters. The trial period resulted in few, if any, reported incidents or problems and the use of rifles for big game hunting in these counties has been extended; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors does hereby request appropriate New York State legislation to amend New York State Conservation Law Section 11-0907 to allow the taking of big game by rifle in Wyoming County; and be it

FURTHER RESOLVED, That certified copies of this resolution be sent to New York State Senator Dale Volker and New York State Assemblyman Daniel Burling for further legislative action.

Carried: XXX Ayes: 82 Noes: 167 (Arcade) Absent: 106 (Sheldon) Abstain:

154 (Attica)	<u>210</u> (Warsaw)
135 (Bennington)	316 Total
118 (Castile)	
57 (Covington)	
50 (Eagle)	
96 (Gainesville)	
20 (Genesee Falls)	
92 (Java)	
63 (Middlebury)	
54 (Orangeville)	
<u>192</u> (Perry)	
1,198 Total	

Prior to the roll call vote of unanimous consent resolution #33 Supervisor Davis, T/Covington stated that he feels that the vote would matter.

Chairman Berwanger stated that there are hidden costs to maintaining and using the new voting machines. He mentioned that the county had to purchase a special air ride trailer for the transport of the machines in order to not void the warranty.

Supervisor Gozelski, T/Castile agreed with statements made by Chairman Berwanger.

**RESOLUTION NO. 09-259
(June 09, 2009)**

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

**RESOLUTION URGING THE NEW YORK STATE
ASSEMBLY, SENATE AND GOVERNOR AND THE NEW
YORK STATE BOARD OF ELECTIONS TO ENACT
LAWS, RULES AND REGULATIONS THAT
SPECIFICALLY AUTHORIZE THE CONTINUED USE OF
LEVER STYLE VOTING MACHINES AS A
SOLUTION TO UNWARRANTED EXPENSES TO THE
CITIZENS OF WYOMING COUNTY RELATIVE TO
HAVA – BOARD OF ELECTIONS**

WHEREAS, For many decades Wyoming County has successfully used mechanical lever-style voting machines, with very few problems, and is desirous of continuing to do so, and

WHEREAS, New York State enacted the Election Reform and Modernization Act of 2005 (ERMA) and other laws that require all lever machines to be replaced and prohibit the use of any lever machines in any future elections in New York State, and

WHEREAS, Said New York State legislation relating to voting machines far exceeds the federal requirements of Help America Vote Act (HAVA), and

WHEREAS, While Wyoming County has been the recipient of federal funds to implement HAVA, the state's additional requirements and method of allocating funds has created undue financial hardship with mandated expenses far exceeding formula based revenues , and

WHEREAS, Said HAVA funding formula is not equitable to the smaller counties in that after purchasing the necessary voting machines and a minimal amount of training there are no funds left for the remainder of training and purchasing of the hardware and software necessary to operate the machines and the hiring of additional

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personnel to program machines, do the necessary quarterly testing, ballot definition, etc. as there is for the larger counties, and

WHEREAS, This inequitable formula is placing a severe burden on counties that have a smaller population and tax base with less ability to raise the funds necessary to purchase the hardware, software and additional training; and

WHEREAS, Both in terms of efficacy and cost efficiency, Wyoming County believes that the continued use of lever-style voting machines is in the best interest of the public and should be permitted to be used in future elections, and

WHEREAS, The State's statutorily required elimination of lever-style voting machines is unnecessary, inappropriate, and costly to Wyoming County taxpayers, and in these difficult

economic times the cost to implement elections with these new machines will not be paid for by New York State and is an unfunded mandate, now therefore,

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby urges the New York State Assembly, Senate and Governor and the New York State Board of Elections to enact laws, rules, and regulations that specifically authorize the continued use of lever-style voting machines, as a solution to the unwarranted expenses to the citizens of Wyoming County relative to HAVA and ensuring New York State continued maintenance of a transparent, secure, accurate and reliable electoral system using lever-style voting machines, and be it

FURTHER RESOLVED, That the Clerk of the Wyoming County Board of Supervisors shall forward copies of this resolution to Governor David Paterson, New York State Comptroller's Office, Senate Majority Leader Dean O. Skelos, Senate Minority Leader Malcolm Smith, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Senator Dale Volker, Assemblyman Daniel Burling, the New York State Association of Counties (NYSAC), and the Inter-County Association of Western New York.

Carried: XXX Ayes: 1280 Noes: Absent: 106 (Sheldon) Abstain:
210 (Warsaw)
316 Total

Chairman Berwanger, T/Arcade recognized Town of Warsaw Deputy Supervisor, Paul Martin and asked if he would like to come forward and comment on this resolution.

Mr. Martin stated that it is very important to the local economy to create this district. It would mean an increase in not only property tax but sales tax.

Supervisor Fleischman, T/Java asked where this resolution will go once passed. Chairman Berwanger stated that the resolution will not be forwarded by the County Board of Supervisors. It is a show of support for the Town of Warsaw and the potential economic development with the formation of a sewer district in North Warsaw.

UC#34

**RESOLUTION NO. 09-260
(June 09, 2009)**

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

**RESOLUTION BY THE WYOMING COUNTY BOARD
OF SUPERVISORS IN SUPPORT OF THE “NORTH END
SEWER DISTRICT” IN THE TOWN OF WARSAW**

WHEREAS, The Town of Warsaw is desirous of creating a “**North End Sewer District;**” now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors does hereby support the Town of Warsaw’s pursuit of the formation of a “**North End Sewer District**” within the Town of Warsaw as an interested party due to potential economic development within the district with increased contribution of both county property tax and sales tax; and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors further supports the Town of Warsaw’s request of a sewer rate of 1.5 times the current Village of Warsaw sewer rate.

Carried: XXX	Ayes: 1280	Noes:	Absent: 106 (Sheldon)	Abstain:
			<u>210</u> (Warsaw)	
			316 Total	

Supervisor Davis, T/Covington stated that he believes that this resolution only approves the User’s Guide and Policy Manuel, not the program. Supervisor Davis stated that he will support this resolution. He stated that he understands the Chairman’s concerns regarding the implementation and tracking of the program, however he is in favor of implementing the program.

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Chairman Berwanger, T/Arcade stated that at this time he is not in favor of the program. He added that at this time the county is not adequately staffed to implement the program. He briefly discussed the worldwide fiscal instability as a major factor for his decision.

**Defeated
#35**

**RESOLUTION NO. 09-261
(June 09, 2009)**

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

**WYOMING COUNTY PURCHASING CARD USER'S
GUIDE & POLICY MANUAL FOR CARDHOLDERS AND
DEPARTMENT HEADS APPROVED**

BE IT RESOLVED, That the Wyoming County Purchasing Card User's Guide & Policy Manual for Cardholders and Department Heads is hereby approved and is annexed hereto.

Carried: XXX Ayes: 405	Noes: 167 (Arcade)	Absent: 106 (Sheldon)	Abstain:
	154 (Attica)		<u>210</u> (Warsaw)
	118 (Castile)		316 Total
	50 (Eagle)		
	20 (Genesee Falls)		
	92 (Java)		
	192 (Perry)		
	45 (Pike)		
	<u>37</u> (Wethersfield)		
	875 Total		

Chairman Berwanger reminded everyone that the 2009 Dairy Princess is still here and to enjoy the lovely reception of dairy products she has available near the rear of the Supervisors' Chambers.

There being no further business to come before this Board, Senior Supervisor Bush, T/Gainesville, adjourned the meeting at 4:00 PM with a rap on his desk.

Respectfully submitted,

Cheryl J. Ketchum

Cheryl J. Ketchum, Board Clerk

Regular Session

**REGULAR SESSION
(July 14, 2009)**

Tuesday

2:30 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 Copeland, T/Wethersfield. Also present were County Attorney, Eric T. Dadd; Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Brenda Ferrell.

At 2:38 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran(s) leading the Pledge of Allegiance this month was:

MR. & MRS. ALVIN DAVIS

Both Mr. & Mrs. Davis's service comes while serving during WW II.

Mrs. Genevieve (Miller) Davis enlisted in the United States Marine Corp. on May 27, 1945. She completed Basic Training at Camp LeJune, N.C. and then was assigned to Quantico, VA. Mrs. Davis performed duties as a cook during her tour and was Honorably Discharged on June 27, 1946 at Henderson Hall in Arlington, VA at the rank of Corporal.

For her service to her country, Mrs. Davis was awarded:

The Honorable Service Pin

Mrs. Davis returned to this area and worked for a period as a Health Care Giver. She also worked for Bennet Manufacturing in Alden in "assembly" and then at the Neeland Dairy as a waitress. Mrs. Davis then went to work at Fisher Price in East Aurora for 16 years until her retirement in 1982. She enjoys "Arts & Crafts" that deal with plastic canvas, gardening, and cooking. Mrs. Davis has been an active and longtime member of the Folsomdale Baptist Church, a longtime member of the Rebekah Lodge of the Ladies Auxiliary of the Odfellows and is also a member of the Bennington Historical Society.

Mr. Alvin Davis joined the United States Army on September 15, 1944. He took Basic Training at Camp Landing, Fl. His field training was cut short

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because of deployment overseas and was assigned to Company K of the 302nd Infantry under the 94th Infantry Division as an infantryman and participated in conflicts in Central Europe and the Rhineland of France. Mr. Davis was Honorably Discharged at Ft. Dix, N.J. on July 31, 1946 at the rank of Private First Class.

For his service to his country, Mr. Davis was awarded”

The World War II Victory Medal

The Good Conduct Medal

The Army of Occupation Medal

The European, African, Middle Eastern Campaign Medal

Mr. Davis returned to his home in Pennsylvania and went to work as a mechanic at a gas station. He then worked on the Railroad as a Section Hand followed by 4 ½ years working in the coal mines of Pennsylvania. Mr. Davis relocated to this area and went to work for Chevrolet in Tonawanda as a welder and hoist operator. He spent 30 years working for Chevrolet until his retirement in 1982. Mr. Davis is an active member and head Usher of the Folsomdale Baptist Church, a Life-Time member of the VFW Post in Twin Rocks, PA, and a present member of the Bennington Historical Society. He enjoys reading the Newspaper every morning, watching TV, and listening to the televised news. Mr. Davis and his wife, Genevieve, have been married for 35 years and they live in Cowlesville, N.Y.

The pledge was said by all.

Chairman Berwanger, T/Arcade thanked Mr. and Mrs. Davis for leading in the pledge today and presented them with a certificate of appreciation. They were offered the customary opportunity to address the Board. Mrs. Davis thanked the Board for the opportunity to see local government in action.

Communications:

None

Chairman Berwanger, T/Arcade invited the Supervisor from the Town of Attica, D. Patti to make an introduction.

Supervisor Patti, T/Attica introduced a young gentleman visiting from his Town by the name of Chris Kraus, he’s working on his Communication Merit Badge for the Boy Scouts. He spent time this afternoon with the Supervisor in the hopes that his communications skills would be improved and he will indeed earn this merit badge.

**RESOLUTION NO. 09-262
(July 14, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2009 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2009 accounts as follows:

Information Technology			
From: 01.34.1681.2.20401 misc. equipment (IT) To: 01.38.4010.2.20401 misc equipment (PH) Reason: AC unit in the server room at Public Health, B&G will install.	\$600.00	\$600.00	
Information Technology Total			\$600.00
Capital Improvement			
From: 12.61.9950.9.99004 Interfund Transfer To: 12.61.1620.2.21007 CIP – Jail Reason: To increase allocated funds for the Jail Roof project due to the change in contract award approved per resolution 09-226.	\$5,969.65	\$5,969.65	
Capital Improvement Total			\$5,969.65
Board of Supervisors			
From: 01.31.1010.8.89001 Medical / Hosp. Ins. To: 01.31.1010.4.40402 Conferences / Conven. Reason: 09/15-09/18/09 NYSAC Conference in Saratoga Springs, NY	\$3,176.00	\$3,176.00	
Board of Supervisors Total			\$3,176.00
Office For the Aging			
From: 01.44.6772.1.10001 salaries To: 01.44.6772.2.20201 computer equipment Reason: To transfer funds to reflect anticipated costs	\$2,644.00	\$2,644.00	
Office For the Aging Total			\$2,644.00

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:

Chairman Berwanger, T/Arcade took a moment to welcome the newly appointed Supervisor from the Town of Warsaw, Jim Foley. Mr. Foley served as Supervisor to the Town of Bennington 19-20 years ago for 16 years. Supervisor Foley, T/Warsaw thanked Chairman Berwanger, T/Arcade for the welcome.

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RESOLUTION NO. 09-263
(July 14, 2009)

By Mr. Davis, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2009 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2009 accounts as follows:

Treasurer			
To: 02.56.9744.7.70002 debt service interest w/ 02.14.4510.5789 other debt service income Reason: Tobacco Asset Securitization Corporation (TASC) operating revenue toward hospital debt service expenses.	\$32,160.42	\$32,160.42	
Treasurer Total			\$32,160.42
Department of Social Services			
To: 01.40.6102.4.42250 MMIS IGT / DSH Pymt <i>From any funds available</i> Reason: To appropriate funds to cover the local share of the supplemental Medicaid Upper Payment Limit (UPL) payment allocated to the Wyoming County Public Nursing Facility.	\$144,946.06	\$144,946.06	
Department of Social Services Total			\$144,946.06
Office For the Aging			
To: 01.44.6772.4.42463 WRAP -OFA w/ 01.12.6772.477213 Fed. Aid OFA- WRAP Reason: Carryover of Grant Year 2008-2009 funds into the 2009-2010 Grant Year and incorporate the supplemental funds for Grant Year 2009-2010.	\$25,500.00	\$25,500.00	
Office For the Aging Total			\$25,500.00

Mental Health			
To: 01.38.4324.4.40402 Conf./Conventions	\$1,500.00		
01.38.4324.4.40405 Employee Expenses	1,500.00		
01.38.4324.4.41010 Misc. Office Supplies	250.00		
01.38.4324.4.41101 Paper	181.00		
01.38.4324.4.41201 Postage	100.00		
01.38.4324.4.41204 Advertising	300.00		
01.38.4324.4.41401 Maintenance Agrmnt.	100.00		
01.38.4324.4.41510 Educational Materials	5,462.00		
01.38.4324.4.42463 Wrap-CCSS Funds	1,700.00		
01.38.4324.4.42476 CCSI	<u>1,227.00</u>		
	\$12,320.00		
w/ 01.11.4324.349001 MH State Aid increased		\$14.00	
w/ 01.11.4324.349003 MH Perf. Funds increased		219.00	
w/ 01.11.4324.349004 MH Reinvestment Inc.		<u>12,087.00</u>	
Reason: State aid COLA for FY 2008/2009 & for C&Y SPOA; transfer contract to #4325.		\$12,320.00	
To: 01.38.4310.1.10101 Full time CSEA Contract	\$1,245.00		
w/ 01.11.4310.3490 Mental Health increased		\$1,245.00	
Reason: State aid COLA for FY2008/2009			
To: 01.38.4320.4.40926 ARA Inc.	\$(18,637.00)		
w/ 01.11.4320.3490 Mental Health State Aid decreased		\$(18,637.00)	
Reason: State aid COLA for FY 2008/2009 & reduce contract by one Intensive Case Manager.			
To: 01.38.4321.4.42422 Suburban Adult Svcs.	\$944.00		
w/ 01.11.4321.3490 Mental Health State Aid increased		\$944.00	
Reason: State aid COLA for FY 2008/2009			
To: 01.38.4323.4.41202 Printing	940.00		

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01.38.4323.4.42411 PAO 01.38.4323.4.42412 Forensic Case Mngmt. w/ 01.11.4323.3490 Mental Health CSS Increased Reason: State aid COLA for FY 2008/2009 and conversion of DSH to State aid.	22,756.00 <u>228.00</u> \$23,924.00	\$23,924.00	
To: 01.38.4325.4.42409 Advocacy Services 01.38.4325.4.42414 Respite Care 01.38.4325.4.42415 Family Support 01.38.4325.4.42419 Drop-In 01.38.4325.4.42420 Psycho/Social Club 01.38.4325.4.42441 Misc. MH Contracts 01.38.4325.4.42445 Supt. Housing 01.38.4325.4.42467 Crisis Intervention 01.38.4325.4.42468 Transportation w/ 01.11.4325.349001 MH State aid increased w/ 01.11.4325.349003 MH Perf. Funds increased w/ 01.11.4325.349004 MH Reinvestment incr. Reason: State aid COLA for FY 2008/2009; funding reductions; transfer of DSH to state aid.	990.00 473.00 10,184.00 145.00 237.00 118,879.00 1,321.00 165.00 <u>272.00</u> \$132,666.00 \$28,977.00 38,950.00 <u>64,739.00</u> \$132,666.00		
Mental Health Total			\$152,462.00
Planning & Development			
To: 01.42.6421.4.40301 Prof. Service Contracts <i>From any funds Available</i> Reason: performing a documented scope of identified services and tasks that will better position the county to apply for federal broadband/fiber optics installation American Recovery and Reinvestment Act stimulus funds designated for rural areas through the Department of Commerce/National Telecommunications Information Agency.	\$37,500.00	\$37,500.00	
Planning & Development Total			\$37,500.00
Sheriff			
To: 01.37.3110.4.40508 Private Auto Repair w/ 01.08.3110.2680 Insurance Recovery Reason: offset of insurance company collision payment for car #7	\$159.50	\$159.50	
Sheriff Total			\$159.50
Probation			
To: 01.37.3140.4.40701 Electronic Monitoring <i>From any Funds Available</i> Reason: Electronic monitoring is being ordered by the Judge at a higher rate than anticipated. Collection of fees from eligible defendants is down.	\$17,300.00	\$17,300.00	
Probation Total			\$17,300.00

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:

Mr. Bush, T/Gainesville, Chairman of the Audit Committee, presented bills totaling **\$2,586,663.11** for the month of **June 2009**.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:

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

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**RESOLUTION NO. 09-264
(July 14, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN SUPPLEMENTAL
AGREEMENT #1 TO MASTER AGREEMENT WITH NEW YORK
STATE DEPARTMENT OF TRANSPORTATION FOR
REHABILITATION OF URF ROAD BRIDGE ON BEHALF OF
COUNTY HIGHWAY**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign Supplemental Agreement #1 to the Master Agreement for Federal Aid and Marchiselli Project Agreement for professional engineering / design and the construction phase for the rehabilitation of the Urf Road Bridge, Town of Bennington. PIN 4754.99 BIN 3319640 in an amount not to exceed seven hundred sixteen thousand dollars (\$716,000.00). (Federally funded with partial Marchiselli money available at this time).

Contingent upon the availability of funds.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:
#4

**RESOLUTION NO. 09-265
(July 14, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO AWARD BID AND SIGN CONTRACT
WITH VILLAGER CONSTRUCTION, INC. ON BEHALF OF COUNTY
HIGHWAY**

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 and sign contracts for Highway Shoulder Removal on Dale Road, Town of Middlebury, to Villager Construction, Inc., 425 Old Macedon Center Rd., Fairport, NY 14450 in an amount not to exceed \$.65/sq. yard.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain: #5

**RESOLUTION NO. 09-266
(July 14, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

EQUIPMENT PURCHASE APPROVED IN HIGHWAY

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to award bid and sign a contract for the purchase of:

- ***Cab and Chassis to be purchased through state bid.*** 2010 Mack Granite – Model GU713 from Beam Mack, 2674 W. Henrietta Rd., Rochester, NY 14623. Price: \$101,064.00
- ***Dump body to be purchased through a county bid.*** Lanau 19' steel dump body – Model SH19x54x60 from Valley Fab, 9776 Trevett Rd., PO Box 380, Boston, NY 14025. Price: \$36,205.00

Total Price: One hundred thirty-seven thousand two hundred sixty-nine dollars
(\$137,269.00)

Contingent upon the availability of funds.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain: #6

**RESOLUTION NO. 09-267
(July 14, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

**COUNTY AUTHORIZED TO EXECUTE PETITION TO NEW YORK
STATE DEPARTMENT OF TRANSPORTATION IN CONNECTION**

July 14, 2009

Proceedings of the Board of Supervisors
WITH REHABILITATION OF ROCHESTER & SOUTHERN
RAILROAD TRACKS THAT CROSS PERRY AVENUE IN THE
VILLAGE OF SILVER SPRINGS, NEW YORK.

WHEREAS, The County of Wyoming has become aware of certain repairs which are necessary to be made to the Rochester & Southern Railroad tracks that cross Perry Avenue in the Village of Silver Springs, New York for the safety of all vehicle traffic and pedestrians that pass over said railroad tracks; and

WHEREAS, The County has been advised that numerous requests by the Village of Silver Springs to the Rochester & Southern Railroad to make said repairs have not been answered; now therefore

BE IT RESOLVED, That under the circumstances and in light of the public safety to all who pass over the railroad tracks that cross Perry Avenue in Silver Springs, New York, the County of Wyoming, through its Chairman, A. Douglas Berwanger, shall petition the New York State Department of Transportation to compel and order Rochester & Southern Railroad to rehabilitate the Perry Avenue crossings to make them suitable, safe and proper for vehicle traffic and pedestrians to pass over said railroad crossings located in the Village of Silver Springs, New York.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield)
Abstain:

Chairman Berwanger, T/Arcade invited Supervisor Patti, T/Attica to make an announcement. Supervisor Patti, T/Arcade stated that Superintendent of County Highways, T. Gadd learned today that Wyoming County has been approved to receive a grant in a minimum amount of \$108,000.00 for funding the purchase of a "Boom Mower." This piece of equipment is to be shared by the County and the 16 Towns within Wyoming County. Perfect example of Shared Municipal Services.

There was a motion by Mrs. Totline, T/Genesee Falls, to combine resolutions #7 through #14. A voice vote was taken and all voted aye.

#7

RESOLUTION NO. 09-268
(July 14, 2009)

By Mrs. Totline, Chairman of Human Services Committee:

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**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION
AND ACCEPTANCE AWARD WITH THE NEW YORK STATE OFFICE
FOR THE AGING ON BEHALF OF THE 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 application and acceptance award with the New York State Office for the Aging, 2 Empire Plaza, Albany, NY 12223 on behalf of the Office for the Aging. Said grant is for funding Title V (Senior Employment) in a minimum amount of thirty-three thousand four hundred dollars (\$33,400.00); effective July 01, 2009 through June 30, 2010.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:
#8

**RESOLUTION NO. 09-269
(July 14, 2009)**

By Mrs. Totstline, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH
WYOMING COUNTY COMMUNITY ACTION 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 contract with Wyoming County Community Action, 6470 Route 20A, Suite 1, Perry, NY 14530 on behalf of the Office for the Aging. Said contract is for providing senior employment opportunities to residents 55 and older in Wyoming County in an amount not to exceed thirty thousand dollars (\$30,000.00); effective July 01, 2009 through June 30, 2010.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:
#9

**RESOLUTION NO. 09-270
(July 14, 2009)**

By Mrs. Totstline, Chairman of Human Services Committee:

July 14, 2009

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND
ACCEPTANCE AWARD WITH NEW YORK STATE OFFICE OF
CHILDREN AND FAMILY SERVICES ON BEHALF OF THE 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 grant application and acceptance award (renewal with no change) with the New York State Office of Children and Family Services, Capital View Office Park, 52 Washington Street, Rensselaer, NY 12144 on behalf of the County Youth Bureau. Said grant is for the provision of funding for Youth Bureau administration costs, Stars of Tomorrow Program, Omega Program, Youth Court Program, Positive Parenting Program, and the Town and Village Recreation program's administration in a minimum amount of seventy-nine thousand six hundred twelve dollars (\$79,612.00); effective January 01, 2009 through December 31, 2009. Matching 50% of some grants. Down 18%

**Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:
#10**

**RESOLUTION NO. 09-271
(July 14, 2009)**

By Mrs. Totline, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH
TODD DI AMBROSIO ON BEHALF OF THE 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 Todd DiAmbrosio, 4972 Lake Road, Avon, NY 14414 on behalf of the County Youth Bureau. Said contract is for the provision of Early Intervention Services (Speech) in an amount not to exceed 2009-2012 budget – variable depending on expenses; effective July 01, 2009 through June 30, 2012. Contingent upon the availability of funds.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:

**RESOLUTION NO. 09-272
(July 14, 2009)**

By Mrs. Totslin, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH
MARIANNE SPRINGSTEAD-ROSE ON BEHALF OF THE
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 Marianne Springstead-Rose, 6 Brigham Circle, Honeoye Falls, NY 14472 on behalf of the County Youth Bureau. Said contract is to provide Early Intervention Services in an amount not to exceed 2009-2012 budget – variable depending on expenses; effective July 01, 2009 through June 30, 2012. Contingent upon the availability of funds.

**Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:
#12**

**RESOLUTION NO. 09-273
(July 14, 2009)**

By Mrs. Totslin, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH THE NEW
YORK STATE 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 contract with the New York State Office for the Aging, 2 Empire State Plaza, Albany, NY 12223 on behalf of Wyoming County Office for the Aging. Said contract is for the provision of funding of weatherization services to residents 60 and over in Wyoming County in a minimum amount of twenty-four thousand six hundred thirty-three dollars (\$24,633.00); effective August 01, 2007 through March 31, 2009

(Housekeeping)

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:

July 14, 2009

**RESOLUTION NO. 09-274
(July 14, 2009)**

By Mrs. Totslin, Chairman of Human Services Committee:

**DAVID A. RUMSEY APPOINTED COMMISSIONER OF SOCIAL
SERVICES**

BE IT RESOLVED, That David A. Rumsey, 6436 Main Rd. Stafford, NY 14134 be hereby appointed Commissioner of Social Services; for a term of five (5) years; effective June 30, 2009 through June 29, 2014, as per Local Public Welfare Law §116 (1).

**Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:
#14**

**RESOLUTION NO. 09-275
(July 14, 2009)**

By Mrs. Totslin, Chairman of Human Services Committee:

**CHAIRMAN / COMMISSIONER OF SOCIAL SERVICES
AUTHORIZED TO SIGN A CONTRACT WITH TOSHIBA BUSINESS
SOLUTIONS 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 Toshiba Business Solutions, 6000 North Bailey Avenue, Suite 1F, Amherst, NY 14226 on behalf of the Department of Social Services. Said lease is for 3 photocopier/printer/fax machines for 39 months and Maintenance of 6 copiers for 39 months not to exceed thirty-six thousand nine hundred sixty-eight dollars and forty nine cents (\$36,968.49) for maintenance and in an amount not to exceed twenty-six thousand twenty-six dollars and sixty-five cents (\$26,026.65) for the actual lease.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:

Chairman Berwanger, T/Arcade offered Human Services Chairperson, Supervisor from the Town of Genesee Falls, J. Totslie an opportunity to make an announcement regarding the appointment of David Rumsey to the position of Commissioner of Social Services.

Supervisor Totslie, T/Genesee Falls congratulated Mr. Rumsey on the new appointment and gave a brief history of his tenure with Wyoming County to all in attendance.

Clerk Ketchum was asked to read the next resolution in full by Supervisor Kushner, T/Eagle and Chairman of the Public Health Committee.

Supervisor Kushner, T/Eagle commented on the entire Committee of the Whole's support regarding this resolution / program. The program cards will be distributed county wide to households anonymously. Dr. Collins was also called upon by Chairman Berwanger to comment. He stated that the program will help Wyoming County residents with prescription drug costs, as well.

#15

**RESOLUTION NO. 09-276
(July 14, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

**APPROVING AGREEMENT BETWEEN
PROACT, INC. AND THE COUNTY OF WYOMING**

WHEREAS, The Wyoming County Board of Supervisors recognizes that there are families and individuals residing within the County who do not have health insurance coverage or are underinsured; and

WHEREAS, The New York State Association of Counties (NYSAC) has formerly endorsed ProAct, Inc. as a means for the County to provide reduced medicine costs for needy residents who may otherwise struggle to afford necessary medications; and

WHEREAS, ProAct, Inc., a subsidiary of Kinney Drugs, Inc., offers a Discount Prescription Drug Program that could be used by all Wyoming County residents, regardless of age or income; and

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WHEREAS, ProAct, Inc., provides a discount prescription drug card at no cost to the County and at no cost to the residents of the County; and

WHEREAS, Wyoming County is not bound to offer exclusive rights to ProAct, Inc. and may also engage other prescription drug plans for the benefit of the residents of Wyoming County; and

WHEREAS, The discount prescription drug card can be used at any participating pharmacy in Wyoming County and across the United States; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby endorse the establishment of a County Discount Prescription Drug Program through ProAct, Inc., a subsidiary of Kinney Drugs, Inc.; and be it

FURTHER RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to enter into an agreement with ProAct, Inc., for the purposes of administering a Discount Prescription Drug Program to all of the residents of Wyoming County.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:

There was a motion by Mr. Fleischman, T/Java, to combine resolutions #16 through #23. A voice vote was taken and all voted aye.

#16

**RESOLUTION NO. 09-277
(July 14, 2009)**

By Mr. Fleischman, Chairman of Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT WITH THE
WYOMING COUNTY BUSINESS CENTER (LDC) ON BEHALF OF
PLANNING AND DEVELOPMENT**

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 the Wyoming County Business Center (WCBC), on behalf of Planning and Development. Said agreement is to implement the Agri-Business Diversification Program under the New York State Housing Trust Fund Corporation/Office of Community Renewal (Grant #1279ME119-08). The agreement shall be an amount not to exceed fifty thousand dollars (\$50,000.00).

Contingent upon the availability of funds.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain: #17

**RESOLUTION NO. 09-278
(July 14, 2009)**

By Mr. Fleischman, Chairman of Planning Committee:

**MEMBERS REAPPOINTED TO THE WYOMING COUNTY EMPIRE
ZONE ADMINISTRATIVE BOARD**

BE IT RESOLVED, That the following members are hereby reappointments to the Wyoming County Empire Zone Administrative Board for a term of two years; effective August 15, 2009 through August 14, 2011:

- **A. D. Berwanger, Chairman (Representing the Local Resident/EZAB Chairman)** 143 North Main Street, Warsaw, New York 14569
- **Sam Gullo (Representing the Local Resident)** 9 South Main Street, Perry, New York 14530
- **Howard Payne (Representing the Local Resident)** 11 Glenwood Avenue, Arcade, New York 14009
- **Cindy Feroletto (Representing the Local Organized Labor)** 5550 School Road, Gainesville, New York 14066;
- **David Caster (Representing the Local Financial Institution)** 55 North Main Street, Warsaw, New York 14569;

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:

July 14, 2009

**RESOLUTION NO. 09-279
(July 14, 2009)**

By Mr. Fleischman, Chairman of Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT WITH
ECC TECHNOLOGIES ON BEHALF OF PLANNING AND
DEVELOPMENT**

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 ECC Technologies, 845 Fairport Office Center, Fairport, New York on behalf of Planning and Development. Said agreement is to perform a documented scope of identified services and tasks that will better position the County to apply for federal broadband/fiber optics installation American Recovery and Reinvestment Act stimulus funds designated for rural areas through the Department of Commerce/National Telecommunications Information Agency in an amount not to exceed thirty-seven thousand five hundred dollars (\$37,500.00); effective July 20, 2009 through September 30, 2009, an is contingent upon suitable funding once “Notice of Funding Availability” (NOFA) approval announced.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:
#19

**RESOLUTION NO. 09-280
(July 14, 2009)**

By Mr. Fleischman, Chairman of Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN
NYS OFFICE OF COMMUNITY RENEWAL GRANT APPLICATION**

WHEREAS, The County of Wyoming wishes to apply for a grant from the NYS Office of Community Renewal, Economic development program, for up to two hundred sixty thousand dollars (\$260,000) that will be used by the Wyoming County IDA to provide financial assistance to Marquart Bros., LLC, for their continued growth and expansion; and

WHEREAS, Any repayments of loan proceeds of this grant from Marquart Bros., LLC will 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 Supervisor is hereby authorized as the official representative of Wyoming County, New York, to execute and submit grant applications to the Office of Community Renewal for a NYS Community Development Block Grant, OCR Economic Development program, and is hereby authorized and directed, upon approval of the County Attorney, to take all actions needed for the submission of the grant application and to provide such additional information and assistance as may be necessary; and be it

FURTHER RESOLVED, That two public hearings on behalf of this Board of Supervisors will be held as required by the Office of Community Renewal on August 4, 2009 and August 11, 2009 at 3:00 pm 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 town designated for such publications.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain: #20

**RESOLUTION NO. 09-281
(July 14, 2009)**

By Mr. Fleischman, Chairman of Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN A LEASE EXTENSION WITH
WYOMING COUNTY COMMUNITY ACTION ON BEHALF OF
PLANNING AND DEVELOPMENT**

BE IT RESOVLED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a one year lease extension with Wyoming County Community Action, 6470 Route 20A, Suite 1, Perry, NY 14530 on behalf of Planning and Development. Said lease is at the rate of four thousand six hundred forty-four dollars (\$4,644.00) /month; effective September 01, 2009 through August 31, 2010. (Refer to Res. 09-65).

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Contingent upon the availability of funds.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain: #21

**RESOLUTION NO. 09-282
(July 14, 2009)**

By Mr. Fleischman, Chairman of Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH NEW
YORK STATE DEPARTMENT OF ECONOMIC DEVELOPMENT ON
BEHALF OF THE WYOMING COUNTY EMPIRE ZONE**

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 New York State Department of Economic Development, 30 Pearl St., Albany, NY 12245 on behalf of the Wyoming County Empire Zone. Said contract is for an administrative reimbursement in a minimum amount of eleven thousand two hundred twenty-nine dollars (\$11,229.00), effective July 01, 2008 through June 30, 2009.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain: #22

**RESOLUTION NO. 09-283
(July 14, 2009)**

By Mr. Fleischman, Chairman of Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH RICK HAUSER ON BEHALF OF PLANNING AND
DEVELOPMENT**

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 Rick Hauser, *d.b.a.* "In. Site: Architecture, LLP" 2 Borden Avenue, Suite 202, Perry, NY 14530 on behalf of Planning and Development. Said contract is for the provision of grant writing services in an amount not to exceed fifteen thousand dollars (\$15,000.00) at a rate of \$75/hr.; effective through February 28, 2010.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain: #23

**RESOLUTION NO. 09-284
(July 14, 2009)**

By Mr. Fleischman, Chairman of Planning Committee:

**MEMBERS APPOINTED TO THE GLOW WORKFORCE
INVESTMENT BOARD**

BE IT RESOLVED, That the following members are hereby
appointed to the ***GLOW Workforce Investment Board***:

At Large Members

- **Bob Haladay** (Vocational Rehabilitation/Acting District Manager)
NYS VESID, 508 Main Street, Buffalo, NY 14202; and
- **Shelley Dale-Hall** (Migrant Seasonal Farmworkers/Regional
Administrator), Pathstone, 140 N. Main Street, Albion, NY 14411

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:

There was a motion by Mr. Gozelski, T/Castile, to combine resolutions #24 and #25. A voice vote was taken and all voted aye.

Clerk Ketchum was asked to read the next resolution in full due to its importance by Supervisor Gozelski, T/Castile and Chairman of the Agriculture Committee.

#24

**RESOLUTION NO. 09-285
(July 14, 2009)**

By Mr. Gozelski, Chairman of Agriculture Committee:

**WYOMING COUNTY BOARD OF SUPERVISORS URGE THE
FEDERAL GOVERNMENT TO IMPLEMENT IMMEDIATE ACTIONS
TO HELP RELIEVE THE CURRENT DAIRY FISCAL CRISIS**

July 14, 2009

WHEREAS, Wyoming County is very concerned about the current dairy fiscal crisis; and

WHEREAS, Wyoming County recognizes that the following measures are needed to help to provide some relief from the economic challenges facing New York State's dairy farmers and to preserve local dairy production—ensuring the availability of fresh, safe, high-quality, nutritious, and affordable milk and dairy products; and

WHEREAS, Wyoming County knows that dairy producers are struggling to meet their financial commitments because of historically low milk prices coupled with erratically high energy, feed and fertilizer costs; and

WHEREAS, Wyoming County knows that the bleak economic climate has softened demand for dairy products in both domestic and foreign markets, creating a surplus of dairy products in the marketplace, thereby driving down dairy commodity prices even further; and

WHEREAS, Wyoming County realizes that many well-run dairy farms will not be able to continue in business in this fiscal climate unless immediate, decisive, meaningful government action is taken; and

WHEREAS, Wyoming County recognizes that the following measures are needed to help maintain the economic backbone of New York's rural communities and agricultural infrastructure; now therefore

BE IT RESOLVED, The Wyoming County Board of Supervisors hereby resolves that the following measures be implemented as soon as possible:

- Provide immediate, additional funding for increased payments to dairy farmers from the Milk Income Loss Contract ("MILC") program;
- Urge the USDA to move dairy commodities off the domestic market as quickly as possible by fully utilizing the Dairy Export Incentive Program ("DEIP") and the Food for Peace Program;
- Urge the USDA to take immediate administrative action to increase temporarily the product price levels in the Dairy Product Price Support Program ("DPPSP");
- Urge the USDA to make immediate dairy product purchases for WIC and other nutrition programs which received large increases in funding from the Federal stimulus package; and be it

FURTHER RESOLVED, That the Clerk of this Board, be hereby directed to forward certified copies of this resolution to President Barack

Obama, United States Senators Charles Schumer and Kirsten Gillibrand, United States Congressman Chris Lee, all of the counties of New York State, New York State Association of Counties, Inter-County of Western New York, and all others deemed appropriate and necessary.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain: #25

**RESOLUTION NO. 09-286
(July 14, 2009)**

By Mr. Gozelski, Chairman of Agriculture Committee:

**OPPOSING NEW YORK STATE LEGISLATURE BILL NUMBERS
S.2247, S.5212, AND A.1867 MANDATING FARM LABOR
REQUIREMENTS**

WHEREAS, Wyoming County enjoys a large and diverse farming community including the designation of being the largest dairy farming County in New York State; and

WHEREAS, The farms in Wyoming County span a wide range of sizes, production methods, and products and are presently experiencing historically low prices for their products; and

WHEREAS, Farmers can do little to influence the prices that they receive for their farm products; and

WHEREAS, The adage “make hay while the sun shines” stems from the fact that the business of farming is different than other businesses; crops must be harvested when the crop is ready, weeds must be eliminated before they overtake the crop, dairy cows must be milked daily, flocks of sheep all produce lambs in a short period, with weather factors complicating the work schedule. Particular seasons require more hours of work than others and is crucial to the success of any farm; and

WHEREAS, Many farm workers become a part of the farm, working hard for long hours on certain days while enjoying a less stressful, more relaxed, and enjoyable work life found only on the farm; and

WHEREAS, Senate Bill S.2247 and S.5212 and Assembly Bill A.1867 would subject local farmers to the mandatory payment of overtime to farm

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workers and other requirements that would place them in precarious financial positions that would put many farm jobs in jeopardy; and

WHEREAS, The Senate Labor Committee has voted S.2247 and S.5212 out of committee, and Assembly Members Dierdre Scozzafava and Addie Jenne Russell, and Senators Joseph Griffo and Darrel Aubertine have not supported these measures in their respective houses; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors urge the New York State Legislature to reject Bills S.2247, S.5212, and A.1867, and be it

FURTHER RESOLVED, That the Clerk of this Board be hereby directed to send a copy of this resolution to Governor David Paterson; Senators Darrel Aubertine, Joseph Griffo, Elizabeth O'C Little, and Dale Volker; and New York State Assembly Members Janet Duprey, Addie J. Russell, Teresa Sayward, Dierdre Scozzafava and Daniel Burling.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:

Chairman Berwanger, T/Arcade commented on a recent Letter to the Editor in the Batavia Daily regarding Farm Labor overtime. In the first sentence it became apparent to the Chairman that there was some misinformation because the letter writer indicated that farm workers work 55 to 80 hours per week year round. Chairman Berwanger added that the focus of this bill is not geared so much toward Dairy farmers but Vegetable and Crop farmers in other areas of the state where they are not full time employees but seasonal workers. They may not be working 6 months out of the year. During that time they are most likely collecting unemployment (the 40% missing from your paychecks) or earning from other sources of income.

There was a motion by Mr. Rogers, T/Castile, to combine resolutions #26 through #33. A voice vote was taken and all voted aye.

#26

**RESOLUTION NO. 09-287
(July 14, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT ACCEPTANCE
AWARD WITH DIVISION OF CRIMINAL JUSTICE SERVICE ON
BEHALF OF THE DISTRICT ATTORNEY'S 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 the Division of Criminal Justice Service, 4 Tower Place, Albany, NY 12203-3764 on behalf of the District Attorney's office. Said grant is for the provision of funding for Aid to Prosecution in a minimum amount of thirty-five thousand three hundred dollars (\$35,300.00); effective April 01, 2009 through March 31, 2010.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:

#27

**RESOLUTION NO. 09-288
(July 14, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT ACCEPTANCE
AWARD WITH THE NEW YORK STATE CRIME VICTIM'S BOARD
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 award with New York State Crime Victim's Board, 1 Columbia Circle, Suite 200, Albany, New York 12203-6383 on behalf of the District Attorney's Office. Said grant is for the provision of funding for crime victim services in a minimum amount of two hundred fifty thousand seven hundred fifty-seven dollars (\$250,757.00) as follows:

- 2009-2010 - \$79,282.00
- 2010-2011 - \$83,393.00
- 2011-2012 - \$88,082.00;

effective October 01, 2009 through September 30, 2012

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:
#28

**RESOLUTION NO. 09-289
(July 14, 2009)**

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By Mr. Rogers, Chairman of Public Safety Committee:

CHAIRMAN / SHERIFF AUTHORIZED TO SIGN A GRANT APPLICATION AND ACCEPTANCE AWARD WITH THE NEW YORK STATE GOVERNOR'S TRAFFIC SAFETY COMMITTEE ON BEHALF OF THE SHERIFF'S DEPARTMENT

BE IT RESOLVED, That the Chairman of this Board / Sheriff with the approval of the County Attorney is hereby authorized and directed to sign a grant application and acceptance award with the Governor's Traffic Safety Committee, NYS Dept of MV; 6 Empire State Plaza, Room 414, Albany NY 12228 on behalf of the Sheriff's Department. Said grant is for the provision of funding Wyoming County's Buckle Up New York (BUNY) program in a minimum amount of five thousand two hundred fifty dollars (\$5,250.00); effective October 01, 2009 through September 30, 2010.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain: #29

**RESOLUTION NO. 09-290
(July 14, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND ACCEPTANCE AWARD WITH THE BUREAU ASSISTANCE OFFICE OF JUSTICE PROGRAMS 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 Bureau Assistance Office of Justice Programs, 810 Seventh Street NW, Fourth Floor, Washington DC 20531 on behalf of the Sheriff's Department. Said grant is for the provision of funding for Edward Byrne Memorial Justice Assistance Grant (JAG) in the minimum amount of seventeen thousand seven hundred fifty-two dollars (\$17,752.00); effective to start on or after July 31, 2009 and run up to 24 months.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:

**RESOLUTION NO. 09-291
(July 14, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 08-442 AMENDED

WHEREAS, Resolution Number 08-442 entitled, **“CHAIRMAN AUTHORIZED TO SIGN GRANT ACCEPTANCE AWARD WITH NEW YORK STATE OFFICE OF HOMELAND SECURITY ON BEHALF OF EMERGENCY SERVICES,”** passed by this Board of Supervisors on December 09, 2008 provides funding to support planning, equipment, training, and exercise needs in a minimum amount of seventy-nine thousand five hundred dollars (\$79,500.00); effective July 01., 2008 through June 30, 2011; now therefore

BE IT RESOLVED, That the Resolution Number 08-442 be hereby revised to reflect amended effective dates of September 01, 2008 through August 31, 2011 only, all else remains the same.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:
#31

**RESOLUTION NO. 09-292
(July 14, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 09-178 AMENDED

WHEREAS, Resolution Number 09-178 entitled, **“CHAIRMAN AUTHORIZED TO SIGN A LEASE AGREEMENT WITH FORD MOTOR CREDIT COMPANY ON BEHALF OF FIRE AND BUILDING CODE ENFORCEMENT,”** passed by this Board of Supervisors on April 14, 2009 provides for a lease agreement with Ford Motor Credit Company, PO Box 1739 – MD 7500, Dearborn, MI 48121-1739 on behalf of Fire and Building Code Enforcement for a new SUV Ford Escape with a lease term of 36 months at 5.85% interest with a one dollar (\$1.00) buy out option at the end of the lease in an amount not to exceed eighteen thousand six hundred fifty dollars

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(\$18,650.00); effective the date of commencement. Contingent upon the availability of funds; now therefore

BE IT RESOLVED, That the Resolution Number 09-178 be hereby amended to include interest of one thousand five hundred forty-six dollars and sixteen cents (\$1,546.16) and an underwriting fee of four hundred twenty-five dollars (\$425.00) for a total lease amount of twenty thousand six hundred twenty-one dollars and sixteen cents (\$20,621.16) all else remains the same.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:

#32

**RESOLUTION NO. 09-293
(July 14, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

AMEND RESOLUTION NUMBER 09-92

WHEREAS, Resolution Number 09-92 entitled, “**2009 ALTERNATIVES TO INCARCERATION PLAN APPROVED ON BEHALF OF PROBATION,**” passed by this Board of Supervisors on February 06, 2009 provides for community service, pretrial release, and the Data Day Program in a minimum amount of twenty-four thousand nine hundred dollars (\$24,900.00); effective January 01, 2009 through December 31, 2009; now therefore

BE IT RESOLVED, That the Resolution Number 09-92 be hereby amended to decrease the award amount by one thousand three hundred seventy-two dollars (\$1,372.00) to twenty-one thousand five hundred twenty-six dollars (\$21,526.00).

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:

#33

**RESOLUTION NO. 09-294
(July 14, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT ACCEPTANCE
AWARD FOR THE ENHANCED SUPERVISION OF SEX OFFENDERS
GRANT 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 the Enhanced Supervision of Sex Offenders Grant with the Division of Probation and Correctional Alternatives, 80 Wolf Rd., Albany, NY 12205 on behalf of Wyoming County Probation. Said grant is to provide extra funding to supervise level one and two sex offenders in a minimum amount of thirteen thousand three hundred eighty dollars (\$13,380.00) an increase of two thousand four hundred seventy dollars (\$2,470.00) over last year's amount; effective April 01, 2009 through March 31, 2010.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:

There was a motion by Mr. Davis, T/Covington, to combine resolutions #34 and #40. A voice vote was taken and all voted aye.

#34

**RESOLUTION NO. 09-295
(July 14, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN 2010 RENEWAL RATES
WITH UNIVERA ON BEHALF OF THE COUNTY WORKFORCE**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign Univera Health Insurance renewal rates for County Employees for **2010**:

- Active Employee rate –
 - o \$496.30 (single)
 - o \$1,330.34 (family)
- Retired Employee rates –
 - o **Custom PPO**
 - \$830.93 (single)
 - \$2,231.62 (family)
 - o **High Deductible plan**
 - \$484.68 (single)
 - \$1,301.68 (family)
 - o **Medicare PPO Plan**
 - These rates will not be available until later this year.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:

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**RESOLUTION NO. 09-296
(July 14, 2009)**

By Mr. Davis, Chairman of Finance Committee:

RESCIND RESOLUTION NUMBER 09-115

WHEREAS, Resolution Number 09-115 entitled, “**BOND RESOLUTION OF THE COUNTY OF WYOMING, NEW YORK, DATED FEBRUARY 06, 2009, FOR THE ISSUANCE AND SALE OF BONDS OF THE COUNTY OF WYOMING, NEW YORK, IN THE AMOUNT OF \$4,315,000.00 FOR THE RENOVATION AND ADDITION CONSTRUCTION, OF PROPERTY LOCATED AT 466 NORTH MAIN STREET, WARSAW, NY AND RAZING OF THE BUILDING LOCATED AT 5324 DOODY ROAD, WARSAW, NY FOR COUNTY PURPOSES,**” passed by this Board of Supervisors on February 06, 2009 provides for the issuance and sale of bonds for the County of Wyoming, New York to renovate the property located at 466 North Main Street, Warsaw, New York and raze the building located at 5324 Doody Road, Warsaw, New York; now therefore

BE IT RESOLVED, That Resolution Number 09-115 be hereby rescinded.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:
#36

**RESOLUTION NO. 09-297
(July 14, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**LOCATION AND TIME OF AUGUST 2009 REGULAR SESSION
CHANGED**

WHEREAS, The Rules of Procedure of the Board of Supervisors have been suspended by unanimous consent for the purpose recited in this resolution; now therefore

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BE IT RESOLVED, That the Regular Session of the Wyoming County Board of Supervisors will be held on ***Tuesday, August 18th, 2009 at 2:00 PM*** at the ***Wyoming County Fairgrounds in Pike, New York.***

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain: #37

**RESOLUTION NO. 09-298
(July 14, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**FRANK VITAGLIANO, JR. AND DAVID DUTTON NOMINATED TO
THE ROCHESTER-GENESEE REGIONAL TRANSPORTATION
AUTHORITY**

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 two individuals 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 and David Dutton, 136 Liberty Street, Town of Arcade, Arcade, NY 14009 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: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:

July 14, 2009

**RESOLUTION NO. 09-299
(July 14, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**CURRENT CSEA CONTRACT
AMENDED FOR HIGHWAY PERSONNEL**

BE IT RESOLVED, That the current CSEA contract for Highway Personnel be hereby amended to reflect a \$100/yr. clothing allowance.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:
#39

**RESOLUTION NO. 09-300
(July 14, 2009)**

By Mr. Davis, Chairman of Finance Committee:

SALARY SCHEDULES “S,” “D,” AND “I” AMENDED

BE IT RESOLVED, That the Wyoming County Salary Plan which became effective January 01, 1967, as amended, is hereby amended to reflect a **2%** increase to titles with eligible employees commencing January 01, 2009 unless otherwise stated and is annexed hereto as follows:

Salary Schedule “I”:

- Sheriff – set the salary at \$72,275.00 annually;

Salary Schedule “D”:

- Clerk to the Board – set the salary at \$45,000.00 annually;
- Director of Fire and Emergency Management – set the salary at \$50,000.00 annually
- Commissioner of Social Services – set the salary at \$65,000.00 annually; effective June 30, 2009; and
- Director of Aging and Youth – set the salary at \$51,680.00 annually

Salary Schedule “S”:

- Deputy Clerk to the Board – set the salary at \$35,000.00 annually;
- Reimbursement and Budget Administrator – set the salary at \$59,000.00 annually;
- Civil Service Administrator – set the salary at \$42,000.00 annually;
- Secretary to the County Highway Superintendent – set the salary at \$35,000.00 annually;
- Information Technology Assistant – set the salary at \$34,000.00 annually;
- Secretary to the Sheriff – set the salary at \$37,000.00 annually;
- Public Health Administrator – set the salary at \$55,000.00 annually;
- Under Sheriff – set the salary at \$60,000.00 annually; effective August 31, 2009; and

Department of Social Services

- Administrative Assistant – set the salary at \$33,000.00 annually

Worker’s Compensation

- Secretary I – set the salary at \$28,242.00 annually

And be it

FURTHER RESOLVED, That the salary of any position vacated shall be open for review by the appropriate committee.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain: #40

**RESOLUTION NO. 09-301
(July 14, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**SET PUBLIC HEARING – INTRODUCTORY LOCAL LAW NO. B
YEAR 2009**

WHEREAS, There has been duly presented and introduced at a meeting of this Board of Supervisors of Wyoming County on this 14th day of July, 2009, a proposed local law entitled, **“A LOCAL LAW PROVIDING SALARIES FOR CERTAIN COUNTY OFFICERS FOR THE YEAR 2009”** and

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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 will be held on the said proposed Local Law by this Wyoming County Board of Supervisors on the 18th day of August, 2009 at 2:00 PM at the Wyoming County Fairgrounds, Pike, New York.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:
2/3 majority
#41

RESOLUTION NO. 09-302
(July 14, 2009)

By Mr. Davis, Chairman of Finance Committee:

**A RESOLUTION AUTHORIZING THE
RECONSTRUCTION AND CONSTRUCTION OF AN
ADDITION TO THE MUNICIPAL BUILDING AND
DEMOLITION OF THE BUILDING LOCATED AT 5324
DOODY ROAD IN AND FOR THE COUNTY OF
WYOMING, NEW YORK, AT A MAXIMUM
ESTIMATED COST OF \$4,500,000.00, AND
AUTHORIZING THE ISSUANCE OF \$4,500,000.00
BONDS OF SAID COUNTY TO PAY THE COST
THEREOF.**

WHEREAS, All conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, It is now desired to authorize the financing of such capital project; now therefore,

BE IT RESOLVED, By the affirmative vote of not less than two-thirds of the total voting strength of the Board of Supervisors of the County of Wyoming, New York, as follows:

Section 1. The (i) reconstruction and construction of an addition to the Municipal Building, including original furnishings, equipment, machinery, apparatus and appurtenances, at a maximum estimate cost of

\$4,478,000, and (ii) demolition of the building located at 5324 Doody Road, at a maximum estimated cost of \$22,000, all in and for the County of Wyoming, New York, including incidental improvements and expenses in connection therewith, is hereby authorized.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$4,500,000 bonds of said County hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law, all estimated as set forth above.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid reconstruction and construction project is twenty-five years, and for the demolition, ten years, being a class of objects or purposes, pursuant to subdivisions 12(a)(1) and 12-a, respectively, of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said County of Wyoming, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the County Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the County Treasurer shall deem best for the interests of the County.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing

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the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the County Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of

payment, and also including the consolidation with other issues, shall be determined by the County Treasurer. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the County Treasurer shall determine.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Clerk of the Board of Supervisors in substantially the form provided in Section 81.00 of the Local Finance Law.

Carried: XXX Ayes: 1437 Noes: Absent: 33 (Wethersfield) Abstain:

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Chairman Berwanger asked if there was any Supervisor who objected to the presentation of unanimous consent resolutions #42 and #43. Hearing none, the Chairman asked the clerk to read unanimous consent resolution #42 and unanimous consent resolution #43.

Prior to the Roll Call vote Supervisor Rogers, T/Pike and Chairman of the Public Works Committee stated that the county went out to bid on the erection of the Fire Training Tower. Estimated cost was \$330,000.00, low bidder came in at \$248,646.00 giving the county an opportunity to do work in other areas. The contract will be awarded with the approval of the County Attorney and project engineer.

Director Santoro was offered an opportunity to comment. On behalf of the Firemen in the county it will be great to have a place within the county to practice because for the past 3 years they've gone to Genesee County.

UC#42

RESOLUTION NO. 09-303 (July 14, 2009)

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

CHAIRMAN AUTHORIZED TO AWARD BID AND SIGN CONTRACTS WITH BUILDING INITIATIVE GROUP ON BEHALF OF BUILDINGS AND GROUNDS

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney and project engineer is hereby authorized and directed to award a bid and sign a contract with Building Initiative Group, 107 Lincoln Parkway, E Rochester, NY 14445 for the provision of construction of the Fire Training Tower at the Fire Training Center, Wethersfield Rd., Wethersfield NY in an amount not to exceed two hundred forty-eight thousand six hundred forty-six dollars (\$248,464.00); effective through the completion of the project.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:
UC#43

RESOLUTION NO. 09-304 (July 14, 2009)

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

EAST LAKE ROAD PROJECT PROPERTY OWNERS INDEMNIFIED

WHEREAS, Resolution 09-247 was approved by the Wyoming County Board of Supervisors on June 9, 2009 accepting the donation of portions of various parcels necessary for the rehabilitation of East Lake Road in the Town of Castile, Wyoming County, New York, as described on maps on file in the Office of the Wyoming County Superintendent of Highways; and

WHEREAS, It is necessary for the County to indemnify said property owners in connection with said rehabilitation; now therefore

BE IT RESOLVED, That the County of Wyoming shall indemnify and hold harmless the property owners listed in Resolution 09-247 from any claim, charge, expense or liability arising from any action or omission taken by the County in connection with exercising its rights under the Easements given to the County of Wyoming by the property owners.

Carried: XXX Ayes: 1559 Noes: Absent: 37 (Wethersfield) Abstain:

Chairman Berwanger, T/Arcade reminded everyone that next month's meeting will be on August 18th, which happens to be the third Tuesday of the month not the 2nd and that the meeting will be held at the County Fair Grounds in Pike, NY at 2:00 PM not 2:30 PM.

Also, Chairman Berwanger, T/Arcade shared with the attendees that today is a very special day for the County Attorney as he and his lovely wife are celebrating their 31st wedding anniversary today.

There being no further business to come before this Board, Senior Supervisor Bush, T/Gainesville, adjourned the meeting at 3:26 PM with a rap on his desk.

Respectfully submitted,

Cheryl J. Ketchum

Cheryl J. Ketchum, Board Clerk

**REGULAR SESSION
(August 18, 2009)**

Tuesday

2:00 PM

The regular session of the Wyoming County Board of Supervisors was held at the Wyoming County Fair Grounds located at the Wyoming County Fair Grounds, Pike, New York with all Supervisors present. Also present were Assistant County Attorney, Jamie Welch; Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Brenda Ferrell.

At 2:00 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran(s) leading the Pledge of Allegiance this month was:

THOMAS N. WILSON

Mr. Wilson's service to his country comes while serving during the Vietnam War. Mr. Wilson enlisted in the United States Navy on March 11, 1958 completing both his Basic and Advanced Individual Training at the Great Lakes Naval Station and became qualified as a "Gunnery". He was then assigned duties and training in the Florida Everglades and became qualified as a Navy Seal.

Mr. Wilson was assigned duties aboard the USS Camp (DER-251), a destroyer escort radar vessel and spent the next 3 years in and around the waters of Vietnam. His duties as a "Gunnery" on the USS Camp and as a Navy Seal, was part of a Negotiating Team that was in Vietnam between 1959 & 1961. Many of his missions and duties during his period were highly classified.

After 3 years on the USS Camp, Mr. Wilson returned stateside and was assigned duties on the USS Arcadia out of Boston, MA where his duties included being on a "Fire Control Team". He completed his enlistment and was Honorably Discharged on January 5, 1962 at the rank of Seaman 1st Class.

Mr. Wilson returned to this area and worked for about 2 years, first at the Gunlock Furniture Company in Wayland as a "finisher" and then as the "head cutter" at the Livonia Knitting Mill. He was then recalled to Active Duty and was a "Trainer" of Navy Seals in California for about 1 ½ years. Mr. Wilson then again returned to this area and went to work for the Leroy Industries of Ford Motors as an inspector. He worked and held this position for the next 37 years until his retirement in 2003.

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Mr. Wilson has also been active and supportive of his community. He has been an active member of the Pavilion Fire Department for over 32 years, with the Pavilion Fire Police for 30 years and is presently serving as the President of the Genesee County Fire Police Association. He has also been a longtime active member of the United Methodist Church of Covington, especially in Music Ministries, where his is an avid electric base player and is a member of the American Legion Post # 350 of Perry. Mr. Wilson enjoys hunting and fishing, and he and his wife Marian live in the Town of Covington.

The pledge was said by all.

Chairman Berwanger, T/Arcade thanked Mr. and Mrs. Davis for leading in the pledge today and presented them with a certificate of appreciation. They were offered the customary opportunity to address the Board. Mrs. Davis thanked the Board for the opportunity to see local government in action.

Communications:

C1: Letter from Assemblywomen Dede Scozzafava, dated August 6, 2009 regarding resolution number 09-268, dated July 14, 2009, entitled, ***“Opposing New York State Legislature Bill Numbers S.2247, S.5212, And A.1867 Mandating Farm Labor Requirements.”***

C2: Letter from Senator Dale Volker, dated July 6, 2009 regarding resolutions from the June 9th Board Meeting:

1. Res. #09-230, entitled, ***“Flag Day Proclaimed;”***
2. Res. #09-258, entitled, ***“Resolution by the Wyoming County Board of Supervisors In Favor Of Amending Environmental Conservation Law To Allow Rifle Hunting Of Big Game In Wyoming County;”***
3. Res. #09-239, entitled, ***“Resolution Number 09-216 Rescinded”*** (Res. #09-216, entitled, “Resolution in Support of Reintroduction of Federal Senate Bill S-1722, The Federal Milk Marketing Improvement Act”)
4. Res. #09-239, entitled, ***“Resolution Urging the New York State Assembly, Senate and Governor and the New York State Board of Elections to Enact Laws, Rules and Regulations that Specifically Authorize the Continued Use of Lever Style Voting Machines as a Solution to Unwarranted Expenses to The Citizens of Wyoming County Relative to HAVA – Board of Elections”***

C3: Letter from Senator Dale Volker, dated August 3, 2009 regarding resolution number 09-286, dated July 14, 2009, ***“Opposing New York State***

Legislature Bill Numbers S.2247, S.5212, And A.1867 Mandating Farm Labor Requirements.”

Recognition of Special Guests:

1. Patrick Brennan – Brought greetings from Ag. And Markets Commissioner, Patrick Hooker and wished all a very successful county fair.
2. Introduction of Brian Fleischman (New Director of Tourism)

Open Public Hearing:

Local Law No. 3 (INTRODUCTORY B) - YEAR 2009, “County of Wyoming, Providing Salaries for Certain County Officers for the Year 2009”

#1

**RESOLUTION NO. 09-305
(August 18, 2009)**

By Mr. Gozelski, Chairman of Agriculture Committee:

WYOMING COUNTY FAIR WEEK PROCLAIMED

WHEREAS, The Wyoming County Fair will be held from August 15th through August 22nd, 2009 in the Town of Pike, 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, This year’s theme, “Country Living, Past, Present, Future,” 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 15th through August 22nd in the year 2009 as:

“WYOMING COUNTY FAIR WEEK”

and be it

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FURTHER RESOLVED, That the Wyoming County Board of Supervisors do hereby applaud the annual efforts of the Wyoming County Fair Association.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

Supervisor Gozelski, T/Castile was invited to the podium to present the Wyoming County Fair Week proclamation to Vice President of the Fair Association, Walter Hallbauer.

Vice President Hallbauer graciously accepted the proclamation and offered the following comments:

“On behalf of the Board of Directors of the Wyoming County Fair Association and its members, we thank you for providing this proclamation. It will be on display in the area of the fair office which is on the far end of the green building which is right next door. The Board of Directors also, I think is very proud, proud would be the right word, to have a session of the Board of Supervisors’ meeting conducted here in the fair on our grounds. To me at least, it provides two main purposes. One is I see it as bringing county government to the local people rather than the other way around which is too prevalent these days. It gives our people or our guests to the fair an opportunity to sit in for a few minutes and see how the operation goes at the Board of Supervisors. It’s a lot easier for them to be here than it is, I think, than the hallowed halls of County Hall in Warsaw. So I think that provides a real good feeling toward people. At least to see how the legislative branch works. The other benefits I see it, is we feel that we have a captive audience right now with you for a few hours. We are happy that you are here. We would encourage you certainly to visit the different buildings on the grounds and see the exhibits that are provided by the growers and producers in Wyoming County. Agriculture is still the number one industry or business in Wyoming County. It gives or provides an opportunity to show case, if you will, for exhibitors and producers to come and show off with those, whether it be with dairy and livestock, or vegetables, or cash crops, honey, maple syrup whatever it is. Take some time and look of those exhibits before you leave. I also think that you are in one of the most important buildings on the fair grounds. I am a little bit biased on this; this is the 4-H and FFA exhibit building and take time to look through and see what the young people have done in this past year with their projects. I think any money spent on these programs is so important as they are such a great resource for our future. Also, there are about 1,600 school children exhibits over in the People’s Hall from students throughout Wyoming County that have entered a project here. Our Fair Association greatly appreciates the financial support that the Board of Supervisors provides to our Fair and certainly helps us so it’s a great way to delivering the Fair as you see it. So, enjoy the Fair! Ask the young people as you go by questions about their project, let them tell

you about it and in a couple of hours it's going to be time for them to give the public a presentation on a topic that they are interested in and learned about. Ask them questions, they appreciate it."

In closing Mr. Hallbauer invited everyone to the beer tent for a cold drink on such a hot afternoon. Very funny Mr. Hallbauer, as there is no alcohol sold on the fair grounds! Everyone laughed; they all thought it was pretty funny...

Chairman Berwanger, T/Arcade acknowledged the arrival of United States Congressman Chris Lee of the 26th Congressional District and introduced him as the next speaker.

Congressman Lee thanked the Chairman for his introduction and thanked him for allowing him to speak.

Congressman Lee talked about the Health Care affordability reform issue currently being debated in Congress today. The Congressman stated that he had 10,000 people from his district have called in and taken part in a Tele-Town Hall conference. Over twenty five thousand people have been able to take part in at least one of the four weekly "Tele-Town" Hall debates district wide. Congressman Lee invited the public to come forward with their comments in regards to the Health Care affordability reform issue.

The Congressman invited everyone to visit his web-site at chrislee.house.gov to learn more about the issue??

Chairman Berwanger, T/Arcade asked Congressman Lee if he had anything to report on the price of milk. He wondered how soon somebody could expect to see an increase in their milk check. Congressman Lee stated that Congress has reinstituted the Dairy Caucus. New York State the third largest producer, Wyoming County the largest in New York State. He will be working on raising and sustaining the price of milk.

Chairman Berwanger, T/Arcade next introduced the Wyoming County Sheriff, Farris Heimann.

Sheriff Heimann stated that the Chairman asked that he speak about a new service offered by the Sheriff's Department. A few months ago he was approached in regards to providing photo ID's. The Sheriff's Department now has a system in place that provides Wyoming County residents with this service for free. Just call the office to make an appointment.

The next item Sheriff Heimann spoke about was the Mobile Command post. This unit is provided to Wyoming County through last year's Emergency Services

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and Sheriff's Department Homeland Security money that comes into the county yearly from the state of New York. The Unit is completely funded by the State of New York.

#2

**RESOLUTION NO. 09-306
(August 18, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2009 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2009 accounts as follows:

Buildings and Grounds/CIP			
From: 12.61.9950.9.99004 Interfund Transfer To: 12.61.1620.2.21003 CIP Govt Center Repairs Reason: To allocate funds for gutter replacement and repair at the Government Center approved by Public Works on 7/24/09.	\$85,000.00	\$85,000.00	
From: 12.61.9950.9.99004 CIP – Interfund Transfer To: 12.61.6010.2.21002 CIP – DSS Reconstruction Reason: To allocate funds for Hollywood Video for DSS temporary relocation.	\$233,000.00	\$233,000.00	
Buildings and Grounds Total			\$318,000.00
Board of Supervisors			
From: 01.31.1010.8.89001 Medical / Hosp. Ins. To: 01.31.1010.4.41010 Misc. Office Supplies 01.31.1010.4.41701 Physicals – Co. Employee 01.31.1010.4.41705 Drug / Alcohol Testing Reason: To cover expenses for county seals and Student Aide.	\$300.00	\$222.00 45.00 33.00	
Board of Supervisors Total			\$300.00

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#3

**RESOLUTION NO. 09-307
(August 18, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2009 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2009 accounts as follows:

Regular Session

Treasurer			
To: 01.33.1325.4.42306 Misc. Expense/Other w/01.11.1325.3089 Other State Rev. Reason: to Revise budget for tax collection grant (purchase of software and program costs) second payment.	\$25,000.00	\$25,000.00	
Treasurer Total			\$25,000.00
Buildings and Grounds			
To: 01.34.1621.1.10202 Temporary 01.34.1621.8.83001 FICA 824.60 01.34.1621.8.85001 Medicare FICA 192.85 01.34.1621.8.81001 Retirement 1,064.00 w/ 01.03.1621.1289 Other Dept. Income Reason: To appropriate funds to cover the cost of Temporary employee hired to assist with the CIP projects. Cost will be offset by a chargeback to the Capital Improvement Project (CIP) Fund.	\$13,300.00	\$15,381.45	
Buildings and Grounds Total			\$15,381.45
Youth Bureau			
To: 01. 45.7310.4.42434 Stars of Tomorrow w/01.03.7310.1289 Other Dept Income Reason: Funds will be used for the "In Jest: Comedy Variety Show" – which incorporates a drug/alcohol message to families.	\$500.00	\$500.00	
Youth Bureau Total			\$500.00
Public Health			
To: 01.38.4010.4.42429 Rabies Treatment From any funds available Reason: To appropriate for Rabies Vaccine & Immune Globuline for Rabies post exposure treatment	\$15,000.00	\$15,000.00	
Public Health Total			\$15,000.00
Mental Health			
To: 01.38.4220.2.20201 Computer Equipment \$1,200.00 01.38.4220.4.40001 Gas 300.00 01.38.4220.4.40005 Water/Sewer Fees 50.00 01.38.4220.4.40301 Prof. Svc. Contracts 11,350.00 01.38.4220.4.40608 Storage Rental 250.00 01.38.4220.4.40926 ARA, Inc. 4,500.00 01.38.4220.4.41010 Misc. Ofc/Op. Supplies 2,000.00 01.38.4220.4.41101 Paper 500.00 01.38.4220.4.41201 Postage 2,000.00 01.38.4220.4.41202 Printing 2,000.00 01.38.4220.4.41204 Advertising 8,000.00 01.38.4220.4.41401 Maintenance Agrmts. 500.00 01.38.4220.4.41410 Software Purchase 300.00 01.38.4220.4.41510 Educational Materials 5,000.00 01.38.4220.4.42103 Minor Office Equip. 500.00 01.38.4220.4.42306 Misc./Other 16,967.00 01.38.4220.4.42476 CCSI (MH) <u>67,534.00</u> \$122,951.00 w/01.11.4220.3486 Substance Abuse Control incr. \$72,951.00 01.12.4220.4491 MH SICA Grant incr. \$50,000.00			
Mental Health Total			\$122,951.00
District Attorney			
To: 01.32.1168.1.10604 Stipends/Bonus Award \$ 26,000.00 01.32.1168.4.40301 Prof Svc Contr. \$ 2,000.00 01.32.1168.4.40402 Conferences/Conv. \$ 2,000.00 01.32.1168.4.40405 Employee Expenses \$ 429.00 01.32.1168.8.81001 Retirement \$ 2,882.00 01.32.1168.8.83001 FICA \$ 1,612.00 01.32.1168.8.85001 Medicare-FICA \$ 377.00 w/01.11.1168.3089 Aid To Prosecution/State Aid Reason: DCJS-Aid to Prosecution funds approved by resolution 09-28		\$35,300.00	
District Attorney Total			\$35,300.00

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Sheriff			
To: 01.37.3110.4.40508 Private Auto Repair w/01.08.3110.2680 Insurance Recovery Reason: offset of insurance company collision payment for car 11	\$2,032.11	\$2,032.11	
To: 01.37.3110.2.20501 Law Enf/Fire & Safety Equip w/01.12.3110.438903 Homeland Security increase by same Reason: purchase of a fingerprint card scanner and hardware	\$2,494.00	\$2,494.00	
To: 01.37.3110.2.20201 Comp Equip 01.37.3110.2.20501 Law Enf/Fire & Safety Equip w/01.12.3110.448914 Byrne Grant/Fed. Aid Reason: purchase of 2 laptops and 20 Tasers under the Byrne/JAG grant (Res #09-290)	\$1,752.00 \$16,000.00	\$17,752.00	
To: 01.37.3110.4.40508 Private Auto Repair w/01.08.3110.2680 Insurance Recovery Reason: offset of insurance company collision payment for car 19	\$8,228.29	\$8,228.29	
To: 01.37.3110.4.40508 Private Auto Repair w/01.08.3110.2680 Insurance Recovery Reason: offset of insurance company collision payment for car 7	\$473.15	\$473.15	
Sheriff Total			\$30,979.55
Emergency Services			
To: 01.37.3645.2.20401 Misc. Equipment 01.37.3645.2.23001 Motor Vehicles 01.37.3645.4.42102 Safety Expense s w/01.12.3645.438901 Federal Aid/Homeland Sec. Grant Reason: Funds to be used for specialized hazardous- materials vehicle and miscellaneous safety items	\$24,000.00 30,000.00 25,500.00	\$79,500.00	
Emergency Services Total			\$79,500.00

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

Mr. Bush, T/Gainesville, Chairman of the Audit Committee, presented bills totaling **\$1,282,230.20** for the month of **July 2009**.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

There was a motion by Mr. Patti, T/Attica, to combine resolutions #4 through #9. A voice vote was taken and all voted aye.

#4

**RESOLUTION NO. 09-308
(August 18, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN THE NEW YORK STATE
LOCAL GOVERNMENT EFFICIENCY PROGRAM FOR
“CONSOLIDATION OF HIGHWAY MAINTENANCE**

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RESPONSIBILITIES” BY WYOMING COUNTY AND THE
SIXTEEN TOWNS WITHIN WYOMING COUNTY ON BEHALF OF
COUNTY HIGHWAY

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 – Local Government Efficiency Program for “Consolidation of Highway Maintenance Responsibilities by Wyoming County and the sixteen towns in the County” on behalf of County Highway. Said grant is to provide funding for the purchase of a boom truck and mower to be shared by the county and 16 towns within Wyoming County in a minimum amount of one hundred thousand eight hundred dollars (\$100,800.00).

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#5

RESOLUTION NO. 09-309
(August 18, 2009)

By Mr. Patti, Chairman of Public Works Committee:

CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH TCCT, INC. 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 TCCT Inc., 46 N. Maple St., Warsaw, NY 14569 on behalf of Buildings and Grounds. Said contract is to provide cleaning services at the Wyoming County Courthouse in an amount not to exceed thirty-seven thousand five hundred sixty dollars (\$37,560.00); effective September 14, 2009 through September 13, 2010.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#6

RESOLUTION NO. 09-310
(August 18, 2009)

By Mr. Patti, Chairman of Public Works Committee:

August 18, 2009

Proceedings of the Board of Supervisors**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH
COPPER & SLATE INCORPORATED 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 Copper & Slate Inc., 1729 Bailey Ave., Buffalo, NY 14211 on behalf of Buildings and Grounds. Said contract is for replacement of the copper gutters and down spouts on the Government Center in an amount not to exceed eighty-five thousand dollars (\$85,000.00); effective through the completion of the project.

Contingent upon the availability of funds.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#7

**RESOLUTION NO. 09-311
(August 18, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO AWARD FIVE (5) BIDS AND SIGN
FIVE (5) SEPARATE CONTRACTS IN CONNECTION WITH THE
DEPARTMENT OF SOCIAL SERVICES BUILDING EXPANSION
PROJECT ON BEHALF OF BUILDINGS AND GROUNDS**

WHEREAS, The Wyoming County Board of Supervisors has determined that the buildings located at 466 North Main Street, Warsaw, New York and 5324 Doody Road, Warsaw, New York are in need of extensive repair and as a result on March 11, 2008 this Board of Supervisors passed resolution number 08-135 entitled, ***“DEPARTMENT OF SOCIAL SERVICES BUILDING CAPITAL IMPROVEMENT PROJECT APPROVED;”*** now therefore

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney, Project Engineer and concurrence of award by USDA Rural Development is hereby authorized and directed to award the following

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bids and sign contracts with the follow contractors for the reconstruction of the building located at 466 North Main Street, Warsaw, New York:

- **General Construction:** **Picone Construction Corporation** **\$1,414,000.00**
8680 Main Street
Williamson, NY 14221
 - **Mechanical:** **Crosby-Brownlie, Inc.** **\$383,700.00**
100 Nassau Street
Rochester, NY 14605
 - **Plumbing:** **John W. Danforth Company** **\$145,500.00**
300 Colvin Woods Parkway
Tonawanda, NY 14150
 - **Electrical:** **Billitier Electric, Inc.** **\$347,900.00**
737 Atlantic Ave
Rochester, NY14609
 - **Fire Protection:** **Allied Fire Protection Systems, Inc.** **\$60,800.00**
1885 Lyndon Boulevard
Falconer, NY 14733
- \$2,351,900.00**

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#8

RESOLUTION NO. 09-312 (August 18, 2009)

By Mr. Patti, Chairman of Public Works Committee:

CLERK OF THE WORKS DESIGNATED FOR ALL WYOMING COUNTY CAPITAL IMPROVEMENT PROJECTS

BE IT RESOLVED, That Dennis Halstead, 43 Washington Street, Warsaw, NY 14569, in his capacity as Superintendent of Buildings and Grounds, is hereby designated as Clerk of the Works for all Wyoming County Capital Improvement projects; and be it

FURTHER RESOLVED, That the Clerk of the Works is to maintain records of all payments to vendors and is authorized to approve said payments, via signature on vouchers and purchase orders, per the County of Wyoming's Purchasing Policy and Procedures; and be it

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FURTHER RESOLVED, That as Clerk of the Works he has the authority to secure independent inspectors for special inspections relative to Wyoming County Capital Improvement projects as required by outside agencies from time to time in an aggregate amount not to exceed twenty-five thousand dollars (\$25,000.00).

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:**

#9

RESOLUTION NO. 09-313**(August 18, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH CLARK PATTERSON LEE 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 Lee, 205 St. Paul St., Suite 500, Rochester, New York 14604 on behalf of Buildings and Grounds. Said contract is for the provision of Construction Administration and Observation of the Department of Social Services Renovation project in an amount not to exceed two hundred seventeen thousand one hundred eighty dollars (\$217,180.00); effective through the completion of the Department of Social Services Buildings Renovation project.

Contingent upon the availability of funds.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:**

Chairman Berwanger, T/Arcade invited Supervisor Patti, T/Attica and Chairman of the Public Works Committee to comment on the resolution just passed for the \$2,351,900.00 Department of Social Services building capital improvement project. Supervisor Patti, T/Attica stated that the project has been in the works for a little over two years. Major renovations to the lower Social Services building with a 10,000 square foot addition resulting in a total cost of \$4.5 million dollars. Upper Building to be demolished. Today's resolution approves the construction of the building shell. Savings of \$1.5 million with county work force finishing the construction.

There was a motion by Mrs. Totsline, T/Genesee Falls, to combine resolutions #10 through #14. A voice vote was taken and all voted aye.

**RESOLUTION NO. 09-314
(August 18, 2009)**

By Mrs. Totline, Chairman of Human Services Committee:

**GARY COUSINS REAPPOINTED TO THE
POSITION OF DIRECTOR OF VETERANS' SERVICES**

BE IT RESOLVED, That Gary Cousins, 154 North Maple Street, Warsaw, NY 14569 be hereby reappointed to the position of Director of Veterans' Services, pursuant to County Law §800, for a term of two (2) years; effective November 15, 2009 through November 14, 2011.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain: #11

**RESOLUTION NO. 09-315
(August 18, 2009)**

By Mrs. Totline, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND
ACCEPTANCE AWARD WITH NEW YORK STATE 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 application with New York State Office for the Aging, 2 Empire State Plaza, Albany, NY 12223-1251 on behalf of Wyoming County Office for the Aging. Said grant is to provide funding for Medicare Improvements for Patients to provide counseling to beneficiaries who are low income and potentially eligible for low income subsidy program in a minimum amount of six thousand (\$6,000.00); effective June 01, 2009 through May 31, 2010.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

**RESOLUTION NO. 09-316
(August 18, 2009)**

By Mrs. Totslin, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH KAREN LEATHERBARROW 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 Karen Leatherbarrow, 10495 Manchester Road, Boston, NY 14025 on behalf of the Youth Bureau. Said contract is for the provision of Pre-School related services not to exceed 2009-2012 budget – variable depending on number of services performed July 01, 2009 through June 30, 2012.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#13

**RESOLUTION NO. 09-317
(August 18, 2009)**

By Mrs. Totslin, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND
ACCEPTANCE AWARD FOR NEW YORK CONNECTS (LONG TERM
CARE) GRANT**

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 grant application and acceptance award for the New York Connects (Long Term Care) Grant in a minimum amount of sixty-two thousand dollars (\$62,000.00); effective October 01, 2009 through September 30, 2010.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

**RESOLUTION NO. 09-318
(August 18, 2009)**

By Mrs. Totstline, Chairman of Human Services Committee:

CHILD SUPPORT AWARENESS MONTH PROCLAIMED

WHEREAS, Our children are our most precious and valuable resource and by investing in them, we secure a future of hope and opportunity for us all; and

WHEREAS, The welfare of our children is the most important responsibility we have as parents and a child should be able to rely on parental support; and

WHEREAS, Children who receive adequate emotional and financial support from both parents may experience less difficulty in becoming healthy, happy, and productive citizens; and

WHEREAS, Prior to 1975, child support enforcement was primarily accomplished in the private sector through civil actions by private attorneys; and

WHEREAS, The public sector of Child Support Enforcement was established in 1975 under Title IV-D of the Social Security Act, making child support enforcement a joint federal, state, and local partnership in order to ensure that children are financially supported by both parents. In addition to the efforts made by the public sector, private attorneys will continue to play an active role in child support enforcement; and

WHEREAS, Concerned and dedicated child support workers, clerks of the court, county attorneys, support magistrates, judges, and deputy sheriffs throughout the County work diligently to establish and enforce child support obligations for the benefit of children in Wyoming County; now therefore

BE IT RESOLVED, That this Board of Supervisors hereby proclaims *August 2009* as:

CHILD SUPPORT AWARENESS MONTH
in the County of Wyoming.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

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Chairman Berwanger, T/Arcade invited Supervisor Totslie, T/Genesee Falls to the microphone to present the Child Support Awareness Month Proclamation to the Commissioner of Social Services, David Rumsey. Commissioner Rumsey also agreed to read the proclamation. Supervisor Totslie shared Commissioner Rumsey's recent appointment to this position with the audience.

There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #15 through #18. A voice vote was taken and all voted aye.

#15

**RESOLUTION NO. 09-319
(August 18, 2009)**

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

**CHAIRMAN / COMMISSIONER OF HEALTH AUTHORIZED TO SIGN
AN AGREEMENT WITH THE UNIVERSITY OF ROCHESTER
CENTER FOR COMMUNITY HEALTH ON BEHALF OF THE
COUNTY HEALTH DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney are hereby authorized and directed to sign an agreement with the University of Rochester Center for Community Health, 46 Prince Street, Rochester, NY 14607 on behalf of the Health Department. Said agreement is for payment of Livingston Wyoming Cancer Services Partnership clinical patient services fees to the Wyoming County Health Department, in an amount not to exceed twenty-nine thousand eight hundred one dollars (\$29,801.00); effective June 30, 2009 through June 29, 2010.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#16

**RESOLUTION NO. 09-320
(August 18, 2009)**

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

**CHAIRMAN / COMMISSIONER OF HEALTH AUTHORIZED TO SIGN
A GRANT APPLICATION AND ACCEPTANCE AWARD WITH THE
NEW YORK STATE DEPARTMENT OF HEALTH DIVISION OF**

Regular Session

Proceedings of the Board of Supervisors
**FAMILY HEALTH ON BEHALF OF THE COUNTY HEALTH
DEPARTMENT**

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BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney are hereby authorized and directed to sign a grant application and acceptance award with the New York State Department of Health Division of Family Health, ESP, Corning Tower, Albany NY 12237 on behalf of the County Health Department. Said grant is for funding Early Intervention Administration in a minimum amount of thirty-one thousand nine hundred eighty-three dollars (\$31,983.00); effective October 1, 2009 through September 30, 2010.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#17

**RESOLUTION NO. 09-321
(August 18, 2009)**

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

**CHAIRMAN / COMMISSIONER OF HEALTH AUTHORIZED TO SIGN
A GRANT APPLICATION AND ACCEPTANCE AWARD FOR THE
HEALTH COMMUNITY CAPACITY BUILDING INITIATIVE WITH
THE NEW YORK STATE DEPARTMENT OF HEALTH ON BEHALF
OF THE COUNTY HEALTH DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney are hereby authorized and directed to sign a grant application and acceptance award for the Health Community Capacity Building Initiative, with the New York State Department of Health, Bureau of Community Chronic Disease Prevention, Riverview Center, Room 350, 150 Broadway, Albany, New York 12204 on behalf of the County Health Department. Said grant to be in a minimum amount of thirty-four thousand dollars (\$34,000.00); effective August 1, 2009 through March 31, 2010.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#18

**RESOLUTION NO. 09-322
(August 18, 2009)**

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

August 18, 2009

**CHAIRMAN / COMMISSIONER OF HEALTH AUTHORIZED TO SIGN
A CONTRACT EXTENSION WITH FRANK HOLLISTER JR. ON
BEHALF OF THE COUNTY HEALTH DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney are hereby authorized and directed to sign a contract extension with Frank Hollister Jr., 3401 Beardsley Road, Perry, NY 14530 on behalf of the County Health Department. Said contract is for the provision of Public Health Emergency Preparedness Coordination Services in fulfillment of New York State Department of Health deliverables in an amount of thirty dollars (\$30.00) per hour, not to exceed thirteen thousand two hundred thirty dollars (\$13,230.00); effective August 10, 2009 through December 31, 2009. Services are fully reimbursed through the approved New York State Department of Health PHEP grant.

Contingent upon the availability of funding.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

There was a motion by Mr. Fleischman, T/Java, to combine resolutions #19 through #22. A voice vote was taken and all voted aye.

#19

**RESOLUTION NO. 09-323
(August 18, 2009)**

By Mr. Fleischman, Chairman of Planning Committee:

**MEMBERS REAPPOINTED TO THE MICRO LOAN REVIEW
COMMITTEE**

BE IT RESOLVED, That the following members are hereby reappointed to the Micro-Loan Review Committee for a term of two (2) years; effective October 1, 2009, through September 30, 2011:

- **James Pierce** (Executive Director, Wyoming County Chamber of Commerce) 6470 Route 20A, Suite 2, Perry, New York 14530

- **Howard Wood** (Village of Perry Mayor) 170 South Main Street, Perry,
New York 14530

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#20

**RESOLUTION NO. 09-324
(August 18, 2009)**

By Mr. Fleischman, Chairman of Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN A NEW YORK STATE OFFICE
OF COMMUNITY RENEWAL GRANT APPLICATION ON BEHALF
OF WYOMING COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

WHEREAS, The County of Wyoming wishes to apply for a grant from the New York State Office of Community Renewal, Economic Development program, not to exceed three hundred and sixteen thousand dollars (\$316,000.00) that will be used by the Wyoming County Industrial Development Agency (IDA) to provide financial assistance to Pankow Farm, Town of Castile, for its continued growth and expansion; and

WHEREAS, Any repayments of loan proceeds of this grant from Pankow Farm will 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 is hereby authorized and directed as the official representative of Wyoming County, New York to execute and submit grant applications to the Office of Community Renewal for a NYS Community Development Block Grant, OCR Economic Development program, and is hereby authorized and directed, upon approval of the County Attorney, to take all actions needed for the submission of the grant application and to provide such additional information and assistance as may be necessary; and be it

FURTHER RESOLVED, That two public hearings on behalf of this Board of Supervisors will be held as required by the Office of Community Renewal on September 1, 2009 and September 8, 2009 at 3 pm at the Wyoming County Business Center, 6470 Route 20A, Town of Perry, New York 14530 and at least five days notice of such hearings shall be given by the Clerk of this

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Board by publishing such notice at least once in the official newspapers of the town designated for such publications.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:****#21****RESOLUTION NO. 09-325****(August 18, 2009)**

By Mr. Fleischman, Chairman of Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN A YEARLY RENEWAL
CONTRACT WITH WYOMING COUNTY COMMUNITY ACTION 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 the annual renewal contract with Wyoming County Community Action, 6470 Route 20A, Suite 1, Perry NY 14530 on behalf of Wyoming County. Said contract is for the provision of the July 01, 2007 through June 30, 2012 Workforce Investment Board programs administration; annual agreement effective July 01, 2009 through June 30, 2010.

Contingent upon the availability of funds.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:****#22****RESOLUTION NO. 09-326****(August 18, 2009)**

By Mr. Fleischman, Chairman of the Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN GLOW CEO WIB AGREEMENT
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 the GLOW CEO WIB Agreement; effective July 01, 2009 through June 30, 2010. The purpose of the Agreement is to define and delineate the functions, powers, duties, relationships, and operating procedures of the consortium*. Grant Recipient, the Workforce Investment Board (hereinafter known as the "WIB"),

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and the Chief Elected Officials, (hereinafter known as the CEO's) in order to facilitate the provision of policy guidance for, and the exercise of oversight of, the WIA. (*The Consortium is the term used to describe the legal union of the four local governments who are parties to this Agreement and who comprise the GLOW Workforce Investment Area designated by the Governor of the State of New York pursuant to Section 112 (3) (A) (i & ii) of the WIA Act.).

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

There was a motion by Mr. Rogers, T/Pike, to combine resolutions #23 through #28. A voice vote was taken and all voted aye.

#23

**RESOLUTION NO. 09-327
(August 18, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

FIRE ADVISORY BOARD DELEGATES APPOINTED / REAPPOINTED

BE IT RESOLVED, That the following named persons are hereby appointed / reappointed to the Wyoming County Fire Advisory Board and in accordance with Section 225-a of the County Law for a term of one year effective ***July 11, 2009 through July 10, 2010***:

<u>ADDRESS</u>	<u>DEPARTMENT</u>	<u>MEMBER</u>
Arcade	Gregory Landis	782 Geer Rd. Arcade, NY 14009
Attica	Jay Myers	297 Main St. Attica, NY 14011
Bennington	Joseph Heller, Jr	1290 Maxon Rd. Attica, NY 14011
Bliss	Richard Maher	3248 Rt. 39 Bliss, NY
Castile	Thomas Ballinger	21 Park Rd. W. Castile, NY 14427

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Cowlesville	Joseph Pomona	203 Clinton St. Cowlesville, NY 14037
Gainesville	Robert Patterson	5006 Shearing Rd. Gainesville, NY 14066
Genesee Falls	Jason Carpenter	6944 Hubbard St. Portageville, NY 14536
Harris Corners	Mark Keem	2563 Rt. 77 Strykersville, NY 14145
North Java	Raymond Wilson	1464 Beaver Meadow Rd. Java Village, NY 14113
Perry	Herbert Funk	7 Competent St. Perry, NY 14530
Perry Center	James Brick	7618 Rt. 20A Perry, NY 14530
Pike	Douglas Flint	78 Main St. Pike, NY 14130
Sheldon	Richard Brzezicki, Jr.	2830 Valley View Ln. Strykersville, NY 14145
Silver Springs	Deanna Wilcox	11 Summitt Ave. Warsaw, NY 14569
Strykersville	Donald Simons	425 Factory Rd. Strykersville, NY 14145
Varysburg	Carl Parmerter	2151 Rt. 98 Attica, NY 14011
Warsaw	Ralph Millen	42 S. Maple St. Warsaw, NY 14569
Wyoming	John Moore	911 Tower Rd. Wyoming, NY 14591

Members At-Large for towns without Departments:

Orangeville
Covington

Town Supervisor
Town Supervisor

Town of Orangeville
Town of Covington

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

Regular Session

**RESOLUTION NO. 09-328
(August 18, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 05-162 AMENDED

WHEREAS, Resolution Number 05-162 entitled, **“CHAIRMAN AUTHORIZED TO SIGN HOMELAND SECURITY GRANT ACCEPTANCE AWARD ON BEHALF OF EMERGENCY SERVICES,”** passed by this Board of Supervisors on May 10, 2005 provides for a grant with NYS Office of Homeland Security, State Office Campus, 1220 Washington Ave., Building 7A, 6th Floor, Albany, NY 12242-1800 on behalf Emergency Services. Said Grant is for funding in the following amounts – ten thousand dollars (\$10,000.00) for interoperability, ten thousand dollars (\$10,000.00) for equipment, and ten thousand dollars (\$10,000.00) for maintenance of equipment at the Fire Training Center; effective April 01, 2005 through March 31, 2007; now therefore

BE IT RESOLVED, That Resolution Number 05-162 be hereby amended to reflect an extension of the effective dates to October 01, 2004 through March 31, 2008 all else remains the same.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#25

**RESOLUTION NO. 09-329
(August 18, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

**FIRE / EMERGENCY INCIDENT CLEANUP / REMOVAL FORM
APPROVED**

BE IT RESOLVED, That this Board of Supervisors does hereby approve the Fire / Emergency Incident Cleanup / Removal Form as presented to this Board on behalf of Emergency Services and is annexed hereto.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

August 18, 2009

**RESOLUTION NO. 09-330
(August 18, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND
ACCEPTANCE AWARD FOR THE HAZARDOUS MATERIALS
EMERGENCY PREPAREDNESS (HMEP) GRANT 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 application and acceptance award for the Hazardous Materials Emergency Preparedness (HMEP) Grant for year fourteen, fifteen, and sixteen, administered through the New York State Emergency Management Office, 1220 Washington Avenue, Bldg. 22, Suite 101, Albany, New York 12226-2251. Said grant is for funding to improve and implement emergency plans. Award for year fourteen, one thousand eight hundred (\$1,800.00); year fifteen, one thousand eight hundred (\$1,800.00); and year sixteen, minimum award two thousand nine hundred thirty dollars (\$2,930.00).

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#27

**RESOLUTION NO. 09-331
(August 18, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 09-90 AMENDED

WHEREAS, Resolution Number 09-90 entitled, “**2009 INTENSIVE SUPERVISION CONTRACT APPROVED ON BEHALF OF PROBATION,**” passed by this Board of Supervisors on February 06, 2009 and provides for extra monies to closely supervise court ordered probationers sentenced to the Intense Supervision Program instead of jail in a minimum amount of six thousand seven hundred dollars (\$6,700.00); effective January 01, 2009 through December 31, 2009; now therefore

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BE IT RESOLVED, That the Resolution Number 09-90 be hereby amended to reflect a decrease in funding in the amount of seven hundred seventy-eight (\$778.00) for a total grant award amount of five thousand nine hundred twenty-two dollars (\$5,922.00), all else remains the same.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#28

**RESOLUTION NO. 09-332
(August 18, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 09-91 AMENDED

WHEREAS, Resolution Number 09-91 entitled, “**CHAIRMAN AUTHORIZED TO SIGN CONTRACTS WITH THE DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES ON BEHALF OF PROBATION,**” passed by this Board of Supervisors on February 06, 2009, which provides for funds for extra services and to closely supervise defendants that would be prison bound in a minimum amount of thirteen thousand four hundred dollars (\$13,400.00); effective January 01, 2009 through December 31, 2009; now therefore

BE IT RESOLVED, That the Resolution Number 09-91 be hereby amended to reflect a decrease in funding of one thousand seven hundred forty-four dollars (\$1,744.00) for a total grant award amount of eleven thousand six hundred fifty six dollars (\$11,656.00), all else remains the same.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

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

#29

**RESOLUTION NO. 09-333
(August 18, 2009)**

By Mr. Davis, Chairman of Finance Committee:

BLACKBERRY USAGE POLICY APPROVED

August 18, 2009

BE IT RESOLVED, That this Board of Supervisors do hereby approve the Blackberry Usage Policy as presented to this Board on behalf of Information Technology and is annexed hereto.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#30

**RESOLUTION NO. 09-334
(August 18, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**RESOLUTION DECLARING CERTAIN REAL PROPERTY AS
SURPLUS AND SCHEDULING A PUBLIC HEARING ON A LOCAL
LAW RELATING TO THE SALE OF SAID PROPERTY.**

WHEREAS, The Board of Supervisors for the County of Wyoming has determined that certain property located at 6610 Pearl Street, Eagle, New York is surplus property based on its location, condition, age, and lack of suitability for any County use, and

WHEREAS, The County has been informed and understands that this property may have some value to a prospective purchaser if said property can be marketed with the expectation of a private and conclusive sale; now therefore

BE IT RESOLVED, That the property depicted on Exhibit A attached hereto is declared surplus property and a public hearing shall be held on September 08, 2009, at 2:30 PM at the Wyoming County Government Center, 143 N. Main St., Warsaw, New York, on Wyoming County Local Law Introductory No. C, for the year 2009, authorizing the private sale of said property subject to the negotiation of acceptable terms and upon the further resolution of this Board of Supervisors.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

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Exhibit A

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ALL THAT TRACT OR PARCEL OF LAND, situate in a town known on May 17, 1920 as Eagle, in the County of Wyoming, State of New York, being part of Lot No. 38 in said town, according to maps and surveys made for the Holland Land Company, and bounded as follows:

Beginning at the northeast corner of land owned on May 17, 1920 by Floyd S. Bliss and Minnie J. Bliss, in the center of highway known as Pearl Street in the Hamlet of Bliss; thence west 162 feet along the south line of land then owned on May 17, 1920 by Wm. A. Baldeck; thence south 44 feet parallel with the said highway; thence east 42 feet parallel with the north line of this lot; thence south 10 feet parallel with the west line of this lot; thence east parallel with the north line of this lot 120 feet to the center of said highway; thence north along the center of said highway to the place of beginning.

SUBJECT to covenants, easements, and restrictions of record affecting the above described premises.

BEING the same premise conveyed to Gordon R. Fuller and Ada Mae Fuller by deed dated August 14, 1963 and recorded in the Wyoming County clerk's Office in Liber 348 of Deeds at page 549.

#31

RESOLUTION NO. 09-335
(August 18, 2009)

By Mr. Davis, Chairman of Finance Committee:

CREDIT CARD PROCEDURE POLICY APPROVED

BE IT RESOLVED, That this Board of Supervisors does hereby approve the Credit Card Procedure Policy as presented to this Board on behalf of the Budget Office and is annexed hereto.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

August 18, 2009

**RESOLUTION NO. 09-336
(August 18, 2009)**

By Mr. Davis, Chairman of 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, 2011, 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, 2011, 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 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, 2011, the tax shall be at the rate of four percent, and on and after December 01, 2011, 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 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, 2011, the tax shall be at the rate of four percent, and on and after December 01, 2011, the tax shall be at the rate of three

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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, 2011, the tax shall be at the rate of four percent, and on and after December 01, 2011, 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, 2011, the tax shall be at the rate of four percent, and on and after December 01, 2011, 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, 2011, the tax shall be at the rate of four percent, and on and after December 01, 2011, 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, 2011.

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, 2011, 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, 2009.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#33

**RESOLUTION NO. 09-337
(August 18, 2009)**

By Mr. Davis, Chairman of Finance Committee:

August 18, 2009

**REQUESTING NEW YORK STATE TO TAKE BACK LOCAL
SHARE OF MEDICAID AS A COMPONENT OF TRUE MEDICAID
REFORM**

WHEREAS, A looming Medicaid crisis exists in New York State and has not been adequately addressed by our State representatives for many years; and

WHEREAS, For nearly two [2] decades, state legislatures have hidden behind their inability to pass an on-time state budget as an easy excuse for avoiding true Medicaid Reform; and

WHEREAS, New York State is one of the few states nationwide who passes down a percentage of Medicaid costs to the county level, which in New York State amounts to 20-25% on average; and

WHEREAS, Our state leaders need to boldly step forward in a non-partisan fashion, make the hard hitting, and decisive decisions, many of which may not be popular to voters at home, but which decisions will start us on the road to true Medicaid Reform; and

WHEREAS, True Medicaid Reform will stem reverse in economic growth and migration away from New York State of businesses and taxpayers to more friendly environs, will stabilize economic impacts on health care providers, and will modernize current laws that allow for shielding of large levels of income by individuals who should pay for their care; and

WHEREAS, Without true reform, Medicaid will continue to grow and strip the likes of Wyoming County of their vitality and any hope of fiscal stability for years to come; and

WHEREAS, Wyoming County views New York State's Medicaid Cap, as nothing more than smoke and mirrors; and

WHEREAS, True Medicaid Reform would include as an integral part New York State taking back all Medicaid costs passed down to counties; and

WHEREAS, Wyoming County proposes that the State of New York start taking back the local share, implementation of which should span a five [5] year period at the rate of twenty [20%] percent of the local share per year, so that at the conclusion of the five [5] year period the State would be bearing the full load of Medicaid; and

WHEREAS, Implementation of this program should not include offsetting by county revenues such as sales tax or the like; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors requests that the State of New York, as part of larger true Medicaid Reform, take back the local costs paid by counties statewide, which program should be implemented over a five [5] year period at a rate of twenty [20%] percent per year, so that at the end of that term the State of New York shall bear all Medicaid costs statewide without contribution by offset or otherwise from counties; and be it

FURTHER RESOLVED, That the Clerk to this Board of Supervisors shall forward copies of this resolution to Governor David A. Patterson, United States Senators Kirsten Gillibrand and Charles Schumer, Congressman Chris Lee, New York State Senator Dale Volker, and New York State Assemblyman Daniel Burling.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#34

**RESOLUTION NO. 09-338
(August 18, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**RESOLUTION OPPOSING VARIOUS PROPOSED
ANTI-GUN OWNER LEGISLATION IN NEW YORK STATE**

WHEREAS, the "right to bear arms" is guaranteed by the 2nd Amendment to the U.S. Constitution; and

WHEREAS, Certain bills passed in the New York State Assembly will have a detrimental effect on hunters, sportsmen, and legal gun owners as well as the health of wildlife, revenue to local municipalities, and the Department of Environmental Conservation; and

WHEREAS, Passage of said legislation would curtail the rights of law-abiding citizens as guaranteed by the Constitution; now therefore

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BE IT RESOLVED, That the Board of Supervisors hereby urges the NYS Senate and the Governor to oppose the following onerous and misleading bills:

- O A-801-A (Requires renewal of firearms licenses after five years; safety course requirement outside City of New York; sets expiration date and provides for a recertification schedule to be developed by the Commissioner of Criminal Justice Services.)
- O A-1093 (Requires imposition of restrictions on gun dealers; stringent recordkeeping and reporting to prevent gun sales to criminals; requires liability insurance of at least \$1 million; restricts premises of sales; requires employee training; imposes additional license conditions.)
- O A-1326 (Outlaws handguns capable of firing by a five-year old or younger, making all current handguns illegal.)
- O A-2881 (Defines possession of armor piercing, frangible, or devastator ammunition as criminal possession of a weapon.)
- O A-2882A (Expanded compilation of firearm and ballistic data.)
- O A-3076 (Institution of new training requirements for issuance of firearms permits.)
- O A-3211 (Bans sale, use, or possession of 50-caliber or larger weapons.)
- O A-5844 (Enacts "children's weapon accident prevention act"; creates crime for failure to store weapons safely; development of a weapons safety program.)
- O A-6157 (Amends assault weapon definition to include "detachable magazine," "muzzle break", and "muzzle compensator.")
- O A-6468B (Requires semi-automatic pistols to be capable of micro-stamping ammunition.)
- O A-5078 (Amends definition of "disguised gun" to include weapon or device capable of being concealed on a person from which a shot can be discharged through energy of an explosive, which is designed and intended to appear to be a toy gun.)

And be it

FURTHER RESOLVED, That the Clerk to this Board of Supervisors shall forward copies of this resolution to Governor David A. Patterson, United States Senators Kirsten Gillibrand and Charles Schumer, Congressman Chris Lee, New York State Senator Dale Volker, and New York State Assemblyman Daniel Burling.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#35

**RESOLUTION NO. 09-339
(August 18, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**RESOLUTION OF SUPPORT FOR THE WYOMING COUNTY RAIL
INITIATIVE**

WHEREAS, The Wyoming County Board of Supervisors has demonstrated its desire to support the Wyoming County Rail Initiative by agreeing to provide appropriate letters of support for grant applications that may be sought to help finance this project; now therefore

BE IT RESOLVED, That when 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 be it

FURTHER RESOLVED, That when appropriate the Board of Supervisors will support this project by advancing financial resources in an amount not to exceed one hundred fifty thousand dollars (\$150,000.00) through proper channels. Such channels will be determined by the Board of Supervisors.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#36

**RESOLUTION NO. 09-340
(August 18, 2009)**

By Mr. Davis, Chairman of Finance Committee:

August 18, 2009

Proceedings of the Board of Supervisors**SALARY SCHEDULE “G” AND “I” AMENDED**

BE IT RESOLVED, That the Wyoming County Salary Plan which became effective January 01, 1967, as amended, is hereby amended as follows and is annexed hereto:

Salary Schedule “I”:

- District Attorney – set the salary at \$122,196.00 annually; effective January 01, 2009;

Salary Schedule “G”:**District Attorney**

- Domestic Violence Coordinator – set the salary at \$33,300.00 annually; effective 10/01/09; and
- Crime Victims Coordinator – set the salary at \$36,950.00 annually; effective 10/01/09

And provide a

One time stipend payable after January 01, 2010 with Aid to Prosecution Grant funds.

• (1 st) Assistant District Attorney	\$11,000.00
• (2 nd) Assistant District Attorney	\$10,000.00
• Secretary to the District Attorney	\$3,500.00
• Administrative Assistant (District Attorney)	\$1,000.00
• Crime Victims Program Coordinator	\$500.00

****Once paid salary schedule reverts back to 0***

And be it

FURTHER RESOLVED, That the salary of any position vacated shall be open for review by the appropriate committee.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

Before the roll call vote was taken Chairman Berwanger asked Hospital CEO, Ron Krawiec to explain what the following 23 majority resolution will mean to the facility.

Mr. Krawiec explained that the hospital has recently had the good fortune to retain an eye specialist and this equipment has the ability to facilitate immediate revenues for the physician providing such services and the facility.

**RESOLUTION NO. 09-341
(August 18, 2009)**

By Mr. Davis, Chairman of Finance Committee:

A RESOLUTION AUTHORIZING THE PURCHASE OF RETINA SURGICAL EQUIPMENT IN AND FOR THE COUNTY OF WYOMING, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$250,000.00, AND AUTHORIZING THE ISSUANCE OF \$250,000.00 BONDS OF SAID COUNTY TO PAY THE COST THEREOF.

WHEREAS, All conditions precedent to the financing of the capital project hereinafter described, have been performed; and

WHEREAS, It is now desired to authorize the financing of such capital project; now therefore,

BE IT RESOLVED, By the affirmative vote of not less than two-thirds of the total voting strength of the Board of Supervisors of the County of Wyoming, New York, as follows:

Section 1. The purchase of Retina Surgical Equipment, is hereby authorized.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$250,000.00 bonds of said County hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law, all estimated as set forth above.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid purchase is five years, being a class of objects or purposes, pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief

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fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said County of Wyoming, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the County Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the County Treasurer shall deem best for the interests of the County.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the County Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the County Treasurer. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the County Treasurer shall determine.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as

specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Clerk of the Board of Supervisors in substantially the form provided in Section 81.00 of the Local Finance Law.

Carried: XXX Ayes: 1470 Noes: Absent: Abstain:
2/3 Majority
#38

RESOLUTION NO. 09-342
(August 18, 2009)

By Mr. Davis, Chairman of Finance Committee:

**AUTHORIZING THE APPLICATION OF A COUNTY
CREDIT CARD WITH THE BANK OF CASTILE**

WHEREAS, It is been determined that it is necessary for the County of Wyoming to have a credit card for its day-to-day operations; now therefore

BE IT RESOLVED, That the County of Wyoming is hereby authorized to apply to the Bank of Castile for a County Credit Card to be used in connection with its day-to-day operations having a line of credit not to exceed ten thousand dollars (\$10,000.00); and be it

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FURTHER RESOLVED, That the Chairman of this Board, with the approval of the County Attorney, is hereby authorized to sign said application and is hereby designated as the contact person relating to said application.

Carried: XXX Ayes: 1470 Noes: Absent: Abstain:

Public Comment:

*Motion made by Supervisor Gozelski, T/Castile to close the public hearing.
Seconded by Supervisor Knab, T/Sheldon*

**Close Public Hearing:
Public Hearing
#39**

**RESOLUTION NO. 09-343
(August 18, 2009)**

By Mr. Davis, Chairman of Finance Committee:

LOCAL LAW INTRODUCTORY NO. B (3) YEAR 2009, ADOPTED

WHEREAS, There was duly presented and introduced at a meeting of this Board, held on the 14th day of July, 2009, a proposed local law of the County, designated as Local Law Introductory No. B, for the year 2009, entitled, **A Local Law of the County of Wyoming, Providing Salaries for Certain County Officers for the year 2009**; and

WHEREAS, In accordance with the provisions of Resolution No. 09-300, there was a public hearing held by this Board of Supervisors on this 18th day of August, 2009 at 2:00 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 amended 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 ENACTED, That Local Law Introductory No. B, Year 2009, County of Wyoming, New York, as presented to this Board on the 18th day of August, 2009, be hereby adopted, enacted and passed by this Board in its present form as follows:

LOCAL LAW NO. 3 - YEAR 2009

County of Wyoming, Providing Salaries for Certain County Officers for the year 2009

Section 1. Effective as hereafter provided, the annual salary of the County Treasurer shall be increased by \$1,000.00.

Section 2. Effective as hereafter provided, the annual salary of the District Attorney shall be increased by \$2,396.00.

Section 3. Effective as hereafter provided, the annual salary of the County Sheriff shall be increased by \$2,275.00.

Section 4. Effective as hereafter provided, the annual salary of the Commissioner of Elections (2) shall be increased by \$268.00.

Section 5. Effective as hereafter provided, the annual salary of the Clerk to the Board of Supervisors shall be increased by \$2,500.00.
Section 6. Effective as hereafter provided, the annual salary of the County Attorney, PT shall be increased by \$1,087.00.

Section 7. Effective as hereafter provided, the annual salary of the County Highway Superintendent shall be increased by \$1,500.00.

Section 8. Effective as hereafter provided, the annual salary of the Director of Community Services shall be increased by \$1,213.00.

Section 9. Effective as hereafter provided, the annual salary of the Public Defender, PT shall be increased by \$1,008.00.

Section 10. Effective as hereafter provided, the annual salary of the Commissioner of Public Health shall be increased by \$1,348.00.

Section 11. Effective as hereafter provided, the annual salary of the Director of Real Property Tax Service shall be increased by \$1,154.00.

Section 12. Effective as hereafter provided, the annual salary of the Director of Veteran's Services shall be increased by \$420.00.

Section 13. Effective as hereafter provided, the annual salary of the Director of Aging and Youth shall be increased by \$2,000.00.

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Section 14. All salaries set forth above shall be effective as of January 01, 2009.

Section 15. 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 16. This Local Law is subject to permissive referendum.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
Chairman Berwanger introduced Jamie Welch, Assistant County Attorney, sitting in for Eric Dadd, County Attorney.

There being no further business to come before this Board, Senior Supervisor Bush, T/Gainesville, adjourned the meeting at 2:58 PM with a rap on his desk.

Respectfully submitted,
Cheryl J. Ketchum

Cheryl J. Ketchum, Board Clerk

**REGULAR SESSION
(September 08, 2009)**

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 Supervisors present except Supervisor Bush, T/Gainesville. Also present were County Attorney, Eric T. Dadd; Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Brenda Ferrell.

At 2:45 PM Chairman Berwanger, T/Arcade, called the meeting to order.

Director of Veteran Services, Gary Cousins was invited by Chairman Berwanger, T/Arcade to preform the POW / MIA Recognition Day Ceremony. Assisting Director Cousins with the ceremony today is Commissioner of Social Services, D. Rumsey. Veterans from all branches of the service were invited to stand by the POW / MIA Recognition Day display during the ceremony...

The Veteran(s) leading the Pledge of Allegiance this month was:

EVERETT L. BURTON

Everette Burton's service to his country comes while serving during World War II. Mr. Burton enlisted in the United States Coast Guard on October 22, 1942. He completed his Basic Training at the Naval Base in New Orleans, Louisiana. He then completed his Advanced Individual Training in "Sonar and Radar", at the Naval Base in Miami, Florida, and became qualified as a Radar/Sonar Operator. Mr. Burton was assigned duties on the USS Brunswick, a Patrol Frigate, and served as a Sonar Operator. Over the next 2 ½ years, Mr. Burton's ship served the US along the East Coast, and included missions around Iceland, and Greenland. Mr. Burton, aboard the USS Brunswick escorted convoys on the North Atlantic, which also included the areas of St. Gibraltar and Algiers during the European/African campaigns. Mr. Burton returned to the United States and was honorably discharged in Boston at the rank of Seaman First Class.

For his service to his country, Mr. Burton was awarded:

**The American Area Ribbon
The Good Conduct Medal
The World War II Victory Medal**

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The European-African-Middle Eastern Campaign Medal

Following his discharge, Mr. Burton returned to this area and went to work for Eastman Kodak. A year later, he went back to school and completed his High School Education. In 1949, he went to work for Wallace's 5 & 10 in Arcade and worked until 1959. He also drove truck for M & G Convoy and was a Village Police Officer. In 1959, Mr. Burton bought the "Busy-Bee Restaurant and Drive In" and owned and operated it until 1974. During this time, he also worked for a period with; Bethlehem Steel, Devier Plastics, and as Manager for "Phil's TV in Arcade. Mr. Burton suffered a stroke in 1970, but would not let it keep him from staying busy working. He was also active in his community and is a past Cub Scout Leader, past member of the American Legion, spent several years in photography – doing weddings and baby pictures, and he presently lives in the village of Arcade.

The pledge was said by all.

Chairman Berwanger, T/Arcade thanked Mr. Burton for leading in the pledge today and presented them with a certificate of appreciation. He was offered a customary opportunity to address the Board. Chairman Berwanger shared a story about a friend of his who ate 17 hot dogs at Mr. Burton's Busy Bee restaurant. Mr. Burton did indeed remember that story. He reminisced about some of the memories he had with Chairman Berwanger. Everyone enjoyed the stories...

Communications:

C1: Yearly pictures are being taken today, so the Supervisors are asked to please not get too far. Immediately following the Board Meeting pictures will be taken on the front steps of the Government Center.

C2: Letter from Assemblyman Burling, dated August 19, 2009 regarding resolutions adopted by the Wyoming County Board of Supervisors. The letter reads as follows:

"Dear Honorable Members of the Board of Supervisors:

Thank you for sending me a copy of a resolution that was recently adopted by your Honorable Body.

Resolution 09-259 urges the New York State Assembly, Senate and Governor and the New York State Board of Elections to enact laws, rules and regulations that specifically authorize the continued use of lever style voting machines as a solution to unwarranted expenses to the citizens of Wyoming County relative to HAVA-Board of Elections.

I thought you might be interested in a copy of a letter I recently received from Assembly member Deborah Glick to Speaker Sheldon Silver concerning the continued use of lever voting machines. She questions the inaccuracies in these machines, the cost involved for our municipalities, and access for our municipalities, and access for our constituents. She also mentions that she was initially supportive of these machines, but has since changed her position. I will be sure to keep you advised if I should receive any further information on this matter important to Wyoming County.

I appreciate receiving your position on this important issue and thank you for forwarding this information to me.

*Sincerely,
Daniel J. Burling”*

C3: Letter from Senator Volker, dated August 24, 2009 regarding resolutions adopted by the Wyoming County Board of Supervisors. The letter reads as follows:

“I am in receipt the Wyoming County Board of Supervisors’ resolutions dated August 18, 2009 regarding (1) reform of the state Medicaid system and (2) opposition to anti-second amendment rights legislation.

I appreciate your stance on these important issues. As you know, I am a lifelong passionate defender of our right to bear arms, and will be voting against all of the legislation mentioned in your resolution. Likewise, I will happily examine any ideas to address entitlement reform in New York State. Please do not hesitate to contact me with any other concerns, or if you feel I can be of further help.

*Very truly yours,
Dale M. Volker”*

C4: Letter from New York State Association of Counties (NYSAC), dated August 24, 2009 regarding resolutions adopted by the Wyoming County Board of Supervisors on August 18, 2009. The letter reads as follows:

“On behalf of the New York State Association of Counties (NYSAC), thank you for forwarding a copy of Wyoming County Board of Supervisors Resolution Nos. 305-343. Please be assured that these resolutions will be reviewed by the NYSAC staff member assigned to this program area and referred to the appropriate NYSAC Standing Committee.

Should you have further questions or concerns, please feel free to contact Ken Crannell or me at (518) 465-1473.

*Sincerely,
Stephen J. Acquario, Esq.*

Open Public Hearing:

Introductory Local Law C, Year 2009, Adopted (4) of the Year 2009, entitled, “Providing A Local Law Authorizing Private Sale of Real Property (6610 Pearl Street, Eagle)”

#1

**RESOLUTION NO. 09-344
(September 08, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2009 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2009 accounts as follows:

CIP			
From: 12.61.9950.9.99004 Interfund Transfer	\$26,000.00		
To: 12.61.1620.2.21022 CIP Highway		\$26,000.00	
Reason: To allocate funds for security gate @ Highway property.			
CIP Total			\$26,000.00
Emergency Services			
From: 01.37.3645.4.42102 Safety Expense	\$10,000.00		
To: 01.37.3645.2.23001 Motor Vehicle		\$10,000.00	
Reason: To transfer funds for a Vehicle Purchase.			
Emergency Services Total			\$10,000.00
Public Health			
From: 01.38.4013.1.10101 FT CSEA	\$13,230.00		
To: 01.38.4013.4.40301 Prof. Serv. Contracts		\$13,230.00	
Reason: Transfer funds to pay the extended Professional Service Contract (original Resolution #09-163) with Frank J. Hollister, Public Health Preparedness Coordinator; effective August 10, 2009 through December 31, 2009, in fulfillment of New York State Department of Health deliverables. Services fully reimbursed through the approved NYSDOH PHEP Grant.			
Public Health Total			\$13,230.00
District Attorney			
From: 01.32.1168.1.10101 Full Time CSEA	\$4.72		
01.32.1168.1.10201 Part-Time	1,264.92		
01.32.1168.4.40301 Prof Svc Cont.	505.02		
01.32.1168.8.81001 Retirement	<u>1,984.99</u>		
	\$3,759.65		
To: 01.32.1168.4.41010 Misc Ofc Supplies		\$80.26	
01.32.1168.4.41302 Witnesses		<u>3,679.39</u>	
		\$3,759.65	
Reason: To move money to match budget amendment at state level in order to spend out grant funds.			
District Attorney Total			\$3,759.65

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:

Regular Session

**RESOLUTION NO. 09-345
(September 08, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2009 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2009 accounts as follows:

Treasurers Office			
To: 01.33.1320.4.40901 Professional Audit Services w/01.03.1320.1289 Other Dept. revenue Reason: To appropriate additional revenue from highway to expenditure covering additional expense of DOT required single audit	\$1,675.00	\$1,675.00	
Treasurers Office Total			\$1,675.00
CIP			
To: 12.61.6010.4.42703 General 12.61.6010.4.42706 Plumbing 12.61.6010.4.42707 Mechanical 12.61.6010.4.42708 Electrical 12.61.6010.4.42710 Fire Protection w/12.14.6010.5730 BAN revenue Reason: To establish DSS CIP budget for prime contracts awarded the bid. BAN anticipated to be awarded 9/24/09 in time to cover October A/P.	\$1,414,000.00 145,500.00 383,700.00 347,900.00 60,800.00	\$2,351,900.00	
CIP Total			\$2,351,900.00
Wyoming County Community Action			
To: 06.57.6290.4.42449 JTPA 2A Admin w/06.12.6290.4790 Federal JTPA Aid Reason: To appropriate funds for the Job Training Program through Wyoming County Community Action.	\$175,000.00	\$175,000.00	
Wyoming County Community Action Total			\$175,000.00
Building and Grounds			
To: 01.34.1621.1.10202 Temporary 01.34.1621.8.83001 FICA 01.34.1621.8.85001 Medicare FICA 01.34.1621.8.81001 Retirement w/ 01.03.1621.1289 Other Dept. Income Reason: To appropriate funds to cover the cost of (3) Temporary employees hired for demolition work at 408 N. Main and Lower DSS CIP projects. Cost will be offset by a chargeback to the Capital Improvement Project (CIP) Fund.	\$10,560.00 654.72 153.12 844.80	\$12,212.64	
Building and Grounds Total			\$12,212.64

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Public Health			
To: 01.38.4035.4.40301 Professional Svc Cont 01.38.4035.4.40401 Training/Education 01.38.4035.4.41706 Med. & Safety Supplies w/ 01.12.4035.4489 Other Health Reason: To appropriate for various expenses (Contracted Professional Services paid to Mid-Level Practitioner, Contraceptive Technology Training, and Medical & Safety Supplies) in connection with the NYSDOH FP '08 – '09 COLA.	\$2,131.15 2,344.42 10,031.43	\$14,507.00	
Public Health Total			\$14,507.00
District Attorney			
From: 01.32.1168.1.10201 Part Time 01.32.1168.1.10202 Temporary 01.32.1168.4.40301 Prof Svc Cont. w/01.11.1168.3089 Other State Aid Reason: To reduce appropriation to reflect actual reimbursement/disbursement amount relating to 2009 ATP activity	(\$625.08) (890.00) (5.98)	(\$1,521.06)	
District Attorney Total			(\$1,521.06)
Sheriff			
To: 01.37.3110.4.40508 Private Auto Repair w/01.08.3110.2680 Insurance Recovery Reason: offset of insurance company collision payment for car 11.	\$2,291.91	\$2,291.91	
Sheriff Total			\$2,291.91

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:

Mr. Covington, T/Covington, Chairman of the Audit Committee, presented bills totaling **\$2,801,803.76** for the month of **August 2009**.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:

There was a motion by Mrs. Totline, T/Genesee Falls, to combine resolutions #3 through #17. A voice vote was taken and all voted aye.

#3

RESOLUTION NO. 09-346 (September 08, 2009)

By Mrs. Totline, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
APPLICATION AND ACCEPTANCE AWARD WITH THE
NEW YORK STATE EXECUTIVE DEPARTMENT OFFICE
OF GENERAL SERVICES, OGS DIVISION OF FINANCIAL
ADMINISTRATION ON BEHALF OF VETERAN
SERVICES**

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 Application and Acceptance Award with New York State Executive Department Office of General Services, OGS Division of Financial Administration, PO Box 2282, Empire State Plaza, Albany NY 12220-0282 on behalf of Veteran Services. Said grant is for state aid funding of veterans services in a minimum amount of eight thousand six hundred fifty-four dollars (\$8,654.00); effective April 01, 2009 through March 31, 2010.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain: #4

**RESOLUTION NO. 09-347
(September 08, 2009)**

By Mrs. Totline, Chairman of Human Services Committee:

NATIONAL POW/MIA RECOGNITION DAY PROCLAIMED

WHEREAS, The Federal Government has designated Friday, September 18, 2009 as National POW/MIA Recognition Day; and

WHEREAS, Numerous members of our Armed Forces are still listed as Prisoners of War or Missing In Action and we demand an accurate accounting of those listed as POW/MIAs; and

WHEREAS, The Wyoming County Board of Supervisors and the citizens of Wyoming County strongly support our Veterans who sacrificed so much to insure our freedom; now therefore,

BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby designate Friday September 18, 2009 as

NATIONAL POW/MIA RECOGNITION DAY

in Wyoming County; and be it

FURTHER RESOLVED, That the Clerk of this Board be hereby directed to forward copies of this resolution to President Barak Obama, U.S. Senators Charles Schumer and Kirsten Gillibrand, Congressman Chris Lee, and all others deemed appropriate and necessary.

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Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:

#5

**RESOLUTION NO. 09-348
(September 08, 2009)**

By Mrs. Totslin, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
EXTENSION WITH NEW YORK STATE OFFICE FOR
THE AGING ON BEHALF OF WYOMING COUNTY
OFFICE FOR THE AGING**

WHEREAS, Resolution Number 08-110 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS GRANT ACCEPTANCE AWARDS ON BEHALF OF THE OFFICE FOR THE AGING,**” passed by this Board of Supervisors on March 11, 2008 and provides for various grant acceptance awards with *New York State Office for the Aging*; now therefore

BE IT RESOLVED, That Resolution Number 08-110 be hereby amended to reflect extended effective dates of July 01, 2009 through December 31, 2009 for the **Title V (Senior Employment)** grant award which provides funds for senior employment opportunities to seniors 55+ in Wyoming County in an approximate amount of thirty thousand two hundred five dollars (\$30,205.00); effective July 01, 2008 through June 30, 2009, all else remaining the same.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:

#6

**RESOLUTION NO. 09-349
(September 08, 2009)**

By Mrs. Totslin, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH INDEPENDENT HEALTH ON BEHALF OF THE
YOUTH BUREAU**

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 Independent Health, 511 Farber Lakes Drive, Buffalo, NY 14221 on behalf of the Youth Bureau. Said contract is for the provision of third party reimbursement for the Early Intervention Program commencing on the date signed by Independent Health for one year.
Contingent upon the availability of funds.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:

#7

**RESOLUTION NO. 09-350
(September 08, 2009)**

By Mrs. Totslie, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH JAMES MCGUINNESS & ASSOCIATES 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 James McGuinness & Associates, 263 State Street, Schenectady, NY 12305 on behalf of the Youth Bureau. Said contract is for the provision of a consultant to perform all services specified, but not limited to modifying computer software for the special application needs of the Pre-School Program at a rate of \$550/mo + \$100 hr. Not to exceed 2009-2011 budget; effective through December 31, 2011.
Contingent upon the availability of funds.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:

#8

**RESOLUTION NO. 09-351
(September 08, 2009)**

By Mrs. Totslie, Chairman of Human Services Committee:

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Proceedings of the Board of Supervisors**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH SPEECH LANGUAGE & COMMUNICATION
ASSOCIATES, OT, PT, SP, PLLC 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 Speech Language & Communication Associates, OT, PT, SP, PLLC, 5544 Main Street, 2nd Floor, Williamsville, NY 14221 on behalf of the Youth Bureau. Said contract is for the provision of Pre-School Services. Not to exceed 2009-2012 budget, variable depending on number of services provided; effective September 01, 2009 through June 30, 2012. Contingent upon the availability of funds.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain: #9

**RESOLUTION NO. 09-352
(September 08, 2009)**

By Mrs. Totstline, Chairman of Human Services Committee:

NATIONAL YOUTH COURT MONTH PROCLAIMED

WHEREAS, Throughout September more than 1200 youth court programs operate in the nation's juvenile justice systems and will celebrate "National Youth Court" month; and

WHEREAS, Youth Courts are one of the fastest growing crime prevention programs in the nation. Youth Courts emphasize the importance of being involved in one's community, and provide our youth with an opportunity to learn about government and take an active role in upholding our democratic principles; and

WHEREAS, Youth Courts empower youth through involvement in community solutions, developing skills in leadership, decision-making, and problem solving. Youth learn the appropriate use of peer pressure, and are given opportunities to mentor and instill integrity in their peers. They gain a clearer understanding of our nation's judicial system; and

WHEREAS, We all should strive to reduce juvenile delinquency in this county. Youth Court teaches our youth about accountability and the consequences of making poor choices; they also reward responsible behavior; and

WHEREAS, The Wyoming County Board of Supervisors strongly supports youth court programs because they help build healthier and safer communities. The Board commends the youth and adult volunteers who support the Wyoming County Youth Bureau's Youth Court; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby proclaim the month of **September 2009** as:

“National Youth Court Month”

and call on all citizens to find ways to give their time, energy and talents to serve the Wyoming County Youth Court.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain: #10

RESOLUTION NO. 09-353 (September 08, 2009)

By Mrs. Totline, Chairman of Human Services Committee:

ACTIVE AGING WEEK PROCLAIMED

WHEREAS, Active Aging Week is an annual health promotion event for older adults, their families and friends and allows the participants to experience activities and exercise in a safe, friendly, and fun atmosphere; and

WHEREAS, The key messages of Active Aging Week encourage seniors to choose an active life to stay mentally and physically healthy as they age; and

WHEREAS, There are approximately 7,000 adults 60 years and older living in Wyoming County, and it is in the best interest of each individual and of the County to help all seniors stay as healthy and independent as possible; and

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WHEREAS, Wyoming County is committed to providing quality services to seniors, including health and leisure services, and Active Aging Week events, including Office for the Aging's "Wyoming Walks in the Park;" and

WHEREAS, Older adults who are physically and mentally healthy contribute to the County as volunteers, mentors and role models; and

WHEREAS, Active Aging Week supports the County's aging population, which is our fastest growing population segment, and activities are hosted by multiple sites across the State and Nation for the mutual goal of improving the health and well-being of the all senior citizens; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby proclaim the week of ***September 21 - 27, 2009*** as:

Active Aging Week

in the County of Wyoming, New York, and we encourage all citizens to recognize the value of active aging for older adults and participate in scheduled events.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain: #11

**RESOLUTION NO. 09-354
(September 08, 2009)**

By Mrs. Totstline, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH WEE CAN PRESCHOOL AND CHILDCARE 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 Wee Can Preschool and Childcare, 40 Centre Street, Orchard Park, NY 14127 on behalf of the Youth Bureau. Said contract is for the provision of Early Intervention Services in an amount not to exceed 2009-2012 budget, variable depending on number of services; effective July 01, 2009 through June 30, 2012.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain: #12

**RESOLUTION NO. 09-355
(September 08, 2009)**

By Mrs. Totslin, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH BETH SMITH 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 Beth Smith, 23 Washington Street, Castile, NY 14427 on behalf of the Office for the Aging. Said contract is for assisting in the completion of HEAP applications at a rate of \$10/hr. not to exceed three thousand dollars (\$3,000.00); effective September 01, 2009 through December 31, 2009. Contingent upon the availability of funds.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain: #13

**RESOLUTION NO. 09-356
(September 08, 2009)**

By Mrs. Totslin, Chairman of Human Services Committee:

**CHAIRMAN / COMMISSIONER OF SOCIAL SERVICES
AUTHORIZED TO SIGN A CONTRACT WITH SUZANNE
WHEELER 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

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hereby authorized and directed to sign a contract with Suzanne Wheeler, 91 North Main Street, Attica NY 14011 on behalf of the Department of Social Services. Said contract is for a Long Term Care Coordinator in an amount not to exceed forty thousand dollars (\$40,000.00) per year; effective October 01, 2009 through September 30, 2010.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain: #14

**RESOLUTION NO. 09-357
(September 08, 2009)**

By Mrs. Totline, Chairman of Human Services Committee:

**CHAIRMAN / COMMISSIONER OF SOCIAL SERVICES
AUTHORIZED TO SIGN A MEMORANDUM OF
UNDERSTANDING WITH ADECCO ON BEHALF OF THE
DEPARTMENT OF SOCIAL SERVICES**

BE IT RESOVLED, 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 Memorandum of Understanding with ADECCO, 230 East Main Street, Arcade, NY 14009 on behalf of the Department of Social Services. Said Memorandum is for three (3) Energy Resource Aides for the HEAP Program in an amount not to exceed fifty thousand one hundred fifty dollars (\$50,150.00); effective September 04, 2009 through September 30, 2010.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain: #15

**RESOLUTION NO. 09-358
(September 08, 2009)**

By Mrs. Totline, Chairman of Human Services Committee:

**CHAIRMAN / COMMISSIONER OF SOCIAL
SERVICES AUTHORIZED TO SIGN THE FOOD STAMP
NUTRITION EDUCATION PROGRAM FOR 2009/2010
WITH CORNELL COOPERATIVE EXTENSION OF
WYOMING COUNTY 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 the Food Stamp Nutrition Education Program for 2009/2010 with Cornell Cooperative Extension of Wyoming County, 401 N. Main St., Warsaw 14569 on behalf of the Department of Social Services. Said agreement is for nutrition education services to be provided in an amount not to exceed two hundred twenty-three thousand seven hundred thirty dollars (\$223,730.00) (50% federal, 50% In-Kind Cornell Coop. Ext.); effective October 01, 2009 through September 30, 2010. Contingent upon the availability of funds.

**Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:
#16**

**RESOLUTION NO. 09-359
(September 08, 2009)**

By Mrs. Totslie, Chairman of Human Services Committee:

**CHAIRMAN / COMMISSIONER OF SOCIAL SERVICES
AUTHORIZED TO SIGN A GRANT ACCEPTANCE
AWARD WITH THE 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 and the Commissioner of Social Services with the approval of the County Attorney are hereby authorized and directed to sign a Grant Acceptance Award with New York State Office of Child and Family Services, Cheri Doolittle, 52 Washington Street, Rensselaer, NY 12144 on behalf of the Department of Social Services. Said grant is for the Office of Child and Family Services Federal Family Violence Prevention and Services Act Grant in a minimum amount of thirty-

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seven thousand one hundred fifty-five dollars (\$37,155.00); effective March 31, 2009 through March 30, 2010.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain: #17

**RESOLUTION NO. 09-360
(September 08, 2009)**

By Mrs. Totline, Chairman of Human Services Committee:

RESOLUTION NUMBER 08-367 AMENDED

WHEREAS, Resolution Number 08-367 entitled, “**CHAIRMAN / COMMISSIONER OF SOCIAL SERVICES AUTHORIZED TO SIGN A NEW YORK CONNECTS (LONG TERM CARE) GRANT APPLICATION AND ACCEPTANCE AWARD ON BEHALF OF THE DEPARTMENT OF SOCIAL SERVICES,**” passed by this Board of Supervisors on October 14, 2008 and provides for Long Term Care initiative funding in a minimum amount of sixty-two thousand dollars (\$62,000.00); effective October 01, 2008 through September 30, 2009; now therefore

BE IT RESOLVED, That Resolution Number 08-367 be hereby amended to reflect extended effective dates for year three (3) of October 01, 2009 through March 31, 2010, all else remaining the same.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:

After the roll call vote was taken, Chairman Berwanger invited Supervisor Totline to the podium to present the POW / MIA Recognition Day, National Youth Court Month, and Active Aging Week Proclamations. Supervisor Totline stated that she was hoping that Director Cousins would be able to stay at this meeting in order to receive the POW / MIA Recognition Day Proclamation. However, he was unable to stay and she would be making sure that he received the Proclamation. Next, Supervisor Totline, T/Genesee Falls invited the Director of Aging and Youth to the podium to accept the National Youth Court Month Proclamation and Active Aging Week Proclamations. Director Aldinger asked that Jamie Hudson (she runs Wyoming County’s Youth Court) accompany her to accept these proclamations. In addition to accepting these proclamations Director Aldinger told the Board that Wyoming County’s Youth Court Program has been used as a model for other counties in order to get their programs off the ground. After Director Aldinger accepted the Active Aging Week

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Proclamation she invited everyone present to the Warsaw Village Park on September 23rd for their Office for the Aging “Walk in the Park,” over 45 vendors dealing with aging issues participating in the event.

There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #18 through #24. A voice vote was taken and all voted aye.

#18

**RESOLUTION NO. 09-361
(September 08, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN / COMMISSIONER OF HEALTH
AUTHORIZED TO SIGN A GRANT APPLICATION AND
ACCEPTANCE AWARD WITH THE NEW YORK STATE
DEPARTMENT OF HEALTH BUREAU OF
COMMUNICABLE DISEASE,
ZONOOSES PROGRAM**

BE IT RESOLVED, That the Chairman of this Board and/or the Commissioner of Health with the approval of the County Attorney are hereby authorized and directed to sign a grant application and acceptance award with the New York State Department of Health Bureau of Communicable Disease, Zoonoses Program, CSP Room 621, Albany, NY 12237 on behalf of the County

Health Department. Said grant is to provide for reimbursement of rabies program expenses in a minimum amount of eleven thousand two hundred thirty-seven dollars (\$11,237.00), effective April 1, 2009 through December 31, 2010.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:
#19

**RESOLUTION NO. 09-362
(September 08, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

RESOLUTION NUMBER 09-162 AMENDED

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WHEREAS, Resolution Number 09-162 entitled, “**CHAIRMAN / COMMISSIONER OF HEALTH AUTHORIZED TO SIGN A LEASE AGREEMENT WITH FORD MOTOR CREDIT COMPANY ON BEHALF OF THE COUNTY HEALTH DEPARTMENT,**” passed by this Board of Supervisors on April 14, 2009 and provides for the lease of a 2009 Ford Focus. Payments are as follows, first payment of three thousand two hundred dollars (\$3,200.00) & seven (7) payments of one thousand three hundred sixty-six dollars and sixty-two cents (\$1,366.62) with a one dollar (\$1.00) buyout at lease end. Lease expense is fully reimbursed by the approved New York State Department of Health ATUPA grant (October 1, 2008 through September 30, 2009). Contingent upon the availability of funds; now therefore

BE IT RESOLVED, That Resolution Number 09-162 be hereby amended to reflect an amended payment method of two equal payments instead of eight on a 2010 Ford Focus, all else remaining the same.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain: #20

**RESOLUTION NO. 09-363
(September 08, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
ACCEPTANCE AWARD WITH THE THIEL
FOUNDATION ON BEHALF OF WYOMING COUNTY
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 grant acceptance award with the Thiel Foundation, Thiel Trust of the Community Foundation of Greater Buffalo, 712 Main Street, Buffalo, NY 14202-1720 on behalf of Wyoming County Mental Health. Said grant is to fund a child psychiatrist in an annual minimum amount of fifty thousand sixty dollars (\$50,060.00) for a total minimum amount over the five year period of two hundred fifty thousand three hundred dollars (\$250,300.00). This grant will be overseen by the Wyoming County Mental Health Dept., although the child psychiatrist will be hired through the Wyoming County Mental Health Clinic (ARA); effective September 01, 2009 through August 31, 2014.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:

**RESOLUTION NO. 09-364
(September 08, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN A STOP ACT
GRANT ACCEPTANCE AWARD WITH THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES,
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
ADMINISTRATION (SAMHSA) ON BEHALF OF
WYOMING COUNTY MENTAL HEALTH**

BE IT RESOVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign the STOP Act Grant through the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA), 1 Choke Cherry Road, Rockville, MD 20850 on behalf of Wyoming County Mental Health. Said grant is to fund the Partners for Prevention Program in a minimum amount of fifty thousand dollars (\$50,000.00); effective October 01, 2009 through September 29, 2010.

**Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:
#22**

**RESOLUTION NO. 09-365
(September 08, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

FAMILY DAY IN WYOMING COUNTY PROCLAIMED

WHEREAS, Family Day is celebrated annually, ***“A Day to Eat Dinner with Your Children.”*** Good food, great conversations, and loads of laughs – that’s what family dinners are made of; and

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WHEREAS, Whether you're cooking a gourmet meal or ordering from your favorite take-out place, rest assured that what your kids really want at the dinner table is **YOU!**; and

WHEREAS, The conversations that go hand-in-hand with dinner help you learn more about your children's lives and help you better understand the challenges they face; and

WHEREAS, The more often children eat dinner with their families, the less likely they are to smoke, drink or use drugs. Family meals are the perfect time to talk to your kids and to listen to what's on their mind; and

WHEREAS, When busy schedules are making it hard for your family to pencil in regular family meals, take a "time out" to consider all the benefits of gathering around the dinner table. Family dinners are about more than just sharing a meal; and

WHEREAS, Wyoming County Partners For Prevention is dedicated to reducing alcohol and substance abuse among Wyoming County Youth by supporting Family Day activities; and

BE IT RESOLVED, That the Wyoming County Board of Supervisors joins with Partners For Prevention and do hereby proclaim, Monday, **September 28, 2009** as:

FAMILY DAY IN WYOMING COUNTY

a day to eat dinner with your children and urge all citizens to recognize and participate in its observance.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain: #23

**RESOLUTION NO. 09-366
(September 08, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH THE AD COUNCIL OF ROCHESTER ON BEHALF
OF WYOMING COUNTY MENTAL HEALTH**

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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 the Ad Council of Rochester, 274 Goodman Street, Rochester, NY on behalf of Wyoming County Mental Health. Said contract is for ongoing consultant services for social marketing of the STOP Act Grant in an amount not to exceed five thousand dollars (\$5,000.00); effective August 01, 2009 through December 31, 2009.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:

#24

**RESOLUTION NO. 09-367
(September 08, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
APPLICATION AND ACCEPTANCE AWARD FOR THE
DRUG FREE COMMUNITIES GRANT ON BEHALF OF
WYOMING COUNTY 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 grant application and acceptance award for the Drug Free Communities Grant with the Department of Health & Human Services, Division of Grant Management, SAMHSA, 1 Choke Cherry Road, Rockville, MD 20850 on behalf of Wyoming County Mental Health. Said grant is in the minimum amount of one hundred twenty-five thousand dollars (\$125,000.00); effective October 1, 2009 through September 30, 2010.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:

After the roll call vote was taken, Chairman Berwanger invited Supervisor Kushner to the podium to present the Family Day Proclamations. Supervisor Kushner invited fellow Supervisor from the Town of Bennington and Mental Health Employee, Ellen Grant to the podium along with Director Snell to accept this proclamation. Director Snell spoke briefly on the importance of celebrating Family Day with your children.

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**RESOLUTION NO. 09-368
(September 08, 2009)**

By Mr. Fleischman, Chairman of Planning Committee:

**RESOLUTION AUTHORIZING CHAIRMAN TO SIGN
COMMUNITY DEVELOPMENT BLOCK GRANT
AGREEMENT**

WHEREAS, The County of Wyoming has been approved to receive a two hundred, eleven thousand dollar (\$211,000.00) 2009 NYS Community Development Block Grant that will be used by the Wyoming County IDA to provide financial assistance to McCormick Farms, Inc., Wethersfield, New York for its continued growth and expansion; and

WHEREAS, The loan repayments from McCormick Farms will be used by the Wyoming County IDA to provide financial assistance to other businesses within its jurisdiction that will create additional job opportunities in Wyoming County; now therefore

BE IT RESOLVED, That the Chairman of this Board is hereby authorized as the official representative of Wyoming County, New York to execute the grant agreement from the NYS Office of Community Renewal for a two hundred eleven thousand dollar (\$211,000.00) NYS Community Development Block Grant, OCR Economic Development program, and is hereby authorized and directed, upon approval of the County Attorney, to sign all documents and take all actions needed to receive the approved grant funds; and be it

FURTHER RESOLVED, That the Chairman of this Board designates Drew Shapiro, Director of the Wyoming County Department of Planning and Development to act as Certifying Officer for the purposes of carrying out an environmental review.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:

There was a motion by Mrs. Meeder, T/Middlebury, to combine resolutions #26 and #27. A voice vote was taken and all voted aye.

**RESOLUTION NO. 09-369
(September 08, 2009)**

By Mrs. Meeder, Chairman of Human Resource Committee:

**CHAIRMAN AUTHORIZED TO SIGN RENEWAL
CONTRACT FOR EMPLOYEE ASSISTANCE PROGRAM
ON BEHALF OF 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 for the Employee Assistance Program with Royal Employer Services, 430 East Main Street, Batavia, NY 14020 in the amount of fifteen dollars (\$15.00) per person not to exceed fourteen thousand two hundred fifty dollars (\$14, 250.00) annually for two years; effective January 1, 2010 to December 31, 2012.

Contingent on the availability of funds.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:
#27

**RESOLUTION NO. 09-370
(September 08, 2009)**

By Mrs. Meeder, Chairman of Human Resource Committee:

**MEMORANDUM OF UNDERSTANDING BY AND
BETWEEN CSEA AND THE COUNTY OF WYOMING
APPROVED**

BE IT RESOLVED, That a Memorandum of Understanding by and between the Civil Service Employees' Association and the County of Wyoming establishing terms and conditions for Hazardous Weather Conditions, Employee Training, and Safety In-Services as required by contract negotiations is approved subject to County Attorney and Superintendent of County Highways approval.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:
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There was a motion by Mr. Rogers, T/Pike, to combine resolutions #28 through #30. A voice vote was taken and all voted aye.

#28

**RESOLUTION NO. 09-371
(September 08, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A MAINTENANCE
CONTRACT RENEWAL WITH WILMAC 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 maintenance contract renewal with Wilmac, 73 State Street, Rochester, NY on behalf of the Sheriff's Department. Said contract will provide 24 hour support coverage of the Digital Recorder in an amount not to exceed five thousand nine hundred forty-nine dollars (\$5,949.00); effective September 01, 2009 through August 31, 2010.
Contingent upon availability of funds.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:

#29

**RESOLUTION NO. 09-372
(September 08, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

**WYOMING COUNTY DEBRIS MANAGEMENT PLAN
ADOPTED**

BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby approve the Wyoming County Debris Management Plan as presented by the Emergency Services Department and is annexed hereto.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:

**RESOLUTION NO. 09-373
(September 08, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 09-329 AMENDED

WHEREAS, Resolution Number 09-329 entitled, **“FIRE / EMERGENCY INCIDENT CLEANUP / REMOVAL FORM APPROVED,”** passed by this Board of Supervisors on August 18, 2009 approves the Fire / Emergency Incident Cleanup / Removal Form as presented to this Board on behalf of Emergency Services; now therefore

BE IT RESOLVED, That Resolution Number 09-329 be hereby amended to reflect an amended form as approved by the County Attorney and is annexed hereto.

**Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville)
Abstain:**

Chairman Berwanger, T/Arcade invited Public Safety Chairman, Supervisor Rogers, T/Pike to introduce the newly appointed Under Sheriff, Greg Rudolph, who was in attendance today. Under Sheriff Rudolph thanked the Board for their welcome and invited all to call on him if there is anything he can help with.

There was a motion by Mr. Patti, T/Attica, to combine resolutions #31 through #36. A voice vote was taken and all voted aye.

#31

**RESOLUTION NO. 09-374
(September 08, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

ANNUAL SAND BID AWARDED

BE IT RESOLVED, That the attached sand bids are hereby approved effective September 02, 2009 through August 31, 2010; and be it

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FURTHER RESOLVED, That the County of Wyoming reserves the right to allow all municipalities within the county to purchase any goods or services at the prices stated herein pursuant to section 103 of the General Municipal Law.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain: #32

**RESOLUTION NO. 09-375
(September 08, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH
MASTER MIND SYSTEMS, INC. ON BEHALF OF COUNTY
HIGHWAY**

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 Master Mind Systems, Inc., 345 Rice Street, PO Box 759, Elmore, OH 43416 on behalf of County Highway. Said contract is to provide for the "Safe Passing Zone Survey" grant deliverables in an amount not to exceed twenty-four thousand dollars (\$24,000.00).

Contingent upon the availability of funds.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain: #33

**RESOLUTION NO. 09-376
(September 08, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

**FRONT GATE INSTALLATION APPROVED AT COUNTY
HIGHWAY**

BE IT RESOLVED, That the purchase of an 30' wide automatic front gate with key swipe and protective bollards for the Wyoming County Highway Department, 4328 Route 19 S., Rock Glen, NY 14550 be hereby approved in an Regular Session

amount not to exceed twenty-six thousand dollars (\$26,000.00).

**Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:
#34**

**RESOLUTION NO. 09-377
(September 08, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH THE NEW YORK STATE UNIFIED COURT
SYSTEM 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 the New York State Unified Court System, 92 Franklin Street, 3rd Floor, Buffalo, NY 14202 on behalf of Buildings and Grounds. Said contract is to provide for reimbursement of Cleaning and Minor Repairs (Contract # 300242) in an amount not to exceed one hundred nine thousand two hundred sixty-one dollars (\$109,261.00); effective April 01 2009 through March 31, 2010.

**Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:
#35**

**RESOLUTION NO. 09-378
(September 08, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH TIM CONLEY 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 Tim Conley, 2792 Rt. 246, Perry, NY 14530 on behalf of Buildings and Grounds. Said contract will provide "Journeyman Painter"

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services for the repainting of Veterans and Historian building at a rate of \$41.44 per hour in an amount not to exceed twenty-one thousand five hundred dollars (\$21,500.00); effective September 08, 2009 through December 07, 2009. Contingent upon the availability of funds.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:

#36

**RESOLUTION NO. 09-379
(September 08, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A PROFESSIONAL
SERVICES AGREEMENT WITH MUNICIPAL
SOLUTIONS, INC. ON BEHALF OF THE COUNTY WIDE
WATER DISTRICT RESEARCH PROJECT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a professional services agreement with Municipal Solutions, Inc. (Jeff Smith), 83 Myrtle Street, LeRoy, NY 14482 on behalf of the County Wide Water District Research Project. Said contract is to provide assistance with the County Wide Water District Research project and secure a NYS Department of State – Local Efficiency Grant in an amount up to \$50,000.00 for the study of the feasibility of consolidation or increased shared public water services throughout Wyoming County communities at the rate of \$100.00/hr. in an amount not to exceed three thousand seven hundred fifty dollars (\$3,750.00); effective at the time of execution through December 31, 2009. Contingent upon the availability of funds.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:

Prior to the roll call vote being conducted, Chairman Berwanger, T/Arcade invited Wyoming County Consultant Patrick Brennan to summarize resolution office number 36. Mr. Brennan stated that the Board was introduced to Mr. Jeff Smith of Municipal Solutions last month in regards to the County-wide Water District Research Project. At that meeting they discussed utilizing Mr. Smith's services to provide assistance with the County-wide Water district Research project and secure a New York State Department of State – Local Efficiency Grant in an amount up to \$50,000.00 for the study of the feasibility of

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consolidation or increased shared public water services throughout Wyoming County communities.

There was a motion by Mr. Davis, T/Covington, to combine resolutions #37 through #41. A voice vote was taken and all voted aye.

#37

**RESOLUTION NO. 09-380
(September 08, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN LETTER OF
UNDERSTANDING WITH HARTFORD LIFE &
ACCIDENT INSURANCE COMPANY 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 Letter of Understanding with Hartford Insurance Company, P.O. Box 2999, Hartford, CT 06104 on behalf of the County Insurance Office. This Letter of Understanding is for the provision of New York State Disability Insurance Benefits for Schedules S & D and Hospital Management employees at a rate of twelve dollars and fifty one cents (\$12.51) per employee per month; effective October 1, 2009 to October 1, 2010.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:
#38

**RESOLUTION NO. 09-381
(September 08, 2009)**

By Mr. Davis, Chairman of Finance Committee:

SALARY SCHEDULE “S” AMENDED

BE IT RESOLVED, That the Wyoming County Salary Plan which became effective January 01, 1967, as amended, is hereby amended as follows:

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- Approve a one time stipend in the amount of \$5,000.00 to the Secretary to the County Highway Superintendent for additional time and paperwork involved with the “**Better Pavement Program;**” paid out with the first payroll in December of 2009.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain: #39

**RESOLUTION NO. 09-382
(September 08, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**THREE (3) POSITIONS OF LABORER, PT (TEMP.)
CREATED IN BUILDINGS AND GROUNDS**

BE IT RESOVED, That three (3) positions of Laborer, PT (Temp.) be hereby created within the department of Buildings and Grounds for 60 days to perform demolition work at (North Main Medical building located at 408 N. Main St., Warsaw, New York and/or the Lower Department of Social Services building located at 466 N. Main St., Warsaw, New York). Each position will require 40 hours per week at \$10.00 per hour; effective immediately. An expense for wages equal to ten thousand three hundred sixty-eight dollars (\$10,368.00) and physicals in the amount of six hundred dollars (\$600.00) will be incurred.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain: #40

**RESOLUTION NO. 09-383
(September 08, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**ONE (1) POSITION OF SENIOR CUSTODIAL WORKER
(COUNTY) CREATED IN BUILDINGS AND GROUNDS**

BE IT RESOLVED, That one (1) position of *Senior Custodial Worker (County) (1.00 FTE)* be hereby created within the department of

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Buildings and Grounds to be placed on the appropriate step and grade of the current CSEA Agreement, (sch. B, grade 8); effective immediately.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain: #41

**RESOLUTION NO. 09-384
(September 08, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**CHAIRMAN AUTHORIZED TO AWARD BID AND SIGN
CONTRACTS WITH WARREN'S CARPET CLEANING 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 award a bid and sign a contract with Warren's Carpet Cleaning, 63 South Maple St. Warsaw, NY 14569 on behalf of Wyoming County Buildings and Grounds. Said contract is to provide for cleaning services at the following locations:

• Board of Elections -	\$2,825.16
• Office for the Aging –	11,300.40
• Social Services –	33,901.20
• Highway –	8,475.36
• Public Defender –	<u>5,650.20</u>
Total	\$82,252.32

effective October 14, 2009 through October 13, 2010.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain: 2/3 Majority #42

**RESOLUTION NO. 09-385
(September 08, 2009)**

By Mr. Davis, Chairman of Finance Committee:

September 8, 2009

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF WYOMING AUTHORIZING AND
PROVIDING FOR THE INCURRENCE OF
INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A
PORTION OF THE COST OF ACQUIRING,
CONSTRUCTING, ENLARGING, IMPROVING, AND/OR
EXTENDING ITS DEPARTMENT OF SOCIAL SERVICES
DEPARTMENT OF SOCIAL SERVICES CIP FACILITY TO
SERVE AN AREA LAWFULLY WITHIN ITS
JURISDICTION TO SERVE**

WHEREAS, It is necessary for the Wyoming County Board of Supervisors (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of \$3,000,000.00 pursuant to the provisions of County Law and Municipal Finance Law; and

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business - Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

18. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
19. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U. S. C. 1983 (c)).

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20. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$ 10,000.
21. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
22. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
23. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
24. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
25. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in

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institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.

26. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
27. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.
28. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
29. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
30. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
31. That if the Government requires that a reserve account be established and maintained, disbursements from that account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:
 - a. Paying the cost of repairing or replacing any damage to the facility caused by catastrophe.
 - b. Repairing or replacing short-lived assets.
 - c. Making extensions or improvements to the facility.

Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required funded level.

32. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
33. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
34. To accept a grant in an amount not to exceed \$0 under the terms offered by the Government; that the County of Wyoming and Clerk to the Board of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

Carried: XXX Ayes: 1384 Noes: Absent: 86 (Gainesville) Abstain:

Public Comment:

*Motion made by Supervisor Patti, T/Attica to close the public hearing.
Seconded by Supervisor Rogers, T/Pike.*

Close Public Hearing:

**RESOLUTION NO. 09-386
(September 08, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**LOCAL LAW INTRODUCTORY NO. C (4) YEAR 2009,
ADOPTED**

WHEREAS, There was duly presented and introduced at a meeting of this Board, held on the 18th day of August, 2009, a proposed local law of the County, designated as Local Law

Introductory No. C, for the year 2009, entitled, **A Local Law Authorizing Private Sale of Real Property**; and

WHEREAS, In accordance with the provisions of Resolution No. 09-334, there was a public hearing held by this Board of Supervisors on this 8th day of September, 2009 at 2:30 PM, after due notices of said hearing having been posted and published according to the law and said resolution; and

WHEREAS, The Board of Supervisors for the County of Wyoming has determined that certain property located at 6610 Pearl Street in the Town of Eagle, New York is surplus property based on its location, condition, age and lack of suitability for any County use, and

WHEREAS, The County has been informed and understands that this property may have some value to a prospective purchaser if said property can be marketed with the expectation of a private and conclusive sale; 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, at least a two-thirds 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 ENACTED, That Local Law Introductory No. C, Year 2009, County of Wyoming, New York, as presented to this Board on the 8th day

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of September, 2009, be hereby adopted, enacted and passed by this Board in its original form as follows:

Section 1. This local law shall authorize the private sale of the surplus real property located at 6610 Pearl Street in the Town of Eagle, New York conditioned on the negotiation of acceptable terms of sale; and

Section 2. Effective Date. This local law shall become effective upon the filing thereof in the office of the Secretary of State of the State of New York upon expiration of the relevant period for a permissive referendum.

Carried: XXX Ayes: 1384 Noes: Absent: 86 (Gainesville) Abstain:

Chairman Berwanger asked if there was any Supervisor who objected to the presentation of unanimous consent resolutions #44 through #47. Hearing none, the Chairman asked the clerk to read each unanimous consent resolution separately prior to the roll call vote.

UC#44

**RESOLUTION NO. 09-387
(September 08, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
EXTENSION WITH WARREN'S CARPET CLEANING,
INC. 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 (1) month contract extension with Warren's Carpet Cleaning, Inc. 63 South Maple Street, Warsaw, NY 14569 on behalf of Buildings and Grounds. Said contract is to provide for janitorial services at the Board of Elections, Office for the Aging, Public Defender building, Highway Administrative Offices, Department of Social Services and Public Health Department in an amount not to exceed \$10,769.30; effective September 14, 2009 through October 13, 2009 .

**Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:
UC#45**

**RESOLUTION NO. 09-388
September 8, 2009**

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(September 08, 2009)

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

**CHAIRMAN AUTHORIZED TO SIGN
A CONTRACT WITH S & T PIERSON 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 S & T Pierson, 2276 Silver Lake Road, Perry, NY 14530 on behalf of Buildings and Grounds. Said contract is to provide for janitorial services at the Public Health Department in an amount not to exceed \$20,100.00; effective October 14, 2009 through October 13, 2010.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:
UC#46

**RESOLUTION NO. 09-389
(September 08, 2009)**

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

**A RESOLUTION REFLECTING THE SENSE OF THIS
BODY THAT WYOMING COUNTY'S OWNERSHIP
INTEREST IN THE WESTERN REGIONAL OFF-TRACK
BETTING CORPORATION MUST BE PROTECTED.**

WHEREAS, It is today widely acknowledged that New York State and its municipalities, including the County of Wyoming, are facing substantial financial and budgetary challenges brought on by the current recession; and

WHEREAS, State-wide for over the past 30 years, 43 participating counties and municipalities have received more than \$3 billion in revenues as their return on their collective investment as the "stockholders" in respective New York off-track betting corporations; and

WHEREAS, The Western Regional Off-Track Betting Corporation ("WESTERN") has itself in its 34 years of existence distributed immense sums to its statutory beneficiaries in pursuit of its charge by the state legislature to

support New York racing and provide reasonable revenues for state and local government:

- ✓ \$321 million commissions to race tracks in New York; and
- ✓ \$203 million to its participating municipalities; and
- ✓ \$93 million to the State of New York; and
- ✓ \$34 million to the Breeders' Fund; and
- ✓ \$57 million to the New York State Lottery since May, 2005;

WHEREAS, Western provides over 600 full and part-time jobs for the community at its branches and the Batavia Downs complex while pumping additional millions in indirect revenue to agribusinesses in western New York; and

WHEREAS, Wyoming County is a participating owner of Western, having joined in 1976 **without any requirement of an initial capital investment or loan**, but has realized shareholder dividends since joining Western of **\$1,420,168** in the form of operating and surcharge **profits through 2008**; and

WHEREAS, Wyoming County employs its profits from Western to help offset the rising rate of property taxes; for special education, address the rising costs of Medicaid, retirement and health insurance; and to assist other important County-funded programs; and

WHEREAS, Western is a public benefit corporation created by statute in 1974 that is unique in off-track betting corporations in that it not only operates a retail branch business with over 30 branches facilities spread over its 15 county area but owns and operates Batavia Downs racetrack with live racing, inter-track wagering, and since 2005, video lottery gaming; and

WHEREAS, We are well satisfied, and our confidence is justified by a the preliminary findings of a recent audit of Western by the New York State Comptroller's Office, that Western's Board of Directors and the corporation's experienced management have taken the necessary steps to reduce expenses and implement other economies to react appropriately to the nationwide trend of the decline of betting handle; the recent downturn in the country's economy and by state legislation's steady drain of Western's gross revenues to other segments of the New York racing industry and the state's bureaucratic oversight of racing and wagering; and

WHEREAS, The state's governor has appointed a commission, "The Task Force on the Future of Off-Track Betting in New York State", to

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investigate and make recommendations as to the efficiency of these regional corporations and consider their consolidation under one authority; and

WHEREAS, The state law that created this Task Force obligates it to consult with, among others, local governments regarding this matter and indeed the Task Force in communications with Wyoming County officials has stated that:

“The emphasis of the Task Force is focused on the off-track betting system’s ability to raise revenues for state and local governments as well as strengthen the racing and breeding industries in New York. Your input in this matter is therefore requested,” but

WHEREAS, Industry pundits have openly speculated that the Task Force’s recommendations are pre-ordained and, if adopted, will ultimately result in these regional corporations like Western being effectively dissolved and their franchise, and most importantly their revenue-generating assets, given to the New York Racing Association or taken by the state itself, neither of which have shown any recent success in their own business management in or out of racing or, in the latter case, operating a pari-mutuel off-track betting system; and

WHEREAS, Such predictions portend the loss to Wyoming County of not only the annual revenues generated by Western but the stripping it of its ownership interest in Western’s real property, that represents our county’s reinvestment in Western, and that has been professionally appraised at over Fifty Eight Million (\$58,000,000) Dollars, of which Wyoming County’s shareholder interest is 1.56% or \$913,772.30; and

WHEREAS, Because of this ownership interest, counties and municipalities who are participating members in Western are more than just disinterested observers of any recommendation by the Task Force which affects the structure of Off-Track Betting and horse racing in New York State; and

WHEREAS, Any such negative impact on the financial and operational relationship that Wyoming County has with Western Regional Off-Track Betting Corporation would negatively effect Wyoming County; now therefore

BE IT RESOLVED, That Wyoming County supports Western Regional Off-Track Betting Corporation and its continued efforts to increase revenue for its participating member; and be it

FURTHER RESOLVED, That Wyoming County, a member of Western Regional Off-Track Betting Corporation, could not and will not support any recommendation by the Task Force on the Future of Off-Track Betting or

the State of New York that would change the current structure of Off-Track Betting in New York State and put in jeopardy the financial and operational relationship between Wyoming County and Western Regional Off-Track Betting Corporation; and be it

FURTHER RESOLVED, That Wyoming County supports and will continue to support the legislative efforts of Western to see enacted the proposed 2009 OTB Omnibus Bill Legislation to preserve and protect the financial integrity of Western by changing the current statutes that govern the operation and distribution of revenues of Western; and be it

FURTHER RESOLVED, That those changes would permit Western to return greater revenues to Wyoming County allowing Western to continue to provide a reasonable support for the government of Wyoming County while continuing to operate in a manner compatible with the well being of horse racing and breeding in New York State; and be it

FURTHER RESOLVED, That Wyoming County's stake in the future of horseracing and Off-Track Betting Corporations in New York State be protected; and be it

FURTHER RESOLVED, That a certified copy of this resolution be delivered with all due haste to our locally –elected state representatives urging each and every one of them to honor our resolve to protect Wyoming County's investment.

Carried: XXX Ayes: 1500 Noes: Absent: 96 (Gainesville) Abstain:

Chairman Berwanger, T/Arcade spoke briefly in regards to Unanimous Consent Resolution Office Number 46.

There being no further business to come before this Board, present Senior Supervisor Rogers, T/pike, adjourned the meeting at 3:38 PM with a rap on his desk.

Respectfully submitted,

Cheryl J. Ketchum

Cheryl J. Ketchum, Board Clerk

September 8, 2009

**REGULAR SESSION
(October 13, 2009)****Tuesday****2:30 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. Also present were County Attorney, Eric T. Dadd; Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Brenda Ferrell.

At 2:50 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran(s) leading the Pledge of Allegiance this month was:

GEORGE D. MARTHINSEN

Mr. Marthinsen's service to his country comes while serving during the Korean War. He enlisted in the United States Army on September 23, 1953 completing both Basic and Advanced Individual Training at Camp Rucker, Alabama and became qualified as an "Infantryman and Light Vehicle Driver". Mr. Marthinsen was assigned to the Headquarters Detachment of the 3rd Infantry Division and went to Ft. Hood, Texas where his unit trained as the "Aggressors" for the 1st Armor Division. After 8 weeks of training, Mr. Marthinsen and his unit was supposed to ship to Korea, but a severe injury to his left leg, prevented him from going. Mr. Marthinsen was then assigned duties with the Headquarters Section at Ft. Benning, Georgia under the 703 Ordinance Battalion and spent the remainder of his tour as the Commander's Aid. Mr. Marthinsen was Honorably Discharged on September 22, 1955 at the rank of PFC.

For his service to his country, Marthinsen was awarded:

**THE NATIONAL DEFENSE SERVICE MEDAL
THE ARMY GOOD CONDUCT MEDAL**

Following his discharge, Mr. Marthinsen returned to his home town of Kalamazoo, Michigan and went back to work for the National Water Lift Corporation. While there, he worked as a "Group Leader" that made parts for the "Falcon Missile System" and held this position for the next 2 years. He then worked for a local lumber company for about 3 years in the sales department. Mr. Marthinsen stayed in sales, but working at the Derky Atwood Company that

manufactured V-belts and Power Transmissions, then transferred to the sales department of E.D. Ferrel Company, which sold lift trucks and industrial storage systems and held this position for the next 9 years. During this period, he was transferred to the Buffalo area as the area Sales Manager of E.D. Ferrel Company.

Mr. Marthinsen made a major career move and created the “Marthinsen Systems Incorporated” company. The company sold “in plant” modular office and cleaning rooms. He owned and operated this company for the next 27 years until his retirement in 1999. Mr. Marthinsen is a 50 year member of the Free Order of Masons and a 40 year member of the Elks Lodge. He has been an active member of the American Legion Post 362 in East Aurora for the past 20 years and presently serves as their Service Officer. Mr. Marthinsen enjoys wood working and golf. He and his wife, Rochelle, have been happily married for 47 years and they live in the Town of Java.

The pledge was said by all.

Director Cousins invited Supervisor Fleischman, T/Java to join them at the podium. Chairman Berwanger, T/Arcade thanked Mr. Burton for leading in the pledge today and presented them with a certificate of appreciation. He was offered the customary opportunity to address the Board. The press was in attendance so pictures were taken for the local papers.

Communications:

C1: Letter from Assemblyman Burling, dated September 1, 2009 regarding resolutions adopted by the Wyoming County Board of Supervisors. The letter reads as follows:

“Dear Honorable Members of the Board of Supervisors:

Thank you for sending me a copy of two resolutions that were adopted by your Honorable Body on August 18, 2009.

Resolution 09-337 requests New York State to take back local share of Medicaid as a component of true Medicaid Reform.

The New York State Assembly Republican Conference has developed a plan to provide tax relief for families and seniors as well as promote a more business- friendly environment that will create jobs and help businesses survive these economic times. The Promise of New York would require the state to take over the cost of all optional Medicaid services within 5 years, saving property taxpayers approximately \$10 billion. In addition, our plan would create a grant to reimburse counties for Medicaid fraud investigation software.

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Resolution 09-338 opposes various proposed anti-gun owner legislation in New York State.

As an advocate for the National Rifle Association and SCOPE and avid hunter and sportsman, I strongly agree with your position on our right to bear arms. I have carried the debate in the Assembly against gun control legislation over the past few years and you can be assured of my continued vocal opposition to these proposals.

I appreciate receiving your position on these important matters and thank you for forwarding this information to me.

***Sincerely,
Daniel J. Burling”***

C2: Letter from Assemblyman Burling, dated September 21, 2009 regarding resolutions adopted by the Wyoming County Board of Supervisors. The letter reads as follows:

“Dear Honorable Members of the Board of Supervisors:

Thank you for sending me a copy of a resolution that was recently adopted by your Honorable Body on September 8, 2009.

Resolution 09-389 supports the protection of Wyoming County’s ownership interest in the Western Regional Off Track Betting Corporation.

I appreciate you letting me know your strong opposition to any possible changes in the current structure of the Western Regional Off-Track Betting Corporation that could financially impact Wyoming County. It is my understanding that legislation would have to be introduced before any changes could be made and none has been advanced at this time.

I appreciate receiving your position on this important issue and thank you for forwarding this information to me.

***Sincerely,
Daniel J. Burling”***

C3: Letter from Senator Volker, dated September 17, 2009 regarding resolutions adopted by the Wyoming County Board of Supervisors. The letter reads as follows:

Dear Ms. Ketchum:

I am in receipt of the Wyoming County board of Supervisors' resolutions dated September 8th, 2009 regarding the Board's views of the future of the Western Regional Off-Track Betting Corporation.

I appreciate your views regarding this important issue. Please do not hesitate to contact me regarding any other issues.

**Very truly yours,
Dale M. Volker"**

C4: Very important that the Supervisors all stay in Chambers to participate in the Workmen's Compensation Board of Trustees meeting.

#1

**RESOLUTION NO. 09-390
(October 13, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2009 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2009 accounts as follows:

Highway			
From: 12.61.9950.9.99004 Interfund Transfer /CIP To: 12.61.1620.2.21022 CIP Highway Reason: To allocate funds for air conditioner @ Highway property.	\$10,150.00	\$10,150.00	
Highway Total			\$10,150.00
Wyoming County Community Hospital			
From: 01.52.9950.9.99008 WCCH Transfer/CIP To: 01.40.6102.4.42250 MMIS IGT/DSH Pmt Reason: to Reduce WCCH subsidy.	\$120,000.00	\$120,000.00	
Wyoming County Community Hospital Total			\$120,000.00
Buildings and Grounds			
From: 01.34.1620.4.40002 Electricity To: 01.34.1620.1.10601 Unused Benefit Time Reason: Transfer funds to cover the cost of unused vacation time paid to employee who retired.	\$3,078.01	\$3,078.01	
Buildings and Grounds Total			\$3,078.01

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Records Retention			
From: 01.34.1460.1.10001 Salary S/D/I 01.34.1460.1.10101 CSEA Salaries To: 01.34.1460.4.41010 Misc Office Supplies Reason: Transfer funds to cover the cost of (12) shelving Uprights needed to compensate for the 137 shelf overage from previous grant purchase	\$150.00 <u>\$150.00</u>	\$300.00	
Records Retention Total			\$300.00

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#2

**RESOLUTION NO. 09-391
(October 13, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2009 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2009 accounts as follows:

Wyoming County Community Hospital			
To: 01.40.6102.4.42250 IGT/DSH pymt. <i>From any funds available</i> Reason: Cover balance of DSH Cycle #1676	\$264,042.50	\$264,042.50	
To: 24.93.4510.9.99001 Interfund Transfer w/24.14.4510.5730 BAN Proceeds Reason: To establish budget for debt service to purchase Retina equipment per Res. #09-341. Revenue recorded in Fund 24 but spent in Fund 2.	\$250,000.00	\$250,000.00	
To: 02.56.4510.2.20701 Institutional Equipment. w/02.13.4510.503101 BAN Proceeds Reason: To establish budget for debt service to purchase Retina equipment per Res. #09-341. Revenue recorded in Fund 24 but spent in Fund 2.	\$250,000.00	\$250,000.00	
Wyoming County Community Hospital Total			\$514,042.50
CIP			
To: 12.61.1620.4.41105 Checks w/12.05.1620.2401 Interest on earnings Reason: To appropriate expense of printing checks used by all CIP projects from interest earned -Building Equipment and Reserve	\$225.89	\$225.89	
CIP Total			\$225.89
Health Insurance			
To: 01.50.9060.8.89005 65% Co Share Cobra Ins w/ 01.12.9060.4089 Fed. Aid revenue Reason: To establish budget for revenue and expenses to be recorded for Federal Stimulus Cobra Insurance payments.	\$15,000.00	\$15,000.00	
Health Insurance Total			\$15,000.00

Treasure's Office			
To: 01.33.1320.4.40901 Audit Services <i>From any funds available</i> Reason: To cover additional expense to re-issue 2008 Audit to include HAVA grant funds not previously stated	\$875.00	\$875.00	
Treasure's Office Total			\$875.00
Buildings and Grounds			
To: 01.34.1620.4.40802 Contr Bldg Repair Priv w/01.11.1620.3021 State Aid Reason: To have cushions made for Courtrooms as Unified Court contract was amended.	\$5,176.00	\$5,176.00	
Buildings and Grounds Total			\$5,176.00
Sheriff			
To: 01.37.3110.2.20501 Law Enf Equip w/01.09.3110.2705 Gifts, Donations, & Awards Reason: donation by the Deputies Union toward the purchase of Tasers	\$1,143.50	\$1,143.50	
To: 01.37.3110.4.40016 Internet Services 01.37.3110.2.20501 L E Equipmt \$6,625.00 01.37.3110.2.20201 Comp. Equip <u>\$13,675.00</u> w/01.12.3110.438903 Homeland Security Reason: purchase of internet cards & service, mini radiation detectors, photo ID system (LE08-1021-E00)	\$400.00 \$6,625.00 <u>\$13,675.00</u>	\$20,700.00	
Sheriff Total			\$21,843.50
Jail			
To: 01.37.3150.1.10202 Temporary Personal Services w/01.08.3150.2680 Insurance Recovery Reason: payment from Workers Comp for jail employee on 207-c	\$13,200.00	\$13,200.00	
To: 01.37.3150.4.40806 Cleaning Supplies 01.37.3150.4.41010 Office Supplies \$ 800.00 01.37.3150.4.41209 Bedding/Clothing \$2,000.00 01.37.3150.4.41711 Medical – Inmate \$70,000.00 01.37.3150.4.41803 Pymts to Ctys & Munc <u>\$4,000.00</u> \$79,800.00 <i>From any funds available</i> Reason: To appropriate funds to cover Jail expenditures for the remainder of the year.	\$3,000.00 \$ 800.00 \$2,000.00 \$70,000.00 <u>\$4,000.00</u> \$79,800.00	\$79,800.00	
Jail Total			\$93,000.00
Community Action			
To: 06.57.6290.4.42449 JTPA 2A Admin w/06.12.6290.4790 Federal Aid JTPA Reason: To appropriate funds for the WIA through Wyoming County Community Action.	\$177,000.00	\$177,000.00	
Community Action Total			\$177,000.00
Economic Development			
To: 01.42.6421.4.42477 Small Cities Grant w/01.12.6421.408916 Federal Aid Reason: To appropriate funds for Small Cities (CDBG) Grant project, McCormick Farms Inc.	\$211,000	\$211,000	
Economic Development Total			\$211,000.00
Veterans Services			
To: 01.43.6510.2.20401 Misc Equipment w/01.11.6510.3710 Veterans Agency State Aid Reason: To appropriate funds for the purchase of a new printer and filing system.	\$3,654.00	\$3,654.00	
Veterans Services Total			\$3,654.00

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

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Prior to the Roll call vote Supervisor Brick, T/Perry questioned the appropriation presented for Buildings and Grounds in the amount of \$5,176.00. It is to have cushions made for the Courtrooms through reimbursement by the Unified Court contract, as presented later on this agenda via unanimous consent resolution number 32.

There was a motion by Mr. Patti, T/Attica, to combine resolutions #3 through #8. A voice vote was taken and all voted aye.

#3

**RESOLUTION NO. 09-392
(October 13, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO AWARD BID AND SIGN
AN AGREEMENT WITH RAMSEY CONSTRUCTORS,
INC. ON BEHALF OF COUNTY HIGHWAY**

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 Ramsey Constructors, Inc., 5711 Gateway Park, Lakeville, NY 14480 on behalf of County Highway. Said agreement is for the East Lake Road improvements in an amount not to exceed one million seven hundred eighty-seven thousand two hundred twelve dollars (\$1,787,212.00); effective through the completion of the project.

Contingent upon the availability of funds.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:**

#4

**RESOLUTION NO. 09-393
(October 13, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN SUPPLEMENTAL
AGREEMENT #3 WITH BERGMANN ASSOCIATES, INC.**

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ON BEHALF OF COUNTY HIGHWAY

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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 Supplemental Agreement #3 with Bergmann Associates, Inc., 40 LaRiviere Dr, Suite 150, Buffalo, NY 14202 on behalf of County Highway. Said Agreement is for construction inspection and support of the Urf Road Bridge over Cayuga Creek, Town of Bennington. PIN 4754.99 BIN 3319640 in an amount not to exceed nine thousand one hundred ninety-one dollars (\$9,191.00); effective through the completion of the project.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#5

RESOLUTION NO. 09-394
(October 13, 2009)

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 THEREFORE.**

WHEREAS, a Project for the **Replacement of Snyder Road Bridge over Stony Creek, Town of Orangeville, Wyoming County, P.I.N. 4753.23; BIN 3320020** (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 **PE/design and ROW phases**.

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

RESOLVE, that the Board of Supervisors hereby approves the above-
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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 construction work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$175,000.00** is hereby appropriated from 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 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: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#6

**RESOLUTION NO. 09-395
(October 13, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

AUTHORIZING THE IMPLEMENTATION, AND

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**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 THEREFORE.**

WHEREAS, a Project for the **Replacement of West Street Bridge over Cattaraugus Creek, Town of Arcade, Wyoming County, P.I.N. 4754.06; BIN 3319440** (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 **PE/design and ROW phases**.

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 construction work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$208,000.00** is hereby appropriated from 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

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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: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#7

**RESOLUTION NO. 09-396
(October 13, 2009)**

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 THEREFORE.**

WHEREAS, a Project for the **Rehabilitation of East Lake Road (CR #02) from NYS Route 19A to NYS Route 39, Towns of Gainesville and Castile, Wyoming County, P.I.N. 4754.98** (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, design phase, ROW incidentals and Construction Inspection & Support.**

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

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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 construction work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$2,173,000** is hereby appropriated from 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 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: XXX Ayes: 1596 Noes: Absent: Abstain:

#8

**RESOLUTION NO. 09-397
(October 13, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

RESOLUTION NUMBER 08-365 AMENDED

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WHEREAS, Resolution Number 08-365 entitled, “**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH CLARK PATTERSON LEE ASSOCIATES ON BEHALF OF WYOMING COUNTY BUILDINGS AND GROUNDS,**” passed by this Board of Supervisors on October 14, 2008 and provides for a contract with Clark Patterson Lee, 205 St. Paul Street, Rochester NY 14604 for engineering services at 408 N. Main St., Warsaw for the reconstruction project including air/heating, handicap access, roof, etc. in an amount not to exceed thirty thousand dollars (\$30,000.00); effective October 01, 2008 through completion of project.. Contingent upon the availability of funds; now therefore

BE IT RESOLVED, That Resolution Number 08-365 be hereby amended to reflect an increase of thirty thousand dollars (\$30,000.00) to cover the engineering fees for the Certificate of Need and the inspections of the first floor at 408 North Main Street for a total contract amount not to exceed sixty thousand dollars (\$60,000.00); all else remains the same.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

Mr. Davis, T/Covington, Vice Chairman of the Audit Committee, presented bills totaling **\$2,005,927.13** for the month of **September 2009.**

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

There was a motion by Mrs. Totline, T/Genesee Falls, to combine resolutions #9 through #11. A voice vote was taken and all voted aye.

#9

**RESOLUTION NO. 09-398
(October 13, 2009)**

By Mrs. Totline, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH
MARY FOX 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 Mary Fox, 5732 Dacula Shores Rd., Conesus, NY 14435 on behalf of the County Youth Bureau. Said contract is for the provision of Early
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Intervention Services, not to exceed 2009-2012 budget – variable depending on number of services provided; effective September 01, 2009 through June 30, 2012.

Contingent upon the availability of funds.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#10

**RESOLUTION NO. 09-399
(October 13, 2009)**

By Mrs. Totline, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A
CONTRACT WITH CARRIER COACH
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 Carrier Coach, 271 Buffalo St., Gowanda, NY 14070 on behalf of the Youth Bureau. Said contract is for the provision of Pre-School Transportation not to exceed 2009-2012 budget – variable depending on number of services provided; effective September 01, 2009 through June 30, 2012.

Contingent upon the availability of funds.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#11

**RESOLUTION NO. 09-400
(October 13, 2009)**

By Mrs. Totline, Chairman of Human Services Committee:

**DOMESTIC VIOLENCE AWARENESS MONTH
PROCLAIMED**

WHEREAS, Domestic violence affects all residents of Wyoming County, and its damage is inflicted not only upon victims, but their children, families and

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communities; sadly, one in six individuals suffers abuse at the hands of their partner and these victims can be of any age, race, religion or economic status, and can endure extreme suffering and possible long-term harm; and

WHEREAS, Wyoming County through its domestic violence programs takes decisive steps to strengthen the policies of New York State that hold domestic violence offenders accountable and ensure the safety of victims and their children by focusing upon the improved working relationship with legal, law enforcement, human services, education and healthcare systems; and

WHEREAS, Wyoming County has dedicated individuals and organizations who work daily to counter the problem of domestic violence and to help families obtain assistance they need to be free from domestic violence; and

WHEREAS, Wyoming County is stronger when all citizens become aware of domestic violence prevention; and

WHEREAS, Wyoming County residents will support victims of domestic violence and will support the public and private entities that continuously strive to provide the best coordinated response to domestic violence within the county, therefore sending a strong and unwavering message to abusers that domestic violence will not be tolerated in this county; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby proclaim the Month of **October 2009** as:

DOMESTIC VIOLENCE AWARENESS MONTH

in Wyoming County, and commend this observance to the citizens of this county.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

After the roll call vote was taken Chairman Berwanger invited Human Services Committee Chair Totline, T/Genesee Falls to the podium to present the Domestic Violence Awareness Month proclamation. Committee Chair Totline invited Commissioner of Social Services, D. Rumsey and the Domestic Violence

Project Coordinator, B. Stowell to come forward to accept the proclamation. Commissioner Rumsey introduced Ms. Stowell and graciously agreed to read the proclamation. Ms. Stowell asked that everyone take the time to notice the quilt that hangs in the rotunda. It was made by participants in the Domestic Violence program. The wearing of purple or a purple ribbon this month signifies awareness.

After the above presentation was made Commissioner Rumsey reported on the move of the lower DSS building employees to their temporary offices located at the old Hollywood Video building. He stated that for the most part the entire move was accomplished within two days except for a few minor incidences.

There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #12 through #18. A voice vote was taken and all voted aye.

#12

**RESOLUTION NO. 09-401
(October 13, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

RESOLUTION NUMBER 08-453 AMENDED

WHEREAS, Resolution Number 08-453 entitled, “**CHAIRMAN AUTHORIZED TO SIGN 2009 RENEWAL CONTRACTS ON BEHALF OF MENTAL HEALTH**,” passed by this Board of Supervisors on December 09, 2008 and provides for various Mental Health Contract Renewals for 2009; effective January 01, 2009 through December 31, 2009. Contingent upon the availability of funds; now therefore

BE IT RESOLVED, That Resolution Number 08-453 be hereby amended to reflect the following amendments to contracts for FY 2009:

- 1) Suburban Adult Services, Inc., 960 West Maple Court, Elma, NY 14059, renewal contract for the period of January 1, 2009 through December 31, 2009 for \$130,348.00. (Sheltered Work - \$40,744.00 + \$1,240 =

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\$41,984.00; Supported Employment - \$92,926.00 - \$4,562.00 = \$88,364.00)

- 2) Allegany Rehabilitation Associates, Inc., 4222 Bolivar Road, Wellsville, NY 14895 renewal contract for the period of January 1, 2009 through December 31, 2009:
One contract for Mental Health Services for \$627,941.00
- A. Mental Health Clinic and Crisis - \$22,406.00
 - B. Adult Case Management/SPOA - \$60,128.00
 - D. Child & Youth ICM/SCM & Wrap around Funds (1 ICM; 1 SCM) - \$68,200.00 - \$19,620.00 = \$48,580.00
 - E. RIV-POEMS - CSP
 - F. Co-Occurring Disorder Program & Case Management - \$12,529.00 + \$253.00 = \$12,782.00
 - G. Child & Family Clinic Plus - \$52,329.00 + \$737.00 = \$53,066.00
 - H. CSS Programs Continuing Day Tx., CSS Case Management, Transportation - COPS
 - I. Chemical Abuse Treatment and Prevention Staffing & Men's Group for \$424,496.00 + \$6,483.00 = \$430,979.00
- CSS
- 3) Wyoming County Community Hospital, 400 North Main Street, Warsaw, NY 14569 - renewal contract for the period of January 1, 2009 through December 31, 2009 for \$177,009.00.
- A. PAO screenings - \$22,756.00
 - B. Forensic case management - \$31,947.00 + \$253.00 = \$32,200.00
 - C. Jail based Chemical Dependency services in the jail - \$3,000.00
 - D. MICA/Homeless - Case Management - \$11,492.00
 - E. Crisis Outreach Program - \$68,600.00 + \$657.00 = \$69,257.00
 - F. Mobile Treatment Team - \$16,576.00 + \$424.00 = \$17,000.00
 - G. Case Management AOT - \$21,304.00
- 4) Mental Health Association of Rochester/Monroe County, Inc., 320 North Goodman Street, Rochester, NY 14607 – renewal contract for the period of January 1, 2009 through December 31, 2009: (One contract for \$222,363.00)

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- A. Consumer Run Thrift Store - $\$32,529.00 + 518.00 = \$33,047.00$
- B. Drop-in Center - $\$21,355.00 + \$145.00 = \$21,500.00$
- C. Transportation Program - $\$45,024.00 + \$272.00 = \$45,296.00$
- D. MICA & Social Club - $\$96,283.00 + \$237.00 = \$96,520.00$
- E. Peer Advocacy - $\$9,861.00 + 39.00 = \$9,900.00$
- F. PREP - $\$5,573.00 + \$27.00 = \$5,600.00$
- G. Temporary Housing - $\$10,368.00 + \$132.00 = \$10,500.00$

- 5) Hillside Children's Center, 1183 Monroe Ave., Rochester, NY 14620-1699, renewal contract for the period of January 1, 2009 through December 31, 2009: \$64,535.00

- A. Crisis respite for children - $\$17,527.00 + 473.00 = \$18,000.00$
- B. GLOW Family Support - $\$16,893.00 + 107.00 = \$17,000.00$
- C. Home Based Crisis Intervention - $\$14,335.00 + \$165.00 =$

\$14,500.00

- D. Parent Advocate - \$15,035.00

- 6) Living Opportunities of DePaul, 2240 Old Union Road, Cheektowaga, NY 14227-2728, renewal contract for the period of January 1, 2009 through December 31, 2009 for: \$173,734.00.

- A. Four-bed treatment apartments - $\$4,699.00 + \$301.00 = \$5,000.00$

- B. Supported Housing (20 SLOTS) - $\$167,747.00 + 987.00 = \$168,734.00$

all else remains the same.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#13

**RESOLUTION NO. 09-402
(October 13, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN / COMMISSIONER OF HEALTH
AUTHORIZED TO SIGN AN AGREEMENT WITH LYDIA
THOMAS ON BEHALF OF THE COUNTY HEALTH
DEPARTMENT**

October 13, 2009

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney are hereby authorized and directed to sign an agreement with Lydia Thomas, 6860 Old East Arcade Road, Arcade, NY 14009 on behalf of the County Health Department. Said agreement is for the provision of clerical and administrative support required due to the 2009 influenza vaccination campaign at a rate of \$23.00 per hour, not to exceed two thousand nine hundred ninety dollars (\$2,990.00); effective September 25, 2009 through August 9, 2010; fully reimbursed by PHEP grant funding.
Contingent upon the availability of funds.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:****#14**

**RESOLUTION NO. 09-403
(October 13, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN / COMMISSIONER OF HEALTH
AUTHORIZED TO SIGN AN AGREEMENT WITH ACS
GOVERNMENT SOLUTIONS MINNESOTA COUNTIES
COMPUTER COOPERATIVE (MCCC) ON BEHALF OF
THE COUNTY HEALTH DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney are hereby authorized and directed to sign an Agreement with ACS Government Solutions Minnesota Counties Computer Cooperative (MCCC), 100 Empire Drive, Suite 201, Saint Paul, MI 55103 on behalf of the County Health Department. Said agreement will provide for the PH-Doc 2012 Project in an annual amount of five thousand dollars (\$5,000.00) not to exceed twenty five thousand dollars (\$25,000.00) over a five year agreement; effective 2009-2013.
Contingent upon the availability of funds.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:**

**RESOLUTION NO. 09-404
(October 13, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

RESOLUTION NUMBER 08-341 AMENDED

WHEREAS, Resolution Number 08-341 entitled, “**CHAIRMAN / COMMISSIONER OF HEALTH AUTHORIZED TO SIGN A CONTRACT WITH RESEARCH & MARKETING STRATEGIES, INC. ON BEHALF OF THE COUNTY HEALTH DEPARTMENT,**” passed by this Board of Supervisors on September 09, 2008 provides for development of a comprehensive Wyoming County Health & Wellness Strategic Plan in an amount not to exceed thirty-four thousand five hundred fifty-nine dollars (\$34,559.00); amount fully reimbursed by grant funding from the Greater Rochester Health Foundation; effective September 1, 2008 through June 30, 2009. Contingent upon the availability of funds; and

WHEREAS, On June 09, 2009 the Wyoming County Board of Supervisors passed Resolution Number 09-234, entitled “**RESOLUTION NUMBER 08-341 AMENDED,**” to reflect an increase of deliverables to include a Dementia Feasibility Study; total additional expense not to exceed twelve thousand five hundred dollars (\$12,500.00) through September 30, 2009. Additional expense is fully reimbursable by the NY Connects Grant Point of Entry held by the Department of Social Services on behalf of the County Health Department; now therefore

BE IT RESOLVED, That Resolution Number 08-341 as amended by Resolution Number 09-234 be hereby further amended to reflect a contract extension through December 31, 2009; all other terms and conditions remain the same.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

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**RESOLUTION NO. 09-405
(October 13, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN / COMMISSIONER OF HEALTH
AUTHORIZED TO SIGN VARIOUS GRANT
APPLICATIONS AND ACCEPTANCE AWARDS ON
BEHALF OF THE HEALTH DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney are hereby authorized and directed to sign the following grant applications and acceptance awards on behalf of the County Health Department with all award amounts reflecting minimum amounts:

- ***NYSDOH / HRI***, One University Place, Rensselaer, NY 12144 for Public Health Emergency Preparedness & H1N1 Response. One hundred forty-four thousand nine hundred twenty dollars (\$144,920.00) (base grant plus H1N1add-ons); effective August 10, 2009 through August 09, 2010.
- ***New York State Office of Homeland Security***, 1220 Washington Avenue, State Office Building Campus, Building 7A, 6th Floor, Albany, NY 12242 for Public Health Emergency Preparedness & H1N1 Response. Twenty-seven thousand seven hundred seventy-eight dollars (\$27,778.00); effective August 10, 2009 through August 09, 2010.
- ***NYSDOH, ESP***, Corning Tower, Room 878, Albany, NY 12237 for Children with Special Health Care Needs Program. Seventeen thousand
- four hundred twenty eight dollars (\$17,428.00); effective October 01, 2009 through September 30, 2010; and
- ***Susan G. Komen for the Cure***, PO Box 237, Buffalo, NY 14231 for community outreach event to increase awareness of breast cancer screening and promote availability of LWCSF services. Eight hundred twenty-five

(\$825.00); effective October 01, 2009 through December 31, 2009.

- **NYSDOH**, Flanigan Square, 547 River Street, Room 515, Troy, NY 12180 for Youth Tobacco Enforcement and Prevention Program. Twenty-eight thousand five hundred six dollars (\$28,506.00); effective October 01, 2009 through September 30, 2010.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#17

**RESOLUTION NO. 09-406
(October 13, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

**CALL TO ACTION FOR INFLUENZA PREVENTION
PROCLAIMED**

WHEREAS, Seasonal influenza, or the “flu”, is a respiratory viral illness that affects millions annually. On average, 5% to 20% of the United States population gets the flu, more than 200,000 people are hospitalized from flu-related complications, and; about 36,000 people die from flu-related causes; and

WHEREAS, Novel 2009 H1N1 (previously referred to as “swine flu”) is a new, pandemic influenza virus that causes mild to severe illness in humans, and is thought to spread the same way as seasonal flu; and

WHEREAS, Residents may pass either type of flu to others before knowing that they are sick, and most healthy adults may infect others beginning one day before symptoms develop and five to seven days after becoming sick; and

WHEREAS, Symptoms of both types of flu include high fever, cough, sore throat, runny or stuffy nose, body aches, headache, chills, fatigue and vomiting and diarrhea in some. Steps to lessen the spread of influenza viruses include; cover cough or sneeze with the bend of the arm or with a tissue and throw it away after use, wash hands with soap and warm water whenever possible, avoid touching the eyes, nose, and mouth, and stay home when sick

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with a flu-like illness for at least 24 hours after fever subsides without medication; and

WHEREAS, The Centers for Disease Control (CDC) recommends a yearly seasonal flu vaccine as the first and most important step in protecting against seasonal influenza; and a vaccine for Novel 2009 H1N1 is expected to be available during Fall 2009. More information will be released by the Wyoming County Health Department at the time of release; now therefore

BE IT RESOLVED, That in recognition of the important role individuals play in preventing the spread of flu viruses, the Wyoming County Board of Supervisors do hereby proclaim:

“A CALL TO ACTION FOR FLU PREVENTION”

And be it

FURTHER RESOLVED, strong encouragement is being directed to residents to receive flu vaccinations according to recommendations and be mindful of activities that can reduce the transmission of Seasonal and Novel 2009 H1N1 flu during the 2009-2010 season.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#18

**RESOLUTION NO. 09-407
(October 13, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

BREAST CANCER AWARENESS MONTH PROCLAIMED

WHEREAS, This year more than 190,000 women in the United States will be diagnosed with breast cancer and more than 40,000 women will lose their lives nationwide, including 2,500 in New York State alone; and

WHEREAS, Early detection and prompt treatment can significantly reduce the suffering caused by this disease. Monthly self breast exams and regular mammograms are the most effective methods to detect changes that may be cancer; now therefore

BE IT RESOLVED, That in recognition of the fact that there are more than two million breast cancer survivors in the United States today, the
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Wyoming County Board of Supervisors do hereby proclaim the month of
October 2009 as:

“NATIONAL BREAST CANCER AWARENESS MONTH”

And be it

FURTHER RESOLVED, That all women of Wyoming County are urged to care for themselves and to seek information on cancer prevention and early detection from the Cancer Services Program of Livingston and Wyoming Counties at the Wyoming County Health Department.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

After the roll call vote was taken Chairman Berwanger, T/Arcade invited Public Health Committee Chair Kushner, T/Eagle to the podium to present the “A Call to Action for Flu Prevention” Proclamation. Committee Chair Kushner invited Dr. Gregory Collins to join him. Dr. Collins graciously agreed to read this proclamation. Additionally, Dr. Collins spoke briefly on both strains of the flu, their symptoms , what to do if you experience any of these flu like symptoms as well as the flu vaccines being offered by Wyoming County.

Next Committee Chair Kushner invited Supervisor Meeder, T/Middlebury to the podium as a 30 year breast cancer survivor to read the “National Breast Cancer Awareness Month” proclamation. Mrs. Meeder graciously agreed and was accompanied by the Public Health Administrator, L. Paolucci to accept the proclamation.

#19

**RESOLUTION NO. 09-408
(October 13, 2009)**

By Mr. Fleischman, Chairman of Planning Committee:

RESOLUTION NUMBER 09-279 AMENDED

WHEREAS, Resolution Number 09-279 entitled, **“CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT WITH ECC TECHNOLOGIES ON BEHALF OF PLANNING AND DEVELOPMENT,”** passed by this Board of Supervisors on July 14, 2009 and provides for a documented scope of identified services and tasks that will better position the County to apply for federal broadband/fiber optics installation American Recovery and Reinvestment Act stimulus funds designated for rural

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areas through the Department of Commerce/National Telecommunications Information Agency in an amount not to exceed thirty-seven thousand five hundred dollars (\$37,500.00); effective July 20, 2009 through September 30, 2009, and is contingent upon suitable funding once "Notice of Funding Availability" (NOFA) approval is announced; now therefore

BE IT RESOLVED, That Resolution Number 09-279 be hereby amended to reflect an extension of the existing Broadband/Fiber Optics Telecommunications Infrastructure Installation Study being conducted by ECC Technologies, 845 Fairport Office Centre, Fairport, New York 14450 for thirty (30) days until October 30, 2009, at no additional cost to the County, all other terms and conditions are to remain the same.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:****#20**

**RESOLUTION NO. 09-409
(October 13, 2009)**

By Mr. Gozelski, Chairman of Agriculture Committee:

**REVIEW OF AGRICULTURAL DISTRICT NO. 3 AND SET
PUBLIC HEARING**

WHEREAS, This Board is conducting a review of Agricultural District No. 3 located in the Towns of Covington, Perry, Castile, Genesee Falls, and Pike as well as portions of Warsaw, Middlebury, and Gainesville as authorized under Article 25AA of Agricultural Districts Law; and

WHEREAS, The review process was initiated with a 30-day review period and this Board directed the County Agricultural and Farmland Protection Board and the County Planning Board to prepare reports and recommendations regarding District No. 3; and

WHEREAS, This Board is required to hold a Public Hearing prior to making a finding whether the Districts should be continued, terminated, or modified; now therefore

BE IT RESOLVED, That a Public Hearing will be held by the Board of Supervisors of Wyoming County, State of New York, at the Wyoming County Government Center in Warsaw, on the 13th day of November, 2009 at 2:30 PM regarding Wyoming County Agricultural District No. 3 located in the

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Towns of Covington, Perry, Castile, Genesee Falls, and Pike as well as portions of Warsaw, Middlebury, and Gainesville to consider the recommendations of the Agricultural and Farmland Protection Board and the County Planning Board; and be it

FURTHER RESOLVED, That copies of the Review Plan including a map of the District showing the proposed modifications and the reports and recommendations of the Wyoming County Agricultural and Farmland Protection Board and the Wyoming County Planning Board will be available for public review at: Wyoming County Planning & Development, 6470 Route 20A in the Town of Perry; and the Soil & Water Office, 31 Duncan Street Ext., Warsaw, NY.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

There was a motion by Mr. Rogers, T/Pike, to combine resolutions #21 through #24. A voice vote was taken and all voted aye.

#21

**RESOLUTION NO. 09-410
(October 13, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
ACCEPTANCE AWARD WITH NEW YORK STATE
OFFICE OF HOMELAND SECURITY 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 acceptance (LE08-1021-E00) award with NYS Office of Homeland Security, 1220 Washington Ave., Building 7A, Albany, NY 12226 on behalf of the Sheriff's Department. Said grant is to provide funds to support terrorism prevention and preparedness efforts in a minimum amount of twenty-six thousand five hundred dollars (\$26,500.00); effective September 01, 2008 through August 31, 2011.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

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**RESOLUTION NO. 09-411
(October 13, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
APPLICATION AND ACCEPTANCE AWARD WITH NEW
YORK STATE OFFICE OF HOMELAND SECURITY 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 application and acceptance award with NYS Office of Homeland Security, State Office Building Campus, 1220 Washington Ave., Building 7A, 6th Floor, Albany, NY 12242-1800 on behalf of Emergency Services. Said grant is to provide funding to support the implementation of the State Homeland Security Strategy and address the identified planning, equipment, training and exercise needs in a minimum amount of eighty-eight thousand four hundred seventy-two dollars (\$88,472.00); effective August 01, 2009 through July 31, 2012.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#23

**RESOLUTION NO. 09-412
(October 13, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 07-271 AMENDED

WHEREAS, Resolution Number 07-271 entitled, “**CHAIRMAN AUTHORIZED TO SIGN A GRANT ACCEPTANCE AWARD WITH THE NEW YORK STATE EMERGENCY MANAGEMENT OFFICE ON BEHALF OF EMERGENCY SERVICES,**” passed by this Board of Supervisors on August 14, 2007 to provide funding to improve and implement emergency plans in a minimum amount of two thousand six hundred six dollars (\$2,606.00); effective Federal Fiscal Year 2007; now therefore

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BE IT RESOLVED, That resolution number 07-271 be hereby amended to grant permission to accept the two thousand six hundred six dollars (\$2,606.00) of the Hazardous Materials Emergency Preparedness (HMEP) Grant for Year Thirteen (October 1, 2005 through September 30, 2006) administered through NYS Emergency Management Office, 1220 Washington Ave., Bldg. 22, Suite 101, Albany, NY 12226-2251.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#24

**RESOLUTION NO. 09-413
(October 13, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT WITH NEW
YORK STATE DEPARTMENT OF STATE 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 an agreement with NYS Department of State, Bureau of Fiscal Administration, Contract Administration unit – LEWP, One Commerce Plaza, 11th Floor, Albany, New York 12231 on behalf of Emergency Services. Said grant is to provide reimbursement of costs associated with the provision of Wireless 911 services for the Local Enhanced Wireless 911 Program in a minimum amount of twenty-three thousand five hundred eighty-nine dollars (\$23,589.00); effective April 1, 2009 through March 31, 2012.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

There was a motion by Mr. Davis, T/Covington, to combine resolutions #25 through #31. A voice vote was taken and all voted aye.

#25

**RESOLUTION NO. 09-414
(October 13, 2009)**

By Mr. Davis, Chairman of Finance Committee:

October 13, 2009

Proceedings of the Board of Supervisors
RESOLUTION NUMBER 07-307 AMENDED

WHEREAS, Resolution Number 07-307 entitled, “**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH RMSCO, INC. ON BEHALF OF THE WORKMEN’S COMPENSATION OFFICE**,” passed by this Board of Supervisors on September 11, 2007 to provide for a Wyoming County Workmen’s Compensation Third Party Administrator in an amount not to exceed two hundred seventeen thousand eight hundred dollars (\$217,800.00) in three years. This renewal contract includes a bill review savings fee in an amount not to exceed nine thousand dollars (\$9,000.00) per year; effective January 1, 2008 through December 31, 2010; now therefore

BE IT RESOLVED, That Resolution Number 07-307 be hereby amended to reflect a revised expiration date of December 31, 2009.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#26

RESOLUTION NO. 09-415
(October 13, 2009)

By Mr. Davis, Chairman of Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
 WITH EBS-RMSCO, INC. ON BEHALF OF THE
 WORKMEN’S COMPENSATION OFFICE**

BE IT RESOLVED, That the Chairman of this Board is hereby authorized and directed to sign a contract with EBS-RMSCO, Inc. 115 Continuum Drive, Liverpool, NY 13088 on behalf of the Workmen’s Compensation Office. Said contract is to provide for a Wyoming County Workmen’s Compensation Third Party Administrator in an amount not to exceed two hundred twenty-four thousand one hundred dollars (\$224,100.00) in three years. This renewal contract includes a bill review savings fee in an amount not to exceed nine thousand dollars (\$9,000.00) per year and loss control in an amount not to exceed four thousand (\$4,000.00) per year. Effective January 1, 2010 through December 31, 2012.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

Regular Session

**RESOLUTION NO. 09-416
(October 13, 2009)**

By Mr. Davis, Chairman of Finance Committee:

RESOLUTION NUMBER 09-185 AMENDED

WHEREAS, Resolution Number 09-185 entitled, **“POSITION CREATIONS APPROVED,”** passed by this Board of Supervisors on April 14, 2009 and provides for the creation of various positions throughout County Departments; now therefore

BE IT RESOLVED, That the one (1) position of Laborer (Temp.) in the Department of Buildings and Grounds currently utilized for Capital Improvement Projects (North Main Medical building located at 408 N. Main St., Warsaw, New York and/or the Lower Department of Social Services building located at 466 N. Main St., Warsaw, New York); not to exceed 40 hours weekly; be hereby extended for an additional six (6) month period.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#28

**RESOLUTION NO. 09-417
(October 13, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**ONE (1) POSITION OF LABORER (TEMP) (1.00 FTE)
CREATED WITHIN THE DEPARTMENT OF BUILDINGS
AND GROUNDS**

BE IT RESOLVED, That one (1) position of Laborer (Temp.) (1.00 FTE) be hereby created within the Department of Buildings and Grounds, not to exceed 40 hours weekly; to be utilized for Capital Improvement Projects (North Main Medical building located at 408 N. Main St., Warsaw, New York and/or the Lower Department of Social Services building located at 466 N. Main St.,
October 13, 2009

462

Proceedings of the Board of Supervisors

Warsaw, New York); effective for six (6) months from the date of hire at a rate of \$10.00/hr.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

**RESOLUTION NO. 09-418
(October 13, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**CANCELLATION OF VOID TAXES, IN THE TOWN OF
WARSAW**

WHEREAS, Pursuant to the Real Property Tax Law §558 (1), the County of Wyoming may direct the cancellation of certain unpaid taxes where it is determined that the lien of such tax cannot be enforced; and

WHEREAS, Such a parcel of real property exists within the County of Wyoming, and has been identified and so designated by the 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 for 1993 and 1994 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;

AUTHORITY: RPTL §558(1) Cancellation of Void Tax

PARCEL: Town of Warsaw

TAX MAP#: 72.-2-46.1

ASSESSED TO: David J. Gierlinger

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#30

**RESOLUTION NO. 09-419
(October 13, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH THE BRENNAN GROUP CONSULTING, LLC ON**

October 13, 2009

Proceedings of the Board of Supervisors
BEHALF OF THE WYOMING COUNTY BOARD OF
SUPERVISORS

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 extension with the Brennan Group Consulting, LLC, 7705 Sally Road, Waterville, NY 13480 on behalf of the Wyoming County Board of Supervisors. Said agreement is for providing strategic advice with regard to the status and updates on state/federal American Recovery and Reinvestment Act ("ARRA") of 2009 and fiscal year appropriations. Additionally, consultant will provide strategic advice on the development of a County-wide Water District, and the coordination of its stakeholders in the amount of two thousand five hundred (\$2,500.00) per month, not to exceed fifteen thousand (\$15,000.00); effective for six months from the date of signing. Contingent upon the availability of funds.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:****#31**

RESOLUTION NO. 09-420
(October 13, 2009)

By Mr. Davis, Chairman of Finance Committee:

RESOLUTION URGING SENATORS SCHUMER AND
GILLIBRAND AND CONGRESSMAN LEE TO OPPOSE
ANY "CARCIERI FIX"

WHEREAS, The Supreme Court of the United States ruled in favor of the State of Rhode Island, denying fee to trust land to the Narragansett Indian tribe because it was not a federally recognized tribe under federal jurisdiction in 1934 when the Indian Reorganization Act (IRA) was passed by Congress (Carcierri vs. Salazar, 129 S Ct 1058 (20091); and

WHEREAS, This decision is consistent with the legislative intent of Congress in passing the IRA, which was designed to restore to Indian tribes land they had lost due to the Dawes Act of 1887 and provided for tribal land to be allotted to individual tribal members, many of whom subsequently lost title to the land due to death, divorce, bankruptcy, or other misfortune; and

WHEREAS, The Cayugas sold the reservation land to the State of New York in 1795 and 1807; and

WHEREAS, No land in the State of New York was lost to any tribe due to allotment; and

WHEREAS, The Cayuga Indian Nation was not a federally recognized tribe under federal jurisdiction in 1934 and therefore is not entitled to land in trust; and

WHEREAS, Secretary of the Interior Kenneth Salazar has directed newly appointed Assistant Secretary for Indian Affairs Larry EchoHawk to quickly resolve the situation created by the Supreme Court's decision that tribes not federally recognized and under federal jurisdiction in 1934 are not eligible for federal trust land; and

WHEREAS, Consideration is being given to having Congress amend the IRA or otherwise changing the law to include lands acquired in trust by the Bureau of Indian Affairs (BIA) since 1934 and defining what is meant by "federal jurisdiction"; and

WHEREAS, Any "Carcieri fix" would violate the intent of Congress in enacting the IRA and circumvent the carefully considered ruling of the Supreme Court in Carcieri vs. Salazar, 129 S Ct 1058 (2009); and

WHEREAS, Mr. EchoHawk has held consultations with Indian tribes on this issue but not consulted with affected counties and states; and

WHEREAS, A "Carcieri fix" would remove a legitimate reason for New York tribes, including the Cayuga Indian Nation, to be denied land in trust; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors urges Senators Schumer and Gillibrand and Congressman Lee to vigorously oppose any "Carcieri fix" and to continue its support of Cayuga, Seneca, Madison and Oneida counties in opposition to land being taken into trust: and be it

FURTHER RESOLVED, That the Clerk to this Board be hereby instructed to send a copy of this resolution to:

Senator Charles Schumer

Senator Kirsten Gillibrand

Congressman Chris Lee

October 13, 2009

Mayor Bloomberg

New York State Association of Counties

New York State Counties

Assistant Secretary of the Interior Larry EchoHawk

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

Chairman Berwanger asked if there was any Supervisor who objected to the presentation of unanimous consent resolution #32. Hearing none, the Chairman asked the clerk to read unanimous consent resolution #32 prior to the roll call vote.

UC#32

**RESOLUTION NO. 09-421
(October 13, 2009)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH SUSAN M. PAULY 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 Susan M. Pauly, 40 Liberty Street, Arcade, NY 14009 on behalf of Buildings and Grounds. Said agreement is for the provision of custom created cushions for the Wyoming County Courthouse Court Rooms in an amount not to exceed five thousand one hundred seventy-six dollars (\$5,176.00); effective October 14, 2009 through the completion of the project.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

Before the meeting was adjourned, Chairman Berwanger, T/Arcade asked Supervisor Patti, T/Attica to join him at the podium for a presentation. Chairman Berwanger continued by telling everyone about Supervisor Patti's recent retirement from the Attica Correctional Facility after a long illustrious

career in corrections. The Chairman went on to say that during Supervisor Patti's retirement party he was slightly blindsided when he was asked to speak. So being the man that he is he was able to "wing it" and made September 24, 2009 Doug Patti Day in Wyoming County. Today a formal Chairman's Proclamation was presented to Supervisor Patti to commemorate the occasion.

Supervisor Patti was indeed surprised and speechless! He thanked the Chairman for his presentation and jokingly vowed to get even with the participants.

There being no further business to come before this Board, present Senior Supervisor Rogers, T/pike, adjourned the meeting at 3:30 PM with a rap on his desk.

Respectfully submitted,

Cheryl J. Ketchum

Cheryl J. Ketchum, Board Clerk

**BUDGET WORK SESSION
(October 19, 2009)****Monday****3:00 PM**

The budget work 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 except Supervisor Bush, T/Gainesville and Supervisor Copeland, T/Wethersfield. Also present were D. Budget Officer, Beth Pond; Budget Officer, Janis Cook; and Clerk to the Board of Supervisors, Cheryl Ketchum.

At 3:04 PM Chairman Berwanger, T/Arcade, called the meeting to order.

Budget Officer Cook distributed spreadsheets pertaining to preparation of the 2010 budget, they include (attached):

- A page depicting rate of tax levy increase;
- Proposed Levy increases / Proposed Levy Decreases;
- 2010 Salary Increases above the directed 2% increases;
- 2010 Requested New Positions;
- 2010 Contract Agency appropriation requests; and
- Capital Fund Projects

Supervisor Kushner, T/Eagle reported on the Wyoming County Community Hospital's Finance Committee Meeting. He stated that the hospital has prepared to reimburse Wyoming County for Indirect Services in the amount of \$300,000.00 in 2010. He added that the facility didn't foresee having to ask for it back either...

In addition, Supervisor Kushner, T/Eagle stated that the hospital has identified an additional \$100,000.00 in cost cutting measures.

Budget Officer Cook stated that any cost cutting measures need to be reserved by the facility for next year, they will need it...

Actual Fund balance = \$1,054,000.00.

Supervisor Kushner, T/Eagle stated that he has the hospital's B.A.N. repayment schedule for interested Supervisors.

The numbers for the estimated Indirect Costs billing will be available in July 2010.

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Regulation changes are due to a Medicaid audit, county has to give over the entire Inter-Governmental Transfer (IGT) match (\$485,000.00 county match). IGT match money to be returned to the county treasury.

Wyoming County Board of Supervisors Finance Committee invited to attend the Wyoming County Community Hospital Finance Committee meeting.

Discussed sales tax projections potentially being 1% over last year's amount.

Discussed current CIP projects.

Value of a dollar is at its lowest point ever. Exports are high...

Discussions were all referred to Finance Committee on November 3, 2009 for action.

Tentative Budget will be presented at the November 10, 2009 Regular Meeting...

There being no further business to come before this Board the meeting was adjourned.

Respectfully submitted,

Cheryl J. Ketchum

Cheryl J. Ketchum, Board Clerk

October 19, 2009

**REGULAR SESSION
(November 10, 2009)****Tuesday****2:30 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. Also present were County Attorney, Eric T. Dadd; Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Brenda Ferrell.

At 2:56 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran(s) leading the Pledge of Allegiance this month was:

Roger L. Kelly

Mr. Kelly's service to his country comes while serving during the Korean War. He enlisted in the United States Army on April 3, 1951, completing his Basic Training at Fort Hood, Texas under the 1st Armor Division. Mr. Kelly's advance training was at both Fort Hood and Fort Sam Houston, Texas. His training with the Headquarters Combat Command in the 634th Armor Infantry Bn. and the 47th Medical Bn. included (8) weeks initial stage of becoming a Medical Technician, 8 weeks in Medical Basic Training, 8 weeks in "Advanced Medical/Surgical Training and 12 weeks Dental School, majoring in prosthetics.

Mr. Kelly returned to Fort Hood, Texas and spent his remaining enlistment as a Dental Technician. He was already a very talented musician playing the guitar in several bands before his enlistment and played with the "Swingsters, Midshipmen, and the X-Checks. During his tour at Fort Hood, he was also assigned to "Special Services" and played guitar with a band in many shows to include a major show for the Commanding General Mark Clark. Mr. Kelly was honorably discharged on April 2, 1953 at the rank of Corporal.

Mr. Kelly returned to his area and went to work in Batavia and spent some time working as a Dental Technician in prosthetics. About 2 years later, he made a major career change and became self-employed in electronics and repaired; radios, TV's, and small appliances. Mr. Kelly also kept his musical talents sharp and played with the "Esquires" and then "Kelly's Old Timers." After 30 plus years in electronics, he retired and then took up the profession of tuning pianos.

Mr. Kelly also held a pilot's license from 1945 to 1961. He is a past member of the Perry Center Fire Department and held membership over 20 years with both the Masons and the American Legion. He enjoys photography and amateur radio. Mr. Kelly and his wife, Lois recently celebrated their 50th Wedding Anniversary and they live in the Town of Perry.

The pledge was said by all.

Chairman Berwanger invited Supervisor Brick, T/Perry to join them at the podium before thanking Mr. Kelly for leading in the pledge today and presented him with a certificate of appreciation. The Chairman acknowledged past Board of Supervisors Chair, Woody Kelly as Mr. Kelly's brother. Mr. Kelly thanked the Chairman for his brother's acknowledgement and was offered the customary opportunity to address the Board. Mr. Kelly graciously shared a few stories about Past Board Chair Kelly and his days in the military, which were enjoyed by all. The press was in attendance so pictures were taken for the local papers.

**Communications by Clerk Ketchum:
None**

Open Public Hearing:

***Agricultural District #3**

#1

**RESOLUTION NO. 09-422
(November 10, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2009 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2009 accounts as follows:

Animal Control			
From: 01.37.3510.4.40101 Property Ins.	\$4.00		
01.37.3510.4.40102 Professional Liability	50.00		
01.37.3510.4.40103 Auto	253.15		
01.37.3510.4.40107 Liability	89.00		
01.37.3510.4.41202 Printing	200.00		
01.37.3510.4.41204 Advertising	96.55	\$692.70	
To: 01.37.3510.1.10601 Unused Benefit Time			
Reason: To transfer money for overdrafts			
Animal Control Total			\$692.70

November 10, 2009

District Attorney			
From: 01.32.1165.8.89001 Health Insurance To: 01.32.1165.4.41201 Postage 01.32.1165.4.41303 Stenographers Reason: Transfer funds to cover the cost of Postage and Stenographers	\$2,400.00	900.00 1,500.00	
District Attorney Total			\$2,400.00
Capital Improvement Project Fund (CIP)			
From: 12.61.6010.2.21002 CIP DSS Reconstruction 12.61.6010.4.40301 CIP DSS Professional Svc To: 12.61.9950.9.99004 CIP Interfund Transfer Reason: To transfer start up funds for DSS project back to General CIP.	\$233,000.00 \$300,000.00	\$533,000.00	
CIP Total			\$533,000.00
Information Technology			
From: 01.34.1681.2.20201 IT Computer Equip. To: 01.38.4050.2.20201 CHHA Computers Reason: Need to update computer for Haven Program (Medicaid Billing)	\$700.00	\$700.00	
Information Technology Total			\$700.00

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#2

**RESOLUTION NO. 09-423
(November 10, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2009 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2009 accounts as follows:

Highway			
To: 04.53.5110.4.41904 Bituminous Products w/04.03.5110.1289 Other Dept Income Reason: High Sheldon Wind Farm Road Usage – Sheldon Energy LLC (Sheldon) agrees to pay Wyoming County \$225,000 as Sheldon's share of damage to County Roads that occurred during construction of the High Sheldon Wind Farm as per letter dated October 14, 2009.	\$225,000.00	\$225,000.00	
Highway Total			\$225,000.00
Social Services			
To: 01.39.6015.4.42306 Other Point of Entry w/01.11.6015.3615 State Aid Point of Entry Reason: Point of Entry Grant - Year 4, 10/01/09-09/30/10	\$62,000.00	\$62,000.00	
Social Services Total			\$62,000.00

Public Health			
To: 01.38.4035.2.20201 Computer Equipment \$2,500.00 01.38.4035.4.41204 Advertising 5,822.96 01.38.4035.4.41214 Supplies Purchased 1,250.00 01.38.4035.4.41706 Medical & Safety Supplies 10,789.04 w/01.12.4035.4489 Other Health – Fed. Aid Reason: To appropriate for various expenses associated with NYSDOH EC & HPV Awards.		\$20,362.00	
To: 01.38.4010.4.42434 Komen for the Cure Grant \$825.00 w/01.04.4010.160113 Komen for the Cure Grant Reason: To appropriate for community outreach event expenses.		\$825.00	
To: 01.38.4010.4.42464 PH Preparedness \$27,778.00 w/01.11.4010.340115 PH Preparedness Grant - OHS Reason: To appropriate for PH & Emergency Preparedness & H1N1 Response associated with NYS Office of Homeland Security Grant, with Revenue.		\$27,778.00	
To: 01.38.4010.1.10301 OT – Full & P/T \$3,324.00 01.38.4010.2.20201 Computer Equipment 9,675.00 01.38.4010.4.42464 PH Preparedness 25,875.00 01.38.4010.8.81001 Retirement 396.00 01.38.4010.8.83001 FICA 206.00 01.38.4010.8.85001 Medicare – FICA 48.00 w/01.12.4010.448915 PH Preparedness Grant - HRI Reason: To appropriate for PH and Emergency Preparedness & H1N1 associated with NYSDOH – HRI Grant.		\$39,524.00	
Public Health Total			\$88,489.00
Mental Health			
To: 01.38.4310.4.41801 Misc. Assmts/Chgs Due Other Gov. \$2,606.28 From Any Funds available Reason: To cover Section 508 Correction Law Inpatient Admission/Care		\$2,606.28	
Mental Health Total			\$2,606.28
Emergency Services			
To: 25.72.3640.4.40301 Professional Services Contract \$75,000.00 w/25.13.3640.5031 Interfund Transfer Reason: To appropriate funds for recurring expenses associated with the Fire Training Tower Clean up.		\$75,000.00	
Emergency Services Total			\$75,000.00
Capital Improvement Project Fund (CIP)			
To: 12.61.6010.4.42306 DSS Reconstruction - Other \$2,148,100.00 w/12.14.6010.5730 DSS Construction BAN proceeds Reason: To establish budget for relocation expenses. Budgetary figure only, the original appropriation of \$300k and \$233K would be returned to CIP Building fund.		\$2,148,100.00	
CIP Total			\$2,148,100.00
Board of Supv./Legis.			
To: 01.31.1010.4.40301 Professional Svc. Contracts \$6,000.00 01.31.1010.4.40407 Supervisor Mileage 4,000.00 From Any Funds Available Reason: To cover Supervisor mileage & The Brennan Group Contract Extension for 2009.		\$10,000.00	
Board of Supv./Legis. Total			\$10,000.00

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

Mr. Bush, T/Gainesville, Chairman of the Audit Committee, presented bills totaling **\$3,752,776.49** for the month of **October 2009**.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

There was a motion by Mrs. Totline, T/Genesee Falls, to combine resolutions #3 through #9. A voice vote was taken and all voted aye.

#3

**RESOLUTION NO. 09-424
(November 10, 2009)**

By Mrs. Totline, Chairman of Human Services Committee:

**NATIONAL FAMILY CAREGIVERS MONTH
PROCLAIMED**

WHEREAS, During this season of thanksgiving, and as we pause to reflect on the many blessings that have been bestowed upon us as individuals and as a County, we are especially grateful for the love of our families and friends. One of the most profound ways in which that love is expressed is through the generous support provided by family caregivers to loved ones who are chronically ill, elderly or disabled. Caregivers reflect family and community life at its best. They are among Wyoming County's most important natural resources; and

WHEREAS, The need for family caregivers is growing. We are blessed to live in a time when medicine and technology have helped us live longer and as a result, persons with disabilities are living longer and people over 85 are the fastest growing segment of our population. Family caregivers can be found in every city and town in America. It is likely that we all know at least one family caregiver; and

WHEREAS, Family caregivers deserve our lasting gratitude and respect. This month, as we honor the many contributions that family caregivers make to the quality of our national life, let us resolve to work through our community, religious, social, business and other organizations to offer programs and services that will provide caregivers the support and encouragement they need to carry out their vital responsibilities; now therefore

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BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby proclaim November 2009 as:

National Family Caregivers Month

in Wyoming County.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#4

**RESOLUTION NO. 09-425
(November 10, 2009)**

By Mrs. Totstline, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
APPLICATION AND ACCEPTANCE AWARD WITH THE
NEW YORK STATE 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 application and a grant acceptance award with the New York State Office for the Aging, 2 Empire State Plaza, Albany, NY 12223 on behalf of the Wyoming County Office for the Aging. Said grant is to provide funding for Title's IIIB, C1, C2, D, E, EISEP, CSE, CSI, SNAP, HIICAP, WRAP and Transportation in an approximate amount of six hundred forty-one thousand five dollars (\$641,005.00); effective January 01, 2010 to December 31, 2010 or April 01, 2010 to March 31, 2011.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#5

**RESOLUTION NO. 09-426
(November 10, 2009)**

By Mrs. Totstline, Chairman of Human Services Committee:

November 10, 2009

Proceedings of the Board of Supervisors**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND ACCEPTANCE AWARD WITH THE NEW YORK STATE DEPARTMENT OF HEALTH 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 grant application and acceptance award with the New York State Department of Health, Empire State Plaza Corning Tower, Room 287, Albany, NY 12237 on behalf of the Youth Bureau. Said grant is provided through the ARRA for Early Intervention in a minimum amount of nineteen thousand four hundred twenty-nine dollars (\$19,429.00); effective October 01, 2009 through September 30, 2011.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:**

#6

**RESOLUTION NO. 09-427
(November 10, 2009)**

By Mrs. Totslin, Chairman of Human Services Committee:

CHAIRMAN AUTHORIZED TO SIGN A GRANT ACCEPTANCE AWARD WITH THE COMMUNITY HEALTH FOUNDATION OF WESTERN AND CENTRAL NEW YORK 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 grant acceptance award with The Community Health Foundation of Western and Central New York, Larkin at Exchange, 726 Exchange Street, Suite 518, Buffalo, NY 14210 on behalf of the Youth Bureau. Said grant is to provide funding for identifying parents of children ages 0 – 5 who could benefit from positive parenting classes – working in collaboration with the Department of Social Services and Mental Health in a minimum amount of thirty thousand dollars (\$30,000.00); effective October 01, 2009 through April 30, 2011.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:**

**RESOLUTION NO. 09-428
(November 10, 2009)**

By Mrs. Totslin, Chairman of Human Services Committee:

**CHAIRMAN / COMMISSER OF SOCIAL SERVICES
AUTHORIZED TO SIGN A GRANT APPLICATION AND
ACCEPTANCE AWARD WITH THE OFFICE FOR
TEMPORARY DISABILITY ASSISTANCE 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 grant application and acceptance award with the Office for Temporary Disability Assistance, 40 North Pearl St., Albany, N.Y. 12243 on behalf of the Department of Social Services. Said grant is to provide funding for the New York State Food Stamp Nutrition Education Plan administered by Cornell Cooperative Extension of Wyoming County in a minimum amount of two hundred twenty-three thousand seven hundred thirty dollars (\$223,730.00); effective October 01, 2009 through September 30, 2010.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#8

**RESOLUTION NO. 09-429
(November 10, 2009)**

By Mrs. Totslin, Chairman of Human Services Committee:

**CHAIRMAN / COMMISSIONER OF SOCIAL SERVICES
AUTHORIZED TO SIGN A GRANT ACCEPTANCE
AWARD WITH THE OFFICE OF TEMPORARY
DISABILITY ASSISTANCE DIVISION OF EMPLOYMENT
& ADVANCED SERVICES BUREAU ON BEHALF OF THE
DEPARTMENT OF SOCIAL SERVICES**

BE IT RESOLVED, That the Chairman of this Board and the

November 10, 2009

Commissioner of Social

Services with the approval of the County Attorney are hereby authorized and directed to sign a grant acceptance award with the New York State Office of Temporary Disability Assistance Division of Employment & Advancement Services Bureau, 40 North Pearl Street, Albany, NY 12243 on behalf of the Department of Social Services. Said grant is to provide funding for the Office of Temporary Disability Assistance Transitional Job Program in a minimum amount of fifty-four thousand eight hundred eighty-eight dollars (\$54,888.00); effective August 15, 2009 through September 30, 2010.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#9

**RESOLUTION NO. 09-430
(November 10, 2009)**

By Mrs. Totslin, Chairman of Human Services Committee:

**CHAIRMAN / COMMISSIONER OF SOCIAL SERVICES
AUTHORIZED TO SIGN A CONTRACT WITH WYOMING
COUNTY COMMUNITY ACTION 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 Wyoming County Community Action, 6470 Route 20A, Perry NY 14530 on behalf of the Department of Social Services. Said contract is for the Transitional Jobs Program in an amount not to exceed fifty-two thousand one hundred forty-three dollars (\$52,143.00); effective September 24, 2009 through September 30, 2010.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

After the roll call vote was taken Chairman Berwanger, T/Arcade invited Supervisor Totslin to the podium to present the National Caregivers Month proclamation. After the Supervisor read the proclamation she invited Deputy Director of Aging, Angie Proper to accept.

There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #10 through #16. A voice vote was taken and all voted aye.

**RESOLUTION NO. 09-431
(November 10, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

NATIONAL HOME CARE MONTH PROCLAIMED

WHEREAS, Home care services provide high quality and compassionate health care services to those in need, especially at times of personal health care crisis; and

WHEREAS, Home care is the most preferred method of health care delivery among elderly, disabled and chronically ill individuals eager to live independently in their own homes as long as they possibly can; and

WHEREAS, Home care services allow families to stay together, and provide for greater health, dignity and comfort for our Wyoming County citizens; and

WHEREAS, Home care is a growing alternative to hospitalization or other institution-based forms of health care for acute and chronic illnesses; and

WHEREAS, Wyoming County home care providers, such as home care nurses, therapists, aides, family members and volunteers work tirelessly to provide professional health care and support to Wyoming County residents in need; and

WHEREAS, These dedicated home care professionals and volunteers form a support network that continues to play a vital role in health care delivery for Wyoming County's aging, disabled and infirm population; and

WHEREAS, The Wyoming County Board of Supervisors and the Wyoming County Department of Health Certified Home Health Agency join home care agencies across the United States and declare the month of November

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2009 as National Home Care Month and are recognizing the selfless contributions of our home care providers; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby proclaim November 2009 as:

NATIONAL HOME CARE MONTH

in the County of Wyoming and encourage the support and participation of all citizens in learning more about home care for the elderly, disabled, and infirm.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#11

**RESOLUTION NO. 09-432
(November 10, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

**RESOLUTION IN OPPOSITION TO NEW YORK STATE
DEPARTMENT OF HEALTH PROPOSED AMENDMENTS
TO SUBPART 67-2 OF CHAPTER II OF TITLE 10: LEAD
POISONING CONTROL**

WHEREAS, The New York State Department of Health has proposed amendments to Sub-part 67-2 of Chapter II of Title 10 regulating environmental assessment and lead hazard control; and

WHEREAS, The Wyoming County Board of Supervisors supports the goal of improving the health and wellness of all residents and recognizes that although New York has seen a 63% reduction in new cases of childhood lead poisoning in upstate counties between 1998 and 2007, there remains work to be done to prevent and eliminate lead poisoning in children; and

WHEREAS, The work done by local health departments and medical practices to improve screening for lead and reduce environmental exposure to lead hazards has been based upon NYSDOH regulations enacted January 4, 1995 and implemented by localities; and

WHEREAS, The proposed amendments to Sub-part 67-2 of Chapter II of Title 10 remove the ability of local health departments to work with homeowners to determine the best course of action in reducing lead hazards in

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private homes, requiring all lead abatement to be completed by contractors, when in many cases it can be accomplished safely by the homeowner; and

WHEREAS, The proposed amendments also impose financial burdens on small businesses and homeowners, requiring contractors to become certified by the Environmental Protection Agency in lead removal with associated costs that would be passed on to residents; and

WHEREAS, The proposed amendments include enforcement requirements that take away rights of residents and localities to determine the best course of action to remove lead hazards and increase the requirements of local health departments in conducting testing and monitoring; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby oppose the proposed amendments to Sub-part 67-2 on Environmental Assessment and Lead Hazard Control, believing the amendments will be a burden to residents of Wyoming County without reducing the incidence of lead poisoning; and be it

FURTHER RESOLVED, That certified copies of this resolution shall be forwarded to Governor David A. Paterson; NYSDOH Commissioner Richard Daines, MD; Katherine Ceraolo, DOH; Senator Dale Volker; Assemblyman Daniel J. Burling; New York State Association of Counties, and Western New York Inter-County Association.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#12

**RESOLUTION NO. 09-433
(November 10, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

**RESOLUTION IN OPPOSITION TO NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
(DEC) REVISIONS TO 6 NYCRR, PARTS 191, 215 & 621
BANNING OPEN BURNING**

WHEREAS, The New York State Department of Environmental Conservation (DEC) amended regulations which extend burning bans to rural areas on October 14, 2009; and

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WHEREAS, The Wyoming County Board of Supervisors fully supports reasonable efforts to conserve precious natural resources in New York State, which are abundant in Wyoming County, including clean water, fresh air, and forests, but must register strong opposition to the current DEC revisions to open burning regulations which violate the rights of residents; and

WHEREAS, The amended regulations are unduly limiting to all residents of New York State that live outside of metropolitan areas, making them subject to restrictive policies that infringe upon individuals rights, increases costs for property owners, and hurt agriculture; and

WHEREAS, The DEC revisions are an example of regulations with significant local impact developed by agency policy-makers far removed from rural residents; and

WHEREAS, The Wyoming County Board of Supervisors believes the adoption of the amended NYS DEC regulations banning open burning is unnecessary and inappropriate, believing development of policies and regulations governing local residents should be in the hands of local populations; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby opposes the New York State Department of Environmental Conservation amendment to 6 NYCRR, Parts 191, 215 and 621 regulating open burning, effective October 14, 2009; and be it

FURTHER RESOLVED, That certified copies of this resolution shall be forwarded to Governor David A. Paterson; Senator Dale Volker; Assemblyman Daniel J. Burling; New York State Association of Counties, Western New York Inter-County Association and Pete Grannis, Commissioner of the NYSDEC.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#13

**RESOLUTION NO. 09-434
(November 10, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN / COMMISSIONER OF HEALTH
AUTHORIZED TO SIGN A SUB-AGREEMENT WITH THE
LIVINGSTON COUNTY HEALTH DEPARTMENT ON
BEHALF OF THE COUNTY HEALTH DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney are hereby authorized and directed to sign a Sub- Agreement with the Livingston County Health Department, 2 Murray Hill Drive, Mt. Morris, NY 14510 for reimbursement of Livingston Wyoming Cancer Services Program activities, as required by the approved NYSDOH work plan in a maximum amount of thirty-eight thousand eight hundred ninety-three dollars (\$38,893.00); effective April 1, 2009 through March 31, 2010; fully reimbursed by CSP Grant funds paid by the University of Rochester.
Contingent upon the availability of funds.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#14

**RESOLUTION NO. 09-435
(November 10, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

RESOLUTION NUMBER 08-453 AMENDED

WHEREAS, Resolution Number 08-453 entitled, “**CHAIRMAN AUTHORIZED TO SIGN 2009 RENEWAL CONTRACTS ON BEHALF OF MENTAL HEALTH**,” passed by this Board of Supervisors on December 9, 2008 and provides for various contracts on behalf of Mental Health for the year 2009; effective January 01, 2009 through December 31, 2009; Contingent upon the availability of funds; now therefore

BE IT RESOLVED, That Resolution Number 08-453 be hereby amended to reflect an increase of ten thousand dollars (\$10,000.00) to cover customized services in the 2009 Memorandum of Understanding with Hillside Children’s Center, 96 West Buffalo St., Warsaw, NY 14569 for a total contract amount not to exceed eleven thousand five hundred dollars \$11,500.00 for 2009; all else remains the same.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

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**RESOLUTION NO. 09-436
(November 10, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN A MEMORANDUM
OF UNDERSTANDING WITH BACH HARRISON LLC ON
BEHALF OF WYOMING COUNTY MENTAL HEALTH /
PARTNERS FOR PREVENTION**

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 (MOU) with Bach Harrison, L.L.C., 116 South 500 East, Salt Lake City, Utah 84102 on behalf of Mental Health. Said MOU will provide 3,650 surveys to Wyoming County Students and provide written data analysis and reports for the schools and Wyoming County Mental Health/Partners for Prevention at the cost of seven thousand three hundred dollars (\$7,300.00). This is 100% federal grant funds. No County Levy; effective September 18, 2009 through December 31, 2009. Contingent upon the availability of funds.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#16

**RESOLUTION NO. 09-437
(November 10, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH KELLY MCLAUGHLIN ON BEHALF OF
WYOMING COUNTY MENTAL HEALTH / PARTNERS
FOR PREVENTION**

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 Kelly McLaughlin, 40 Elm Street, Warsaw, NY 14569 on behalf of Mental Health. Said contract is to provide specialized

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services in the development of the parent participation program for the Partners For Prevention Coalition in an amount not to exceed three thousand dollars (\$3,000.00); effective November 10, 2009 through December 31, 2009. Contingent upon the availability of funds.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

After the roll call vote was taken for resolutions #10 through 16 Chairman Berwanger, T/Arcade invited Supervisor Kushner, T/Eagle to the podium to present the National Home Care Month proclamation. Supervisor Kushner, T/Eagle invited Public Health Commissioner, Dr. Gregory Collins to the podium with him. Dr. Collins graciously agreed to also read the proclamation. Dr. Collins also invited Director of Nursing (Public Health), Cathy Murdie to join them at the podium for the acceptance of this proclamation. Ms. Murdie expressed her gratitude toward the Board for their continued support and expressed to the Board that she was very proud of Wyoming County Public Health department and that she is able to be a part of the team.

There was a motion by Mr. Fleischman, T/Java, to combine resolutions #17 and #18. A voice vote was taken and all voted aye.

#17

**RESOLUTION NO. 09-438
(November 10, 2009)**

By Mr. Fleischman, Chairman of Planning Committee:

**DAVE RUMSEY APPOINTED TO THE GENESEE
LIVINGSTON ORLEANS WYOMING WORKFORCE
INVESTMENT BOARD**

BE IT RESOLVED, That **David Rumsey**, (Commissioner of Social Services) Wyoming County Department of Social Services, DSS North, 2382 Route 19, Warsaw, NY 14569 is hereby appointed to the *GLOW Workforce Investment Board (WIB)* as an *At Large Member* (replacing Carol Blake-Ludwig, Orleans County Commissioner of Social Services) effective **November 1, 2009**.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

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**RESOLUTION NO. 09-439
(November 10, 2009)**

By Mr. Fleischman, Chairman of Planning Committee:

**WYOMING COUNTY PLANNING BOARD MEMBERS
REAPPOINTED**

BE IT RESOLVED, That the following members are hereby reappointed to the Wyoming County Planning Board:

Voting Members

Three (3) year term effective January 1, 2010 through December 31, 2012

- David Dutton (Town of Arcade) 136 Liberty Street, Arcade, NY 14009
- Jan Vrooman (Town of Castile) 4356 Lakeshore Drive, Castile, NY 14427
- Ronald Lathan (Town of Covington) 543 Pavilion-Warsaw Road, Wyoming, NY 14591
- Walter Stevens (Town of Bennington) 67 Clinton Street, Alden, NY 14004
- Thomas Jacobs (Town of Eagle) 6665 Centerville Road, Bliss, NY 14024

Alternate Members

One (1) year term effective January 1, 2010 through December 31, 2010

- Paul Bijhouwer, 217 Park Street, Arcade, NY 14009
- Gerald Pfeifer, 39 Mount View Avenue, Warsaw, NY 14569

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

Chairman Berwanger extended his personal congratulations to Commissioner Rumsey on his appointment to the GLOW WIB and informed the Commissioner that it will be an educational experience beyond the Commissioner's wildest imagination. The Chairman concluded by telling Commissioner Rumsey that he will have a new appreciation for government by the time his term is completed and that he looks forward to sitting next to him at the meetings.

Prior to the roll call vote of the next resolution Chairman Berwanger, T/Arcade commented on resolution numbers 11, 12, and 19 dealing with Lead Poisoning, DEC Open Burning Regulations and a new state fee for issuing license plates, respectively. These resolutions are in response to state government actions. Speaking for the Wyoming County Board of Supervisors they are adamantly

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opposed to further regulation and fees that the state feels fit to pass on to the county. Address the budget crisis they are now facing and dispense from any further regulation for maybe a year it would be in the best interest of all residents in the state.

Supervisor Rogers, T/Pike explained that the Open Burning Regulations at the DEC were an administrative decision by the Commissioner of DEC. Local state representatives are in the midst of creating legislation that would overturn this regulation.

#19

**RESOLUTION NO. 09-440
(November 10, 2009)**

By Mrs. Meeder, Chairman of Human Resource Committee:

**RESOLUTION OPPOSING A NEW STATE FEE FOR
ISSUING LICENSE PLATES**

WHEREAS, This legislative body has a record of advocating for the best interests of the residents of Wyoming County; and

WHEREAS, Another new state fee will add to the costs being borne by state residents, with motorists required to exchange license plates and exchange those license plates with new state-issued license plates at a cost of \$25 each; and

WHEREAS, There is an additional expense of \$20 for motorists who wish to keep the same license plate number; and

WHEREAS, County Clerks, including Wyoming County Clerk Rhonda Pierce, have stated their doubts regarding the effectiveness of the program, noting the last license plate exchange occurred a relatively short time ago in 2001 at a much reduced cost of \$5.50; and

WHEREAS, This legislative body is concerned about the high number of taxes and fees being imposed by the state during a recession and urges the governor to delay or cancel implementation of the license plate exchange fee, scheduled to go into effect in April, 2010; now therefore

BE IT RESOLVED, That Wyoming County Board of Supervisors do hereby declare opposition to the license plate exchange fee, noting concerns

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about the effectiveness and need for the program and the costs for New Yorkers already coping with the ongoing recession, and urges that the implementation of the exchange program be cancelled or delayed; and be it

FURTHER RESOLVED, That the Clerk of this Board be hereby directed to transmit copies of this resolution to Governor David A. Paterson, Senator Dale M. Volker, Assembly Majority Leader Ron Canestrari, Assemblyman Dan Burling, Inter-County Association of Western New York, and the New York State Association of Counties.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

There was a motion by Mr. Rogers, T/Pike, to combine resolutions #20 through #25. A voice vote was taken and all voted aye.

#20

**RESOLUTION NO. 09-441
(November 10, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
ACCEPTANCE AWARD WITH THE DIVISION OF
CRIMINAL JUSTICE SERVICE 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 award with the Division of Criminal Justice Service, 4 Tower Place, Albany, New York on behalf of the District Attorney's Office. Said grant is to provide funding for Domestic Violence Services in a minimum amount of thirty-one thousand nine hundred twenty-one dollars (\$31,921.00); effective January 1, 2010 through December 31, 2010.
No county match required.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

**RESOLUTION NO. 09-442
(November 10, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS
AGREEMENTS AND CONTRACTS ON BEHALF OF THE
2010 STOP DWI PLAN**

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 Stop DWI contracts and agreements for 2010; effective January 01, 2010 through December 31, 2010:

- **Governors Traffic Safety Committee**, 6 Empire Plaza, Room 414, Albany, NY 12228 for the provision of the 2010 STOP-DWI Plan Agreement in a minimum amount of one hundred forty thousand six hundred dollars (\$140,600.00).
- **Stephen C. Tarbell**, 4270 Fairview Road, Castile, NY 14227 as the STOP-DWI Coordinator; in an amount not to exceed eight thousand dollars (\$8,000.00).
- **District Attorney's Office**
 - Secretarial services, in an amount not to exceed seven thousand dollars (\$7,000.00).
 - Prosecution of DWI cases; in an amount not to exceed fifty-eight thousand dollars (\$58,000.00).

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Proceedings of the Board of Supervisors**Probation Department**

- o Pre-trial Release Program services, in an amount not to exceed fourteen thousand dollars (\$14,000.00).
- o Pre-trial Release Program Coordinator services, in an amount not to exceed eight thousand dollars (\$8,000.00).

- **Sheriff's Department**

- o DWI enforcement patrols and specific expenses listed in paragraph no. 4 of the contract in an amount not to exceed six thousand five hundred dollars (\$6,500.00)

- **Various Memorandums of Understanding with the following Police Departments:**

- o **Arcade Police Department** in an amount not to exceed four thousand dollars (\$4,000.00) for DWI enforcement patrols and specific expenses listed in paragraph no. 4 of the contract.
- o **Attica Police Department** in an amount not to exceed four thousand dollars (\$4,000.00) for DWI enforcement patrols and specific expenses listed in paragraph no. 4 of the contract.
- o **Perry Police Department** in an amount not to exceed four thousand dollars (\$4,000.00) for DWI enforcement patrols and specific expenses listed in paragraph no. 4 of the contract.
- o **Warsaw Police Department** in an amount not to exceed four thousand dollars (\$4,000.00) for DWI enforcement patrols and specific expenses listed in paragraph no. 4 of the contract.

Contingent on the availability of funds.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#22

**RESOLUTION NO. 09-443
(November 10, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 09-289 AMENDED

WHEREAS, Resolution Number 09-289 entitled , “CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND ACCEPTANCE AWARD WITH THE NEW YORK STATE GOVERNOR’S TRAFFIC SAFETY COMMITTEE ON BEHALF OF

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THE SHERIFF'S DEPARTMENT," passed by this Board of Supervisors on July 14, 2009 and provides for a Governor's Traffic Safety Committee Buckle Up New York (BUNY) grant to provide funding for Wyoming County's program in a minimum amount of five thousand two hundred fifty dollars (\$5,250.00); effective October 01, 2009 through September 30, 2010; now therefore

BE IT RESOLVED, That Resolution Number 09-289 be hereby amended to reflect a decrease in the award amount of two thousand eight hundred seventy dollars (\$2,870.00) for a total minimum amount of two thousand three hundred eighty dollars (\$2,380.00); all else remains the same.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#23

**RESOLUTION NO. 09-444
(November 10, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
APPLICATION AND ACCEPTANCE AWARD WITH THE
NEW YORK STATE OFFICE OF HOMELAND SECURITY
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 New York State Office of Homeland Security, State Office Building Campus, 1220 Washington Ave., Bldg 7A, 6th Floor, Albany NY 12242-1800 on behalf of the Sheriff's Department. Said grant is to provide funding to support law enforcement initiatives in a minimum amount of thirty eight thousand seven hundred fifty dollars (\$38,750.00); effective August 01, 2009 through July 31, 2012.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#24

**RESOLUTION NO. 09-445
(November 10, 2009)**

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By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A MAINTENANCE
CONTRACT WITH SIMPLEX GRINNELL 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 maintenance contract with Simplex Grinnell, 90 Goodway Dr, Rochester NY 14623 on behalf of the County Jail. Said contract is to provide the smoke and fire alarm maintenance in an amount not to exceed five thousand eight hundred ninety seven dollars (\$5,897.00); effective January 01, 2010 through December 31, 2010.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#25

**RESOLUTION NO. 09-446
(November 10, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 08-416 AMENDED

WHEREAS, Resolution Number 08-416 entitled, “**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH WYOMING COUNTY – ATTICA LEGAL AID BUREAU ON BEHALF OF THE PUBLIC DEFENDER’S OFFICE**,” passed by this Board of Supervisors on November 12, 2008 provides for partial funding for a part-time Secretary with primary duties to prepare vouchers for “606” claims in an amount not to exceed fifteen thousand dollars (\$15,000.00); effective October 01, 2008 through September 30, 2009.

Contingent upon the availability of funds; now therefore

BE IT RESOLVED, That Resolution Number 08-416 be hereby amended to reflect an amended expiration date of December 31, 2009; all else remains the same.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

There was a motion by Mr. Patti, T/Attica, to combine resolutions #26 through #32. A voice vote was taken and all voted aye.

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**RESOLUTION NO. 09-447
(November 10, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH NEW YORK STATE DEPARTMENT OF STATE,
DIVISION OF LOCAL GOVERNMENT – LOCAL
GOVERNMENT EFFICIENCY GRANT PROGRAM ON
BEHALF OF COUNTY HIGHWAY**

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 State, Division of Local Government – Local Government Efficiency Grant Program 2008-2009 on behalf of County Highway (as the lead agency) and the sixteen towns of Wyoming County. Said grant is to provide funding in a minimum amount of one hundred thousand eight hundred dollars (\$100,800.00) for the purchase a tractor with an over the rail mower in the amount of one hundred twelve thousand dollars (\$112,000.00) (local share \$11,200.00); and be it

FURTHER RESOLVED, That the Chairman be hereby authorized and directed to sign the inter-municipal agreements between the County of Wyoming and each of the sixteen towns within Wyoming County.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#27

**RESOLUTION NO. 09-448
(November 10, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

TRANSFER OF ROADS APPROVED

WHEREAS, The Covington Town Board along with the Wyoming County Board of Supervisors, as recommended by the Public Works Committee,

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have determined that it is within the best interest of these municipalities to transfer ownership of a certain portion of Peoria Road from the Town of Covington to the County of Wyoming and a certain portion of Big Tree Road from the County of Wyoming to the Town of Covington due to the connectivity of these roads to state, county and town roadways; and

WHEREAS, The County of Wyoming has determined that it is in the County's interest to effect the transfer referred to in this Resolution; and

WHEREAS, No financial consideration shall be exchanged and the County of Wyoming deems this exchange to be in the County's interest and will promote the public welfare and safety of the residents of the County of Wyoming; now therefore

BE IT RESOLVED, That the County Attorney along with the Superintendent of County Highways be hereby authorized and directed to obtain the appropriate maps and or descriptions of the certain portions of Peoria Road and Big Tree Road being transferred in order to prepare and properly document the exchange between the Town of Covington and the County of Wyoming; and be it

FURTHER RESOLVED, That no further action by this Board of Supervisors shall be necessary to effect this transfer and the Chairman of the Board is authorized to execute whatever documents may be necessary to implement this Resolution.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#28

**RESOLUTION NO. 09-449
(November 10, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

RESOLUTION NUMBER 09-98 AMENDED

WHEREAS, Resolution Number 09-98 entitled, **"CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH CLARK PATTERSON LEE ON BEHALF OF BUILDINGS AND GROUNDS,"** passed by this Board of Supervisors on February 06, 2009 to provide engineering services associated with the reconstruction of the jail roof in an amount not to exceed seven thousand five hundred dollars (\$7,500.00); effective through the reconstruction of the jail roof project; Contingent upon the availability of funds; now therefore

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BE IT RESOLVED, That Resolution Number 09-98 be hereby amended to reflect an increased amount of \$6,830.00 to cover the engineering fees for rewriting of the contract when the low bidder did not meet the insurance requirements for a total contract amount of fourteen thousand three hundred thirty dollars (\$14,330.00) effective through the reconstruction of the jail roof project; all else remains the same.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#29

**RESOLUTION NO. 09-450
(November 10, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH KEY POWER SYSTEMS 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 Key Power Systems, 953 Creek Rd., Attica, NY 14011 on behalf of Buildings and Grounds. Said contract is to provide services to move the generator at the Department of Social Services to the Public Health Department in an amount not to exceed twenty-five thousand five hundred dollars (\$25,500.00).

Wyoming County to provide the propane tank, gas line and concrete, and will move the generator to its new location.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#30

**RESOLUTION NO. 09-451
(November 10, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

November 10, 2009

Proceedings of the Board of Supervisors**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH METRO CONTRACTING & ENVIRONMENTAL,
INC. 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 Metro Contracting & Environmental, Inc., 2939 Lockport Rd., Niagara Falls, NY 14305 on behalf of Buildings and Grounds. Said contract is for abatement services for renovations at the lower Department of Social Services building in an amount not to exceed fifty-nine thousand dollars (\$59,000.00); effective through the completion of the project.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:**

#31

**RESOLUTION NO. 09-452
(November 10, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH FRANCIS HERRMANN, INC. 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 Francis Herrmann Inc., 2273 Saltvale Road, Warsaw NY 14569 on behalf of Buildings and Grounds. Said contract is for labor and equipment provided for the installation of asphalt at the Fire Training Center, 3651 Wethersfield Road in the Town of Wethersfield. Wyoming County to pay for the asphalt. Contractor will deliver and install in an amount not to exceed nineteen thousand four hundred fifty dollars (\$19,450.00); effective October 13, 2009 through November 25, 2009.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:**

#32

**RESOLUTION NO. 09-453
(November 10, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH CUSTOM FENCE OF W. N. Y. INC. 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 Custom Fence of W.N.Y. Inc., 9692 Savage Rd., PO Box 220, Holland, NY 14080 on behalf of Buildings and Grounds. Said contract is for the purchase and installation of a new gate at the county jail in an amount not to exceed nine thousand eight hundred dollars (\$9,800.00); effective November 10, 2009 through completion of project.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

Prior to the presentation of the Finance Committee agenda Chairman Berwanger, T/Arcade introduced Patrick Brennan, Former Director of the USDA Rural Development Agency. Mr. Brennan has been hired as a consultant not only to the County but to all of the municipalities within the county for grant funding opportunities. Generally, Mr. Brennan is able to report to the Committee of the Whole prior to the Board meeting. However, today because of an extensive Committee of the Whole agenda Mr. Brennan was asked to present his report at the full board meeting.

Mr. Brennan provided the following printed report to the Board:

**BRENNAN GROUP CONSULTING LLC
7705 SALLY RD
WATERVILLE NY 13480**

**WYOMING CO BOARD OF SUPERVISORS
NOVEMBER 2009 REPORT**

November 10, 2009

Gov. Paterson convenes an extraordinary session of the State Legislature:

1. Two-year deficit reduction plan totals \$5.2 billion (\$3.2 billion 2009-10 and \$2 billion in 2010-11).
2. Capping the growth on State spending, controlling expenditures.
3. Establishing a school-tax circuit-breaker tax credit.
4. Providing property tax relief through efficiency in local government (allowing municipal governments to form cooperative health care

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Proceedings of the Board of Supervisors

benefit plans for their employees, facilitating highway shared service agreements between municipalities and State agencies, allowing multiple governments to employ a single public health director, increasing bidding thresholds on public works contracts, tort reform or caps on damages, allow municipal bond bank to purchase municipal bonds provided for public works projects afforded by American Recovery and Reinvestment Act of 2009).

5. Providing same-sex couples the same opportunity to enter into civil marriages as opposite-sex couples.
6. Enhancing fines/fees for drivers who operate a vehicle under the influence of alcohol or drugs, with children in the car, and expanding court ordered use of ignition inter-lock devices.
7. Reforming the pension system, creating a tier-5 for new hires.
8. Reforming public authorities in NYS by increasing transparency and accountability, and creating an independent authorities budget office.
9. Establish a municipal sustainable energy loan program to assist property owners install renewable energy and energy efficiency improvements.

November 5, 2009

Pres. Obama signs the EPA appropriations bill, which provided \$2.1 billion for the nations Clean Water State Revolving Loan Funds (CWSRF) and \$1.38 billion for Drinking Water State Revolving Loan Funds (DWSRF).

Based on historical federal funding formulas, New York will receive \$228.9 million for clean water and \$88.6 million for drinking water.

This represents a 200% increase for clean water dollars, compared with last year.

Congress also requires states to offer a portion of their funding as grants, negative interest loans or principal forgiveness. They also require states to use 20% of their funds for “green innovation” projects that boost water and energy efficiency and implement pollution controls.

At the request of Assemblyman Bob Sweeney, the DEC compiled a report that found sewage-treatment infrastructure around the State is aging out and in need of an estimated \$36.2 billion in repairs over the next 20 years. A similar State Health Department study estimated that drinking water infrastructure statewide is in need of approximately \$38 billion in repairs over 20 years.

November 9, 2009

Wyoming County NYS Department of State High Priority Grant Program
Outline of Planned Program Activities:

1. Sixteen (16) water purveyors in Wyoming County.
2. Potential savings from having a pool of qualified water plant operators (challenges from retirements).
3. Bulk purchasing for chemicals, meters, electric and natural gas, spare parts, etc.
4. Consolidated testing and lab services.
5. Cost savings realized through joint asset management plan, long-range capital needs assessments, development of a comprehensive GIS system.
6. Cost savings through purchase of specialized equipment (leak detection equipment, large excavators, specially fitted water system repair vehicles, emergency generators, etc.).
7. Operational efficiencies, regularly scheduled hydrant flushing, valve exercising programs, system leak detection program, shared meter reading program and facility security and safety plans.
8. The possibility of increased public health, safety and welfare to be obtained by the ability to provide emergency and back-up water supplies to existing and new water systems by interconnecting the systems.

Stakeholder meeting scheduled for Nov 30, 2009.

Feedback incorporated in grant proposal.

Chairman Berwanger, T/Arcade explained briefly the exploration of a County Wide Water District. All of the municipalities of Wyoming County are being asked to attend an informational meeting at the Fire Training Center in Wethersfield on November 30, 2009.

There was a motion by Mr. Davis, T/Covingotn, to combine resolutions #33 through #43. A voice vote was taken and all voted aye.

#33

**RESOLUTION NO. 09-454
(November 10, 2009)**

By Mr. Davis, Chairman of Finance Committee:

November 10, 2009

Proceedings of the Board of Supervisors
CHAIRMAN AUTHORIZED TO SIGN 2010
INSURANCE RENEWAL RATES ON BEHALF OF
RETIRED COUNTY EMPLOYEES

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign Univera Health Insurance and Excellus BC BS Insurance renewal rates for Retired County Employees for **2010**:

- **Univera Medicare PPO -**
 - o Option D - \$291.67/mo. (single)
 - o Option B – \$270.27/mo. (single)
- **Excellus Medicare PPO - \$257.99/mo. (single)**
- **MVP Health Care PPO (New Plan offered this year) –**
 - o Gold Anywhere PPO - \$195.14 (single)

Carried: XXX Ayes: 1596 Noes: Absent: Abstain: #34

RESOLUTION NO. 09-455
(November 10, 2009)

By Mr. Davis, Chairman of Finance Committee:

2010 WORKERS' COMPENSATION COSTS APPROVED

BE IT RESOLVED, That the cost of Workers' Compensation Insurance for the Participants covered by the Wyoming County Workers' Compensation Pool as based upon the 2010 budget of \$1,936,200.00 (total budget of \$1,984,812.36 minus a \$48,612.36 Interfund transfer) are as follows:

<u>TOWNS</u>	
Arcade	22,946
Attica	25,243
Bennington	29,398
Castile	22,940
Covington	15,206
Eagle	17,258

Gainesville	18,525
Genesee Falls	10,992
Java	20,148
Middlebury	22,001
Orangeville	15,719
Perry	19,797
Pike	15,707
Sheldon	24,430
Warsaw	24,988
Wethersfield	14,519
Total	319,817

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 in these respective amounts and to levy the same against the taxable property of each respective municipality.

COUNTY & OUTSIDE AGENCIES

County Government	189,699
County Highway Department	109,135
Wyom. Co Community Hospital	492,270
Community Action	20,969
Wyom. Co. Volunteer Fire Depts	224,948
Soil & Water Conservation	2,251
Total	1,039,272

VILLAGES

Arcade	55,037
Attica-pays in June	39,985
Castile	4,630
Gainesville	18
Perry	39,676
Silver Springs	5,600
Warsaw-pays in June	68,606
Wyoming	4,360
Total	217,912

SCHOOL DISTRICTS

Attica Central School	104,792
Perry Central School	73,379
Pioneer Central School	150,373
Warsaw Central School	9,076
Wyoming Central School	21,579
Total	359,199

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#35

**RESOLUTION NO. 09-456
(November 10, 2009)**

By Mr. Davis, Chairman of Finance Committee:

SALARY SCHEDULES “G” AND “S” AMENDED

BE IT RESOLVED, That the Wyoming County Salary Plan which became effective January 01, 1967, as amended, is hereby amended as follows:

Schedule G:

District Attorney’s Office:

- Set the salary of the Domestic Violence Coordinator at \$33,660.00 annually; effective January 1, 2010.

Schedule S:

District Attorney:

One time stipend payable after January 01, 2010 with Stop DWI funds.

- Secretary to the District Attorney \$2,000.00

****Once paid salary schedule reverts back to 0.***

arried: XXX Ayes: 1596 Noes: Absent: Abstain:

#36

**RESOLUTION NO. 09-457
(November 10, 2009)**

By Mr. Davis, Chairman of Finance Committee:

Regular Session

2010 EQUALIZATION TABLE PRESENTED

BE IT RESOLVED, That the 2010 Equalization Table is hereby presented; and be it

FURTHER RESOLVED, That its adoption be tabled for at least one day.

<i>2010 EQUALIZATION TABLE</i>					
Advisory Equaliz Rates	TOWN	Taxable Assessed Value with Partial Exemptions Added	Full Value At State Rates	% of Co. Tax to be paid by Each Town	Taxable Assessed Value
75.00%	ARCADE	171,636,635	228,848,847	0.117486647	171,619,285
94.00%	ATTICA	156,097,558	166,061,232	0.085252679	156,085,658
49.70%	BENNINGTON	110,364,240	222,060,845	0.114001816	110,337,211
100.00%	CASTILE	203,991,941	203,991,941	0.104725584	203,968,441
100.00%	COVINGTON	62,138,257	62,138,257	0.031900600	62,132,557
100.00%	EAGLE	50,630,310	50,630,310	0.025992638	50,623,010
100.00%	GAINESVILLE	82,654,305	82,654,305	0.042433149	82,642,855
100.00%	GENESEE FALLS	24,592,458	24,592,458	0.012625300	24,581,958
92.00%	JAVA	113,403,064	123,264,200	0.063281497	113,395,564
100.00%	MIDDLEBURY	79,315,571	79,315,571	0.040719106	79,314,971
99.00%	ORANGEVILLE	70,113,184	70,821,398	0.036358359	70,111,784
100.00%	PERRY	177,061,561	177,061,561	0.090900039	177,047,111
100.00%	PIKE	47,333,826	47,333,826	0.024300286	47,333,826
92.00%	SHELDON	127,593,786	138,688,898	0.071200243	127,568,686
99.00%	WARSAW	225,214,390	227,489,283	0.116788672	225,211,390
100.00%	WETHERSFIELD	42,918,196	42,918,196	0.022033386	42,904,496
	TOTALS	1,745,059,282	1,947,871,127	1.000000000	1,744,878,803

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

November 10, 2009

**RESOLUTION NO. 09-458
(November 10, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**DATE OF PUBLIC HEARING FOR
2010 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 2010 will be held in the Supervisors' Chambers at the Wyoming County Government Center, 143 N. Main St., in the Village of Warsaw, NY, on ***Tuesday, November 24th, 2009 at 2:00 PM*** and that copies of that tentative County Budget will be available at the Public Hearing and after 3:00 P.M. on November 13, 2009, 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 24, 2009.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#38

**RESOLUTION NO. 09-459
(November 10, 2009)**

By Mr. Davis, Chairman of Finance Committee:

JANIS COOK REAPPOINTED BUDGET OFFICER

Proceedings of the Board of Supervisors

505

BE IT RESOLVED, That Janis Cook, 6 East Court Street, Warsaw, NY 14569 be hereby reappointed to the position of Budget Officer for a term of two years; effective January 01, 2010 through December 31, 2011.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#39

**RESOLUTION NO. 09-460
(November 10, 2009)**

By Mr. Davis, Chairman of Finance Committee:

RELEVY OF UNPAID SCHOOL AND VILLAGE TAXES

WHEREAS, The Real Property Tax Law requires that, by November 15, 2009, all rural Wyoming County School Districts return their respective unpaid 2009-2010 school taxes to the County Treasurer for inclusion in the following year's town and county levy, and

WHEREAS, The Board of Supervisors entered into an agreement with the various villages within the county that, upon notification to the county, by the villages, within the time period as defined in the agreement, the unpaid village taxes will be relevied as part of the town and county levy; now therefore

BE IT RESOLVED, That the County Board of Supervisors do hereby authorize all unpaid school taxes and unpaid village taxes be relevied against the various towns in the County of Wyoming immediately upon receipt by the County Treasurer's Office.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#40

**RESOLUTION NO. 09-461
(November 10, 2009)**

By Mr. Davis, Chairman of Finance Committee:

APPROVES PROPERTY AUCTION SALES

November 10, 2009

Proceedings of the Board of Supervisors

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.

Parcel #	Buyer
#023	Brennan Brauen , 160 Lake Ave, Lancaster, NY 14086 has offered \$7,000.00 for property located on Curriers Road, Town of Arcade. Tax Map# 162-1-20.
#038	Harold Trapper , 10469 Croop Rd, Clarence, NY 14032 has offered \$19,000.00 for property located at 16 North Street, Village of Attica. Tax Map# 6.10-3-12 Brian J. Whitton , 30 Fargo St, Warsaw, NY 14569 has offered \$10,500.00 for property located on Halls Corners Road, Town of Attica. Tax Map# 60.-1.1.123
#046	
#048	Patrick Pilc , 2609 Clinton St, Attica, NY 14011 has offered \$3,500.00 for property located on West Main Road, Town of Attica. Tax Map# 5.-3-8.1
#060	Paul & Ellen Stringham , 2255 Stedman Rd, Attica, NY 14011 has offered \$8,500.00 for property located on Church Road, Town of Bennington. Tax Map# 4.-1-28
#067	David W. & Bess J. McDonald , 248 Sargent St, Cowlesville, NY 14037 has offered \$28,000.00 for property located at 254 Sargent Street, Town of Bennington. Tax Map# 15.3-1-39
#P076	Andrew Mikula , 88 Church, Lancaster, NY 14086 has offered \$1,100.00 for property located at 0 NYS Route 39, Town of Eagle. Tax Map #176.-2-25.131

- #083 William L. Lantz**, 7 East Mill St, Apt 2, Castile, NY 14427 has offered \$17,000.00 for property located at 111 Main Street, Village of Castile. Tax Map# 147.10-1-14.11
- #087 Justin E. Pelc**, 4462 E. Highland, Blasdell, NY 14219 has offered \$1,000.00 for property located on E Lake Road, Town of Castile. Tax Map# 111.20-4-92.1
- #088 Patrick J. & Donna S. Keefe**, 48 Swan St, Painted Post, NY 14870 has offered \$11,000.00 for property located at 6721 Sunset Road, Town of Castile. Tax Map# 111.20-2-41
- #104 Robert & Ronalda Bliss**, 6991 McElroy Rd, Bliss, NY 14024 has offered \$29,000.00 for property located at 3302 NYS Route 39, Town of Eagle. Tax Map# 165.-1-21
- #105 Ronald R. & Joan M. Burke**, 6833 Flynn Rd, Bliss, NY 14024 has offered \$17,000.00 for property located at 3468 NYS Route 39, Town of Eagle. Tax Map# 166.3-2-25
- #113 Brent Maines**, 88 St Mary's Court, Silver Springs, NY 14550 has offered \$7,000.00 for property located at 10 Highland Avenue, Village of Silver Springs. Tax Map# 122.20-1-42
- #129 Todd J. Moffett**, 1273 Sweet Rd, East Aurora, NY 14052 has offered \$7,500.00 for property located at 4472 Route 98, Town of Java. Tax Map# 117.-1-6
- #130 James Prutsman Jr.**, 5498 Java Lake Rd, Arcade, NY 14009 has offered \$15,000.00 for property located at 4006 Main Street, Town of Java. Tax Map# 102.2-3-6
- #131 Caring Hart's Transportation, Inc., (Tom & Tricia Hart)**, 4077 Main St, Strykersville, NY 14145 has offered \$14,000.00 for property located on Holland Road, Town of Java. Tax Map #114.-1-52
- #133 Brian Slomba**, 24 Cobb Ave, Box 323, Delevan, NY 14042 has offered \$500.00 for property located on Block F, Elmwood Avenue, Town of Java. Tax Map# 140.8-6-28
- #140 Brian Slomba**, 24 Cobb Ave, Box 323, Delevan, NY 14042 has offered \$700.00 for property located on Block F, Elmwood Ave, Town of Java. Tax Map# 140.8-7-11
- #149 Brian J. Whitton**, 30 Fargo St, Warsaw, NY 14569 has offered \$10,000.00 for property located on Bantam Road, Town of Orangeville. Tax Map #60.-2-21.2
- #159 William Easterbrook**, 125 Melody Lane, Tonawanda, NY 14150 has offered \$4,500.00 for property located on Syler Road, Town of Orangeville. Tax Map# 82.-1-88.1
- #160 Jerry Jirak**, 6348 Northwoods Rd, Arcade, NY 14009 has offered \$7,000.00 for property located on Hollow Road, Town of Orangeville. Tax Map# 93.-2-8.112

Proceedings of the Board of Supervisors

- Geoffrey W. & Marie S. Mohring**, 6393 Morningwood Dr, East Amherst, NY 14051 has offered \$8,000.00 for property located at 2726 Almeter Road, Town of Orangeville. Tax Map# 93.-2-11
- #163**
- Nick Gitsis**, 105 W Buffalo St, Warsaw, NY 14569 has offered \$4,000.00 for property located at 4228 Route 20A, Town of Orangeville. Tax Map# 84.-1-18.1
- #166**
- GFOM Inc. (Richard L. Fish)**, 1 Lake St, Suite 202, Perry, NY 14530 has offered \$16,000.00 for property located at 43 Hawthorne Street, Village of Perry. Tax Map# 88.19-4-8
- #168**
- GFOM Inc. (Richard L. Fish)**, 1 Lake St, Suite 202, Perry, NY 14530 has offered \$30,000.00 for property located at 145 S Main Street, Village of Perry. Tax Map# 100.11-1-38
- #171**
- Shirley D. Thomas**, 3 N. Genesee St, Perry, NY 14530 has offered \$1,600.00 for property located at 8 N Genesee Street, Village of Perry. Tax Map# 88.20-3-19
- #174**
- Norman & Joanne Kibler**, 6749 Oatka Rd, Perry, NY 14530 has offered \$20,000.00 for property located at 5 Hawthorne Street, Village of Perry. Tax Map# 100.7-5-25
- #176**
- GFOM Inc. (Richard L. Fish)**, 1 Lake St, Suite 202, Perry, NY 14530 has offered \$15,000.00 for property located at 10 Callahan Street, Village of Perry. Tax Map# 100.11-3-32.1
- #178**
- Phyllis E. Barnhardt**, 3045 Moyer Rd, Mt. Morris, NY 14150 has offered \$18,000.00 for property located at 2146 Route 246, Town of Perry. Tax Map# 64.-1-40
- #188**
- Michael G. Tingué**, 11644 Worden Rd, Delevan, NY 14042 has offered \$3,300.00 for property located at 25 Main Street, Village of Pike. Tax Map# 179.10-1-44
- #199**
- Michael G. Tingué**, 11644 Worden Rd, Delevan, NY 14042 has offered \$14,000.00 for property located at 7770 Dewitt Road, Town of Pike. Tax Map# 188.-2-15.1
- #201**
- Lisa & Rodney Hulme**, 4275 Hermitage Rd, Warsaw, NY 14569 has offered \$18,000.00 for property located at 4264
- #244**

Proceedings of the Board of Supervisors

509

Hermitage Road, Town of Wethersfield. Tax Map# 107.-2-18.11

#245 Cindy & Mark Warnke, 1246 Grover Rd, East Aurora, NY 14052 has offered \$4,000.00 for property located at 66 Faun Lake, Town of Wethersfield. Tax Map# 130.10-2-53

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 11, 2009.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#41

**RESOLUTION NO. 09-462
(November 10, 2009)**

By Mr. Davis, Chairman of Finance Committee:

2009 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 2010 Tax Rolls of the respective towns:

Town	Debit	Credit
Arcade	0	
Attica	34.60	
Bennington	1,122.08	
Castile	135.91	
Covington	0	
Eagle	112.50	
Gainesville	190.55	
Genesee Falls	0	

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Proceedings of the Board of Supervisors

Java	307.37	
Middlebury	0	
Orangeville	0	
Perry	85.96	
Pike	0	
Sheldon	0	
Warsaw	282.16	
Wethersfield	143.88	
Total	2,415.01	0

Dated: November 3, 2009
 Cheryl D. Mayer
 Treasurer

Carried: XXX Ayes: 1596 Noes: Absent: Abstain: #42

**RESOLUTION NO. 09-463
 (November 10, 2009)**

By Mr. Davis, Chairman of Finance Committee:

Mr. Davis, Chairman of the Finance Committee, presented the **SEMI-ANNUAL MORTGAGE TAX REPORT** for the period of April 1, 2009 through September 30, 2009 and moved that the Clerk draw warrants on the County Treasurer for the various amounts therein.

To: Cheryl D. Mayer, 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 **\$216,790.68** 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	VILLAGE	TOWN
Arcade	\$32,517.30	\$7,589.37	\$24,927.93
Attica	\$17,936.00	\$3,602.86	\$14,333.14
Bennington	\$29,604.26		\$29,604.26

Castile	\$16,184.79	\$1,264.23	\$13,915.94
Perry Village		\$1,004.62	
Covington	\$5,722.18		\$5,722.18
Eagle	\$5,761.81		\$5,761.81
Gainesville	\$5,738.17	\$188.31	\$4,898.61
Silver Springs Village		\$651.25	
Genesee Falls	\$2,375.82		\$2,375.82
Java	\$10,054.67		\$10,054.67
Middlebury	\$6,463.89	\$590.91	\$5,872.98
Orangeville	\$15,093.28		\$15,093.28
Perry	\$17,409.19	\$4,705.86	\$12,703.33
Pike	\$4,706.14	\$407.55	\$4,298.59
Sheldon	\$15,605.93		\$15,605.93
Warsaw	\$28,417.49	\$9,188.79	\$19,228.70
Wethersfield	\$3,199.76		\$3,199.76
Total:		\$29,193.75	\$187,596.93
Grand Totals:		\$216,790.68	

Let This Be Your Warrant for Such Payment: **\$216,790.68** IN WITNESS
WHEREOF, I have hereunto set my hand and seal of the Board of Supervisors
this 10th day of November 2009.

s/ Cheryl J. Ketchum, Clerk

Board of Supervisors

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#43

RESOLUTION NO. 09-464
(November 10, 2009)

By Mr. Davis, Chairman of Finance Committee:

PRIVATE SALE OF REAL PROPERTY APPROVED

November 10, 2009

Proceedings of the Board of Supervisors

WHEREAS, The Wyoming County Board of Supervisors by Local Law No. 4 of 2009 has authorized the sale of certain surplus property located at 6610 Pearl Street, Eagle, New York to Michael Ansell, 3711 Liberty Street, P. O. Box 42, Bliss, NY 14024 with the approval of the County Attorney; now therefore

BE IT RESOLVED, That the Chairman of this Board of Supervisors is authorized to accept the purchase offer presented by Mr. Ansell for one thousand five hundred dollars (\$1,500.00) and is further authorized to execute all documents in connection with the sale of said property.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

Public Comment:

None registered with the Clerk to the Board

*Motion made by Supervisor Rogers, T/Pike to close the public hearing.
Seconded by Supervisor Brick, T/Perry.*

Close Public Hearing:

**Public Hearing
#44**

**RESOLUTION NO. 09-465
(November 10, 2009)**

By Mr. Gozelski, Chairman of the Agriculture Committee:

FINDING TO MODIFY AGRICULTURAL DISTRICT NO. 3

WHEREAS, This Board has conducted the review of Agricultural District No. 3 located in the Towns of Covington, Perry, Castile, Genesee Falls, and Pike as well as portions of Warsaw, Middlebury, and Gainesville; and

WHEREAS, The review process was initiated with a 30-day review and this Board directed the County Agricultural and Farmland Protection Board and the County Planning Board to prepare reports including their recommendations to continue, terminate, or modify District No. 3; and

WHEREAS, This Board has received these reports and their recommendation to modify the District and this Board has held the required Public Hearing; and

WHEREAS, This Board has reviewed the Review Plan and the Environmental Assessment Form; and

WHEREAS, This Board must make a finding whether the District should be continued, terminated or modified, now therefore

BE IT RESOLVED, That this Board determines that no unique circumstances exist which increase the likelihood of environmental significance and the proposed modification of Wyoming County Agricultural District No. 3 will not have a significant adverse environmental impact; and be it

FURTHER RESOLVED, That this Board does hereby make the finding Wyoming County Agricultural District No. 3 should be modified by adding fourteen thousand seven hundred ninety-seven (14,797) acres and removing four thousand eight hundred thirty-eight (4,838) acres as recommended by the County Agricultural and Farmland Protection Board and the County Planning Board; and be it

FURTHER RESOLVED, That the copies of the Review Plan including a map of the District showing the proposed modifications and the reports and recommendations of the Wyoming County Agricultural and Farmland Protection Board and the Wyoming County Planning Board be forwarded to the Commissioner of Agriculture and Markets for recertification as required by the New York State Agriculture and Markets Law.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

Chairman Berwanger asked that the Supervisors adjourn to the Supervisors' Committee room for a 5 minute executive session in order to discuss potential litigation with the County Attorney.

There being no further business to come before this Board, present Senior Supervisor Rogers, T/pike, adjourned the meeting at 3:53 PM with a rap on his desk.

Respectfully submitted,

Cheryl J. Ketchum

Cheryl J. Ketchum, Board Clerk

**SPECIAL SESSION
(November 24, 2009)**

Tuesday**2:00 PM**

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 Grant, T/Bennington; and Supervisor Copeland, T/Wethersfield. Also present were Budget Officer, J. Cook; Clerk to the Board of Supervisors, Cheryl Ketchum; and D. Clerk to the Board of Supervisors, Brenda Ferrell.

At 2:00 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance this meeting was:

Supervisor H. Bush, T/Gainesville

The pledge was said by all.

Communications:

none

Open Public Hearing:

Adoption of Wyoming County Tentative Budget for the Year 2010

#1

**RESOLUTION NO. 09-466
(November 24, 2009)**

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

2009 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 2009 are accepted and the Clerk of this Board is hereby directed to apportion the same to the Townships with Wyoming County as follows:

Town	NO. ENROLL ED VOTERS	AMOUNT OF LEVY	SPECIAL ELECTION
Arcade	2407	\$1974.00	
Attica	2458	2016.00	
Bennington	2256	1850.00	
Castile	1920	1574.00	
Covington	765	627.00	
Eagle	809	663.00	
Gainesville	1506	1235.00	
Genesee Falls	312	256.00	
Java	1379	1131.00	
Middlebury	985	808.00	
Orangeville	839	688.00	
Perry	2825	2316.00	
Pike	648	531.00	
Sheldon	1692	1387.00	
Warsaw	3294	2701.00	
Wethersfield	572	469.00	
Total	24,667	\$20,226.00	0

Very truly yours,

Board of Elections

**Carried: XXX Ayes: 1424 Noes: Absent: 135 (Bennington) Abstain:
_37 (Wethersfield)
172 Total**

**RESOLUTION NO. 09-467
(November 24, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

LIFT THE 2010 EQUALIZATION TABLE AND ADOPT

BE IT RESOLVED, That the 2010 Equalization Table, which was tabled on November 10, 2008, be lifted from the table, and be it

FURTHER RESOLVED, That the said following Equalization Table sets forth the percentage of County Tax to be paid by each Town for 2010 is hereby adopted as presented.

2010 EQUALIZATION TABLE					
Advisory Equaliz Rates	TOWN	Taxable Assessed Value with Partial Exemptions Added	Full Value At State Rates	% of Co. Tax to be paid by Each Town	Taxable Assessed Value
75.00%	ARCADE	171,636,635	228,848,847	0.117486647	171,619,285
94.00%	ATTICA	156,097,558	166,061,232	0.085252679	156,085,658
49.70%	BENNINGTON	110,364,240	222,060,845	0.114001816	110,337,211
100.00%	CASTILE	203,991,941	203,991,941	0.104725584	203,968,441
100.00%	COVINGTON	62,138,257	62,138,257	0.031900600	62,132,557
100.00%	EAGLE	50,630,310	50,630,310	0.025992638	50,623,010
100.00%	GAINESVILLE	82,654,305	82,654,305	0.042433149	82,642,855
100.00%	GENESEE FALLS	24,592,458	24,592,458	0.012625300	24,581,958
92.00%	JAVA	113,403,064	123,264,200	0.063281497	113,395,564
100.00%	MIDDLEBURY	79,315,571	79,315,571	0.040719106	79,314,971
99.00%	ORANGEVILLE	70,113,184	70,821,398	0.036358359	70,111,784

100.00%	PERRY	177,061,561	177,061,561	0.090900039	177,047,111
100.00%	PIKE	47,333,826	47,333,826	0.024300286	47,333,826
92.00%	SHELDON	127,593,786	138,688,898	0.071200243	127,568,686
99.00%	WARSAW	225,214,390	227,489,283	0.116788672	225,211,390
100.00%	WETHERSFIELD	42,918,196	42,918,196	0.022033386	42,904,496
	TOTALS	1,745,059,282	1,947,871,127	1.000000000	1,744,878,803
2009	FINANCE	COMMITTEE			
Jerry Davis	Sally Meeder	Larry Rogers	Jean Totslie	E. Joseph Gozelski	Douglas Patti
John Knab	James Foley	Joseph Kushner			

Carried: XXX Ayes: 1424 Noes: Absent: 135 (Bennington) Abstain:
37 (Wethersfield)
172 Total

BOARD OF SUPERVISORS 2010 BUDGET MESSAGE

On behalf of A. Douglas Berwanger, Chairman and the Wyoming County Board of Supervisors, it is my honor to present the **TENTATIVE 2010 BUDGET**.

The spending plan before you today represents many hours of work by County department heads, management support staff and the Committees of the Board of Supervisors. I would like to express my sincere appreciation to all of those involved; your efforts are greatly appreciated.

Annually, the County must develop a tentative budget for the upcoming year. Due to the sluggish economy, high unemployment rates as well as a State strapped with huge deficit projections, proposing a balanced budget is becoming more difficult each year. New York State continues to face budget deficits totaling billions of dollars. With Wyoming County receiving roughly \$8.6 million dollars in State Aid a year, additional cost shifting from New York State to the County for State mandated programs would put an enormous amount of additional economic pressure on local governments and their taxpayers. Although economic indicators point to some relief from this recession, the uncertainty of impact the State budget crisis will have on the taxpayers of Wyoming County, has made the preparation of the 2010 budget extremely challenging.

November 24, 2009

The conservative budgeting practices on the part of the Board of Supervisors, as well as a strong emphasis on revenue collection and the aggressive pursuit of grant funding, has enabled the County to develop and present a 2010 Tentative Budget that not only maintains services for the residents of Wyoming County but has done so without any staff reductions.

Taxable Valuation Table:

	2010	2009	Increase/(Decrease)
Taxable Valuation	1,744,878,803	1,717,421,482	27,457,321
Taxable Full Valuation	1,947,871,127	1,894,869,592	53,001,535
Co. Ave. Tax Rate Full Value /1,000	7.31	7.21	\$ 0.10

In August 2004, the Wyoming County Board of Supervisors approved an equalization plan (Title 2) based on the proportion of the total full valuation of taxable real property in the County. In 2010, the estimated tax rate per thousand for each town with a 100% equalization rate is \$7.31. For those towns at a 100% equalization rate for both the previous fiscal year (2009) and the upcoming year (2010) this represents an increase of \$.10 (ten cents) per thousand or 1.39%.

The proposed 2010 budget appropriations total \$115,251,528.89 reflecting an increase of 1.93% or \$2,186,129.13. Estimated revenues in the amount of \$99,156,936.66 have been proposed increasing by \$2,101,696.58 or 2.17%. In an effort to reduce the tax rate, surplus funds have been applied from the General Fund of \$1,850,000.

The proposed 2010 County property tax levy in this budget is reflected at \$14,244,592.23 for an increase of \$584,432.55 (4.28%) as compared to the 2009 tax levy. While the actual tax dollars being raised by the County are increasing at 4.28%; the actual increase in the County tax rate per one thousand dollars of assessment is increasing at a rate of 1.39%. For most towns, the 2010 proposed rate per 1,000 is increasing \$.10 (ten cents) from a rate of \$7.21 per 1,000 in 2009 to \$7.31 per 1,000. For instance, in a town where the equalization rate for both the current fiscal year and the next fiscal year is at 100%, a home assessed at \$80,000 that paid \$576.80 in 2009 would pay \$584.80 in 2010 for an increase of \$8.00. It is important to note that these numbers reflect the levy based on the basic County operations budget only. They do not reflect the additional amounts that will be added for the Board of Elections, the Workers Compensation budgets, or any other re-levies or corrections.

Over the past several years, revenue generated by Sales Tax increased on an average of 3% per year. Due to the recession, for the first time in many years,

those receipts are projected to be nearly 5% less than the previous year. To budget conservatively, the estimated sales tax of \$ 14,400,000 is budgeted for 2010, the same amount that was budgeted for 2009. In 2010, Wyoming County will benefit from Federal Stimulus dollars through the American Recovery and Reinvestment Act (ARRA). Specifically, roughly \$900,000 of Federal Medical Assistance Percentage (FMAP) revenue will be used to reduce the local share of Medicaid cost to the County.

The County continues to work cooperatively with the Insurance Task Force. Although one single health insurance plan has been adopted for all County employees as a means to achieve an economy of scale and improve operational efficiency, after several attempts to negotiate lower premiums, the County health insurance cost still saw a 10.5% increase for the 2010 budget.

The following chart illustrates the breakdown of the 2010 tentative budget by fund:

FUND	EXPENDITURE	%
General Fund	53,763,303.08	46.65%
Hospital Fund	49,775,025.00	43.19%
Machinery Fund	1,244,704.00	1.08%
Highway Fund	7,608,684.36	6.60%
Workers Compensation Fund	1,984,812.45	1.72%
Job Training Fund	700,000.00	0.61%
Building Equipment Capital Reserve	175,000.00	0.15%
Total Budgeted Expenditures	115,251,528.89	100.00%

The following chart illustrates the breakdown of the major components of the General Fund 2010 tentative budget:

GENERAL FUND	EXPENDITURE	%
Social Services	10,330,538.60	19.21%
Medicaid*	6,399,100.00	11.90%
Public / Mental Health	7,147,499.90	13.29%
Public Safety	9,340,004.71	17.37%
Education	3,218,556.00	5.99%
County Roads & Bridges	5,551,349.36	10.33%
Wyo. Co. Comm. Hospital*	.00	0.00%
All Other	11,776,254.51	21.91%
Total Budgeted Expenditures	53,763,303.08	100.00%

In 2010, Wyoming County employees represented by the Sheriff Employees' Association and the Deputy Sheriff's Association, the general unit of the CSEA bargaining unit as well as the Schedule E CSEA Supervisory unit (WCCH) will be given salary increases as previously negotiated in the respective collective bargaining agreements. The proposed 2010 tentative budget includes comparable salary increases for management and elected personnel. The tentative budget also reflects the creation of three new positions. They include; two Correction Officers in the Jail (State Mandated) and one Program Specialist Trainee in the Department of Social Services.

The only capital expenditures budgeted reflects the cost of Computer Capital Equipment purchased by the Information Technology Department. County Departments were directed to keep their contractual line items at the same level as 2009 adopted figures. Most contract agencies were reduced by 10% from the previous year's allocation.

The 2010 Medicaid expense has been budgeted at \$6,399,100. Just over \$1.2 million of that amounts to the local share of IGT and DISH payments from the Federal and State government to the County Nursing Home and Hospital. Although the cost of Medicaid continues to represent approximately 45% of the County's proposed tax levy, Federal stimulus dollars allocated in 2010 will likely offset this cost by \$900,000.

The total indebtedness for Wyoming County as of November 13th, 2009 is in the amount of \$17,041,900. This amount has nearly doubled from the 2008 amount of \$8,754,179. This increase reflects the commitment made by the Board of Supervisors to improve the infrastructure of Wyoming County. Just over \$3.6 million of the additional debt is attributed to the ongoing "Better Pavement Program". This program has ensured the reconstruction of various roads throughout the County and has not only increased the longevity of these roads but has provided a plan for future maintenance and reconstruction. In 2009, the Board of Supervisors committed \$2,351,900 toward the Phase I reconstruction of the Department of Social Services Building. Through a low interest, USDA Rural Development loan, the County was able to finance this much needed project in a cost effective manner. The other notable increase in debt reflects the Board's unwavering support of the Wyoming County Community Hospital's goal to upgrade its facility and equipment so that it may remain competitive in the industry and continue to be an asset to our community. A complete schedule is available in your budget packet.

The Finance Committee, Chairman of the Board of Supervisors, Deputy Budget Officer, County Treasurer and I extend our thanks to all who helped in putting

this 2010 Tentative County Budget together and it has been my privilege to present it to you for your consideration.

Respectfully submitted,

Janis A. Cook
Budget Officer
Wyoming County

Public Comment:
None

*Motion made by Supervisor Rogers, T/Pike to close the public hearing.
Seconded by Supervisor Knab, T/Sheldon.*

Public Hearing Closed:

Chairman Berwanger extended the Boards' appreciation to Budget Officer Cook, D. Budget Officer Pond and Treasurer Mayer for their hard work in preparing the 2010 Tentative Budget...

Public Hearing
#3

RESOLUTION NO. 09-468
(November 24, 2009)

By Mr. Davis, Chairman of the Finance Committee:

TENTATIVE 2010 BUDGET FOR WYOMING COUNTY

ADOPTED

BE IT RESOLVED, That the tentative budget for the year 2010, as filed with the Clerk of this Board, is hereby adopted as the county budget for the year 2010, which requires the raising by tax levy in the amount of fourteen million two hundred forty-four thousand five hundred ninety-two dollars and twenty-three cents (\$14,244,592.23); and be it

FURTHER RESOLVED, That the said sum of fourteen million two hundred forty-four thousand five hundred ninety-two dollars and twenty-three cents (\$14,244,592.23) is hereby levied against the taxable property within the

November 24, 2009

Proceedings of the Board of Supervisors

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, 2010.

Carried: XXX Ayes: 1424 Noes: Absent: 135 (Bennington) Abstain:
37 (Wethersfield)
172 Total

**REGULAR SESSION
(December 08, 2009)**

Tuesday

2:30 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. Also present were County Attorney, Eric T. Dadd; Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Brenda Ferrell.

At 2:38 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran(s) leading the Pledge of Allegiance this month was:

Stanley E. Rychlicki

Mr. Rychlicki's service to his country comes while serving during WW II. It began at the age of 15 when he joined the Civilian Conservation Corp. and served for 3 years, working in both Virginia and Pennsylvania.

In 1942 Mr. Rychlicki tried to enlist in the United States Marines, but did not pass the physical. This did not stop him, so in April of 1942, he volunteered for the draft in the United States Army Air Corp. and completed Basic Training in Miami, Florida and then Advanced Individual Training in Aterbury, Indiana, and became qualified as a Radio Operator.

His first assignment was in Denver, Colorado, where he became one of the original crew members of the 531st Bomber Squadron and under the 380th Bomber Group. Mr. Rychlicki and his unit were then assigned duties in Darwin, Australia and arrived by means of the USS Mt. Vernon. While aboard the USS Mt. Vernon, he performed duties of both a Mess Sergeant and Quartermaster. He also served as Mess Sergeant on several L.S.C.'s in the Pacific, during his tour in the Pacific and served as a crew member on both the C-47 and the B-24 while on missions on Mindenawa and Mindenor in the Philippines.

Mr. Rychlicki participated in battles at: New Guinea, Bismarck Archipelago, North Solomons, Luzon, Sou Philippines, and Western Pacific. He was aboard a B-24 that flew just ahead of the 1st Atomic bomb and never knew it. After a year and a half in the Pacific, Mr. Rychlicki returned to the United States aboard the USS President Jackson and then continued training in Alpaso, Texas on the B-24 until his discharge on October 28, 1945.

December 8, 2009

For his service to his country, Mr. Rychlicki was awarded:

The Good Conduct Medal

The Philippine Liberation Ribbon

The Distinguished Unit Badge w/1 Bronze Cluster

The Asiatic-Pacific Theater Ribbon w/7 Bronze Stars

After the War, Mr. Rychlicki returned to his hometown of Nanticoke, PA and followed the family tradition and became a coal minor. But after 3 years in the mines and surviving 3 near fatal accidents: being buried by cave-ins twice and a severe coal car accident on the rails once, he decided it was time for a change in vocation. Not knowing what to expect, he applied for a job with the Atlantic Corporation and became a “Pipeline Walker”. Over the next 25 years, he walked the pipeline between Philadelphia to Reading, and then Reading to Wilksbery, Pa., much of which was in the Appalachian Mountains. He was then transferred to New York State and spent the next 12 years walking the pipeline between Buffalo and Rochester. Walking 6 days a week most of the time, he went through 5-6 pair of shoes and boots a month, walking in all kinds of weather, and survived the elements like wild dogs, rabid fox, bear, jiggers & ticks, and even being bitten by a Copper Head Snake.

Mr. Rychlicki retired in 1985, after 37 years as a “Pipeline Walker” and has been recognized by the Guinness Book of Records 3 times for walking the farthest during a career. In 37 years, he has walked over 136,800 miles and only missed 3 days of work.

Since his retirement in 1985, Mr. Rychlicki has enjoyed: gardening and walking for charities (walking anywhere from 5-22km per event), and in the past few years has restored a 1985 Cadillac Fleetwood Broom and has taken many awards at area car shows.

Mr. Rychlicki was able to take the WW II Honor Flight to Washington D.C. and was one of 100 Veterans chosen to be recognized on the field of a Buffalo Bills Football game.

Mr. Rychlicki lives in Caledonia and at 90 years old is still very active.

The pledge was said by all.

Chairman Berwanger thanked Mr. Rychlicki for leading in the pledge today and presented him with a certificate of appreciation. Chairman Berwanger stated that in all of the years of reading veteran biographies he’s never read one so colorful. Chairman Berwanger explained the custom of allowing the Veteran an

opportunity to address the Board. Mr. Rychlicki very graciously shared a story about how encountered the Copper Head Snake while walking the pipeline one day. Everyone enjoyed his story very much!

Communications by Clerk Ketchum:

C1: Letter from New York State Assembly Majority Leader, Ron Canestrari, dated November 18, 2009 regarding resolutions adopted by the Wyoming County Board of Supervisors. The letter reads as follows:

Dear Ms. Ketchum:

Thank you for contacting me and providing me with a copy of Resolution No. 09-440 recently adopted by the Wyoming County Board of Supervisors.

It is always of great importance to hear from elected officials as it is central to the legislative process in developing a consensus on state issues.

Once again, thank you for advising me of your County's position on this proposal.

Sincerely,

Ron Canestrari
Majority Leader

C2: Letter from New York State Assemblyman Daniel Burling, dated November 18, 2009 regarding resolutions adopted by the Wyoming County Board of Supervisors. The letter reads as follows:

Dear Honorable Members of the Board of Supervisors:

Thank you for sending me a copy of three resolutions that were adopted by your Honorable Body on November 10, 2009.

Resolution 09-432 opposes New York State Department of Health Proposed amendments to Subpart 67-2 of Chapter II of Title 10: Lead Poisoning Control.

Resolution 09-433 opposes New York State Department of Environmental Conservation Revisions to 6 NYCRR, Parts 191, 215 and 621 banning open burning.

Proceedings of the Board of Supervisors

I agree with your opposition to this DEC regulation and introduced legislation recently, Assembly Bill A.9213, which would allow localities with a population of 20,000 or less to repeal the ban on open burning. Like you, I believe that this mandate infringes upon individual rights, increases costs for property owners, and hurts agriculture. I have attached a copy of the bill, its memorandum of support, and a press release announcing its introduction.

Resolution 09-440 opposes a new state fee for issuing license plates.

I am pleased that we have won the fight to save motorists statewide from the costly new license plate mandate recently announced by the DMV. These new regulations would have been in addition to the DMV fee increases already implemented as part of the \$8.2 billion in new taxes contained in this year's state budget. My Assembly Republican colleagues and I voted against the budget because it included billions of dollars in unnecessary taxes and fees on our hardworking New Yorkers. This repeal is a great victory for our courageous county clerks from across the state and our residents who joined with the Assembly Republican conference to stop this unnecessary mandate on our motorists.

I appreciate receiving your position on these resolutions and thank you for forwarding this important information to me.

Sincerely,
Daniel J. Burling
Member of Assembly
147th Assembly District

C3: Letter from New York State Governor David A. Paterson, dated November 19, 2009 regarding resolutions adopted by the Wyoming County Board of Supervisors. The letter reads as follows:

Dear Ms. Ketchum:

Thank you for sending me copies of Resolution Numbers 09-432, 09-433, 09-440, which were recently adopted by the Wyoming County Board of Supervisors.

My staff and I will evaluate your correspondence and, further, follow up with you should we require any further information or clarification. Please be assured that we will keep these comments in mind during any discussions we may have on this matter.

Once again, thank you, and warmest regards.

Regular Session

Sincerely,

David A. Patterson

C4: Letter from New York State Senator, Dale M. Volker, dated December 01, 2009 regarding resolutions adopted by the Wyoming County Board of Supervisors. The letter reads as follows:

Dear Ms. Ketchum:

My office is in receipt of the Wyoming County Board of Supervisors' Resolution dated November 10, 2009 regarding (1) opposition to the new state fee for issuing license plates, (2) opposition for a lead removal certification program by the EPA, and (3) opposition to an open burning ban.

I appreciate your and share your views on these important issues. Please do not hesitate to contact my office with any other concerns, or if you feel I can be of further help in this or any other matter.

Very truly yours,

Dale M. Volker

#1

**RESOLUTION NO. 09-469
(December 08, 2009)**

By Mr. Davis, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2009 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2009 accounts as follows:

Treasurers Office			
From: 01.33.1325.8.81001 Retirement	\$8,510.00		
To: 01.33.1325.1.10001 Salaries S/D/I		\$ 450.00	
01.33.1325.1.10101 FT CSEA		\$4,609.60	
01.33.1325.1.10401 Longevity Benefits		\$ 300.00	
01.33.1325.1.10601 Unused Benefit Time		\$1,705.46	
01.33.1325.8.89001 Hospitalization Ins.		\$1,444.94	
Reason: To cover employee changes			
Treasurers Office Total			\$8,510.00

December 8, 2009

Proceedings of the Board of Supervisors

Budget Office			
From: 01.33.1231.8.89001 Health Insurance	\$247.60		
To: 01.33.1231.4.41010 Misc./Office Supplies		\$247.60	
Reason: To cover the cost of necessary office supplies			
Budget Office Total			\$247.60
Office For the Aging			
From: 01.44.6772.4.40301 Professional Svc. Contracts	\$1,231.25		
01.44.6772.4.42463 WRAP	\$2,268.75		
To: 01.44.6772.2.20201 Computer Equip.		\$3,500.00	
Reason: To purchase 5 new computers (approx. \$700/ea.)			
Office For the Aging Total			\$3,500.00
Buildings and Grounds/Maintenance			
From: 01.34.1620.4.40001 Gas	\$15,967.01		
To: 01.34.1620.1.10001 Salaries-Fixed Sch S/D/I		\$15,967.01	
Reason: To cover salaries for Superintendent & Assistant Superintendent not budgeted for.			
Buildings and Grounds/Maintenance Total			\$15,967.01

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#2

RESOLUTION NO. 09-470
(December 08, 2009)

By Mr. Davis, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2009 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2009 accounts as follows:

Wyoming County Community Action			
To: 06.57.6290.4.42449 JTPA 2A Admin	\$100,000.00		
w/06.12.6290.4790 Federal Aid		\$100,000.00	
Reason: To appropriate funds for the Job Training Program through Wyoming County Community Action.			
Wyoming County Community Action Total			\$100,000.00
Economic Development			
To: 01.42.6421.4.42477 Small Cities Grant	\$256,000.00		
w/01.12.6421.408916 Federal Aid		\$256,000.00	
Reason: To appropriate funds for Small Cities (CDBG) Grant project #1279ED67309, Marquart Brothers Farm (on behalf of the IDA).			
Economic Development Total			\$256,000.00
Sheriff			
To: 01.37.3110.1.10501 Shift Differential	\$13,500.00		
01.37.3110.1.10201 Part-time	5,399.84		
01.37.3110.8.84001 Unemployment Ins.	6.52		
w/01.08.3110.2680 Insurance Recovery		\$ 7,060.00	
01.03.3110.1289 Other Dept Income		11,733.60	
01.11.3110.308902 Other State Aid Section 606		112.76	
Reason: line item shortfall			
Sheriff Total			\$18,906.36

Regular Session

Public Health			
To: 01.38.4050.1.10101 FT CSEA Contract	\$10,865.11		
01.38.4050.4.40106 Malpractice	6,939.00		
01.38.4050.4.40917 Computer Service BRC	5,000.00		
01.38.4050.4.40924 Home Health Aide	14,420.46		
01.38.4050.4.40928 Occupational Therapy	13,369.20		
01.38.4050.4.40929 Speech Pathologist	10,346.67		
01.38.4050.4.40930 Physical Therapist	18,743.46		
01.38.4050.8.83001 FICA	673.64		
01.38.4050.8.85001 Medicare FICA	157.54		
01.38.4050.8.89001 Medical / Hosp Ins	11,972.28		
w/01.04.4050.161003 CHHA Private Insurance		\$92,487.36	
REASON: To appropriate for various expenses in connection with increased patient volume for CHHA.			
Public Health Total			\$92,487.36
Mental Health			
To: 01.38.4310.4.41801 Chgs Owed Other Governments:	\$1,423.84		
<i>From any funds available</i>			
Reason: Section 508 Correction Law Inpatient Admission/Care		\$1,423.84	
To: 01.38.4220.4.40305 Other –Task Force	\$2,400.00		
01.38.4220.4.41510 Educational Materials	8,000.00		
01.38.4220.4.42306 Misc. Other	12,000.00		
w/01.12.4220.4491 MH SICA Grant		\$22,400.00	
Reason: 2009-2010 Federal Grant funds 1 st quarter expenses			
Mental Health Total			\$23,823.84

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

Mr. Bush, T/Gainesville, Chairman of the Audit Committee, presented bills totaling **\$2,714,779.30** for the month of **November 2009**.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

There was a motion by Mr. Patti, T/Attica, to combine resolutions #3 through #5. A voice vote was taken and all voted aye.

#3

RESOLUTION NO. 09-471 (December 08, 2009)

By Mr. Patti, Chairman of Public Works Committee:

NEW YORK STATE DEPARTMENT OF TRANSPORTATION PROPOSED DETOUR APPROVED

WHEREAS, The New York State Department of Transportation proposes to reconstruct Route 39 over the Tributary to Wiscoy Creek and Wiscoy Creek (2 Bridges) in the Town of Eagle, Wyoming County, P.I.N. 4039.40.

December 8, 2009

Proceedings of the Board of Supervisors

WHEREAS, In conformance with Section 10, Subdivision 19 and Section 42 of the New York State Highway Law, the New York State Department of Transportation proposes to utilize the following County of Wyoming road and street as detours during the period necessity.

County Road 10 (Hardys Road) between NYS Route 78 and NYS Route 39.

WHEREAS, The New York State Department of Transportation will provide traffic control devices and make improvements or repairs when necessary to the above mentioned roads and streets to make them adequate to handle additional detour traffic.

NOW THEREFORE BE IT RESOLVED, That the Wyoming County Legislature does hereby authorize the New York State Department of Transportation to utilize the above mentioned roads and streets as detours and maintain traffic on them in accordance with Subsection 619 of its Standard Specification during the period of necessity.

BE IT FURTHER RESOLVED, That the County of Wyoming will continue to provide routine maintenance and snow and ice control for the above mentioned roads and streets.

BE IT FURTHER RESOLVED, That the Clerk of this County is hereby directed to transmit four (4) certified copies of the resolution to New York State Department of Transportation.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#4

**RESOLUTION NO. 09-472
(December 08, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

EQUIPMENT PURCHASE APPROVED IN HIGHWAY

BE IT RESOLVED, That the purchase of one (1) new 10,000 gallon bulk fuel tank from Lancaster Tank, 107 Dorothy Street, Buffalo, NY 14206 in an amount not to exceed twenty thousand dollars (\$20,000.00) installed, be hereby approved to replace the existing bulk gasoline tank at County Highway.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

**RESOLUTION NO. 09-473
(December 08, 2009)**

By Mr. Patti, Chairman of Public Works Committee:

RESOLUTION NUMBER 07-416 AMENDED

WHEREAS, Resolution Number 07-416 entitled, **“ONE (1) POSITION OF LABORER, PT (TEMPORARY) CREATED IN BUILDINGS AND GROUNDS,”** passed by this Board of Supervisors on December 12, 2007 and provides for the creation of one (1) position of Laborer, PT (Temporary) be hereby created in Buildings and Grounds at a rate of \$10.00 per hour not to exceed 20 hours per week; effective January 01, 2008 through June 30, 2008; and

WHEREAS, Resolution Number 07-416 was amended by Resolution Number 08-230 entitled, **“RESOLUTION NUMBER 07-416 AMENDED,”** by the Wyoming County Board of Supervisors on June 10, 2008 to extend the effective date through December 31, 2008; and

WHEREAS, Resolution Number 07-416 was further amended by Resolution Number 09-42 entitled, **“RESOLUTION NUMBER 07-416 AMENDED,”** by the Wyoming County Board of Supervisors on January 13, 2009 to extend the effective date through December 31, 2009; now therefore

BE IT RESOLVED, That Resolution Number 07-416 as amended by 08-230, and 09-42 be hereby further amended to extend the expiration date to December 31, 2010.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

There was a motion by Mrs. Rogers, T/Pike, to combine resolutions #6 and #7. A voice vote was taken and all voted aye.

**RESOLUTION NO. 09-474
(December 08, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT
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 an agreement with the Town of Covington for full reimbursement of additional V&T enforcement patrols on Route 63 at the rate of \$26.90-\$40.47 an hour plus shift differential and fringe benefits; effective January 01, 2010 through December 31, 2010.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#7

**RESOLUTION NO. 09-475
(December 08, 2009)**

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 07-403 AMENDED

WHEREAS, Resolution Number 07-403 entitled, "**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE COUNTY JAIL**," passed by this Board of Supervisors on December 11, 2007 and provides for various contracts on behalf of the County Jail. Said contract with the County of Oneida, Oneida County Sheriff's Office, 6085 Judd Road, Oriskany, NY 13424 provides for inmate services at the Central NY Psychiatric Center at a rate of \$140.00 per day; effective January 01, 2008 through December 31, 2009; now therefore

BE IT RESOLVED, That Resolution Number 07-403 be hereby amended to reflect a revised expiration date of December 31, 2010. All other terms & conditions remain the same.

Contingent on the availability of funds.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#8

**RESOLUTION NO. 09-476
(December 08, 2009)**

By Mr. Gozelski, Chairman of Agriculture Committee:

**MEMBERS REAPPOINTED TO THE REGION 9 FISH AND
WILDLIFE MANAGEMENT BOARD**

BE IT RESOLVED, That **Ronald Barvian**, 360 Big Tree Rd., Strykersville NY 14145 be hereby reappointed to the **Region 9 Fish & Wildlife Management Board as a Sportsman Representative** for a two (2) year term; effective January 01, 2010 through December 31, 2011, and be it

FURTHER RESOLVED, That **John Gillen**, 161 W. Court St., Warsaw, NY 14569 be hereby appointed as the **Sportsman Representative Alternate** for a two (2) year term; effective January 01, 2010 through December 31, 2011.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

There was a motion by Mr. Fleischman, T/Java, to combine resolutions #9 through #12. A voice vote was taken and all voted aye.

Prior to the roll call vote being taken Chairman Berwanger stated that two of the resolutions have to do with supporting agriculture in Wyoming County and it that speaks strongly to this Boards commitment not only to Wyoming County's number one industry but to the number one industry in New York State

#9

**RESOLUTION NO. 09-477
(December 08, 2009)**

By Mr. Fleischman, Chairman of Planning Committee:

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CHAIRMAN AUTHORIZED TO SIGN
NYS OFFICE OF COMMUNITY RENEWAL GRANT
APPLICATION

WHEREAS, The County of Wyoming wishes to apply for a grant from the NYS Office of Community Renewal, Economic development program, for up to one hundred and sixteen thousand dollars (\$116,000.00) that will be used by the Wyoming County IDA to provide financial assistance to Sregnuoy Farms, LLC, Java, New York for their continued growth and expansion; and

WHEREAS, Any repayments of loan proceeds of this grant from Sregnuoy Farms, LLC will 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 Supervisor is hereby authorized as the official representative of Wyoming County, New York, to execute and submit grant applications to the Office of Community Renewal

for a NYS Community Development Block Grant, OCR Economic Development program, and is hereby authorized and directed, upon approval of the County Attorney, to take all actions needed for the submission of the grant application and to provide such additional information and assistance as may be necessary; and be it

FURTHER RESOLVED, That two public hearings on behalf of this Board of Supervisors will be held as required by the Office of Community Renewal on December 22, 2009 and December 29, 2009 at 3 pm 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 town designated for such publications.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#10

RESOLUTION NO. 09-478
(December 08, 2009)

By Mr. Fleischman, Chairman of Planning Committee:

RESOLUTION AUTHORIZING CHAIRMAN TO SIGN

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COMMUNITY DEVELOPMENT BLOCK GRANT
AGREEMENT

535

WHEREAS, The County of Wyoming has been approved to receive a two hundred fifty-six thousand dollar (\$256,000.00) for a 2009 NYS Economic Development, Community Development Block Grant, that will be used by the Wyoming County IDA to provide financial assistance to Marquart Bros. LLC, Gainesville, New York for its continued growth and expansion; and

WHEREAS, The loan repayments from Marquart Bros. will be used by the Wyoming County IDA to provide financial assistance to other business within its jurisdiction that will create additional job opportunities in Wyoming County; now therefore

BE IT RESOLVED, That the Chairman of this Board is hereby authorized as the official representative of Wyoming County, New York to execute the grant agreement from the NYS Office of Community Renewal for a two hundred fifty-six thousand dollar (\$256,000.00) NYS Community Development Block Grant, OCR Economic Development program, and is hereby authorized and directed, upon approval of the County Attorney, to sign all documents and take all actions needed to receive the approved grant funds; and be it

FURTHER RESOLVED, That the Chairman of this Board designates Drew Shapiro, Director of the Wyoming County Department of Planning and Development, to act as Certifying Officer for the purposes of carrying out an environmental review.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#11

RESOLUTION NO. 09-479
(December 08, 2009)

By Mr. Fleischman, Chairman of Planning Committee:

CHAIRMAN AUTHORIZED TO SIGN EXTENSION OF
HOUSEHOLD HAZARDOUS WASTE COLLECTION
CONTRACT

WHEREAS, The GLOW Region Solid Waste Management Committee (herein referred to as "GLOW") was awarded funding from the New
December 8, 2009

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York State Department of Environmental Conservation in 2007 for Household Hazardous Waste Collection Programs; and

WHEREAS, This funding is to be used to pay for eligible expenses at single collections planned for May of 2009, 2010 and 2011; and

WHEREAS, Environmental Enterprises Inc. was awarded a contract for the 2010 collection; and

WHEREAS, This contract contained a one year extension option, with pricing to remain the same; and

WHEREAS, GLOW desires to exercise this option for the 2010 program; and

WHEREAS, The GLOW Committee has recommend that this option be exercised; now therefore,

BE IT RESOLVED, The Wyoming County Board of Supervisors authorizes the Chairman of the Board of Supervisors to enter into an extension of this contract with the other GLOW Counties and Environmental Enterprises, Inc. for the GLOW Household Hazardous Waste Collection Program at a cost not to exceed twenty five thousand five hundred seventy-five (\$25,775.00). Funds are available in the 2010 GLOW Budget for this expense.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#12

**RESOLUTION NO. 09-480
(December 08, 2009)**

By Mr. Fleischman, Chairman of Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN RENEWAL
CONTRACT WITH GENESEE FINGER LAKES
REGIONAL PLANNING COUNCIL ON BEHALF OF
PLANNING AND DEVELOPMENT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign renewal contract with Genesee Finger Lakes RPC, 50 W. Main St., Suite 8107, Rochester, NY 14614 on behalf of the Department of Planning and

Regular Session

Development. Said renewal contract is for GIS Consulting Services, providing GIS development & map production services in an amount not to exceed five thousand dollars (\$5,000.00); effective January 01, 2010 through December 31, 2010.

Contingent on the availability of funds.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

There was a motion by Mrs. Totline, T/Genesee Falls, to combine resolutions #13 through #17. A voice vote was taken and all voted aye.

#13

**RESOLUTION NO. 09-481
(December 08, 2009)**

By Mrs. Totline, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS 2010
CONTRACTS ON BEHALF OF THE OFFICE FOR THE AGING**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney be hereby authorized and directed to sign the following contracts on behalf of the Office for the Aging for 2010:

1. **Catholic Family Center**, 30 North Clinton Street, Rochester, NY 14604 for the provision of legal services to residents 60+ in Wyoming County in an amount not to exceed nine thousand dollars (\$9,000.00); effective January 01, 2010 through December 31, 2010.
2. **Daniel J. Perkins, WRAP Coordinator**, 101 West Court Street, Warsaw, NY 14569 for the provision of Weatherization services to residents 60+ in Wyoming County- services to be provided in a maximum amount of thirty thousand dollars (\$30,000.00); effective January 01, 2010 through December 31, 2010.
3. **Community Care of WNY**, 1225 West State Street, Olean, NY 14760 for the provision of In-Home Services to residents 60+ in Wyoming County – services to be provided based on need – budgeted; effective January 01, 2010 through December 31, 2010.

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Contingent on the availability of funds.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#14

**RESOLUTION NO. 09-482
(December 08, 2009)**

By Mrs. Totslin, Chairman of Human Services Committee:

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

BE IT RESOLVED, That the following members are hereby appointed / reappointed to the **Office for the Aging Advisory Council for a term of three (3) years; effective January 01, 2010 through December 31, 2012:**

Town Representatives

- Bonnie Stockholm (T/Attica), 38 W. Main St., Attica, NY 14011 *(replacing Barb Fox)*
- Linda Little (T/Castile), PO Box 134, Castile, NY 14427
- Gail Meyer (T/Gainesville), 5312 Hardys Rd., Gainesville, NY 14066
- Anna Koerner (T/Pike), RR-1 East Koy Rd., Portageville, NY 14536
- Robert Johannes (T/Wethersfield), 4205 Shaw Rd. Gainesville, NY 14066

Community Representative

- John Barrett (The Cloisters), 171N. Maple St., Warsaw, NY 14569
- Debra Browne (Home Care & Hospice), 450 N. Main St., Warsaw, NY 14569

County Representative

- Margaret Ronan (WCCH), 400 N. Main St., Warsaw, NY 14569

Unexpired Three (3) yr. term eff. December 10, 2009 through December 31, 2011

- Deborah Vosburg (DSS), 466 N. Main St., Warsaw, NY 14569 *(replacing Gordon Lew)*

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

**RESOLUTION NO. 09-483
(December 08, 2009)**

By Mrs. Totslin, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH STEPHEN TARBELL 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 **Stephen Tarbell**, 4270 Fairview Road Castile, NY 14427 for the provision of Youth Court Coordination in an amount not to exceed four thousand eight hundred dollars (\$4,800.00); effective January 01, 2010 through December 31, 2010.

Contingent on the availability of funds.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#16

**RESOLUTION NO. 09-484
(December 08, 2009)**

By Mrs. Totslin, Chairman of Human Services Committee:

**CHAIRMAN / COMMISSIONER OF SOCIAL SERVICES
AUTHORIZED TO SIGN A GRANT ACCEPTANCE
AWARD WITH NEW YORK STATE OFFICE OF
TEMPORARY DISABILITY ASSISTANCE, DIVISION OF
EMPLOYMENT AND TRANSITIONAL SUPPORTS 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 Grant Acceptance Award with New York State Office of Temporary Disability Assistance, Division of Employment

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& Transitional Supports for Community Solutions for Transportation 10 (CST) budget application. Funding to reduce stays on temporary assistance in a minimum amount of twenty-six thousand three hundred fifty-seven dollars (\$26,357.00); effective July 01, 2009 through June 30, 2010.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#17

**RESOLUTION NO. 09-485
(December 08, 2009)**

By Mrs. Totslie, Chairman of Human Services Committee:

**CHAIRMAN / COMMISSIONER OF SOCIAL SERVICES
AUTHORIZED TO SIGN A GRANT ACCEPTANCE
AWARD 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 and the Commissioner of Social Services with the approval of the County Attorney are hereby authorized and directed to sign a Grant Application with New York State Office Children and Family Services for Federal Family Violence Prevention and Services Act Grant, 52 Washington Street, Rensselaer, NY 12144. Funding for domestic violence program in a minimum amount of thirty-eight thousand eight hundred eight dollars (\$38,808.00); effective March 31, 2010 through March 30, 2011.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #18 through #21. A voice vote was taken and all voted aye.

#18

**RESOLUTION NO. 09-486
(December 08, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

RESOLUTION NUMBER 09-322 AMENDED

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WHEREAS, Resolution Number 09-322 entitled, **“CHAIRMAN / COMMISSIONER OF HEALTH AUTHORIZED TO SIGN A CONTRACT EXTENSION WITH FRANK HOLLISTER JR. ON BEHALF OF THE COUNTY HEALTH DEPARTMENT,”** passed by this Board of Supervisors on August 18, 2009 and provides for a contract extension with Frank Hollister Jr., 3401 Beardsley Road, Perry, NY 14530 on behalf of the County Health Department. Said contract is for the provision of Public Health Emergency Preparedness Coordination Services in fulfillment of New York State Department of Health deliverables in an amount of thirty dollars (\$30.00) per hour, not to exceed thirteen thousand two hundred thirty dollars (\$13,230.00); effective August 10, 2009 through December 31, 2009. Services are fully reimbursed through the approved New York State Department of Health PHEP grant; now therefore

BE IT RESOLVED, That Resolution Number 09-322 be hereby amended to reflect an increase of six thousand three hundred dollars (\$6,300.00) for community & school H1N1 flu vaccination clinics & public health response. All other terms & conditions remain the same; Contingent on the availability of funds.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#19

**RESOLUTION NO. 09-487
(December 08, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

RESOLUTION NUMBER 09-402 AMENDED

WHEREAS, Resolution Number 09-402 entitled, **“CHAIRMAN / COMMISSIONER OF HEALTH AUTHORIZED TO SIGN AN AGREEMENT WITH LYDIA THOMAS ON BEHALF OF THE COUNTY HEALTH DEPARTMENT,”** passed by this Board of Supervisors on October 13, 2009 and provides an agreement with Lydia Thomas, 6860 Old East Arcade Road, Arcade, NY 14009 on behalf of the County Health Department for clerical and administrative support required due to the 2009 influenza vaccination campaign at a rate of \$23.00 per hour, not to exceed two thousand nine hundred ninety dollars (\$2,990.00); effective September 25, 2009 through August 9, 2010; fully reimbursed by PHEP grant funding; Contingent on the availability of funds; now therefore

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BE IT RESOLVED, That Resolution Number 09-402 be hereby amended to reflect an increase of two thousand eight hundred ten dollars (\$2,810.00) for community & school H1N1 flu vaccination clinics & public health response. All other terms & conditions remain the same;

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:**

#20

**RESOLUTION NO. 09-488
(December 08, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

**MEMBERS APPOINTED / REAPPOINTED TO THE
VARIOUS MENTAL HEALTH COMMUNITY SERVICES
BOARDS AND SUBCOMMITTEES**

BE IT RESOLVED, That the following members are hereby appointed / reappointed to the various Mental Health Community Services Boards and Subcommittees for a *four (4) yr. term effective January 1, 2010 through December 31, 2013*

:

Community Services Board

- ***Martha Button (Consumer Representative)*** 3380 Bacon Road, Perry, NY 14530
- ***Frank Kamysz (Community at Large Member)*** 814 Clinton Street, Cowlesville, NY 14037

Mental Health Subcommittee

- ***Kay Kilburn (Pioneer Central School – Community at Large Member)***, P.O. Box 639,
County Line Road, Yorkshire, NY 14173-0639
- ***Farris Heimann, Sheriff (Wyoming County Sheriff Dept.)*** 151 North Main Street, Warsaw,

NY 14569

Unexpired Four (4) yr. term eff. January 1, 2010 through December 31, 2010

- **Nancy Balbick (Catholic Charities)** 111 Vine Street, Batavia, NY 14020
(Replacing
Margaret Meyer)

Alcohol & Substance Abuse Subcommittee

- **Martha Button (Consumer Representative)** 3380 Bacon Road, Perry, NY 14530
- **Joan Kibler (Wyoming County Probation Dept.)** 143 North Main St., Warsaw, NY 14569
- **Jeff Thomas (Community at Large Member)** Quakertown Road, Warsaw, NY 14569

MR/DD Subcommittee

- **Anthony Annunziato (Suburban Adult Services)** 960 West Maple Court, Elma, NY 14059

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#21

**RESOLUTION NO. 09-489
(December 08, 2009)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN 2010 RENEWAL
CONTRACTS ON BEHALF OF MENTAL HEALTH**

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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 2010:

- 1) Livingston/Wyoming Arc, 18 Main Street, Mt. Morris, NY 14510, contract renewal for Sheltered Workshop Program for the mentally ill population for the period January 1, 2010 through December 31, 2010 for \$44,791.00.
- 2) Suburban Adult Services, Inc., 960 West Maple Court, Elma, NY 14059, renewal contract for the period of January 1, 2010 through December 31, 2010 for \$130,348.00. (Sheltered Work - \$41,984.00; Supported Employment - \$88,364.00)
- 3) Wyoming County Community Hospital, 400 North Main Street, Warsaw, NY 14569 - renewal contract for the period of January 1, 2010 through December 31, 2010 for \$177,009.00.
 1. PAO screenings - \$22,756.00
 2. Forensic case management - \$32,200.00
 3. Jail based Chemical Dependency services in the jail - \$3,000.00
 4. MICA/Homeless - Case Management - \$11,492.00
 5. Crisis Outreach Program - \$69,257.00
 6. Mobile Treatment Team - \$17,000.00
 7. Case Management AOT - \$21,304.00
- 4) Mental Health Association of Rochester/Monroe County, Inc., 320 North Goodman Street, Rochester, NY 14607 – renewal contract for the period of January 1, 2010 through December 31, 2010: (One contract for \$222,363.00)
 1. Consumer Run Thrift Store - \$33,047.00
 2. Drop-in Center - \$21,500.00
 3. Transportation Program - \$45,296.00
 4. MICA & Social Club - \$96,520.00
 5. Peer Advocacy - \$9,900.00
 6. PREP - \$5,600.00
 7. Temporary Housing - \$10,500.00
- 5) Hillside Children's Center, 1183 Monroe Ave., Rochester, NY 14620-1699, renewal contract for the period of January 1, 2010 through December 31, 2010: \$64,535.00

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1. Crisis respite for children - \$18,000.00
2. GLOW Family Support - \$17,000.00
3. Home Based Crisis Intervention - \$14,500.00
4. Parent Advocate - \$15,035.00

- 5a) Hillside Children's Center renewal MOU for the period of January 1, 2010 through December 31, 2010 for Customized Services: \$1,500.00
- 6) Spectrum Human Services, Inc., 227 Thorn Ave., Orchard Park, NY 14127 contract for the period of January 1, 2010 through December 31, 2010 (\$108,708.00):
1. Adult Case Management (\$26,088.00) & Service Dollars (\$34,040.00) - \$60,128.00
 2. Child & Youth ICM/SCM (\$28,156.00) & Wrap around Funds (\$20,424.00) - \$48,580.00.
- 7) Allegany Rehabilitation Associates, 4222 Bolivar Road, Wellsville, NY 14895 contract for the period of January 1, 2010 through March 31, 2010: (\$22,064.00)
1. Mental Health Clinic and Crisis: \$5,602.00
 2. Co-Occurring Disorder Program & Case Management - \$3,196.00
 3. Child & Family Clinic Plus - \$13,266.00
 4. POEMS -CSP
 5. CSS Programs Continuing Day Tx., CSS Case Management, CSS Transportation – COPS

For the period of January 1, 2010 through June 30, 2010:

1. Chemical Abuse Treatment and Prevention Staffing & Men's

Group

for \$217,883.00

- 8) Living Opportunities of DePaul, 2240 Old Union Road, Cheektowaga, NY 14227-2728,
renewal contract for the period of January 1, 2010 through December 31, 2010 for:
\$173,734.00.

2. Four-bed treatment apartments - \$ 5,000.00
3. Supported Housing (20 SLOTS) - \$168,734.00

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- 9) Coordinated Care Services, Inc. of Rochester, 1099 Jay Street, Building J, Rochester, NY 14611-1153, contract renewal for the period of January 1, 2010 through December 31, 2010: \$521,841.00
1. Service Coordination - \$ 131,444.00
 2. Dual Diagnosis Coordination - \$76,380.00
 3. Coordinated Children's Services Initiative - \$74,676.00
 4. Performance Measurements - \$7,711.00
 5. Substance Abuse Prevention - \$231,630.00
- 10) Contract with the STOP DWI Coordinator, whereas the Wyoming County Mental Health Department receives \$10,000.00 in STOP DWI Funds for 2010.
- 11) Contract with Kelly McLaughlin, 3 Chapel Street, P.O. Box 36 Castile, NY 14427, to provide coalition building services to Partners For Prevention for the period of January 1, 2010 through December 31, 2010, an amount not to exceed \$20,000.00.
- 12) Lease with Buzz and Val Properties, 100 Allen Street, Warsaw, NY 14569 for the downstairs office space at 108 N. Main Street, Warsaw for the Partners for Prevention program - \$825.00 a month/\$9,900.00 annually
- 13) Lease with Wyoming County Community Hospital, 400 North Main Street, Warsaw, NY 14569, for office space at 338 North Main Street, Warsaw - \$14,988.00 annually

ALL CONTRACTS CONTINGENT UPON THE AVAILABILITY OF FUNDING.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

There was a motion by Mr. Davis, T/Covington, to combine resolutions #22 through #34. A voice vote was taken and all voted aye.

Prior to the roll call vote being taken Supervisor Grant, T/Bennington explained to the Chairman that she will be abstaining from voting on resolution office number 26. So the Chairman asked that resolution numbers 22 through 25, and 27 through 34 be voted on minus resolution number 26. Resolution number 26 will be voted on separately.

**RESOLUTION NO. 09-490
(December 08, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH BERGMANN ASSOCIATES 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 Bergmann Associates, 40 La Riverie Drive, Suite 150, Buffalo, NY 14202 on behalf of Information Technology. Said contract is for Web based GIS conversion from ArcGIS Server 9.2 to 9.3 in an amount not to exceed twenty-seven thousand one hundred ninety dollars (\$27,190.00); effective December 09, 2009 through the completion of the project.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#23

**RESOLUTION NO. 09-491
(December 08, 2009)**

By Mr. Davis, Chairman of Finance Committee:

RESOLUTION NUMBER 07-82 AMENDED

WHEREAS, Resolution Number 07-82 entitled, **“BROKER OF RECORD FOR HEALTH INSURANCE CONSULTING SERVICES NAMED,”** passed by this Board of Supervisors on February 13, 2007 and names Kenneth R. Hutchings of the Anchor Group, LLC, PO Box 200, Marcellus, NY 13108 as the Broker of Record for health insurance consulting services at no cost to the county. Payment made by commission directly from insurance carrier; effective February 01, 2007 until such time as the County of Wyoming wishes to terminate such service.; now therefore

BE IT RESOLVED, That Resolution Number 07-82 be hereby amended to reflect the addition of Kiehl Hutchings as an additional Broker of

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Record for health insurance consulting services at no cost to the county and amend the resolution to reflect an updated address for the Anchor Group, LLC also doing business as EBA Services, LLC, P.O. Box 200, Marcellus, NY 13108.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#24

**RESOLUTION NO. 09-492
(December 08, 2009)**

By Mr. Davis, Chairman of 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 2009 as indicated in the amount of \$1,388,400.00 (one million three hundred eighty-eight thousand four hundred dollars):

MUNICIPALITY	UNIT	TOTAL
Castile	143	\$ 13,942.50
	1150	\$ 224,250.00
Gainesville	19	\$ 1,852.50
	817	\$ 159,315.00
Genesee Falls	14	\$ 1,365.00
	186	\$ 36,270.00
Middlebury	9	\$ 877.50
	593	\$ 115,635.00
Orangeville	23	\$ 2,242.50
	467	\$ 91,065.00
Perry	6	\$ 585.00
	1872	\$ 365,040.00
Pike	17	\$ 1,657.50
	420	\$ 81,900.00

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Sheldon	11	\$ 1,072.50
	887	\$ 172,965.00
Warsaw	4	\$ 390.00
	605	\$ 117,975.00
TOTAL		
GRAND TOTAL		\$ 1,388,400.00

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:**

#25

**RESOLUTION NO. 09-493
(December 08, 2009)**

By Mr. Davis, Chairman of 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, 2010; 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:

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NAME OF TOWN	GENERAL FUND OUTSIDE	HIGHWAY OUTSIDE	TOTAL
ARCADE	\$ 34,600.00	\$ 268,568.00	\$ 303,168.00
ATTICA	\$ -	\$ 210,637.00	\$ 210,637.00
BENNINGTON	\$ -	\$ -	\$ -
CASTLE	\$ 21,580.00	\$ 220,362.00	\$ 241,942.00
COVINGTON	\$ -	\$ -	\$ -
EAGLE	\$ -	\$ -	\$ -
GAINESVILLE	\$ 9,750.00	\$ 139,032.00	\$ 148,782.00
GENESEE FALLS	\$ -	\$ -	\$ -
JAVA	\$ -	\$ -	\$ -
MIDDLEBURY	\$ 17,350.00	\$ 231,000.00	\$ 248,350.00
ORANGEVILLE	\$ -	\$ -	\$ -
PERRY	\$ 15,000.00	\$ 189,862.00	\$ 204,862.00
PIKE	\$ -	\$ -	\$ -
SHELDON	\$ -	\$ -	\$ -
WARSAW	\$ 10,970.00	\$ 297,152.00	\$ 308,122.00
WETHERSFIELD	\$ -	\$ -	\$ -
TOTALS:	\$ 109,250.00	\$ 1,556,613.00	\$ 1,665,863.00

and be it

FURTHER RESOLVED, That there shall be and hereby is assessed and levied upon and collected from real property liable therefore within the respective fire protection, lighting, recycling, and water districts in the following towns, as listed below, the following respective budgets:

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NAME OF TOWN	FIRE DISTRICT	FIRE PROTECTION	LIGHT & Sidewalk	WATER/SEWER & RECYCLE FEE	RELEVIED WATER/SEWER & RECYCLE FEE	TOTAL
ARCADE		\$ 72,234.86		*** \$19,975.33		\$ 92,210.19
ATTICA		\$ 68,500.00				\$ 68,500.00
BENNINGTON		B \$ 88,150.00				
		C \$ 73,808.00	\$2,400.00	* \$40,000.00		
		HC \$ 25,100.00				
		V \$ 6,420.25				\$ 235,878.25
CASTILE		\$ 59,100.00	\$5,800.00	** \$215,534.00	* \$18,351.00	\$ 298,785.00
COVINGTON		PA \$ 51,719.00				
		WY \$ 9,600.00		* \$ 350.00		
		PE \$ 4,200.00				\$ 65,869.00
EAGLE		\$ 168,000.00	\$5,500.00	* \$ 6,950.00	* \$2,007.76	\$ 182,457.76
GAINESVILLE		G \$ 35,000.00				
		SS \$ 11,500.00				
		C \$ 1,100.00				\$ 47,600.00
GENESEE FALLS		\$ 31,000.00	\$8,000.00			\$ 39,000.00
JAVA	NJ \$ 2,516.33	NJ \$ 26,831.25	NJ \$2,500.00	* \$ 13,633.75	* \$3,684.30	
		S \$ 63,618.00	JC \$ 300.00			\$ 113,083.63
MIDDLEBURY		F1 \$ 59,600.00				
		F2 \$ 12,050.00				\$ 71,650.00
ORANGEVILLE		V \$ 38,774.00				
		O \$ 14,800.00	L3 \$ 650.00			\$ 54,224.00
PERRY	F3 \$ 860.00	F4 \$ 33,000.00	PC \$ 1,500.00	* \$ 15,580.00		
				** \$ 18,500.50		\$ 69,440.50
PIKE		F1 \$ 30,600.00	L1 \$6,000.00			\$ 41,730.00
			S1 \$ 5,130.00			
SHELDON	V \$ 6,866.00	ST \$ 35,517.00	L1 \$3,600.00		* \$ 1,127.79	
		NJ \$ 5,489.01	L2 \$ 2,100.00			
		V \$ 25,263.00	L3 \$ 300.00			
		SH \$ 40,000.00	L9 \$1,400.00			
		HC \$ 25,100.00				\$ 146,762.80
WARSAW		\$ 50,600.00		* \$ 5,209.00		\$ 55,809.00
WETHERSFIELD		G \$ 19,000.00				
		NJ \$ 14,261.00				
		B \$ 10,600.00				\$ 43,861.00
TOTALS:	\$ 10,242.33	\$ 1,210,535.37	\$ 45,180.00	\$ 435,732.58	\$ 25,170.85	\$ 1,726,861.13

and be it

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:

December 8, 2009

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NAME OF TOWN	GENERAL FUND TOWN WIDE	HIGHWAY FUND TOWN WIDE	TOTAL
ARCADE	\$ 194,215.00	\$ 138,740.00	\$ 332,955.00
ATTICA	\$ 144,648.00	\$ 212,023.00	\$ 356,671.00
BENNINGTON	\$ 154,668.00	\$ 613,383.00	\$ 768,051.00
CASTILE	\$ 212,751.00	\$ 169,202.00	\$ 381,953.00
COVINGTON	\$ 139,180.00	\$ 254,782.00	\$ 393,962.00
EAGLE	\$ -	\$ -	\$ -
GAINESVILLE	\$ 149,918.00	\$ 97,870.00	\$ 247,788.00
GENESEE FALLS	\$ 108,983.00	\$ 180,354.00	\$ 289,337.00
JAVA	\$ 108,820.00	\$ 327,432.00	\$ 436,252.00
MIDDLEBURY	\$ 130,491.00	\$ 91,250.00	\$ 221,741.00
ORANGEVILLE	\$ 145,556.00	\$ 423,931.00	\$ 569,487.00
PERRY	\$ 247,904.00	\$ 221,100.00	\$ 469,004.00
PIKE	\$ 146,864.25	\$ 257,020.00	\$ 403,884.25
SHELDON	\$ -	\$ -	\$ -
WARSAW	\$ 363,160.00	\$ 297,000.00	\$ 660,160.00
WETHERSFIELD	\$ 25,331.00	\$ 47,260.00	\$ 72,591.00
TOTALS:	\$ 2,272,489.25	\$ 3,331,347.00	\$ 5,603,836.25

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#26

RESOLUTION NO. 09-494 (December 08, 2009)

By Mr. Davis, Chairman of Finance Committee:

SALARY SCHEDULES “S,” “D,” “I,” AND “G” AMENDED

BE IT RESOLVED, That the Wyoming County Salary Plan which became effective January 01, 1967, as amended, is hereby amended as follows:

- Salary Schedules “S,” “D,” “I,” “F,” and “G” annexed hereto shall be substituted for the existing Schedules “S,” “D,” “I,” “F,” and “G”. Commencing January 01, 2010, eligible 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 appropriate committee.

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Carried: XXX Ayes: 1461 Noes: Absent: Abstain: 135 (Bennington)

#27

**RESOLUTION NO. 09-495
(December 08, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**SET PUBLIC HEARING – INTRODUCTORY LOCAL LAW
NO. D YEAR 2009**

WHEREAS, There has been duly presented and introduced at a meeting of this Board of Supervisors of Wyoming County on this 8th day of December, 2009, a proposed local law entitled, “Local Law Introductory No. D Year 2009, **“A LOCAL LAW PROVIDING SALARIES FOR CERTAIN COUNTY OFFICERS FOR THE YEAR 2010,”** 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 will be held on the said proposed Local Law by this Wyoming County Board of Supervisors on the 12th day of January, 2010 at 2:30 PM at the Wyoming County Government Center, Supervisors’ Chambers, 2nd Floor, Warsaw, New York.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

#28

**RESOLUTION NO. 09-496
(December 08, 2009)**

By Mr. Davis, Chairman of Finance Committee:

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, 2009 through September 30, 2009 and moved that the Clerk draw warrants on the County Treasurer for the various amounts therein.

To: Cheryl D. Mayer, County Treasurer of Wyoming County, NY
December 8, 2009

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You are hereby authorized and directed to distribute the Semi-Annual Revenue Sharing amounts totaling twenty-nine thousand six hundred seventy-two dollars and eighty-seven cents (\$29,672.87) 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 DISTRIBUTIED
Arcade	\$4,450.76
Attica	\$2,454.96
Bennington	\$4,052.03
Castile	\$2,215.26
Covington	\$783.21
Eagle	\$788.64
Gainesville	\$785.39
Genesee Falls	\$325.18
Java	\$1,376.22
Middlebury	\$884.73
Orangeville	\$2,065.87
Perry	\$2,382.86
Pike	\$644.15
Sheldon	\$2,136.03
Warsaw	\$3,889.61
Wethersfield	\$437.97
Grand Totals:	\$29,672.87

Let this be your Warrant for Such Payment: **\$29,672.87** (twenty-nine thousand six hundred seventy-two dollars and eighty-seven cents) IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Board of Supervisors this 8th day of December, 2009.

s/Cheryl J. Ketchum, Clerk
Board of Supervisors

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#29

**RESOLUTION NO. 09-497
(December 08, 2009)**

Regular Session

By Mr. Davis, Chairman of 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, 2010, 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: 1596 Noes: Absent: Abstain: #30

**RESOLUTION NO. 09-498
(December 08, 2009)**

By Mr. Davis, Chairman of 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, 2010.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

December 8, 2009

**RESOLUTION NO. 09-499
(December 08, 2009)**

By Mr. Davis, Chairman of 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 **Monday, January 4, 2010, at 2:00 PM**, to be held at 143 North Main Street, Town of Warsaw, Warsaw, New York in the Government Center, 2nd Floor, in the Supervisor's Chambers.

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#32

**RESOLUTION NO. 09-500
(December 08, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN LETTERS OF
UNDERSTANDING WITH CONTRACT AGENCIES FOR
2010**

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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 Letters of

<i>Contract Agency</i>	<i>2010 Expenditures</i>
Wyoming County Soil & Water	\$162,823.96
Pioneer Library System	24,018.30
Wyoming County Fair Association	22,500.00
Arts Council for Wyoming County	14,290.20
Erie Wyoming County Soil & Water	2,262.60
Wyoming County Tourist Promotion Agency	98,230.50

Understanding with the following
Contract Agencies for 2010:

Wyoming County Business Education Council	5,400.00
Mercy Flight	8,100.00
Wyoming County Wildlife Federation	1,130.40
Wyoming County Business Center (LDC)	112,050.00
Totals	\$450,805.96

Contingent upon the availability of funds.

December 8, 2009

**RESOLUTION NO. 09-501
(December 08, 2009)**

By Mr. Davis, Chairman of Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A MEMORANDUM
OF AGREEMENT WITH CORNELL COOPERATIVE
EXTENSION OF WYOMING COUNTY FOR THE YEAR
2010**

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 sixty thousand three hundred ninety-five dollars and twenty five cents (\$360,395.25) to be allocated as follows:

- **\$148,330.73** to fully fund the Agricultural Dept.
- **185,495.80** to fully fund the 4-H Dept.
- **26,568.72** to partially fund the FCS Dept.
\$360,395.25

and

- **\$9,000.00** to partially fund the Wyoming County Dairy Institute

Effective January 01, 2010 through December 31, 2010;
Contingent upon the availability of funds.

Carried: XXX**Ayes: 1596****Noes:****Absent:****Abstain:****#34**

**RESOLUTION NO. 09-502
(December 08, 2009)**

By Mr. Davis, Chairman of Finance Committee:

POSITION CREATIONS APPROVED

BE IT RESOLVED, That the following positions are hereby created within the various Wyoming County Departments:

Buildings & Grounds:

- One (1) position of Laborer (CIP) in the amount of \$20.00/hr. up to one year.
- One (1) position of Laborer (CIP) in the amount of \$25.00/hr. up to one year.

These positions are temporary and specialized due to the renovations at the (North Main Medical building located at 408 N. Main St., Warsaw, New York and/or the Lower Department of Social Services building located at 466 N. Main St., Warsaw, New York)

County Jail:

- One (1) position of Correction Officer to be placed on the appropriate step and grade of the current Deputy Sheriff's Employees Association Agreement; effective January 01, 2010.

Mandated as a result of the New York State Commission of Correction Survey conducted in 2007.

Social Service:

- One (1) position of Social Services Program Specialist Trainee to be placed on the appropriate step and grade of the current CSEA Agreement; effective January 01, 2010.
-

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

Chairman Berwanger asked if there was any Supervisor who objected to the presentation of unanimous consent resolution #35. Hearing none, the Chairman asked the clerk to read unanimous consent resolution #35 prior to the roll call vote.

UC#35

RESOLUTION NO. 09-503

December 8, 2009

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(December 08, 2009)

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

RESOLUTION NUMBER 08-462 AMENDED

WHEREAS, Resolution Number 08-462 entitled, “**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH WYOMING COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR AGRICULTURE DISTRICT REVIEWS,**” passed by this Board of Supervisors on December 09, 2008 and provides for a contract with Wyoming County Soil and Water Conservation District, 31 Duncan Street. Ext., Warsaw, NY 14569 to provide agriculture district reviews for the County of Wyoming in an amount not to exceed fifteen thousand dollars (\$15,000.00); effective January 01, 2009 through December 31, 2009.
 Contingent upon the availability of funds; now therefore

BE IT RESOLVED, That Resolution Number 08-462 be hereby amended to reflect an increase of five thousand dollars (\$5,000.00) for a total contract cost of twenty thousand dollars (\$20,000.00); all other terms and conditions remain the same.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:

Chairman Berwanger thanked Soil and Water Conservation District employee, Nancy Herman for all of her hard work on the Agriculture District reviews.

In closing, Chairman Berwanger took the opportunity at the last Board meeting of the year to wish everyone a Merry Christmas!

There being no further business to come before this Board, present Senior Supervisor Rogers, T/pike, adjourned the meeting at 3:26 PM with a rap on his desk.

Respectfully submitted,

Cheryl J. Ketchum

Cheryl J. Ketchum, Board Clerk

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