

PROCEEDINGS

OF THE

BOARD OF SUPERVISORS

WYOMING COUNTY
NEW YORK

2011

A. Douglas Berwanger, Chairman

Cheryl J. Ketchum, Clerk
Brenda L. Ferrell, Deputy Clerk
Eric T. Dadd, County Attorney

CERTIFICATE OF CHAIRMAN AND CLERK

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

Pursuant to Article 211 of the County Law, we, the Chairman and Clerk of the Board of Supervisors of the County of Wyoming, New York, do hereby certify that the foregoing volume was printed by authority of said Board of Supervisors, and that it contains a true record of the proceedings of the said Board and the whole thereof, in all regular and special sessions held during the year **2011**.

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

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



*Wyoming County Court House
Warsaw, New York*

Wyoming County Board of Supervisors

A. Douglas Berwanger
Douglas Patti
Ellen Grant
E. Joseph Gozelski
Jerry Davis
Joseph Kushner
Harold Bush
Jean Totslin
James Fleischman
Sally Meeder
Susan May
James Brick
Larry Rogers
John Knab
Rebecca Ryan
John Copeland

Town of Arcade
Town of Attica
Town of Bennington
Town of Castile
Town of Covington
Town of Eagle
Town of Gainesville
Town of Genesee Falls
Town of Java
Town of Middlebury
Town of Orangeville
Town of Perry
Town of Pike
Town of Sheldon
Town of Warsaw
Town of Wethersfield

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2011 Supervisors for Wyoming County

<u>TOWN</u>	<u>SUPERVISOR</u>	<u>PHONE</u>
Arcade	A. DOUGLAS BERWANGER 6608 E. Arcade Rd., Arcade, NY 14009	492-3798 T/Ofc. 492-4685
Attica	DOUGLAS PATTI 333 E. Main St., Attica, NY 14011	591-2934 T/Ofc. 591-2920
Bennington	ELLEN GRANT 134 Clinton St., Alden, NY 14004	937-9913 T/Ofc. 591-2157
Castile	E. JOSEPH GOZELSKI PO Box 331 Silver Springs, NY 14550	493-2218 T/Ofc. 493-2440
Covington	JERRY DAVIS PO Box 445 Pavilion, NY 14525	584-3162 T/Ofc. 584-3565
Eagle	JOSEPH KUSHNER 3468 E. Main St., Bliss NY 14024	322-7730 T/Ofc. 322-9257
Gainesville	HAROLD BUSH 4579 Miller Rd., Silver Springs, NY 14550	786-2403 T/Ofc. 493-2809
Genesee Falls	JEAN TOTSLINE 6940 River Rd., Portageville, NY 14536	468-2748 T/Ofc. 468-5015
Java	JAMES FLEISCHMAN 1947 Chaffee Rd., Arcade, NY 14009	492-4560 T/Ofc. 457-3233
Middlebury	SALLY MEEDER 1230 Dale Rd., Dale, NY 14039	786-2304 T/Ofc. 495-6300
Orangeville	SUE MAY 2916 Orangeville Ctr. Rd., Warsaw, NY 14569	786-5508 T/Ofc 786-2883
Perry	JAMES BRICK 7618 Route 20A, Perry, NY 14530	237-2472 T/Ofc. 237-2241
Pike	LARRY ROGERS P.O. Box 82, Pike, NY 14130-0082	493-5737 T/Ofc. 493-5140
Sheldon	JOHN KNAB 2246 Thomas Rd, Varysburg, NY 14167	535-7252 T/Ofc. 535-7644
Warsaw	REBECCA RYAN 172 W. Buffalo St., Warsaw, NY 14569	786-2523 T/Ofc.786-2800
Wethersfield	JOHN COPELAND 5888 Sheppard Rd., Bliss, NY 14024	322-8800 T/Ofc. 322-0118

Wyoming County Board of Supervisors 2011 Standing Committees

Effective January 2, 2011

FINANCE COMMITTEE

May, Kushner, Brick, Gozelski, Knab, Patti, Rogers, Totline

AGRICULTURE COMMITTEE

Gozelski, Brick, Copeland, Grant, Knab, May, Meeder, Rogers

AUDIT COMMITTEE

Bush, Knab, Davis, Copeland, Fleischman, Kushner, Ryan

GREEN ENGERGY SUB-COMMITTEE

Davis, May, Brick, Copeland, Gozelski, Grant, Knab

HUMAN RESOURCE COMMITTEE

Meeder, Brick, Copeland, Davis, Fleischman, Kushner, May, Patti, Ryan, Totline

HUMAN SERVICES COMMITTEE

Totline, Ryan, Bush, Davis, Fleischman, Kushner, Meeder, Patti, Rogers

PLANNING COMMITTEE

Fleischman, Davis, Brick, Grant, Knab, May, Meeder, Rogers, Ryan

PUBLIC HEALTH COMMITTEE

Kushner, Totline, Bush, Davis, Fleischman, Gozelski, May, Meeder, Patti, Ryan

PUBLIC SAFETY COMMITTEE

Rogers, Copeland, Brick, Bush, Davis, Fleischman, Gozelski, Patti

PUBLIC WORKS COMMITTEE

Patti, Grant, Brick, Bush, Gozelski, Knab, Kushner

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

2011 Officers for Wyoming County

Animal Control Officer	Justa D. Goodell	Castile
Board of Supervisors, Chairman	A. Douglas Berwanger	Arcade
Board of Supervisors, Clerk	Cheryl Ketchum	Eagle
Budget Officer/Reimbursement	Janis Cook	Warsaw
Buildings & Grounds (CIP)	Dennis Halstead	Warsaw
Buildings & Grounds (Co. Bldgs.)	Daryl Rogers	Java
Civil Service Administrator	Marjorie E. Downs	Perry
Civil Service Commission	Sandra Domnissey	Warsaw
	Timothy Moran	Attica
	Thomas Dutton	Eagle
Commissioner of Jurors	Marianne E. Kelly	Perry
Coroners	Michael Smith	Wyoming
	William Stranahan	Attica
	Neil Williams	Arcade
	Renee Hill	Attica
County Attorney, Asst.	James M. Wujcik	Attica
County Clerk	Rhonda Pierce	Bliss
County Judge	Mark H. Dadd	Attica
County Judge	Michael F. Griffith	Warsaw
District Attorney	Donald O'Geen	Warsaw
Election Commissioners	James Schlick, Rep.	Bennington
	Anna Mae Balmas, Dem.	Strykersville
Fire & Emergency Mgmt. Dir.	Anthony Santoro	Attica
Fire & Building Code Officer	Donald Roberts	Pike
Health Dept. Commissioner	Dr. Gregory Collins	Avon
Highway Superintendent	Todd Gadd	Attica
Historian	Doris A. Bannister	Middlebury

Hospital Administrator	Leon Kuczmariski Bonadio Group	Orangeville Perry
Mental Health Director	Stephen Snell	Rochester
Office for the Aging Director	Andrea Aldinger	Attica
Planning Board Chairman	Dana Grover	Perry
Probation Director	Joan Kibler	Warsaw
Public Defender	Norman P. Effman	Warsaw
Real Property Tax Serv. Dir.	Richard L. Dean, Jr. CCD	Castile
Records Retention, Director	Gail Royce	Warsaw
Sheriff	Farris Heimann	Attica
Social Services Commissioner	David Rumsey	Stafford
Traffic Safety Secretary	Joseph Heller, Jr.	Attica
Treasurer	Cheryl Mayer	Pike
Veterans' Services Director	Gary Cousins	Warsaw
Weights & Measures Director	James Marley	Gainesville
Worker's Comp./Health Ins. Adm.	Dixie Perkins	Warsaw
Youth Bureau Director	Andrea Aldinger	Attica
Republican Comm. Chairman	Gordon Brown	Warsaw
Democratic Comm. Chairman	Harold Bush	Gainesville

**ANNUAL ORGANIZATIONAL MEETING
(JANUARY 03, 2011)
TUESDAY
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. Also present were County Attorney, Eric Dadd; Budget Officer, Janis Cook; Former Clerk to the Board of Supervisors, Paula Parker and Deputy Clerk to the Board, Brenda Ferrell. Clerk to the Board, Cheryl Ketchum was absent.

Clerk Parker called the meeting to order at 2:03 pm and introduced Wyoming County Veteran, Mr. Robert L. Goff to lead in the Pledge of Allegiance to the Flag:

ROBERT L. GOFF

Mr. Goff's service to his country comes while serving during the Vietnam War. Mr. Goff enlisted in the United States Air Force on September 2, 1965. He completed his Basic Training at Lackland AFB in San Antonio, Texas and then Advanced Individual Training at Lowry AFB in Denver, Colorado and became qualified as a Weapons Mechanic. Mr. Goff was initially assigned to the 462nd Air Wing Squadron at Lowry AFB and then was transferred to Dow AFB in Bangor, Maine where he spent the next 14 months as a Weapons Mechanic. He had been Temporary Duty Assignment at England AFB in Florida for training on the new F-14's for about 6 weeks when he was assigned overseas with the 556th Fighter Squadron in Ubon, Thailand. The 556th Fighter Squadron flew "High Cap" fighter escort for the B-52 Bombers and Mr. Goff spent the next 6 months there loading and servicing the F-14 weapons. He also spent 6 months in the Hue Dorn Province of Thailand, working as a weapons mechanic. Mr. Goff returned to the United States and was Honorably Discharged at

January 03, 2011

Travis AFB in San Francisco on October 24, 1968 at the rank of Sgt.

For his service to his country Mr. Goff was awarded:

The National Defense Service Medal
The Air Force Good Conduct Medal
The Vietnam Service Medal w/1 Bronze Service Star
The Vietnam Campaign Medal

Mr. Goff returned to New York and went to work for Atlantic Steel in Avon as an erector and then as a truck driver for about 2 years. He then returned to Government service and became a Unit Technician with the 463rd Air Wing of the Air National Guard for the next 3 years. Mr. Goff then returned to the local area and drove truck, first with Archway for about 8 years and then many years for the local farms. He then relocated to South Carolina and spent the next 10 years driving for the Blue Mack Trucking Company until his retirement.

Mr. Goff has also been active in his community. He served with the Pike Fire Dept. for over 20 years and a member of the Perry VFW Post 5009 for over 25 years. Mr. Goff has been an active member of the Hunt Stout Post 1670 in Pike for the last 36 years, having held the position of Post Commander, Wyoming County Commander, and 8th District Aid of the American Legion. He enjoys woodworking, hunting, and fishing. Mr. Goff and his wife Judy have been married for 25 years and they live in Pike.

The pledge was said by all.

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

The Clerk then called for nominations for the Temporary Chairman. Supervisor Patti, T/Attica nominated Supervisor Rogers,

T/Pike. Seconded by Supervisor Totstline, T/Genesee. As there were no other nominations Supervisor Grant moved that the nominations be closed, the motion was seconded by Supervisor Ryan, T/Warsaw. A roll call vote was taken with the following results: **Ayes: (1596); Noes: (0); Absent: (0) Abstain: (0);** Supervisor Rogers, T/Pike was declared Temporary Chairman.

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

Temporary Chairman Rogers, T/ Pike welcomed everyone to the 2011 Annual Organizational Meeting of the Board of Supervisors. Supervisor Rogers welcomed his brother-in-law as today's veteran leading in the pledge. 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, T/Eagle nominated Supervisor Berwanger, T/Arcade; seconded by Supervisor Brick, T/Perry. As there were no other nominations Supervisor Brick, T/Perry moved that the nominations be closed, the motion was seconded by Supervisor Knab, T/Sheldon. A roll call vote was taken with the following results: **Ayes: (1596); Noes: (0); Absent: (0); Abstain: (0);** Temporary Chairman Rogers declared Supervisor Berwanger, T/Arcade as Permanent Chairman of the Board for the year 2011.

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

Before taking the Chairman's seat, Chairman Berwanger introduced his mother, Tree (Theresa) who will be 93 years of age this year. He stated that she still likes an occasional martini and pinochle. He introduced his sister Julie Braun and thanked her for being there today to assist in his swearing in.

Chairman Berwanger thanked the Board for their continued support and called for nominations for Vice-Chairman of the

Board. Supervisor Davis nominated Supervisor Patti, T/Attica. Seconded by Supervisor May, T/Orangeville. As there were no other nominations, Supervisor Rogers, T/Pike moved that nominations be closed. The motion was seconded by Supervisor Fleischman, T/Java. A roll call vote was taken with the following results: **Ayes: (1596); Noes: (0); Absent: (0) Abstain: (0);** Supervisor Patti, T/Attica was declared Vice-Chairman of the Board for the year 2011.

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

Chairman Berwanger called for nominations for Clerk to the Board. Supervisor Gozelski, T/Castile nominated Cheryl J. Ketchum. Seconded by Supervisor Copeland, T/Wethersfield. As there were no other nominations, Supervisor Meeder, T/Middlebury moved that nominations be closed. The motion was seconded by Supervisor Bush, T/Gainesville. 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 2011.

Chairman Berwanger then invited newly elected District Attorney, Don O'Geen to please come forward and take the oath of office.

Judge Mark Dadd administered the oath of Office to the District Attorney.

District Attorney O'Geen was offered the opportunity by Chairman Berwanger to present the "State of the District Attorney's Office"

"I just want to take a few minutes to thank some very important people.

We all know the saying "there is no 'I' in team but there is in family and in friends. I am standing here before you today because of the love and support from many friends and family.

I am joined today by my mother, Joann and my father, Phil. Without them none of this would be possible. They have always believed in me and when it came time for my education they supported me in every way they could even when it made their lives harder. They provided me with the avenues for success and for that I will be ever grateful.

I am joined today by wife, Deborah, and my two children, Anna and Leah. Deb and I took a leap of faith back in 1995 as we took the next step in our relationship while at the same time beginning law school. We worked together to build our relationship and complete our education. We had built the next level to that strong foundation that my parents had provided.

Being a prosecutor is a very rewarding career and one that I truly enjoy but because it can be a 24/7 job it takes a toll on Deb and the children but their love and understanding is not forgotten. It is the love and support at home and the understanding of why the phone is ringing at 3 in the morning that has helped me in doing the best job that I know how.

For their sacrifices, love and understanding, I will be ever grateful.

To all of those who during the past year and have said kind words and who have given me their support I say thank you.

To the staff of the WCDA offices I look forward to each and every day working with you so that we can provide the best DA's office possible. Their support has also never wavered and for that I am grateful.

As many of you know in this room, politics requires more than the foundation of love and support. It requires the right timing, a little luck and in my case a vision. There is one person that I must thank for that vision. That person is Mike Mohun. In 1998, Theron Foote gave me my first job as an attorney and

while I was working there Mike, whom I had never met prior to 1998, called me at the office (I think it was around 2000) and he presented to me his vision of my future.

At that time an opening at the DA's office had become available and he said hey you should take this job and I said why. Charlotte Smallwood Cook was trying to hire me and Terry was also trying to renegotiate our terms and I felt like I was just starting to come into the general practice area. He said Mr. Reh was going to be leaving in the next few years and you could become the next 1st assistant and then within the next 3-7 years you could become the next DA.

My wife and I discussed it as the decision had many implications from a family perspective but again Deb and I made a leap together. In 2003 Mr. Reh left the DA's office and the rest I guess is self explanatory. I tell you that story because without Mike seeing something in me and taking the time to lay out his vision of my future I may not be standing here today. So to Mike I say thank you.

I want to thank all of those in the chamber today for their support and to the Chairman for giving me this opportunity to say a few words and I will leave you by saying that I look forward to working with all of you and the many individual criminal justice stakeholders in hopes that we can bring about justice in a honest, open and fair manner.

Thank you.

Introduction of Guests:

- Judge Dadd;
- Retiring Senator Volker;
- Senator Gallivan;
- Judge Griffith;
- Treasurer Mayer;
- County Clerk Pierce;

- Sheriff Heimann; and
- Under Sheriff Greg Rudolph

Chairman Berwanger asked the Clerk and D. Clerk to pass out the Standing Committee assignments for 2011.

At the request of several of the Committee Chairs, Chairmen Berwanger called for a short recess for a special meeting of the Human Resources, Agriculture, Public Safety, and Finance Committees at 2:26 PM.

At 2:34 PM the meeting resumed with the following results:

#1

RESOLUTION NO. 11-01
(January 03, 2011)

By the Chairman of the Human Resources Committee:

**DENISE MORLEY APPOINTED AS HUMAN RESOURCE
DIRECTOR**

BE IT RESOLVED, That Denise Morley, 3091 Pole Bridge Road, Geneseo, NY 14454 be hereby appointed to the position of Human Resource Director; *effective January 31, 2011* or upon mutually agreed upon start date.

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

**RESOLUTION NO. 11-02
(January 03, 2011)**

By the Chairman of the Agriculture Committee:

**CHAIRMAN AUTHORIZED TO SIGN CONTRACTS WITH
WILSON PARMERTER ON BEHALF OF ANIMAL
CONTROL**

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 Wilson Parmerter, 4359 Bumbacher Road, Gainesville, New York 14066 on behalf of Animal Control. Said contract(s) are for:

- Euthanasia services in an amount not to exceed one hundred dollars (\$100.00) per session;
- Burial services in an amount not to exceed two hundred fifty dollars (\$250.00) per month; and
- Assistant Animal Control Officer services on an as needed basis in the absence of the Animal Control Officer in an amount not to exceed \$25.00 per day.

effective *January 01, 2011 through December 31, 2011.*

Contingent upon available funding.

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

Prior to the roll call vote of resolution number #3, Supervisor Rogers, T/Pike stated that this local law is due to limited funding and state mandates to perform these inspections.

**RESOLUTION NO. 11-03
(January 03, 2011)**

By the Chairman of the Public Safety Committee:

**SET PUBLIC HEARING – INTRODUCTORY LOCAL LAW
NO. A YEAR 2011**

WHEREAS, There has been duly presented and introduced at a meeting of this Board of Supervisors of Wyoming County on this 3rd day of January 2011, a proposed local law entitled, “Local Law Introductory No. A Year 2011, “**A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF THE YEAR 2007 PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE,**” 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 18th day of January, 2011 at 2:30 PM at the Wyoming County Government Center, Supervisors’ Chambers, 2nd Floor, Warsaw, New York.

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

**RESOLUTION NO. 11-04
(January 03, 2011)**

By the Chairman of the Finance Committee:

RULES OF PROCEDURE ADOPTED

BE IT RESOLVED, That this Board of Supervisors hereby adopts, as its temporary Rules of Procedure, the Rules of this Board as adopted June 09, 2009.

Carried: XXX Ayes: 1470 Noes: Absent: Abstain: #5

**RESOLUTION NO. 11-05
(January 03, 2011)**

By the Chairman of the Finance Committee:

DATE OF JANUARY 2011 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 Monthly January Session of the Wyoming County Board of Supervisors will be held on *Tuesday, January 18th, 2011 at 2:30 PM* at the *Wyoming County Government Center, Warsaw, New York*.

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

**RESOLUTION NO. 11-06
(January 03, 2011)**

By the Chairman of the Finance Committee:

**DATE OF FEBRUARY 2011 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 Monthly February Session of the Wyoming County Board of Supervisors will be held on *Tuesday, February 15th, 2011 at 2:30 PM* at the *Wyoming County Government Center, Warsaw, New York*.

**Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#7**

**RESOLUTION NO. 11-07
(January 03, 2011)**

By the Chairman of the 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 12, 2007 and provides for the

RESOLUTION NO. 11-07
January 03, 2011
Page 2

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; and

WHEREAS, Resolution Number 07-416 was further amended by Resolution Number 09-473 entitled, **“RESOLUTION NUMBER 07-416 AMENDED,”** by the Wyoming County Board of Supervisors on December 08, 2009 to extend the effective date through December 31, 2010; now therefore

BE IT RESOLVED, That Resolution Number 07-416 as amended by 08-230, 09-42 and 09-473 be hereby further amended to extend the expiration date to December 31, 2011.

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

**RESOLUTION NO. 11-08
(January 03, 2011)**

By the Chairman of the Finance Committee:

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

BE IT RESOLVED, That in accordance with Chapter 515 of Laws of 1997, the Wyoming County Board of Supervisors amends the Correction of Errors procedure (RPTL 550-559) by authorizing the Director of Real Property Tax Services to approve the correction of the tax roll and tax bill, in an amount not to exceed one thousand dollars (\$1,000.00) (RPTL 554 (9) during the year 2011; 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)) during the year 2011.

**Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#9**

**RESOLUTION NO. 11-09
(January 03, 2011)**

By the Chairman of the Finance Committee:

January 03, 2011

RESOLUTION NO. 11-09
January 03, 2011
Page 2

SALARY SCHEDULES “S,” “D,” “G” AND “T” AMENDED

BE IT RESOLVED, That the Wyoming County Salary Plan which became effective January 01, 1967, as amended, is hereby amended to reflect a **2.25%** increase to titles with eligible employees commencing January 01, 2011 unless otherwise stated below and is annexed hereto as follows:

Salary Schedule “S”:

- ***County Attorney***
 - Set the salary of the Secretary I at \$27,459.00 annually; effective January 01, 2011.

Salary Schedule “G”:

- ***Public Health Dept.***
 - Set the salary of the Public Health Nurse (.6 FTE) at \$24.06 per hour; effective November 29, 2010;
 - Set the salary of the Public Health Nurse (.6 FTE) at \$24.60 per hour; effective January 01, 2011.
- ***District Attorney***
 - Set the salary of the Domestic Violence Coordinator at \$34,333 which represents a 2% change in the Violence Against Women’s Act portion of this salary only (that part of the salary would go from \$18, 360 to \$18,727). This increase and the corresponding fringes are fully covered by the VAWA grant; effective January 01, 2011.

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:

**RESOLUTION NO. 11-10
(January 03, 2011)**

By the Chairman of the Finance Committee:

**SET PUBLIC HEARING – INTRODUCTORY LOCAL LAW
NO. B YEAR 2011**

WHEREAS, There has been duly presented and introduced at a meeting of this Board of Supervisors of Wyoming County on this 3rd day of January 2011, a proposed local law entitled, “Local Law Introductory No. B Year 2011, “**A LOCAL LAW PROVIDING SALARIES FOR CERTAIN COUNTY OFFICERS FOR THE YEAR 2011,**” 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 18th day of January, 2011 at 2:30 PM at the Wyoming County Government Center, Supervisors’ Chambers, 2nd Floor, Warsaw, New York.

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

**RESOLUTION NO. 11-11
(January 03, 2011)**

By the Chairman of the Finance Committee:

January 03, 2011

RESOLUTION NO. 11-11
January 03, 2011
Page 2

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, 2011, 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:
#12

RESOLUTION NO. 11-12
(January 03, 2011)

By the Chairman of the Finance Committee:

OFFICIAL NEWSPAPERS DESIGNATED

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

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

RESOLUTION NO. 11-12**January 03, 2011****Page 2****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 2011:

<u>Designation</u>	<u>Publication</u>	<u>Village of</u>
Election notice	Daily News	Batavia, NY
Sheriff's Proclamation	Daily News	Batavia, NY
Local laws, notices and other matters required by law to be published and for which NO OTHER specific designation has been made.	Daily News	Batavia, NY
Official canvass	Country Courier	Warsaw, NY
Constitutional amendments and concurrent resolutions (including tax sales and redemptions)	Country Courier	Warsaw, NY

Signed this fourth day of January 2011.

s/ A.D. Berwanger
s/ Douglas Patti
s/ Ellen Grant
s/ Joseph Gozelski
s/ Jerry Davis
s/ Joseph Kushner

s/ Jean Totslie
s/ James Brick
s/ Larry Rogers
s/ Rebecca Ryan
s/ Susan May
s/ John Copeland

January 03, 2011

RESOLUTION NO. 11-12
January 03, 2011
Page 3

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 2011:

<u>Designation</u>	<u>Publication</u>	<u>Village of</u>
Election notices	Perry Herald	Perry, NY
Sheriff's Proclamations	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 fourth day of January 2011:

s/ Harold Bush
s/ James Fleischman

s/ Sally Meeder
s/ John Knab

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

RESOLUTION NO. 11-13
(January 03, 2011)

By the Chairman of the Finance Committee:

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, 2011 through December 31, 2011.*

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

RESOLUTION NO. 11-14
(January 03, 2011)

By the Chairman of the Finance Committee:

POSITION CREATION(S) APPROVED

BE IT RESOLVED, That the following position(s) are hereby approved within the various Wyoming County Departments:

Human Resource:

- One (1) position of Human Resource Director (1.00 FTE) to be placed on Salary Schedule “D” at \$90,000 annually; effective January 01, 2011.

RESOLUTION NO. 11-14
January 03, 2011
Page 2

Fire and Building Codes:

- One (1) position of Plans Examiner (1.00 FTE) to be placed on the current CSEA Agreement at Grade 6, step 6; effective January 01, 2011. This position is being created promotionally to facilitate additional duties for a current employee within the department.

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

RESOLUTION NO. 11-15
(January 03, 2011)

By the 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**

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.

RESOLUTION NO. 11-15**January 03, 2011****Page 2****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.

RESOLUTION NO. 11-15
January 03, 2011
Page 3

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>	

RESOLUTION NO. 11-15**January 03, 2011****Page 4****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 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.

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.

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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;

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- * 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.

January 03, 2011

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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.

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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.

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___ (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

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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:
#16**

**RESOLUTION NO. 11-16
(January 03, 2011)**

By the Chairman of the Finance Committee:

POSITIONS REASSIGNED

January 03, 2011

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January 03, 2011
Page 2

BE IT RESOLVED, That the Administrative Assistant (WCCH) & Human Resource Assistant in the Human Resource Dept. at the Wyoming County Community Health System be reassigned to the newly created Human Resource Department under the General Unit of the County; and be it

FURTHER RESOLVED, That Salary Schedule “C” and Salary Schedule “S” be amended to reflect these changes at the current salary and current hours. Salary will include 2.25% increase effective January 1, 2011. No other changes required.

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

Comments by:

- Newly retired Senator Volker (presentation of plaque by Board of Supervisors)
- Newly elected Senator Gallivan

2011 Chairman's State of the County Address

Fellow Supervisors, Judge Dadd, Judge Griffith, Senator Volker, Senator Gallivan, District Attorney O’Geen, Sheriff Heimann, Treasurer Mayer, County Clerk Pierce, and all of you who are joining us today for the annual organizational meeting of the Wyoming County Board of Supervisors, welcome!

Let me begin by thanking the Board of Supervisors for their continued confidence and support by electing me to an 11th term as Chairman of the Board of Supervisors. I would like to offer congratulations to Donald O’Geen upon his election as District Attorney of Wyoming County. Congratulations also go out to

District Attorney Jerry Stout upon his retirement. We wish him good health and a great retirement!

2010 began with this Board writing a letter to Governor Paterson, Speaker of the New York State Assembly, Sheldon Silver and President of the New York State Senate, Malcolm Smith informing them of the \$1.3 million outstanding reimbursement revenues still due Wyoming County for state mandated programs and services administered and provided over the past year by Wyoming County. Slowly but surely most of that revenue was paid primarily through the determined efforts of the Wyoming County Budget Officer, Janis Cook. This year the situation is the same only with a larger number of dollars owed Wyoming County, thus the Board of Supervisors has directed me to write a letter to Governor Andrew Cuomo, Speaker of the Assembly, Sheldon Silver and President of the Senate, Dean Skelos. The letter, dated today, reads as follows:

Dear Governor Cuomo:

I am writing to you on behalf of the Wyoming County Board of Supervisors as it has come to the attention of the Board that New York State owes \$1,278,330.00 for programs and services provided by Wyoming County in 2010.

The largest amounts include:

- | | |
|-----------------------------------------------|---------------------------------|
| • <i>Public Health Block Grant</i> | <i>434,000.00</i> |
| • <i>Pre-school Handicap Education</i> | <i>135,000.00</i> |
| • <i>Court Security</i> | <i><u>193,000.00</u></i> |

The balance includes several other programs up until Thursday the county was owed \$2.315 million.

At this time the County collects \$14,634,811.00 in property tax levy of which 112% is devoured by subsidizing 9 state mandated programs!

It remains imperative that Wyoming County be reimbursed the above mentioned \$1.278 million for services already provided on behalf of the great state of New York in good faith by Wyoming County and its tax payers.

This Board is asking that payments begin no later than February 01, 2011 or the county will be forced to discontinue providing these services until payment is received.

I regret having to send this letter, however, I do look forward to hearing from you soon.

Respectfully yours,

Board of Supervisors

As I mentioned in the letter, and as has been repeatedly discussed at both the Finance Committee and Committee of the Whole, with the State of New York devouring \$14,634,811.00 of property tax levy to subsidize 9 state mandated programs, Wyoming County Government finds itself at a point where difficult decisions have had to be made. Many of which were put into effect beginning this year. For the first time in several years employees were furloughed and positions which were vacant were not approved to be filled. These actions affect both the Wyoming County Community Health System and the General Unit along with management positions.

The Health System continues to be a major concern to the Board because of a series of circumstances such as the failure of the state to forward a \$2 million IGT (Inter-Governmental Transfer) payment, the problems associated with the implementation of a new computer software system which controls billing and a 37½% increase in pension costs has made it necessary for Wyoming County Government to lend the Health System \$6 million for operating capital in 2010. The Board remains committed to maintaining a hospital and nursing facility to serve

the residents of Wyoming County. However, there needs to be a focused effort in the management of the Health System and the Board challenges Chief Executive Officer, Ron Krawiec to rise up and embrace the challenge to lead the Health System to a fiscally stable, self sustaining existence.

The Board is showing its commitment in placing its faith in Mr. Krawiec's managerial ability by approving the borrowing of a \$9 million Bond for long awaited renovations to the Health System facility. Renovations are scheduled to begin in the spring of 2011.

Along with the anticipation of the hospital renovations will be the completion of a \$4.5 million Social Services building renovation. Congratulations are to be extended to Superintendent of Buildings and Grounds, Dennis Halstead and his staff for their skill and diligent work in completing the reconstruction project, as it appears right now, barring any unforeseen problems, ahead of schedule and under budget.

Also, under direction of the Public Works Committee the County Highway Department continued to flourish in 2010 with the continuance of the Better Pavement Program. \$23,000 was spent to complete Middle Reservation Road to the Village of Castile line, \$799,000 was spent on the reconstruction of Wyoming Road, \$407,000 was spent on Weaver Road and \$29,000 was spent on Castile Center Road.

In 2011 Dewitt Road in the Town of Pike, Liberty Street in the Town of Warsaw and Telegraph Road in the Towns of Eagle and Pike are scheduled for reconstruction. Additional work accomplished by County Highway included the reconstruction of several bridges and sluices along with the regular maintenance of the 250 miles of county roadways.

The Wyoming County Sheriff's Department road patrol, investigators, correction officers and dispatch continue to work hard to provide the highest level of public safety for the residents

of the County. The near record number of arrests and high census of people held in the jail reminds us of the type of society in which we live today. A reflection of the stagnant economy which continues to plague New York State and in particular Western New York is the ever increasing number of residents seeking services from the Wyoming County Department of Social Services. Commissioner Rumsey and his staff strive to serve the needs of the disadvantaged.

The Human Services Dept., Public Health, Office for the Aging and Youth Bureau, as well as Mental Health serves the needs of the many different components that make up society in Wyoming County.

Major changes in 2010 included the recommendation by the Public Health Committee to award the primary Mental Health Services provider contract to Spectrum Human Services of Orchard Park, New York over the previous provider. This change was made in order to provide even better services to our residents who need and use them.

The Public Health Department continues to provides innovative and solid programs which are subsidized by the state for which the County has not been paid in 2010 although Bio Terrorism grant funding continues to find its way to Wyoming County which the department puts to good use! We can not even begin to say enough good things about the thoughtful Public Health nurses along with the Certified Home Health Agency Nurses, Hospital Nurses and Aides as they educate and care for residents of the County demonstrating a sense of loyalty and compassion to all.

The Office for the Aging and Youth Bureau are a model for the rest of the state to follow after combining both departments under one Director many years ago, the department continues to grow and prosper under the watchful eye of Director Andrea Aldinger.

A major challenge in 2010 was the HAVA (Help America Vote Act) with the switch from the old lever machines to a modern computerized machine. The cost of which is shared by the Federal and State government and locally by the county. In the future costs for new machines, ballots and polling site workers will be the responsibility of Wyoming County.

On the Economic Development front 2010 saw change in the structure of the Wyoming County Tourist Promotion Agency and Wyoming County Chamber of Commerce as both agencies merged in an effort to share resources to provide an even greater level of service. The Wyoming County Industrial Development Agency and the Wyoming County Business Center are working together to retain and recruit local business into the county. Along with prosperous business comes more revenue in the form of additional jobs. 2010 marked the creation of 2 subcommittees, the Marcellus Shale Gas Well Drilling Research Subcommittee, chaired by Supervisor Fleischman from the Town of Java. The members of this subcommittee have been researching the issues and preparing the public for the possibility of horizontal drilling and hydro-fracking within Wyoming County. The second subcommittee is the Countywide Water District Research Subcommittee, Chaired by Supervisor Gozelski from the Town of Castile. These members have been meeting regularly with consultants Patrick Brennan and Jeff Smith along with all municipalities in the County to secure funding for a feasibility study addressing County water needs and the methods of implementation. The committee is only in the study stage at this time.

Agriculture in Wyoming County continues to be the number one industry and a sense of great pride for all of the Board of Supervisors. The County now holds a presence on a statewide level as 3 members of this Board, Joe Gozelski, Jim Brick from the Town of Perry and myself are members of the newly created standing committee of the New York State Association of Counties

~ Blue Ribbon Task Force on the Future of Farming in New York. The focus of the committee in 2011 is to restore funding for programs such as the New York Farm Viability Institute and Cornell Cooperative Extension along with stabilizing dairy pricing Immigration, Labor Laws and farm labor overtime issues. The New York State Association of Counties Ag. Committee has 40 members which certainly reinforces the importance of Agriculture in New York State.

As we look back at what has taken place in 2010 and try to project what may happen in 2011, the way Federal and State Government continues to spend without sufficient revenue to cover expenses and then to simply create a deficit to be paid off in the futures can not continue! This Board believes in sound fiscal stability. Wyoming County has been careful to control spending and as a result now enjoys an A++ bond rating by Standard and Poor's Rating Service, increasing our rating since last year. We would hope that the State of New York and the United States Congress would follow our lead.

Looking forward, the 2011 budget is in place and we need to move forward and provide the services the hard working people of Wyoming County expect and deserve. I want to thank all County Employees for their hard work, dedication and passion for serving the needs of community. Together we will persevere to continue to make Wyoming County a great place to live and work.

Thank you and God bless Wyoming County...

There being no further business to come before this Board, Senior Supervisor Bush, T/Gainesville, adjourned the meeting at 3:14 PM with a rap on his desk.

Respectfully submitted,

Brenda Ferrell

Brenda Ferrell, Deputy Board Clerk

REGULAR SESSION
(January 18, 2011)
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 Dadd; Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Brenda Ferrell.

At 2:40 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance for the January 18th Meeting is:

MARK K. WASHBURN

Mr. Washburn's service to his country comes while serving during World War II. Mr. Washburn enlisted in the United States Army on October 5, 1942. He completed Basic Training at Camp Edwards, Massachusetts and then Advanced Individual Training in Florida and became qualified as a Radar Operator. Shortly thereafter, Mr. Washburn was shipped to the Pacific in support of the War on Japan. He participated in battles at Bismarch, the Archipelago Islands, New Guinea, and the battle in the Southern Philippines. Following the War, Mr. Washburn returned to the United States and was Honorably Discharged at Fort Dix, New Jersey on January 4, 1946 at the rank of Sgt.

For his service to his country Washburn was awarded:

The American Service Medal
The Army Good Conduct Medal
The Asiatic Pacific Campaign Service Medal
The World War II Victory Medal
The Philippines Liberation Ribbon w/ 1 bronze service star

Following the War, Mr. Washburn settled in Pennsylvania and co-owned and operated a gas station and restaurant with his brother for several years. He then relocated to this area and went to work for Lapp Insulator in Leroy for about 10 years. Mr. Washburn then changed vocations and went to work for Kittinger Furniture in the upholstery department at the Castile factory. He worked 26 years for Kittenger, retiring as General Forman of the Upholstery Department in 1985.

Mr. Washburn has been a member of the American Legion for over 60 years. He enjoys traveling with his wife Jane and remodeling their home.

Mr. Washburn has been married for 68 years and he and his wife live in the Village of Castile.

The pledge was said by all.

Director Cousins invited Supervisor Gozelski, T/Castile to the podium for the presentation of the Certificate of Appreciation.

Chairman Berwanger, T/Arcade explained that Director Cousins has another very special presentation to make to Mr. Washburn. Director Cousins explained that in 2001 Operation Recognition identified by public law Veterans of WWII, Korea and Vietnam because of their service and because many times they had to leave school and because of their military service time are now eligible to receive their High School Diplomas. Mr. Washburn was presented with his Letchworth Central School diploma.

Mr. Washburn thanked the Board for being invited to today's Board meeting.

Communications:

1. Assemblyman Burling ~ **January 05, 2011** ~ acknowledging receipt of Resolution Numbers 10-443
(RESOLUTION OPPOSING THE FEDERAL MEDICAL ASSISTANCE 1.1% REDUCTION MEANS OF IMPLEMENTATION)

#1

**RESOLUTION NO. 11-17
(January 18, 2011)**

By Mrs. May, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2010 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2010 accounts as follows:

Planning			
From: 01.42.6421.4.40301 Professional Svc. To: 01.42.6421.1.10601 Unused Benefit Time Reason: To cover the cost of Vacation Payout for the Director of Planning & Development position.	\$3,531.67	\$3,531.67	
Planning Total			\$3,531.67

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

January 18, 2011

**RESOLUTION NO. 11-18
(January 18, 2011)**

By Mrs. May, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2010 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2010 accounts as follows:

Board of Supv./Legis.			
To: 01.31.1010.4.41202 Printing w/ 01.03.1010.1289 Other Revenues Reason: For revenue received to cover special order flag paid for by the Sheriff's Mounted Patrol.	\$125.00	\$125.00	
Board of Supv./Legis. Total			\$125.00
Sheriff			
To: 01.37.3110.4.42306 Other w/ 01.07.3110.2626 Seized Property Reason: purchase chairs	\$2,816.30	\$2,816.30	
To: 01.37.3110.4.40508 Private Auto Repair w/01.08.3110.2680 Insurance Recovery Reason: collision work to car 13	\$1,601.77	\$1,601.77	
Sheriff Total			\$4,418.07
Jail			
To: 01.37.3150.4.41010 Office Sup. w/ 01.12.3150.4389 Federal Aid-SCAAP-JBI Reason: purchase 4 chairs.	\$1,472.07	\$1,472.07	
Jail Total			\$1,472.07
Treasurer			
To: 01.42.6420.4.40901 Bed Tax w/ 01.02.1000.1113 Bed Tax – Hotel Room Occupancy Reason: Appr budget to cover Tourism payment from bed tax revenue.	\$7,063.20	\$7,063.20	
Treasurer Total			\$7,063.20

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

RESOLUTION NO. 11-19
(January 18, 2011)

By Mrs. May, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2011 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2011 accounts as follows:

Information Technology			
To: 01.34.1680.4.40301 Profession Svc. <i>From any funds available</i> Reason: GIS Services from Bergmann Assoc.	\$9,860.00	\$9,860.00	
Information Technology Total			\$9,860.00
Sheriff			
To: 01.37.3110.4.41402 Computer Svc. <i>From any funds available</i> Reason: line item shortage due to misunderstanding during 2011 budget preparation for above contract.	\$3,500.00	\$3,500.00	
To: 01.37.3110.4.40016 Internet Svc. w/01.12.3110.438903 Homeland Security Reason: offset of unspent grant funds for 2008 and 2009 LETTP Contract #T838882 and #T838892 for 2011 air card expenses (Law enforcement Grant they get every year.)	\$12,792.00	\$12,792.00	
Sheriff Total			\$16,292.00

January 18, 2011

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Emergency Services			
To: 01.37.3020.4.40301 Professional Svc w/01.02.3020.114001 Wireless Surcharge increased by same Reason: To cover the cost of 911 Professional Services (EM Systems, Inc.)	\$3,000.00	\$3,000.00	
Emergency Services Total			\$3,000.00
Human Resources			
To: 01.34.1431.1.10001 Salaries S/D/I 01.34.1431.1.10602 Insurance Repudiation 01.34.1431.8.80001 Workers Comp 01.34.1431.8.81001 Retirement 01.34.1431.8.82001 Disability SDI 01.34.1431.8.83001 FICA 01.34.1431.8.85001 Medicare-FICA 01.34.1431.8.86001 EAP 01.34.1431.8.89001 Medical/ Hosp. 01.34.1431.8.89002 HRA Acct 01.34.1431.8.89003 HRA Admin Ex <i>From any funds available</i> Reason: To Establish the new HR Department for Wyoming County.	\$142,500.00 1,000.00 150.00 21,525.00 450.36 8,897.00 2,080.75 45.00 24,113.43 15,600.00 144.00	\$216,505.54	
Human Resources Total			\$216,505.54
Treasurer			
To: 01.33.1325.4.42306 Other w/ 01.11.1325.3089 Other State Grant Reason: To roll un-used Collaborative Tax Collection Study residual grant proceeds into 2011 for use purchasing services from IT.	\$14,625.27	\$14,625.27	
Treasurer Total			\$14,625.27

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

Mr. Bush, T/Gainesville, Chairman of the Audit Committee, presented bills totaling **\$2,094,433.77** for the month of **December 2010**.

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

**RESOLUTION NO. 11-20
(January 18, 2011)**

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 provides funding for Cleaning and Minor Repairs (Contract # 300242) to the County Court Facility in a minimum amount of one hundred three thousand four hundred forty-seven dollars (\$103,447.00); effective April 1, 2010 through March 31, 2011.

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

There was a motion by Mrs. Totslin T/Genesee Falls, to combine resolutions #5 and #6. A voice vote was taken and all voted aye.

#5

**RESOLUTION NO. 11-21
(January 18, 2011)**

By Mrs. Totslin, Chairman of Human Services Committee:

January 18, 2011

RESOLUTION NO. 11-21
January 18, 2011
Page 2

**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 acceptance award 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 for funding of outreach and counseling to Medicare beneficiaries who are low income and potentially eligible for the low income subsidy program in a minimum amount of thirteen thousand five hundred dollars (\$13,500.00); effective September 30, 2010 through September 29, 2011.

**Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#6**

RESOLUTION NO. 11-22
(January 18, 2011)

By Mrs. Totline, Chairman of Human Services Committee:

**MEMBERS APPOINTED TO THE
WYOMING COUNTY YOUTH BOARD**

BE IT RESOLVED, That *Judy Schoonover*, 8863 Exchange St Bliss, NY 14024 be hereby appointed to the Wyoming County Youth Board *to fill a vacant three (3) year term as a Community Member; effective January 1, 2011 through December 31, 2013*; and be it

Regular Session

RESOLUTION NO. 11-22**January 18, 2011****Page 2**

FURTHER RESOLVED, That *Nevada Schoonover*, 8863 Exchange St Bliss, NY 14024 be hereby appointed to the Wyoming County Youth Board *for a term of one (1) year as a Youth Member replacing Spencer Darby; effective January 1, 2011 through December 31, 2011.*

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

There was a motion by Mr. Kushner T/Eagle, to combine resolutions #7 and #8. A voice vote was taken and all voted aye.

#7

RESOLUTION NO. 11-23**(January 18, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN / COMMISSIONER OF HEALTH
AUTHORIZED TO SIGN AN AGREEMENT WITH THE
COUNTY OF ERIE 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 an agreement with the County of Erie (as coordinating county), 95 Franklin St., Buffalo, NY 14202 on behalf of the Health Department. Said Intergovernmental Agreement between counties of Allegany, Wyoming, Genesee, Orleans, Cattaraugus, Chautauqua, Erie, and Niagara Counties will provide for Public Health Mutual Aid; effective January 1, 2011 through December 31, 2015.

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

January 18, 2011

**RESOLUTION NO. 11-24
(January 18, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN / COMMISSIONER OF HEALTH
AUTHORIZED TO SIGN AN AGREEMENT WITH
BERGMANN ASSOCIATES 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 an Agreement with Bergmann Associates, 40 La Riviere Drive, Suite 150, Buffalo, NY 14202 on behalf of the Health Department. Said agreement is for a Phase I GIS project, in an amount not to exceed five thousand fifty dollars (\$5,050.00) (\$4,800 plus \$250 mileage); effective January 13, 2011 through March 31, 2011.

Contingent upon the availability of funds.

**Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#9**

**RESOLUTION NO. 11-25
(January 18, 2011)**

By Mrs. Meeder, Chairman of Human Resource Committee:

**COUNTY CLERK ANNUAL MORTGAGE TAX
RETENTION FEE**

RESOLUTION NO. 11-25**January 18, 2011****Page 2**

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 fifty-seven thousand one hundred ninety-five dollars (\$157,195.00) 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 fifty-seven thousand one hundred ninety-five dollars (\$157,195.00) annually, April 2011 through March 2012, 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:
#10**

RESOLUTION NO. 11-26**(January 18, 2011)**

By Mr. Fleischman, Chairman of Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH GENESEE FINGER LAKES REGIONAL PLANNING
COUNCIL ON BEHALF OF THE PLANNING
DEPARTMENT**

January 18, 2011

RESOLUTION NO. 11-26
January 18, 2011
Page 2

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 Genesee Finger Lakes Regional Planning Council, 50 West Main St, Suite 8107, Rochester, NY 14614 on behalf of the Planning Department. Said contract is for GIS Consulting Services in an amount not to exceed five thousand dollars (\$5,000.00); effective January 1, 2011 through December 31, 2011.

Contingent upon the availability of funds.

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

RESOLUTION NO. 11-27
(January 18, 2011)

By Mr. Gozelski, Chairman of Agriculture Committee:

**DARYL 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 January 1, 2011 through December 31, 2013.*

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

There was a motion by Mr. Rogers, T/Pike, to combine resolutions #12 through #15. A voice vote was taken and all voted aye.

#12

**RESOLUTION NO. 11-28
(January 18, 2011)**

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 10-193 AMENDED

WHEREAS, Resolution Number 10-193 entitled, **“CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH HENRY HAAS ON BEHALF OF THE DISTRICT ATTORNEY’S OFFICE,”** passed by this Board of Supervisors on May 11, 2010 provides for investigative services in an amount not to exceed two thousand dollars (\$2,000.00); effective April 01, 2010 through March 31, 2011, Contingent upon the availability of funds; now therefore

BE IT RESOLVED, That Resolution Number 10-193 be hereby amended to reflect an increase of five hundred dollars (\$500.00) (contract is covered by the Aid to Prosecution Grant); all else remains the same.

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

**RESOLUTION NO. 11-29
(January 18, 2011)**

By Mr. Rogers, Chairman of Public Safety Committee:

January 18, 2011

RESOLUTION NO. 11-29

January 18, 2011

Page 2

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
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 contract with EM Systems Inc, 4043 Maple Road, Suite 211, Amherst, NY 14226-4499 on behalf of the Sheriff's Department. Said contract is for annual maintenance of the "Sex Offender" software program in an amount not to exceed three thousand five hundred dollars (\$3,500.00); effective January 1, 2011 through December 31, 2011.

Contingent upon the availability of funds.

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

**RESOLUTION NO. 11-30
(January 18, 2011)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH MONROE COUNTY SHERIFF'S OFFICE ON
BEHALF OF WYOMING COUNTY SHERIFF'S
DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Monroe County Sheriff's Office, 130 Plymouth Ave South, Rochester, NY 14614 on behalf of the Sheriff's Department. Said contract is for inmate psychiatric

RESOLUTION NO. 11-30**January 18, 2011****Page 2**

services at the Rochester Psychiatric Center Forensic Unit in an amount not to exceed one hundred forty dollars (\$140.00) per day; effective January 1, 2011 through December 31, 2011.

Contingent upon the availability of funds.

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

RESOLUTION NO. 11-31**(January 18, 2011)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT
WITH EM SYSTEMS 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 EM Systems, Inc., Maple Road, Suite 211, Amherst, NY 14226-1054 on behalf of Emergency Services. Said agreement is to provide consulting services to study and analyze the county's GIS needs and requirements in the County's 911 Center in the amount of \$100.00 per hour, not to exceed three thousand dollars (\$3,000.00); effective January 18, 2011 through completion of project.

Contingent upon the availability of funds.

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

There was a motion by Mrs. May, T/Orangeville, to combine resolutions #16 through #18. A voice vote was taken and all voted aye.

#16

**RESOLUTION NO. 11-32
(January 18, 2011)**

By Mrs. May, 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 Riviere Drive, Suite 150, Buffalo, NY 14202 on behalf of Information Technology. Said agreement is for GIS Professional Services and training in an amount not to exceed nine thousand eight hundred sixty dollars (\$9,860.00); effective January 1, 2011 through completion of the project (approx. 3 months).

Contingent upon the availability of funds.

**Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#17**

**RESOLUTION NO. 11-33
(January 18, 2011)**

By Mrs. May, Chairman of Finance Committee:

RESOLUTION NO. 11-33**January 18, 2011****Page 2****CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH GROVER & BATES ON BEHALF OF REAL
PROPERTY TAX SERVICE**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a 3-year Tax Map Maintenance Renewal Contract with Grover & Bates, 65 South Main St., Perry, NY 14530 on behalf of Real Property Tax Service. Said renewal charges to cover digital map changes in an amount not to exceed fifty thousand dollars (\$50,000.00) in three years, which is a five thousand dollar (\$5,000.00) increase over the previous three year agreement, as follows:

- 2011 - \$16,000
- 2012 - \$17,000
- 2013 - \$17,000

effective September 01, 2010 through August 31, 2013.

Contingent upon the availability of funds.

**Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#18**

**RESOLUTION NO. 11-34
(January 18, 2011)**

By Mrs. May, Chairman of Finance Committee:

SALARY SCHEDULE “G” AMENDED

January 18, 2011

RESOLUTION NO. 11-34
January 18, 2011
Page 2

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 "G":

District Attorney:

One time stipends payable after January 01, 2011 with Aid to Prosecution Grant funds.

- (1st) Assistant District Attorney \$10,000.00
 - Administrative Assistant (DA) 2,000.00
 - Domestic Violence Coordinator 500.00
 - Crime Victims Program Coordin. 500.00
- \$13,000.00

**Once paid salary schedule reverts back to 0.*

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

Reschedule Public Hearings for February 15, 2011 due to an advertising error:

1. Local Law Introductory A, Year 2011 Entitled, "*A Local Law Amending Local Law No. 1 of the Year 2007 Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code*"
2. Local Law Introductory B, Year 2011 Entitled, "*A Local Law of the County of Wyoming, Providing Salaries for Certain County Officers for the year 2011*"

RESOLUTION NO. 11-
(January 18, 2011)

By Mr. Rogers, Chairman of Public Safety Committee:

LOCAL LAW NO. 1, YEAR 2011 (INTRODUCTORY A, YEAR 2011) entitled, “A Local Law Amending Local Law No. 1 of the Year 2007 Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code,” ADOPTED

WHEREAS, There was duly presented and introduced at a meeting of this Board, held on the 3rd day of January 2011, a proposed local law of the County, designated as Local Law Introductory No. A, for the year 2011, entitled, **A Local Law Amending Local Law No. 1 of the Year 2007 Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code**; and

WHEREAS, In accordance with the provisions of Resolution No. 11-03, there was a public hearing held by this Board of Supervisors on this 18th day of January, 2011 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 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 2011, County of Wyoming, New York, as presented to this Board on the 3rd day of January 2011, be hereby adopted, enacted and passed by this Board in its present form as follows:

Section 1. Section 11 of Local Law No. 1 of 2007 is hereby amended to read as follows.

January 18, 2011

Section 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

(a) Inspections Required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

(1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.

(2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.

(3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every 36 months and/or at intervals consistent with local conditions.

(b) Inspections Permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:

(1) the request of the owner of the property to be inspected or an authorized agent of such owner;

(2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

RESOLUTION NO. 11-XX**January 18, 2011****Page 3**

(3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(c) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator under Executive Law section 156-e and Education Law section 807-b.

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 17 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

Section 2. Effective Date.

This Local Law shall become effective upon the filing with the New York State Department of State.

DATED at Warsaw, New York
January 03, 2011 (Introduced)
January 18, 2011 (Adopted)
Cheryl J. Ketchum
Clerk

January 18, 2011

**RESOLUTION NO. 11-
(January 18, 2011)**

By Mrs. May, Chairman of Finance Committee:

LOCAL LAW NO. 2, YEAR 2011 (INTRODUCTORY B, YEAR 2011) entitled, “A Local Law of the County of Wyoming, Providing Salaries for Certain County Officers for the year 2011,” ADOPTED

WHEREAS, There was duly presented and introduced at a meeting of this Board, held on the 3rd day of January 2011, a proposed local law of the County, designated as Local Law Introductory No. B, for the year 2011, entitled, **A Local Law of the County of Wyoming, Providing Salaries for Certain County Officers for the year 2011**; and

WHEREAS, In accordance with the provisions of Resolution No. 11-10, there was a public hearing held by this Board of Supervisors on this 18th day of January, 2011 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 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 2011, County of Wyoming, New York, as amended and presented to this Board on the 3rd day of January 2011, be hereby adopted, enacted and passed by this Board in its present form as follows:

LOCAL LAW NO. 2 - YEAR 2011**County of Wyoming, Providing Salaries for Certain County
Officers for the year 2011**

Section 1. Effective as hereafter provided, the annual salary of the County Treasurer shall be increased by \$1,170.00.

Section 2. Effective as hereafter provided, the annual salary of the County Sheriff shall be increased by \$1,679.00.

Section 3. Effective as hereafter provided, the annual salary of the County Clerk shall be increased by \$1,033.00.

Section 4. Effective as hereafter provided, the annual salary of the Commissioner of Elections (2) shall be increased by \$313.00.

Section 5. Effective as hereafter provided, the annual salary of the County Attorney, PT shall be increased by \$1,272.00.

Section 6. Effective as hereafter provided, the annual salary of the County Highway Superintendent shall be increased by \$1,756.00.

Section 7. Effective as hereafter provided, the annual salary of the Director of Community Services shall be increased by \$1,420.00.

Section 8. Effective as hereafter provided, the annual salary of the Public Defender, PT shall be increased by \$1,180.00.

Section 9. Effective as hereafter provided, the annual salary of the Commissioner of Public Health shall be increased by \$1,577.00.

RESOLUTION NO. 11-XX
January 18, 2011
Page 3

Section 10. Effective as hereafter provided, the annual salary of the Director of Real Property Tax Service shall be increased by \$1,351.00.

Section 11. Effective as hereafter provided, the annual salary of the Commissioner of Social Services shall be increased by \$1,463.00.

Section 12. Effective as hereafter provided, the annual salary of the Director of Veteran's Services shall be increased by \$492.00.

Section 13. All salaries set forth above shall be effective as of January 01, 2011.

Section 14. 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 15. This Local Law is subject to permissive referendum.

DATED at Warsaw, New York
January 03, 2011 (Introduced)
Cheryl J. Ketchum, Clerk

Chairman Berwanger asked if there was any Supervisor who objected to the presentation of unanimous consent resolution #19. Hearing none, the Chairman asked Board Clerk Ketchum to read unanimous consent resolution #19 prior to the roll call vote.

**RESOLUTION NO. 11-35
(January 18, 2011)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH MUNICIPAL SOLUTIONS, INC. ON BEHALF OF
THE BOARD OF SUPERVISORS' AGRICULTURE
COMMITTEE**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized to sign a contract with Municipal Solutions, Inc. 83 Myrtle Street, LeRoy, NY 14482 on behalf of the Board of Supervisors' Agriculture Committee. Said contract will provide professional Consulting Services in regards to the New York State Department of State Local Government High Priority Planning Grant Program Wyoming County Regional Water Study in the amount of \$100/hour not to exceed \$28,500.00 plus reimbursement for actual cost of postage, copying, long distance telephone charges, mileage (at the current IRS rate) and any other incidental costs in connection with the project; effective June 01, 2010 through December 31, 2011.

Contingent upon the availability of funds.

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

Prior to the adjournment of this meeting Chairman Berwanger offered Supervisor Fleischman, T/Java an opportunity to address the Board. Supervisor Fleischman took the opportunity to invited

the members to an “Economic Round Table” immediately following the Planning Committee at its new time of 1:00 PM.

Chairman Berwanger offer Supervisor Gozelski, T/Castile the opportunity to address the Board. At which point Supervisor Gozelski invited Supervisor Patti, T/Attica to join him at the podium. In appreciation of all of the time and dedication Supervisor Davis devoted to the Board as the Finance Chair for the past 6 years the Supervisors presented Supervisor Davis with a dozen donuts and a coffee cup!! 😊

There being no further business to come before this Board, Senior Supervisor Bush, T/Gainesville, adjourned the meeting at 3:42 PM with a rap on his desk.

Respectfully submitted,
Cheryl J. Ketchum
Cheryl J. Ketchum, Board Clerk

REGULAR SESSION
(February 15, 2011)
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 Dadd; Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Brenda Ferrell.

At 2:40 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance for the February 15th Meeting is:

EDWARD R. BARRETT

Mr. Barrett's service to his country comes while serving during World War II. He enlisted in the United States Navy on June 20, 1944. He completed Basic Training at Sampson Naval Base and then Advanced Individual Training at the Naval Training Center in Norfolk, Virginia and became qualified in Heavy Weapons Firing.

Mr. Barrett was assigned to the USS Steinaker (DDH-63) and worked as a Seaman's Engineer in the Engine Room. He toured aboard the USS Steinaker including the waters of the Atlantic and areas around South America. Mr. Barrett completed his tour and then returned to Lido Beach, Long Island and was Honorably Discharged July 20, 1946 at the rank of Fireman 2nd Class.

For his service to his country Mr. Barrett was awarded:

February 15, 2011

**The American Theatre Medal
The World War II Victory Medal**

Following the war, Mr. Barrett returned to this area, and in 1950 enrolled in an “On the Job Training” with the Rochester Telephone Company. He worked as a “Lineman” for 33 years until his retirement in 1983.

Mr. Barrett has been a longtime member of the American Legion in Leicester and VFW Post 634 in York. He is also a member of the Rochester Telephone Pioneers.

Mr. Barrett enjoys gardening and lives in the town of Pavilion.

The pledge was said by all.

Chairman Berwanger presented Mr. Barrett with the customary certificate of appreciation and an opportunity to address the Board. At which time Mr. Barrett took the opportunity to share a few stories from his days in the military.

Communications:

1. ***Assemblyman Burling ~ Letter dated January 27, 2011 ~ Governor Cuomo’s Mandate Relief Redesign Team / Medicaid Redesign Team / Spending and Government Efficiency Commission***
2. ***Karen Dubois ~Thank you card to Staff and Administration regarding her internship at the Department of Social Services.***
3. Chairman Berwanger welcomed newly appointed Human Resource Director, Denise Morley to the County.

Open Public Hearing:

Local Law No. 1, Year 2011 (Introductory A, Year 2011)
 Entitled, “*A Local Law Amending Local law No. 1 of the year 2007 Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code,*”
 Adopted

Local Law No. 2, Year 2011 (Introductory B, Year 2011) Entitled,
 “*A Local Law of the County of Wyoming, Providing Salaries for Certain County Officers for the Year 2010,*” Adopted

#1

RESOLUTION NO. 11-36
(February 15, 2011)

By Mrs. May, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2011 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2011 accounts as follows:

Public Health			
From: 01.38.4010.4.42463 Novel H1N1 To: 01.38.4010.1.10101 FT CSEA Contract 01.38.4010.8.81001 Retirement 01.38.4010.8.82002 CSEA Disability 01.38.4010.8.83001 FICA 01.38.4010.8.85001 Medicare – FICA 01.38.4010.8.89001 Medical/Hosp.	\$34,405.85	\$24,000.00 3,720.00 114.84 1,488.00 348.00 4,735.01	
Reason: To cover cost of Schedule G Wyoming County Emergency Preparedness Coordinator position shared 60% Health Department & 40% WCCHS, effective 11/1/2010; Resolution 10-33 (HD portion).			
From: 01.38.4010.4.42435 Immunization ARRA To: 01.38.4010.2.20401 Misc. Equip.	\$7,600.00	\$7,600.00	
Reason: To cover the cost of the vaccine refrigerator/freezer per approved ARRA grant; permission to bid granted at 12/21/2010 Public Health Committee.			
Public Health Total			\$42,005.85

February 15, 2011

RESOLUTION NO. 11-36
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Page 2

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

#2

RESOLUTION NO. 11-37
(February 15, 2011)

By Mrs. May, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2010 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2010 accounts as follows:

Workmen's Compensation			
To: 05.58.1720.4.41601 Medical Payments	\$116,469.17		
05.58.1720.4.41602 Indemnity Payments	323,470.75		
w/05.04.1720.2222 Participant Restitution		857.16	
05.05.1710.2401 Interest/Earnings		51,332.30	
05.08.1720.2680 Recovery-Special Funds		115,881.35	
05.09.1710.2701 Refund Prior Year Exp		1,326.10	
05.599.0000 Appropriated Fund Bal		270,543.01	
Reason: To cover 2010 line items overdrawn			
Workmen's Compensation Total			\$439,939.92

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

#3

RESOLUTION NO. 11-38
(February 15, 2011)

By Mrs. May, Chairman of the Finance Committee:

Regular Session

RESOLUTION NO. 11-38**February 15, 2011****Page 2****FUNDS APPROPRIATED TO VARIOUS 2011 ACCOUNTS**

BE IT RESOLVED, That funds are hereby appropriated to the various 2011 accounts as follows:

Reforestation			
To: 01.49.8710.4.40301 Prof. Serv Contr <i>From Any Funds Available</i> Reason: To cover sale of timber commission and Pioneer Forestry Work plan for Hobday Rd. property.	\$6,760.00	\$6,760.00	
Reforestation Total			\$6,760.00
Board of Supv./Legis.			
To: 01.31.1010.4.41010 Misc. Office Sup. <i>From Any Funds Available</i> Reason: to cover additional office furniture in Administrative Suite.	\$1,000.00	\$1,000.00	
Board of Supv./Legis. Total			\$1,000.00
Public Health			
To: 01.38.4189.1.10101 FT CSEA Contract 01.38.4189.8.81001 Retirement 01.38.4189.8.82002 CSEA Disability 01.38.4189.8.83001 FICA 01.38.4189.8.85001 Medicare – FICA 01.38.4189.8.89001 Medical/Hosp. Ins. w/ 01.10.4189.280113 (General Fund – Interfund Revenues WCCH Emer Prep – Public Health WCCH Services) Reason: Appropriate for Schedule G Emergency Preparedness Coordinator position shared 60% Health Department & 40% WCCHS, effective 11/1/2010; Res. 10-33 (WCCHS portion).	\$16,000.00 2,480.00 76.56 992.00 232.00 3,156.67	\$22,937.23	
Public Health Total			\$22,937.23
Mental Health			
To: 01.38.4325.4.42441 Misc. MH Program w/ 01.11.4325.3490 Mental Health State Aid Reason: 2011 State Allocation for new PROS Grant Program	\$281,080.00	\$281,080.00	

February 15, 2011

RESOLUTION NO. 11-38
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To: 01.38.4250.4.42405 Alcoholism Treatment w/01.11.4250.3490 Mental Health State Aid Reason: 2011 State Aid Allocation for Adolescent Treatment Grant	\$55,109.00	\$55,109.00	
Mental Health Total			\$336,189.00
Sheriff			
To: 01.37.3110.1.10301 Overtime w/ 01.12.3110.438902 Fed.Grants (STEP) 01.12.3110.438902 Fed. Grants (BUNY) 01.03.3110.128901 STOP-DWI Reason: to cover salary expenses for grant patrols	\$19,496.00	\$12,000.00 \$2,496.00 \$5,000.00	
Sheriff Total			\$19,496.00

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

Mr. Bush, T/Gainesville, Chairman of the Audit Committee, presented bills totaling **\$1,674,060.36** for the month of **January 2011**.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

There was a motion by Mrs. Totsline T/Genesee Falls, to combine resolutions #4 through #6. A voice vote was taken and all voted aye.

#4

RESOLUTION NO. 11-39
(February 15, 2011)

RESOLUTION NO. 11-39**February 15, 2011****Page 2**

By Mrs. Totslin, Chairman of Human Services Committee:

**LINDA PLEWA APPOINTED TO THE
OFFICE FOR THE AGING ADVISORY COUNCIL**

BE IT RESOLVED, That Linda Plewa (Bennington), 793 Allegany Rd., Attica, NY 14011 be hereby appointed to the Wyoming County Office for the Aging Advisory Council to fill a three (3) year unexpired vacant term created with the resignation of Walter Lawton; effective January 1, 2011 through December 31, 2012.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

#5

**RESOLUTION NO. 11-40
(February 15, 2011)**

By Mrs. Totslin, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS
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 is hereby authorized and directed to sign the following contracts on behalf of the Office for the Aging:

February 15, 2011

RESOLUTION NO. 11-40
February 15, 2011
Page 2

- **VNA Lifeline**, 2100 Wehrle Drive, Williamsville, NY 14221 for PERS Services to seniors 60+ in Wyoming County in an amount not to exceed fifteen thousand dollars (\$15,000.00); effective January 1, 2011 through December 31, 2011.
- **Eagle Inn**, 3129 Route 39, Bliss, NY 14024 to provide Congregate Meals for seniors 60+ in Wyoming County; Amount Based on Need; effective January 1, 2011 through December 31, 2011.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

#6

RESOLUTION NO. 11-41
(February 15, 2011)

By Mrs. Totslin, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
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 and Acceptance Award with New York State Office for the Aging, 2 Empire State Plaza, Albany, NY on behalf of Wyoming County Office for the Aging.

**RESOLUTION NO. 11-43
(February 15, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN / COMMISSIONER OF HEALTH
AUTHORIZED TO SIGN GRANT APPLICATIONS AND
ACCEPTANCE AWARDS WITH 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 the following Grant applications and Acceptance Awards with the New York State Department of Health, Corning Tower, ESP, Albany, NY:

- Lead Poisoning Prevention Program in a minimum amount of thirty-seven thousand nine hundred seventy-one dollars (\$37,971.00); effective October 1, 2010 through September 30, 2011.
- Year #1 funding for Men's & Women's Reproductive Health Services in a minimum amount of two hundred six thousand sixty-two dollars (\$206,062.00); effective January 1, 2011 through December 31, 2011.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

RESOLUTION NO. 11-44
(February 15, 2011)

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN / DIRECTOR OF COMMUNITY SERVICES
AUTHORIZED TO SIGN GRANT APPLICATIONS AND
ACCEPTANCE AWARDS WITH NEW YORK STATE
DEPARTMENT OF HEALTH AND HUMAN SERVICES ON
BEHALF OF MENTAL HEALTH**

BE IT RESOLVED, That the Chairman of this Board and the Director of Community Services with the approval of the County Attorney are hereby authorized and directed to sign the following grant applications and acceptance awards with the US Department of Health & Human Services, SAMHSA, 1 Choke Cherry Road, Room 7-1091, Rockville, MD 20857:

- **Drug Free Communities Continuation Grant** in a minimum amount of one hundred twenty-five thousand dollars (\$125,000.00) Federal Grant; effective September 30, 2011 through September 29, 2012.
- **STOP Act Continuation Grant** in a minimum amount of fifty thousand dollars (\$50,000.00) Federal Grant; effective September 30, 2011 through September 29, 2012.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

**RESOLUTION NO. 11-45
(February 15, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

RESOLUTION NUMBER 10-416 AMENDED

WHEREAS, Resolution Number 10-416 entitled, **“CHAIRMAN AUTHORIZED TO SIGN 2011 RENEWAL CONTRACTS ON BEHALF OF MENTAL HEALTH,”** passed by this Board of Supervisors on December 14, 2010 provides for various contracts on behalf of Mental Health for the year 2011; Contingent upon the availability of funds; now therefore

BE IT RESOLVED, That Resolution Number 10-416 be hereby amended to reflect an increase to the Spectrum Human Services, 227 Thorn Ave., Orchard Park, NY 14127 contract of two hundred eighty-one thousand eighty dollars (\$281,080.00) for Personalized Oriented Recovery Services (PROS), 100% state aid, no county levy for a total contract amount of seven hundred thirty-eight thousand one hundred two dollars (\$787,102.00) for 2011. (This amount was not included on original contract because the state aid was unknown until receipt of the state aid approval letter); all else remains the same.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

**RESOLUTION NO. 11-46
(February 15, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

**NATIONAL PROBLEM GAMBLING AWARENESS WEEK
PROCLAMATION**

WHEREAS, On behalf of the citizens of Wyoming County, I am pleased to join Partners For Prevention in promoting March 6 -12, 2011, as National Problem 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; and

WHEREAS, Problem gambling is a public health issue affecting millions of Americans of all ages, races, and ethnic backgrounds in all communities and which has a significant societal and economic cost; and

WHEREAS, Problem gambling is treatable and treatment is effective in minimizing the 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

RESOLUTION NO. 11-46
February 15, 2011

Page 2

WHEREAS, Partners For Prevention invite all residents of Wyoming County to participate in National Problem Gambling Awareness Week; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby proclaim the week of March 6 – 12, 2011, as:

NATIONAL PROBLEM GAMBLING
 AWARENESS WEEK

In Wyoming County and encourage all citizens to help spread the message that there is help for problem gamblers through treatment, and to support those who are in treatment and recovery and their families.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

Chairman Berwanger, T/Arcade invited Supervisor Kushner, T/Eagle to come forward and present the National Problem Gambling Awareness Week proclamation. Supervisor Kushner, T/Eagle invited Supervisor Grant, T/Bennington to the podium to accept the proclamation on behalf of the Department of Mental Health.

#12

RESOLUTION NO. 11-47
(February 15, 2011)

By Mrs. Meeder, Chairman of Human Resource Committee:

Regular Session

RESOLUTION NO. 11-47**February 15, 2011****Page 2****MEMORANDUM OF AGREEMENT BY AND BETWEEN
CSEA LOCAL 1000, AFSCME, AFL-CIO LOCAL 861,
WYOMING COUNTY SUPERVISORY UNIT AND THE
COUNTY OF WYOMING, APPROVED**

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 by and between the Civil Service Employees Association Local 1000, AFSCME, AFL-CIO, Local 861, Wyoming County Supervisory Unit and the County of Wyoming to Amend section 10.1 as it relates to Work Day, Work Week, Holidays, Vacation and Sick Leave as follows:

1. The following language will be deleted from the current contract:

Section 10.1: All Wyoming County employees shall have the following seven (7) paid holidays per year: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. In addition, employees shall have the following three holidays; one in April, one in June and one in August. The specific dates of the latter three holidays shall be agreed upon between the Employer and the employee. Any such holidays falling on a Sunday shall be observed on the following Monday. Any such holidays falling on a Saturday shall be observed on the preceding Friday. Staggered shift workers, or those who must work on a holiday, shall be given a compensatory day, or shall be paid for such day, at the election of the employee. Holiday pay shall be for all employees who work the majority of their shift on the holiday. When an employee elects a compensatory day, the date of such day shall be agreed upon between the Employer and the employee, but must be granted by the Employer within thirty (30) days. If the employee elects to be paid, he shall be paid within thirty (30) days.

February 15, 2011

RESOLUTION NO. 11-47
February 15, 2011
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2. The following language will be inserted into section 10.1 of the Union contract:

Section 10.1: All Wyoming County employees shall have the following ten (10) paid holidays per year: New Year's Day, President's Day, One Floating Holiday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, and Christmas Day. Any such holidays falling on a Sunday shall be observed on the following Monday. Any such holidays falling on a Saturday, shall be observed on the preceding Friday. Staggered shift workers or those who must work on a holiday, shall be given a compensatory day or shall be paid for such day at the election of the employee. Holiday pay shall be for all employees who work the majority of their shift on the holiday. When an employee elects a compensatory day, the date of such compensatory day shall be agreed upon between the Employer and the employee, but must be granted by the Employer within thirty (30) days of such request by the employee. Such request shall be made within one year from the time the holiday is earned. Notwithstanding the forgoing, the floating holiday cannot be used in connection with or adjacent to an existing holiday or weekend without specific approval of the supervisor, and must be used in the calendar year earned. Employees at the Wyoming County Community Hospital and Skilled Nursing Facility, who are scheduled to work on weekends, shall observe a holiday on the date which such holiday falls.

(a) Any employee in a twenty-four (24) hour service department shall not lose benefit time should said employee be required to work on a particular holiday.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

There was a motion by Mr. Gozelski T/Castile, to combine resolutions #13 through #20. A voice vote was taken and all voted aye.

#13

**RESOLUTION NO. 11-48
(February 15, 2011)**

By Mr. Gozelski, Chairman of Agriculture Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH H. E. SPINK, DVM ON BEHALF OF ANIMAL
CONTROL**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with H. E. Spink, DVM, 2983 Lindsey Rd., Attica, NY 14011 on behalf of Animal Control. Said contract is to provide euthanasia services for dogs at the rate of \$175.00 per session, not to exceed two thousand four hundred dollars (\$2,400.00); effective January 1, 2011 through December 31, 2011.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

#14

**RESOLUTION NO. 11-49
(February 15, 2011)**

By Mr. Gozelski, Chairman of Agriculture Committee:

February 15, 2011

RESOLUTION NO. 11-49
February 15, 2011
Page 2

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

BE IT RESOLVED, That James Brick (T/Perry), 7618 Route 20A, Perry NY 14530 be hereby reappointed to the Cooperative Extension Board of Directors as the Supervisor Member to fill a *one (1) year term; effective January 01, 2011 through December 31, 2011.*

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

#15

RESOLUTION NO. 11-50
(February 15, 2011)

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:

One (1) year term; effective January 01, 2011 through December 31, 2011:

Supervisor Member

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

RESOLUTION NO. 11-50
February 15, 2011
Page 2

Supervisor Member/Alternate

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

Two (2) year term; effective January 1, 2011 through December 31, 2012: (“...expires at the end of even numbered years”):
maximum term limit of 8 years.

Landowner Rep. (per recommendation from Farm Bureau)

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

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

#16

RESOLUTION NO. 11-51
(February 15, 2011)

By Mr. Gozelski, Chairman of Agriculture Committee:

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

BE IT RESOLVED, That E. Joseph Gozelski (T/Castile),
6175 E. Lake Rd., P.O. Box 331, Silver Springs, NY 14550 be
hereby reappointed to the Region 9 - Forest Practice Board as the
Supervisor Member for a term of ***one (1) year term effective
January 01, 2011 through December 31, 2011.***

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

February 15, 2011

RESOLUTION NO. 11-52
(February 15, 2011)

By Mr. Gozelski, Chairman of Agriculture Committee:

**JOHN COPELAND AND LARRY ROGERS REAPPOINTED
TO THE NYS DEC ADVISORY COMMITTEE**

BE IT RESOLVED, That John Copeland (T/Wethersfield), 5888 Sheppard Rd., Bliss NY 14024 be hereby reappointed to the NYS DEC Advisory Committee as the Supervisor Member for a term of *one (1) year term effective January 01, 2011 through December 31, 2011*; and be it

FURTHER RESOLVED, That Larry Rogers (T/Pike), PO Box 82, Pike, NY 14130-0082 be hereby reappointed to the NYS DEC Advisory Committee as the Supervisor Member / Alternate for a term of *one (1) year term effective January 01, 2011 through December 31, 2011*.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

RESOLUTION NO. 11-53
(February 15, 2011)

By Mr. Gozelski, Chairman of Agriculture Committee:

**MEMBERS APPOINTED/REAPPOINTED TO THE
SENECA TRAIL RC&D COUNCIL**

Regular Session

RESOLUTION NO. 11-54
February 15, 2011

Page 2

BE IT RESOLVED, That E. Joseph Gozelski (T/Castile), 6175 E. Lake Rd., P.O. Box 331, Silver Springs, NY 14550 be hereby reappointed to the Soil & Water Conservation District Board as a Supervisor Member for a term of *one (1) year; effective January 01, 2011 through December 31, 2011*; and be it

FURTHER RESOLVED, That Sally Meeder (T/Middlebury), 1230 Dale Rd., Dale, NY 14039 be hereby reappointed to the Soil & Water Conservation District Board as a Supervisor Member for a term of *one (1) year; effective January 01, 2011 through December 31, 2011*.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

#20

RESOLUTION NO. 11-55
(February 15, 2011)

By Mr. Gozelski, Chairman of Agriculture Committee:

**CHAIRMAN AUTHORIZED TO AWARD BID AND SIGN A
CONTRACT WITH PORTVILLE FOREST PRODUCTS,
INC. ON BEHALF 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 award a bid and sign contracts with the highest responsible bidder being Portville Forest Products, Inc., 457 Whitehouse Road, Portville, NY 14770 on behalf of the Board of Supervisors. Said contract is for the sale of timber, as identified by County Forester Eric Stawitzky (Pioneer Forestry), from the

RESOLUTION NO. 11-55**February 15, 2011****Page 2**

Hobday Rd. Wethersfield property in the amount of twenty-five thousand dollars (\$25,000.00); effective February 01, 2011 through October 01, 2012.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

There was a motion by Mr. Fleischman T/Java, to combine resolutions #21 and #22. A voice vote was taken and all voted aye.
#21

RESOLUTION NO. 11-56**(February 15, 2011)**

By Mr. Fleischman, Chairman of 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 2011 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

**RESOLUTION NO. 11-56
February 15, 2011**

Page 2

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

WHEREAS, The Genesee/Finger Lakes Regional Planning Council has secured a Public Employees Fidelity (Blanket) Bond, issued by National Grange Mutual Insurance Company, providing faithful performance blanket bond coverage for officers and employees of the Council in the amount of 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: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

#22

**RESOLUTION NO. 11-57
(February 15, 2011)**

By Mr. Fleischman, Chairman of Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS GRANT
WRITER SERVICES CONTRACTS ON BEHALF OF THE
COUNTY PLANNING DEPARTMENT**

RESOLUTION NO. 11-57**February 15, 2011****Page 2**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign various grant writing services contracts on behalf of Wyoming County Planning; effective March 01, 2011 through February 28, 2012 as follows:

- **Ann McDonnell**, 121 Woodside Drive, Elma, New York 14059 in an amount not to exceed \$75.00 per hour and \$15,000.00 annually.
- **J. O'Connell & Associates, Inc.**, 10646 Main Street, Clarence, New York 14031 in an amount not to exceed \$80.00 per hour and \$15,000.00 annually.
- **TVGA Consultants**, 620 Main Street, Buffalo, New York 14202-1906 in an amount not to exceed \$80.00 per hour and \$15,000.00 annually.
- **Stuart L. Brown & Associates**, 300 State Street, Suite 200, Rochester, New York 14614 in an amount not to exceed \$80.00 per hour and \$15,000.00 annually.
- **Rick Hauser, d.b.a. "In Site Architecture"**, 2 Borden Avenue, Suite 202, Perry, New York 14530 in an amount not to exceed \$75.00 per hour and \$15,000.00 annually.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

There was a motion by Mr. Rogers T/Pike, to combine resolutions #23 through #26. A voice vote was taken and all voted aye.

February 15, 2011

**RESOLUTION NO. 11-58
(February 15, 2011)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS
CONTRACTS ON BEHALF OF THE SHERIFF'S
DEPARTMENT AND 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 various contracts on behalf of the Sheriff's Department and the County Jail as follows:

Sheriff's Department:

- *State of New York, Unified Court System*, 8th Judicial District, 92 Franklin Street, Third Floor, Buffalo, NY 14202-3902 for court security for County, Family and Supreme Courts in an amount not to exceed two hundred ninety-three thousand six hundred seven dollars (\$293,607.00); effective April 1, 2010 through March 31, 2011.
- *Town of Sheldon*, 1380 Centerline Road, Strykersville, NY 14145 for court security for Town Prosecutor night for a four hour block in the amount of \$18.56-\$20.02/hr plus fringes; effective January 1, 2011 through December 31, 2011.

RESOLUTION NO. 11-58**February 15, 2011****Page 2**

- ***Town of Covington***, 7083 Court Road, PO Box 128, Pavilion, NY 14525 for additional enforcement of the Vehicle and Traffic Laws for Route 63 in the amount of \$27.84-\$41.895/hr plus fringes; effective January 1, 2011 through December 31, 2011.
- ***United Uniform Co. Inc.***, 495 N French Rd, Buffalo, NY 14228 for uniforms for the Sheriff and Jail per bid list; effective March 1, 2011 through February 29, 2012 with the right to renew for two (2) additional twelve-month periods.

County Jail:

- ***EM Systems Inc***, 4043 Maple Road, Suite 211, Amherst, NY 14226 for software maintenance and upgrades for JMS in an amount not to exceed eight thousand dollars (\$8,000.00); effective April 1, 2011 through March 31, 2012.
- ***Workplace Health Services***, 400 N. Main St, Warsaw, NY 14569 for inmate medical in an amount not to exceed one hundred thirty-two thousand one hundred twenty dollars (\$132,120.00); effective January 1, 2011 through December 31, 2011.
- ***Sinclair Pharmacy***, 75 North Main Street, Warsaw, NY 14569 to provide Inmate pharmaceuticals; effective April 1, 2011 through March 31, 2013.
- ***Genesee County Sheriff's Department***, 165 Park Rd. Batavia, NY 14020 Inter-municipal Agreement for housing of Genesee County female inmates in the amount of \$85.00 per day plus medical costs; effective February 01, 2011 through December 31, 2011.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

RESOLUTION NO. 11-59
(February 15, 2011)

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 11-30 AMENDED

WHEREAS, Resolution Number 11-30 entitled **“CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH MONROE COUNTY SHERIFF’S OFFICE ON BEHALF OF WYOMING COUNTY SHERIFF’S DEPARTMENT,”** passed by this Board of Supervisors on January 18, 2011 and provides for a contract with Monroe County Sheriff’s Office, 130 Plymouth Ave. South, Rochester, NY 14614-2209, on behalf of the Sheriff’s Department. Said contract is for inmate psychiatric services at the Rochester Psychiatric Center Forensic Unit in an amount not to exceed one hundred forty dollars (\$140.00) per day; effective January 1, 2011 through December 31, 2011; now therefore

BE IT RESOLVED, That Resolution Number 11-30 be hereby amended to extend the expiration date from December 31, 2011 to December 31, 2015. All else remains the same.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

#25

RESOLUTION NO. 11-60
(February 15, 2011)

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NO. 11-60**February 15, 2011****Page 2**

**CHAIRMAN AUTHORIZED TO SIGN GRANT
APPLICATIONS AND ACCEPTANCE AWARDS WITH
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE
SERVICES 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 Grant Application with the New York State Division of Criminal Justice Services, Office of Probation and Correctional Alternatives, 4 Tower Place, 8th Floor, Albany, NY 12203 on behalf of Probation. Said grant will provide funding for Probation Eligible Diversion Program in a minimum amount of ten thousand four hundred ninety dollars (\$10,490.00), effective January 01, 2011 through December 31, 2011; Alternative to Incarceration programs, specifically Community Service, Pre-Trial Release and Data Day programs, to be provided in a minimum amount of twenty-one thousand five hundred twenty-six dollars (\$21,526.00) effective January 1, 2011 to December 31, 2011.

**Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total**

#26

**RESOLUTION NO. 11-61
(February 15, 2011)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN GRANT
APPLICATIONS AND ACCEPTANCE AWARDS WITH
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE
SERVICES ON BEHALF OF PROBATION**

February 15, 2011

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February 15, 2011

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BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a Grant Application and Acceptance Award with the New York State Division of Criminal Justice Services, Office of Probation and Correctional Alternatives, 4 Tower Place, 8th Floor, Albany, NY 12203 on behalf of Probation. Said grant is for funding of Regular State Aid, Intensive Supervision Probation, and Enhanced sex offender supervision in a minimum amount of sixty-six thousand two hundred twelve dollars (\$66,212.00), effective April 01, 2011 through March 31, 2012.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

Mrs. May, T/Orangeville instructed Clerk Ketchum to withdraw resolution office numbers #34 and #37.

There was a motion then by Mrs. May T/Orangeville, to combine resolutions #27 through #33, #35, #36, #38 and #39. A voice vote was taken and all voted aye.

Prior to the Roll Call Vote Chairman Berwanger, T/Arcade extended the privilege of the floor to Supervisor Brick, T/Perry. Supervisor Brick commented on the importance of the passage of resolution #35. This resolution is to bring an awareness of the importance of supporting our own local economy with local tax dollars. Both Supervisor Brick and Chairman Berwanger shared the experience of searching for county road patrol cars from NYS Bid lists resulting in the discovery of a New York State contract awarded to a New Jersey dealer. This discovery prompted the Board to prohibit such purchases when contracts are awarded to out of state vendors and utilize the County Bidding process in order to keep these dollars local!!

**RESOLUTION NO. 11-62
(February 15, 2011)**

By Mrs. May, Chairman of 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 14221; effective March 1, 2011 to February 28, 2013 with a 2-year rate guarantee as follows:

Dental Select / High Option:

- Single: \$32.48
- Employee/Spouse 58.72
- Employee/Child(ren) 67.44
- Family 93.16

Dental Select / Low Option:

- Single: \$21.04
- Employee/Spouse 40.78
- Employee/Child(ren) 48.08
- Family 67.90

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

**RESOLUTION NO. 11-63
(February 15, 2011)**

By Mrs. May, Chairman of Finance Committee:

APPROVES PROPERTY AUCTION SALES

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

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

Serial#182 Jeff Bizelka, 290387 Homecrest Station, Brooklyn, NY 11229 has offered \$500 for property located on 15 North Main Street, Town of Castile. Tax Map #147.7-3-37; now therefore

BE IT RESOLVED, That the above are hereby approved and accepted and the County Treasurer, in the name of the County, is hereby authorized to execute and deliver a referee deed to the purchaser, providing payment of said purchase price is received by him on or before February 15, 2011.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

#29

**RESOLUTION NO. 11-64
(February 15, 2011)**

By Mrs. May, Chairman of Finance Committee:

POSITION FILLS APPROVED

BE IT RESOLVED, That permission is hereby granted to fill the following vacancies:

Treasure's Office:

- Deputy Treasurer (vacated by L. Hoyt)

Sheriff's Department:

- Correction Officer, P.T. (vacated by W. Zawadzki)

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:

**45 Pike
102Total**

#30

**RESOLUTION NO. 11-65
(February 15, 2011)**

By Mrs. May, Chairman of Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT
WITH PHILLIPS LYTLE, LLP ON BEHALF OF THE
COUNTY TREASURER**

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 Phillips Lytle LLP, 1400 First Federal Plaza, Rochester, NY 14614 on behalf of the Treasure's Office. Said agreement is for legal services in connection with 2009 REM proceedings in an amount not to exceed three hundred

February 15, 2011

RESOLUTION NO. 11-65
February 15, 2011

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twenty-five dollars (\$325.00) per parcel; effective January 1, 2011 through December 31, 2011. Expenses are offset through redemption of properties or auction revenues.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102 Total

#31

RESOLUTION NO. 11-66
(February 15, 2011)

By Mrs. May, Chairman of Finance Committee:

CORRECTION OF ERRORS IN THE TOWN OF ATTICA
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:

RESOLUTION NO. 11-68**February 15, 2011****Page 2**

By Mrs. May, Chairman of 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. 09-336, passed August 18, 2009, 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, 2013; 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.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:

45 Pike

102Total

Withdrawn

#34

**RESOLUTION NO. 11-
(February 15, 2011)**

By Mrs. May, Chairman of Finance Committee:

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RESOLUTION NO. 11-XXX

February 15, 2011

Page 2

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH THE BRENNAN GROUP, LLC (Patrick Brennan) ON
BEHALF 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 the Brennan Group, LLC (Patrick Brennan), 7705 Sally Road, Waterville, NY 13480 on behalf of the Board of Supervisors. Said contract is for consulting services on strategic advise on current state and federal financing opportunities as they relate to Wyoming County in the amount of two thousand five hundred dollars (\$2,500.00) per month, not to exceed twenty-seven thousand five hundred dollars (\$27,500.00) plus and all reasonable, direct expenses incurred by consultant while rendering services pursuant to the agreement; effective February 01, 2011 through December 31, 2011.

Contingent upon the availability of funds.

Carried: Ayes: Noes: Absent: Abstain:
#35

**RESOLUTION NO. 11-69
(February 15, 2011)**

By Mrs. May, Chairman of Finance Committee:

**RESOLUTION REQUESTING THE STATE LEGISLATURE
TO PROVIDE FOR LOCAL PREFERENCE RULES FOR
PROCUREMENT OF GOODS AND SERVICES**

RESOLUTION NO. 11-69**February 15, 2011****Page 2**

WHEREAS, The State of New York is a Home Rule State;
and

WHEREAS, New York State Constitution Article IX provides that every local government shall have broad powers to enact local legislation relating to the welfare of its citizens, but preemption by the State regarding procurement policies fundamentally limits those powers, and Counties must have the ability to provide for public policy that is in the best socio-economic interest of its citizens, and

WHEREAS, New York has a multitude of procurement statutes applicable to public entities, with the underlying purpose to assure the prudent use of public moneys and to facilitate the acquisition of high quality goods and services at the lowest possible cost, and

WHEREAS, The Wyoming County Board of Supervisors hereby finds and declares that millions of dollars worth of contracts for goods and services are expended by Wyoming County each year that are necessary to perform essential functions of Wyoming County government, and

WHEREAS, The County Board of Supervisors further finds that the current economic downturn being experienced by New York State is a result of the continued “Great Recession,” and is adversely affecting local business through a reduction in business activity and a concomitant loss of jobs, and

WHEREAS, The Wyoming County Board of Supervisors further finds and determines that many of these contracts are awarded to individuals or entities that are located outside of Wyoming County, and

RESOLUTION NO. 11-69
February 15, 2011
Page 3

WHEREAS, The Wyoming County Board of Supervisors also finds and determines that the award of such contracts to individuals or entities outside of Wyoming County at a time when Wyoming County is experiencing an economic downturn and less economic activity than many neighboring regions have achieved tends to exacerbate the economic difficulty currently experienced in Wyoming County, and

WHEREAS, The Wyoming County Board of Supervisors also determines that the award of such contracts to individuals or entities located within Wyoming County would help promote local economic activity and thereby generate additional sales tax revenues which would alleviate fiscal and budgetary constraints currently being experienced by Wyoming County, and

WHEREAS, The purpose of permitting local governments to provide for local preference procurement rules is to limit the award of such contracts to individuals or entities located and doing business within Wyoming County when practical and in the best interests of the County and to promote the use of local businesses as County vendors and consultants so as to encourage increased economic activity in Wyoming County by putting County tax dollars to work at home, and

WHEREAS, The Wyoming County Board of Supervisors understands the rationale of the statutory mandate that contracts be awarded to the “lowest responsible bidder”, but finds and declares that local preference rules shall be limited to provide for a maximum of ten percent (10%) variance from the established lowest responsible and responsive bidder, if same is not an in-County vendor, would be in the best socio-economic interest of Wyoming County, and

RESOLUTION NO. 11-69**February 15, 2011****Page 4**

WHEREAS, There is a need to amend New York State General Municipal Law sections 100-a and 103 to provide an exception to County Governments to enact Local Laws that would provide for local preference rules for the procurement of goods and services and shall be limited to provide for a maximum of ten percent (10%) variance from the established lowest responsible and responsive bidder, if same is not an in-County vendor, related to the principle of the “lowest responsible bidder” doctrine.

NOW, THEREFORE, BE IT REOLVED By the Wyoming County Board of Supervisors that the New York State Legislature is hereby requested to provide local governments the ability to provide for local preference rules for procurement of goods and services, and

BE IT FURTHER RESOLVED That the Wyoming County Board of Supervisors hereby finds and declares that millions of dollars worth of contracts for goods and services are expended by Wyoming County each year that are necessary to perform essential functions of Wyoming County government, and

BE IT FURTHER RESOLVED, That the Wyoming County Board of Supervisors further finds that the current economic downturn being experienced by Western New York, as a result if the continued “Great Recession”, is adversely affecting local business through a reduction in business activity and a concomitant loss of jobs, and

BE IT FURTHER RESOLVED, That the Wyoming County Board of Supervisors further finds and determines that many of these contracts are awarded to individuals or entities that are located outside of Wyoming County and Western New York, and

RESOLUTION NO. 11-69
February 15, 2011
Page 5

BE IT FURTHER RESOLVED, That the Wyoming County Board of Supervisors also finds and determines that the award of such contracts to individuals or entities outside of both Wyoming County and Western New York at a time when Wyoming County is experiencing an economic downturn and less economic activity than many neighboring regions have achieved tends to exacerbate the economic difficulty currently experienced in Wyoming County, and

BE IT FURTHER RESOLVED, That the Wyoming County Board of Supervisors also determines that the award of such contracts to individuals or entities located within Wyoming County and Western New York would help promote local economic activity and thereby generate additional sales tax revenues which would alleviate fiscal and budgetary constraints currently being experienced by Wyoming County, and

BE IT FURTHER RESOLVED, That the purpose of permitting local governments to provide for local preference procurement rules is to limit the award of such contracts to individuals or entities located and doing business within Wyoming County and Western New York when practical and with the best interests of the County and to promote the use of local businesses as County vendors and consultants so as to encourage increased economic activity in Wyoming County and Western New York by putting County tax dollars to work at home, and

BE IT FURTHER RESOLVED, That the Wyoming County Board of Supervisors understands the rationale of the statutory mandate that contracts be awarded to the “lowest responsible bidder”, but finds and declares that local preference rules shall be limited to provide or a maximum of ten percent (10%) variance, from the established lowest responsible and

RESOLUTION NO. 11-69**February 15, 2011****Page 6**

responsive bidder, if same is not an in-County vendor, would be in the best socio-economic interest of Wyoming County, and

BE IT FURTHER RESOLVED, That there is a need to amend New York State General Municipal Law sections 100-a and 103 to provide County Governments the ability to enact Local Laws that would provide for local preference rules for the procurement of goods and services and shall be limited to provide for a maximum of ten percent (10%) variance from the established lowest responsible and responsive bidder, if same is not an in-County vendor , related to the principle of the “lowest responsible bidder” doctrine, and

BE IT FURTHER RESOLVED That the Clerk of this Board is hereby directed to transmit a certified copy of this resolution to Governor Andrew M. Cuomo, Senate Majority Leader Dean G. Skelos, Senate Minority Leader John L. Sampson, Assembly Speaker Sheldon Silver, Assembly Minority Leader Brian M. Kolb, State Senator Patrick Gallivan, Assemblyman Daniel Burling, all Towns and Villages in Wyoming County, Inter County of Western New York and the New York State Association of Counties.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

#36

RESOLUTION NO. 11-70**(February 15, 2011)**

By Mrs. May, Chairman of Finance Committee:

February 15, 2011

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Page 2

REDUCTION IN SHERIFF’S PETTY CASH APPROVED

BE IT RESOLVED, That the Petty Cash fund in the Sheriff’s Department is hereby reduced from \$1,000.00 to \$500.00; effective immediately.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

Withdrawn
#37

RESOLUTION NO. 11-
(February 15, 2011)

By Mrs. May, Chairman of Finance Committee:

PROCUREMENT POLICY APPROVED

BE IT RESOLVED, That the Wyoming County Procurement Policy and Procedures is hereby approved and Annexed hereto as follows:

Carried: Ayes: Noes: Absent: Abstain:
#38

RESOLUTION NO. 11-71
(February 15, 2011)

By Mrs. May, Chairman of Finance Committee:

SALARY SCHEDULE “S” AMENDED

RESOLUTION NO. 11-71
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Page 2

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":

Animal Control:

- Animal Control Assistant, PT, set the salary at \$15.00/hr., not to exceed 15 hrs./wk, with only those benefits mandated by law; effective January 01, 2011.

Buildings and Grounds:

- Assistant Superintendent of Buildings and Grounds to include a separate stipend of \$7,500.00 annually for additional duties assigned while the Superintendent of Buildings and Grounds is dedicated to the County's Capital Improvement Projects; effective February 15, 2011.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

#39

RESOLUTION NO. 11-72
(February 15, 2011)

By Mrs. May, Chairman of Finance Committee:

POSITION CREATION(S) APPROVED

February 15, 2011

RESOLUTION NO. 11-72
February 15, 2011
Page 2

BE IT RESOLVED, That the one (1) position of Laborer (Per diem) be hereby created within the department of Buildings and Grounds at a rate of \$12.00/hr.; and be it

FURTHER RESOLVED, That one (1) position of Laborer, PT (Temp.) within the department of Buildings and Grounds be hereby abolished as of the close of business January 31, 2011.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

Public Comment:
None

There being no one from the public wishing to speak a motion made by Supervisor Bush, T/Gainesville to close the public hearing. All voted aye.

Close Public Hearing:

Local Law
#40

RESOLUTION NO. 11-73
(February 15, 2011)

By Mr. Rogers, Chairman of Public Safety Committee:

LOCAL LAW NO. 1 (INTRODUCTORY A) - YEAR 2011, “A
Local Law Amending Local Law No. 1 of the year 2007,
Providing for the Administration and enforcement of the New
York State Uniform Fire Prevention and Building Code,”

ADOPTED

Regular Session

RESOLUTION NO. 11-73**February 15, 2011****Page 2**

WHEREAS, There was duly presented and introduced at a meeting of this Board, held on the 3rd day of January, 2011, a proposed local law of the County, designated as Local Law Introductory No. A, for the year 2011, entitled, **A Local Law Amending Local Law No. 1 of the year 2007, Providing for the Administration and enforcement of the New York State Uniform Fire Prevention and Building Code**; and

WHEREAS, In accordance with the provisions of Resolution No. 11-03, there was a public hearing held by this Board of Supervisors on this 15th day of February 2011 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 2011, County of Wyoming, New York, as presented to this Board on the 15th day of February 2011, is hereby adopted, enacted and passed by this Board in its original form as follows:

Section 1. Section 11 of Local Law No. 1 of 2007 is hereby amended to read as follows.

**Section 11. FIRE SAFETY AND PROPERTY
MAINTENANCE INSPECTIONS**

RESOLUTION NO. 11-73
February 15, 2011
Page 3

(a) **Inspections Required.** Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

(1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.

(2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.

(3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every 36 months and/or at intervals consistent with local conditions.

(b) **Inspections Permitted.** In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:

(1) the request of the owner of the property to be inspected or an authorized agent of such owner;

(2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

RESOLUTION NO. 11-73**February 15, 2011****Page 4**

(3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(c) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator under Executive Law section 156-e and Education Law section 807-b.

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 17 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

Section 2. Effective Date.

This Local Law shall become effective upon the filing with the New York State Department of State.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

Prior to the Roll Call Vote being taken Supervisor Grant, T/Bennington informed the Chairman that because of a conflict of interest she will be abstaining from voting on the following local law.

**Local Law
#41**

**RESOLUTION NO. 11-74
(February 15, 2011)**

By Mrs. May, Chairman of Finance Committee:

LOCAL LAW NO. 2 (INTRODUCTORY B) - YEAR 2011, “A Local Law Providing Salaries for Certain County Officers for the Year 2011,” ADOPTED

WHEREAS, There was duly presented and introduced at a meeting of this Board, held on the 3rd day of January, 2011, a proposed local law of the County, designated as Local Law Introductory No. B, for the year 2011, entitled, **A Local Law Providing Salaries for Certain County Officers for the Year 2011**; and

WHEREAS, In accordance with the provisions of Resolution No. 11-10, there was a public hearing held by this Board of Supervisors on this 15th day of February, 2011, 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

RESOLUTION NO. 11-74**February 15, 2011****Page 2**

BE IT ENACTED, That Local Law Introductory No. B, Year 2011, County of Wyoming, New York, as presented to this Board on the 15th day of February 2011, is hereby adopted, enacted and passed by this Board in its amended form as follows:

INTRODUCTORY LOCAL LAW NO. B- YEAR 2011***County of Wyoming, Providing Salaries for Certain County Officers for the year 2011***

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WYOMING AS FOLLOWS:

Section 1. Effective as hereafter provided, the annual salary of the County Treasurer shall be increased by \$1,170.00.

Section 2. Effective as hereafter provided, the annual salary of the County Sheriff shall be increased by \$1,679.00.

Section 3. Effective as hereafter provided, the annual salary of the County Clerk shall be increased by \$1,033.00.

Section 4. Effective as hereafter provided, the annual salary of the Commissioner of Elections (2) shall be increased by \$313.00.

Section 5. Effective as hereafter provided, the annual salary of the County Attorney, PT shall be increased by \$1,272.00.

Section 6. Effective as hereafter provided, the annual salary of the County Highway Superintendent shall be increased by \$1,756.00.

Section 7. Effective as hereafter provided, the annual salary of the Director of Community Services shall be increased by \$1,420.00.

RESOLUTION NO. 11-74
February 15, 2011
Page 3

Section 8. Effective as hereafter provided, the annual salary of the Public Defender, PT shall be increased by \$1,180.00.

Section 9. Effective as hereafter provided, the annual salary of the Commissioner of Public Health shall be increased by \$1,577.00.

Section 10. Effective as hereafter provided, the annual salary of the Director of Real Property Tax Services shall be increased by \$1,351.00.

Section 11. Effective as hereafter provided, the annual salary of the Commissioner of Social Services shall be increased by \$1,463.00.

Section 12. Effective as hereafter provided, the annual salary of the Director of Veteran's Services shall be increased by \$492.00.

Section 13. All salaries set forth above shall be effective as of January 01, 2011.

Section 14. 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 15. This Local Law is subject to permissive referendum.

Carried: XXX Ayes: 1359 Noes: Absent: 57 Covington
45 Pike
102 Total

Abstain: 135 Bennington

Chairman Berwanger asked if there was any Supervisor who objected to the presentation of unanimous consent resolution #42

through #45. Hearing none, the Chairman asked Board Clerk Ketchum to read unanimous consent resolution #42 through #45 prior to the roll call vote.

**Unanimous Consent
#42**

**RESOLUTION NO. 11-75
(February 15, 2011)**

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

**WYOMING COUNTY BOARD OF SUPERVISORS'
RESOLUTION TO OPPOSE STATE TAKING OF
WESTERN'S PARTICIPATING MUNICIPALITY'S ASSETS**

WHEREAS, In September 1973, eleven western New York counties established the Western Regional Off-Track Betting Corporation, they being Cattaraugus, Chautauqua, Erie (and the City of Buffalo), Genesee, Livingston, Monroe (and the City of Rochester), Niagara, Orleans, Seneca, Steuben, and Wayne, as enabled by state law; and

WHEREAS, These municipal "stockholders" chose to exercise that local option to form such a corporation that dictated local control by those municipalities over such gaming activities in their respective communities; and

WHEREAS, The start-up costs of this enterprise were funded solely by these initiating counties from their own treasuries of taxpayer money and represented no state money nor allowed for any state confiscation of this purely local venture; and

WHEREAS, Since those eleven counties voted to form Western Regional Off-Track Betting Corporation, an additional four western New York counties (Wyoming County included) have joined them in the local control of such gaming activities that has since 1973 generated over \$200 Million in operating and surcharge revenues to the taxpayers of those participating municipalities; and

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RESOLUTION NO. 11-75
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Page 2

WHEREAS, Now the incoming governor and both houses of the state legislature are publically proposing a taking of Western OTB's business and its assets by a consolidation of all the regional off-track betting corporations in this state by some state-sponsored private or quasi-governmental interloper that threatens a loss of local revenue, independence, and local oversight of gaming in our communities; and

WHEREAS, The participating municipalities of Western as its shareholders have a *pro-rata* financial interest in the \$39 million of net equity re-invested in its 30-plus corporately-owned branch facilities and the track and casino at Batavia Downs; and

WHEREAS, The reality of such state-sponsored consolidation and takeover the OTB's would rob Western's communities of not only local control but their substantial re-investment of profits to acquire and maintain such money-making assets; now therefore

BE IT RESOLVED, That the Wyoming County of Board of Supervisors with the Board of Directors of the Western Regional Off-Track Betting Corporation, and its individual members representing their respective participating municipality, unalterably oppose such threatened "nationalizing" of Western's business by New York State; and be it

FURTHER RESOLVED, That each governing body of Western's participating municipalities be solicited to join this Board in the opposition to this ill-timed and poorly-conceived proposed take-over by the state; and be it

FURTHER RESOLVED, That the Clerk of this Board be hereby directed to submit copies of this resolution to New York State Governor Andrew Cuomo, Senate Majority Leader, Dean Skelos; Senate Minority Leader, John Sampson; Assembly

RESOLUTION NO. 11-75**February 15, 2011****Page 3**

Majority Leader, Sheldon Silver; Assembly Minority Leader, Brian M. Kolb; Assemblyman Daniel Burling, New York State Senator Patrick Gallivan, and all others deemed appropriate.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total
Unanimous Consent
#43

RESOLUTION NO. 11-76**(February 15, 2011)**

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

**CHAIRMAN AUTHORIZED TO AWARD FOUR (4) BIDS
AND SIGN FOUR (4) SEPARATE CONTRACTS IN
CONNECTION WITH THE WYOMING COUNTY
COMMUNITY HOSPITAL FACILITY RENOVATION
PROJECT ON BEHALF OF THE COUNTY OF WYOMING**

WHEREAS, The Wyoming County Board of Supervisors in partnership with the Wyoming County Community Hospital Board of Managers has determined that the facility located at 400 North Main Street is in need of extensive repair and as a result on March 09, 2010 this Board of Supervisors passed resolution number 10-138 entitled, ***“WYOMING COUNTY COMMUNITY HOSPITAL RENOVATIONS CAPITAL IMPROVEMENT PROJECT ESTABLISHED;”*** now therefore

February 15, 2011

RESOLUTION NO. 11-76
February 15, 2011
Page 2

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 the following bids and sign contracts with the following contractors for the reconstruction of the Wyoming County Community Hospital located at 400 North Main Street, Warsaw, NY 14569:

- **Site Work:**

DiFiore Construction, Inc. \$2,064,000.00
 155 Pool Street, Rochester, NY 14606

- **Concrete/Foundations and Masonry (General Construction):**

Christa Construction, LLC \$1,032,000.00
 119 Victor Heights Pkwy, Victor, NY 14564-8938

- **Site Electrical:**

Schuler-Haas Electric, Corp. \$286,000.00
 250 Mt. Hope Avenue, Rochester, NY 14620

- **Steel:**

Hudson Steel Fabricators & Erectors, Inc. \$924,970.00
 PO Box 31547, 444 Hudson Avenue, Rochester, NY 14609

Total of Bids: \$4,306,970.00

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

Chairman Berwanger, T/Arcade invited Supervisor Patti, T/Attica, Chairman of the Public Works Committee and the WCCH Building Committee. Supervisor Patti presented the following statement:

We are very pleased to announce that the first round of bids for the long-awaited upgrades to the Wyoming County Community Hospital and Skilled Nursing Facility at 400 North Main Street has been awarded. This expenditure approved by the County represents a 4.3 million dollar portion of the total capital improvement project, which is estimated at 21 million dollars.

Our local health care system, which is governed by an independent Board of Managers and led by Dr. James Wawrzyniak, has recommended that we, the County's Board of Supervisors, pass a resolution to award the following bids and commence Phase One of construction. And the bids will go to:

- *DiFiore Construction Incorporated of Rochester, NY for Site Work,*
- *Christa Construction (a limited liability corporation) of Victor, NY for Concrete Foundations, and Masonry,*
- *Schuler-Haas Electric Corporation of Rochester, NY for Electrical and finally,*
- *Hudson Steel Fabricators & Erectors, Inc (Rochester, NY) for Structural Steel.*

During the first phase of construction, we will modify surface parking lots to accommodate 20 additional parking spaces. We will greatly improve accessibility for patients and visitors by making our front entrances wheelchair accessible. We will also begin framing out the new addition, which will include a new Emergency Department, Surgical wing, and Women's Health Center.

We are determined to have a shovel in the ground...or a bulldozer on site...on or before April 1st. When construction is complete after two years, our facility will boast a patient-centered facility with improved accessibility, enhanced technology, and new state-of-the-art equipment. Our employees, patients, and visitors will appreciate the new appearance and distinction of the campus.

In order to ensure a seamless transition, we have assembled a dynamic task force that has coordinated and will continue to coordinate all aspects of the project from beginning to end. Our task force is comprised of talented individuals from the both the County and the hospital's board of managers.

We want to take a moment to sincerely thank our hard-working employees, who will continue to provide quality care amid the necessary inconveniences of construction...the growing pains of progress.

We also wish to thank our community and our donors for their continued support. This project represents the largest capital improvement project in our County's history and would not be possible without the generous support of individual and company donations, which totaled nearly five million dollars.

**Unanimous Consent
#44**

**RESOLUTION NO. 11-77
(February 15, 2011)**

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

**WYOMING COUNTY BOARD OF SUPERVISORS
RESOLUTION SEEKING ASSISTANCE IN OBTAINING
MANDATE RELIEF AS IT RELATES TO WYOMING
COUNTY'S RESPONSIBILITY UNDER THE LAW TO
ASSIGN COUNSEL TO INDIGENT PAROLEES
PURSUANT TO EXECUTIVE LAW §259**

WHEREAS, Wyoming County is seeking the assistance of the New York State Legislature obtaining mandate relief as it relates to Wyoming County's responsibility under the law to assign counsel to indigent parolees pursuant to Executive Law §259; and

RESOLUTION NO. 11-77**February 15, 2011****Page 2**

WHEREAS, The Wyoming County Board of Supervisors believes that it is important to point out the special case to be made for Wyoming County's Indigent Parolee representation program as it pertains to parole, parole release, and parole revocation; and

WHEREAS, Between 1978 and 2009, Wyoming County was reimbursed for reasonable expenses associated with its mandate to assign counsel to represent indigent parolees. Over the years, that funding shifted from the Governor's proposed budget, to Assembly-legislative add-ons, and over the past several years, to Senate legislative add-ons. In fiscal year 2010, the program was at least partially funded by the State through an appropriation of \$80,000.00 through the Federal Byrne Funding Program. The 2010 amount of \$80,000.00 reflects a reduction from the prior years of \$180,000.00 of yearly funding; and

WHEREAS, The service to indigent parolees in Wyoming County has been provided, since April 1, 1981, by the Wyoming County-Attica Legal Aid Bureau. This program represents approximately 300-340 clients a year. What is unique about this program, as compared to all of the other institutionalized providers to indigent parolees, is that well over 90% of the clients are state inmates. While, of course, some of the individuals represented are Wyoming County residents, the vast majority of the clients are individuals who are not residents of Wyoming County but individuals in state custody, 50% of whom were sentenced from the City of New York and an additional 12% of whom are serving sentences from the suburban New York counties such as Nassau, Rockland, Suffolk, and Westchester; and

WHEREAS, Mandate relief is an important aspect of Governor Cuomo's budget message. In most situations involving unfunded mandates, the recipients of services provided by the

RESOLUTION NO. 11-77
February 15, 2011
Page 3

county are at least county residents. In reviewing the Indigent Parolee Program, in Wyoming County the recipients of this service are, for the most part, not residents of this county. We must provide the service because they are incarcerated in one of the two state facilities situated in the county. These individuals are entitled to mandated representation, both constitutionally and statutorily. Indeed, the Governor's proposed Article 7 budget bill to merge Parole and the Department of Correctional Services continues the existing mandate that this service be provided by the county. There can be no stronger argument for the economic responsibility of this program to be borne by the state and not solely by the citizens of Wyoming County; and

WHEREAS, In recognizing the economic difficulties facing not only the county, but New York State, we are prepared to "tighten our belts" by cutting the cost of this program. Prior to 2010, the program was funded at a \$180,000.00 level. In 2010, the program was woefully underfunded, but it did receive \$80,000.00 of Byrne funding. In order to function with this drastic cut, the Legal Aid Bureau has eliminated one part time attorney from the program. It has also used reserved funding to cover its deficit, but would be unable to do so in the future. Should the pre-2010 appropriation of \$180,000.00 be reduced by 25%, then the appropriation would amount of \$135,000.00. Even at a caseload of 300 parole matters per year, this would amount to approximately \$450.00 per case. This figure is far lower than what would be anticipated if these cases were assigned to private attorneys under an assigned counsel plan which would pay \$75.00 per hour; and

WHEREAS, This present means of representation through contract with Legal Aid provides a cost effective means of providing quality mandated representation through a proven

RESOLUTION NO. 11-77**February 15, 2011****Page 4**

program which by any logic should be funded by the State of New York; now therefore;

BE IT RESOLVED, That the Wyoming County Board of Supervisors respectfully insists that funding for this constitutionally mandated program must be in any final budget and we ask that you support us in this effort; be it

FURTHER RESOLVED, That the Clerk of this Board be hereby directed to submit copies of this resolution to New York State Governor Andrew Cuomo, Senate Majority Leader, Dean Skelos; Senate Minority Leader, John Sampson; Assembly Majority Leader, Sheldon Silver; Assembly Minority Leader, Brian M. Kolb; Assemblyman Daniel Burling, New York State Senator Patrick Gallivan, Wyoming County Public Defender Norm Effman and all others deemed appropriate.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total
Unanimous Consent
#45

RESOLUTION NO. 11-78
(February 15, 2011)

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

SCRAP MATERIALS POLICIES AND PROCEDURES
ADOPTED

February 15, 2011

RESOLUTION NO. 11-78**February 15, 2011****Page 2**

BE IT RESOLVED, That the Wyoming County Scrap Materials Policies and Procedures is hereby approved and annexed hereto as follows:

***Wyoming County
Scrap Materials
Policies and Procedures***

1. Department Responsibilities. County Departments that produce scrap metals or other materials through normal operations or dispose of junked assets and equipment that contain metal or other materials that possess scrap value are responsible for disposing of the materials in a manner which is environmentally responsible and in the best financial interests of Wyoming County. Prior to their disposal, all fixed assets must be declared as surplus items according to the Wyoming County Disposition of Assets Policy.

2. Financial Tracking. Any County Department that disposes of scrap materials shall maintain accurate records for all transactions including weight slips, invoices and receipts. County employees shall not receive cash for any transaction involving the disposal of scrap materials. Scrap processors and vendors shall be required to make payment via check or other electronic transaction directly to the Wyoming County Treasurer's Office. County employees delivering the scrap to the vendor must provide a copy of the dealer's slip documenting the transaction back to the County Department and a copy is to be provided to the Treasurer's Office to allow the Treasurer to match their slip when processing the check.

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Page 3

Storage of Materials. County Departments should deliver scrap materials to processors and vendors as frequently as practical. When the storage or accumulation of scrap materials is required, county departments shall make every effort to secure and control these items from access by the public or from unauthorized employees.

- 3. Authorized Employees. Each Department Head shall be responsible for designating employees that are authorized to collect, handle and process scrap materials. These employees shall be briefed on scrap materials policies and procedures. Only authorized employees shall deliver scrap materials to processors and other vendors. Employees will be required to show employment identification (i.e. County ID Badge) to scrap processors proving they are dealing scrap on behalf of the County of Wyoming. Employees are prohibited from using County vehicles or County ID when disposing of scrap materials under personal or private transactions.

Carried: XXX Ayes: 1494 Noes: Absent: 57 Covington Abstain:
45 Pike
102Total

There being no further business to come before this Board, Senior Supervisor Bush, T/Gainesville, adjourned the meeting at 3:40 PM with a rap on his desk.

Respectfully submitted,
Cheryl J. Ketchum
 Cheryl J. Ketchum, Board Clerk

REGULAR SESSION
(March 08, 2011)
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 Dadd; Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Brenda Ferrell.

At 2:41 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance for the February 15th Meeting is:

LAWRENCE HALEY

Mr. Haley's service to his country comes while serving during World War II. He enlisted in the United Coast Guard in 1943 and took his Basic Training at Sheepshead Bay, New York City. His Advanced Individual Training was "On the Job Training" in Deck Maintenance, aboard his first assigned ship, the USS George Washington. The USS George Washington was a Troop Carrier delivering troops in the Atlantic against Germany.

A year later, Mr. Haley transferred to the Merchant Marines and served aboard the USS Cranston Victory, a Cargo Carrier and then the USS Edward Sparrow, a Cargo Carrier. He took part in invasions and battles at: Normandy & Marseille in France and Nagoya, Japan.

Mr. Haley returned to the United States and was Honorably Discharged in 1946.

For his service to his country Mr. Haley was awarded:

The Merchant Marine Emblem
The Atlantic War Zone Bar
The Pacific War Zone Bar

Following the War, Mr. Haley returned to this area and went to work in road construction for the Holmes & Murphy Construction Company. He worked construction for the next 20 years before changing vocation and became self-employed and co-owned the Spencer & Haley Sand and Gravel Company for the next 20 years until his retirement in 1990.

Mr. Haley now spends much of his time as a real estate agent for Metro-Zientek Reality. In 2009, he went to Washington D.C. by bus in the equivalent of the Honor Flight. Mr. Haley was also recognized in 2010 by both the New York State Senate and Assembly with Certificates of Merit.

Mr. Haley and his wife Jane live in Arcade. They have been married for 61 years and have 7 grown children.

The pledge was said by all.

Chairman Berwanger presented Mr. Haley with the customary certificate of appreciation and an opportunity to address the Board. At which time Mr. Haley took the opportunity to share a few stories that the Board really enjoyed. Chairman Berwanger informed Mr. Haley that Clerk Ketchum's Grandfather was Enos Miller, the gentleman he purchased one of his homes in Arcade from. Mr. Haley remembered the Clerk's Grandfather and shared a brief story about one of his memories.

Communications:

None provided for the month of March.

March 8, 2011

**RESOLUTION NO. 11-79
(March 08, 2011)**

By Mrs. May, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2011 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2011 accounts as follows:

Sheriff			
From: 01.37.3620.4.40502 Leasing To: 01.37.3110.4.40502 Leasing Reason: To move the appropriation for the 2009 Ford Escape transferred from the Building & Codes Department to the Sheriff Department.	\$5,155.29	\$5,155.29	
Sheriff Total			\$5,155.29
Emergency Services			
From: 01.37.3645.4.40301 Professional Svc. To: 01.37.3645.2.20401 Misc. Equipment Reason: To move Homeland Security Funding to the appropriate expense account.	\$21,479.75	\$21,479.75	
Emergency Services Total			\$21,479.75

Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain:

**RESOLUTION NO. 11-80
(March 08, 2011)**

By Mrs. May, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2010 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2010 accounts as follows:

WCCH			
To: 02.56.4510.1.10101 Full Time CSEA	\$214,132.32		
02.56.4510.4.42501 Contractual Hosp	814,909.60		
02.56.4510.8.83001 FICA	48.38		
02.56.4510.8.85001 Medicare – FICA	11.32		
02.56.4510.8.86001 EAP	8,475.00		
w/02.04.4510.1635 Hospital Income		\$1,037,576.62	
Reason: To cover year end payables and accruals relating to 2010 hospital expenditures.			
WCCH Total			\$1,037,576.62

**Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain:
#3**

**RESOLUTION NO. 11-81
(March 08, 2011)**

By Mrs. May, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2011 ACCOUNTS

March 8, 2011

RESOLUTION NO. 11-81
March 8, 2011
Page 2

BE IT RESOLVED, That funds are hereby appropriated to the various 2011 accounts as follows:

IDA			
To: 01.42.6421.4.42477 Small Cities Grant w/01.12.6421.408916 Federal Aid Reason: To re-appropriate unspent funds for Various Small Cities (CDBG) Grant projects.	\$31,126.00	\$31,126.00	
IDA Total			\$31,126.00
Planning			
To: 01.48.8020.4.42487 Water Efficiency Study w/01.11.8020.3089 State Aid <i>w/any funds available (10% match)</i> Reason: To re-appropriate unspent funds relating to the Water Feasibility Study Grant.	\$39,105.10	\$35,194.59 3,910.51	
Planning Total			\$39,105.10
Sheriff			
To: 01.37.3110.2.23001 Cars w/01.13.3110.5031 Interfund Transfer Reason: To allow for CIP funds to be transferred to purchase new patrol cars.	\$100,000.00	\$100,000.00	
Sheriff Total			\$100,000.00
Board of Supv. /Legis.			
To: 01.31.1010.4.41404 Copier <i>From any funds available</i> Reason: To cover "per click" Toshiba charges associated with color copier / printer 2011.	\$1,200.00	\$1,200.00	
Board of Supv. /Legis.			\$1,200.00
Youth Bureau			
To: 01.45.7310.4.42434 Stars of Tomorrow w/01.03.7310.1289 – Other Dept Income Reason: use for the Hidden Valley Animal Adventure Program (Partner's for Prevention Micro grant) which will incorporate a drug/alcohol awareness message to families.	\$250.00	\$250.00	
Youth Bureau Total			\$250.00

RESOLUTION NO. 11-81**March 8, 2011****Page 3**

Public Health			
To: 01.38.4010.2.20201 Computer Equip.	\$2,286.00		
01.38. 4010.2.20401 Misc. Equipment	10,725.00		
01.38. 4010.4.42463 Novel H1N1	11,989.00		
w/01.12.4010.448915 General Fund – Public Health Preparedness HRI		\$25,000.00	
Reason: To appropriate for the Revised HRI contract award for PHP 2010-2011 to include H1N1 allocation Effective 08/10/10 through 08/09/11. Resolution #10-347.			
Public Health Total			\$25,000.00
Emergency Services			
To: 01.37.3645.2.20401 Misc. Equipment	\$14,913.89		
w/01.12.3645.438901 Federal Aid		\$14,913.89	
Reason: To rollover unspent Homeland Security grant funds for WM08838880 from 2010 budget year.			
Emergency Services Total			\$14,913.89

Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain:

Mr. Bush, T/Gainesville, Chairman of the Audit Committee, presented bills totaling **\$2,289,647.46** for the month of **February 2011**.

Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain:
#4

RESOLUTION NO. 11-82
(March 08, 2011)

By Mrs. Totsline, Chairman of Human Services Committee:

**CHAIRMAN / COMMISSIONER OF SOCIAL SERVICES
AUTHORIZED TO SIGN A GRANT APPLICATION AND
ACCEPTANCE AWARD WITH NEW YORK STATE
OFFICE OF CHILDREN AND FAMILY SERVICES ON
BEHALF OF THE DEPARTMENT OF SOCIAL SERVICES**

March 8, 2011

RESOLUTION NO. 11-82
March 8, 2011
Page 2

BE IT RESOLVED, That the Chairman of this Board with the Commissioner of Social Services with the approval of the County Attorney is hereby authorized and directed to sign a Grant Application and Acceptance Award with New York State Office of Children and Family Services (Cheri Doolittle/Contract Manager), 53 Washington Street, Rensselaer NY 12144 on behalf of the Department of Social Services. Said grant is to provide funding to all agencies operating an approved or certified residential and/or non-residential Domestic Violence Program / Reimbursement for DV staff, in a minimum amount of fifty four thousand seven hundred seventy-four dollars (\$54,774.00); effective March 11, 2011 through March 30, 2012.

Carried: XXX Ayes: 1461 Noes: Absent: 135
Bennington Abstain:

There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #5 through #7. Chairman Berwanger added UC #28. Chairman Berwanger asked if there was any Supervisor who objected to the presentation of unanimous consent resolution #28. Hearing none, the Chairman asked Board Clerk Ketchum to read resolutions #5 through #7 as well as Unanimous Consent Resolution #28 prior to the roll call vote. A voice vote was taken and all voted aye.

#5

RESOLUTION NO. 11-83
(March 08, 2011)

By Mr. Kushner, Chairman of Public Health Committee:

APPROVING SOLE SOURCE PROCUREMENT
FOR THE WYOMING COUNTY HEALTH DEPARTMENT

RESOLUTION NO. 11-83**March 8, 2011****Page 2**

WHEREAS, The Commissioner of Public Health, in consultation with the Director of Fire and Emergency Management has identified the need to procure certain supplies essential to respond to future emergencies, ensuring the public health and safety of the residents of Wyoming County by providing appropriate emergency response capacity; and

WHEREAS, Helmer, 14395 Bergen Boulevard, Noblesville, Indiana is the sole manufacturer of Horizon Series single door Laboratory Refrigerators and Freezers that provide proper and safe storage of vaccine. The Wyoming County Health Department has confirmed that there are no other manufacturers or vendors of Horizon Series Laboratory Refrigerators or Freezers and Helmer sells direct to consumers in the United States; and

WHEREAS, Sky Signs Balloons, Ltd. dba FAST Shelter, 659 South Second Avenue, Phoenixville, Pennsylvania is the sole manufacturer of FAST Shelter inflatable workstations that will improve the ability of the Health Department to respond quickly to an emergency in Wyoming County. The Wyoming County Health Department has confirmed that there are no other manufacturers or vendors of FAST Shelter inflatable workstations and FAST Shelter sells direct to consumers in the United States; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby authorizes the Wyoming County Health Department to negotiate the sole source purchase contracts described above for an amount not to exceed twenty thousand dollars (\$20,000.00) in total; and be it

FURTHER RESOLVED, That the sole source purchase contracts described above shall be subject to the approval of the County Attorney pursuant to this Resolution and further subject to the availability of funds.

Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain:

March 8, 2011

**RESOLUTION NO. 11-84
(March 08, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN / COMMUNITY SERVICES DIRECTOR
AUTHORIZED TO SIGN A CONTRACT WITH WCJW ON
BEHALF OF THE MENTAL HEALTH DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board and the Community Services Director with the approval of the County Attorney are hereby authorized and directed to sign a contract with WCJW, Merchant Road, Warsaw, NY 14569 on behalf of Mental Health. Said contract is for the NASCAR 2011 Premier Sponsorship Plan for advertising in regard to problem gambling in an amount not to exceed three thousand five hundred eighty-eight dollars (\$3,588.00); effective February 01, 2011 through January 31, 2012. 100% State Aid.

Contingent upon the availability of funds.

**Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain:
#7**

**RESOLUTION NO. 11-85
(March 08, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

RESOLUTION NUMBER 10-416 AMENDED

RESOLUTION NO. 11-85**March 08, 2011****Page 2**

WHEREAS, Resolution Number 10-416 entitled **“CHAIRMAN AUTHORIZED TO SIGN 2011 RENEWAL CONTRACTS ON BEHALF OF MENTAL HEALTH,”** passed by this Board of Supervisors on December 14, 2010 and provides for various contracts on behalf of Mental Health for the year 2011, contingent upon the availability of funds; now therefore

BE IT RESOLVED, That Resolution Number 10-416 be hereby amended to increase the contracts with Mental Health Association of Rochester/Monroe County, 320 North Goodman Street, Rochester, NY 14607 due to an increase in State aid of five thousand five hundred eighty-five dollars (\$5,585.00) for the PREP Program. The total amount of said contract is increased to two hundred twenty-one thousand one hundred fifty-six dollars (\$221,156.00). 100% State Aid. No County Levy. All else remains the same.

**Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain:
Unanimous Consent
#28**

RESOLUTION NO. 11-86**(March 08, 2011)**

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

**DEVELOPMENTAL DISABILITIES AWARENESS MONTH
PROCLAIMED**

WHEREAS, Developmental disabilities affect more than seven million Americans and their families, which is nearly two percent of the country’s total population; and

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Page 2

WHEREAS, Every person, regardless of their abilities, has valuable strengths, infinite capacity to learn and the potential to make important contributions to their local communities; and

WHEREAS, It is often preconceived ideas, attitudes and human barriers that affect everyday life for an individual who has a disability. In addressing those barriers through positive awareness efforts, fears, negative attitudes and old stereotypes can be replaced with the knowledge and understanding needed to create communities that welcome and celebrate diversity; and

WHEREAS, Celebrating the abilities and contributions of people with developmental disabilities can only serve to enrich the communities of Wyoming County; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby proclaim *March 2011* as:

Developmental Disabilities Awareness Month

in Wyoming County and urges the citizens of Wyoming County to give full support to efforts towards enabling people with developmental disabilities to live full and productive lives of inclusion in our communities.

Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain:

After Supervisor Bush, T/Gainesville read the above proclamation he introduced Chris Peterson (Exec Director) and Jeff Thomas (PR) from Livingston Wyoming Arc, along with Gretchen Jackson, who chairs the MRDD Subcommittee. He also stated that the ARC was very instrumental in support of his brother's care and independence.

Many of the individuals introduced spoke in favor of the programs and agencies providing services to Wyoming County residents.

#8

**RESOLUTION NO. 11-87
(March 08, 2011)**

By Mrs. Meeder, Chairman of 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 and provides for the following supplemental contracts with the New York State Board of Elections, 40 Steuben St., Albany, NY 12207

- Supplement to Prior Agreement #T002698 (#1. New York State 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 twelve thousand one hundred six dollars (\$12,106.00) in reimbursements; effective date extended April 01, 2008 through March 31, 2009.
- Supplement to Prior 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, 2008 through March 31, 2009.

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Page 2

- Supplement to Prior 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, 2008 through March 31, 2009; and

WHEREAS, That Resolution No. 09-125 passed by this Board of Supervisors on March 10, 2009 be amended to extend Prior Agreement #T002582 (#3. Voter Education / Pollworker Training Program) in the amount of twenty-four thousand two hundred thirteen dollars (\$24,213.00); effective April 01, 2009 through March 31, 2010; and

WHEREAS, That Resolution No. 10-73 passed by this Board of Supervisors on February 05, 2010 be amended to extend Prior Agreement #T002582 (#3. Voter Education / Pollworker Training Program) in the amount of twenty-four thousand two hundred thirteen dollars (\$24,213.00); effective April 01, 2010 through March 31, 2011; now therefore

BE IT RESOLVED, That Resolution Number 07-400 as amended by Resolution #09-125 and Resolution #10-73 be hereby further amended to extend Prior Agreement #T002582 (#3. Voter Education / Pollworker Training Program) in the amount of twenty-four thousand two hundred thirteen dollars (\$24,213.00); effective April 1, 2011 to March 31, 2012; all else remains the same.

Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain: #9

RESOLUTION NO. 11-88
(March 08, 2011)

Regular Session

RESOLUTION NO. 11-88**March 08, 2011****Page 2**

By Mr. Gozelski, Chairman of Agriculture Committee:

**EARL DOMINESEY REAPPOINTED TO THE SENECA
TRAIL RESOURCE CONSERVATION & DEVELOPMENT
COUNCIL**

BE IT RESOLVED, That *Earl Dominesey*, 3288 Cattaraugus Rd., Varysburg, NY 14167 be hereby reappointed to the Seneca Trail Resource Conservation and Development Council *for a term of three (3) years; effective January 01, 2011 through December 31, 2013.*

**Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain:
#10**

**RESOLUTION NO. 11-89
(March 08, 2011)**

By Mr. Fleischman, Chairman of Planning Committee:

**RESOLUTION TO AMEND SUB-RECIPIENT
AGREEMENTS FOR CDBG PROJECTS WITH THE
WYOMING COUNTY INDUSTRIAL DEVELOPMENT
AGENCY**

WHEREAS, The Wyoming County Industrial Development Agency (WCIDA) in recent years has successfully completed applications to New York State and has brought into Wyoming County more than \$1.5 million in Community Development Block Grants for economic development projects; and

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RESOLUTION NO. 11-89
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Page 2

WHEREAS, The WCIDA has recently created the Wyoming County Business Assistance Corporation (Loan Corp.) to administer its loan portfolio, including CDBG loans; and the Wyoming County Business Center (WCBC) has been designated to administer Micro Loan programs,; and

WHEREAS, The efficient administration of these CDBG awards, namely #1279ED537-05, #1279ED578-06, #1279ED591-07, #1279SB686-09, #1279ED673-09, #1279SB702-10, #1279ED705-10,#1279ME41-06, and B99-DH-360293 will require revised sub-recipient agreements in order to facilitate transfers into the appropriate local development corporations; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors agrees with the reassignment of CDBG awards and grants any loan repayments to the appropriate LDC to provide financial assistance to other Wyoming County businesses that will create additional job opportunities for county residents; and be it

FURTHER RESOLVED, That the Chairman of this Board of Supervisors is hereby authorized as the official representative of Wyoming County, New York, to execute revised sub-recipient agreements and is hereby authorized, upon review and approval of the County Attorney to take all actions needed for the completion of these award transfers.

Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain:

There was a motion by Mr. Rogers T/Pike, to combine resolutions #11through #13. A voice vote was taken and all voted aye.

**RESOLUTION NO. 11-90
(March 08, 2011)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT
WITH WYOMING COUNTY – ATTICA LEGAL AID
BUREAU, INC. ON BEHALF OF THE PUBLIC
DEFENDER’S OFFICE**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign an agreement with Wyoming County - Attica Legal Aid Bureau, Inc., 18 Linwood Ave., Warsaw, NY 14569 on behalf of the Public Defender’s Office. Said agreement is for the Indigent Parolee Program in an amount not to exceed eighty thousand dollars (\$80,000.00); effective January 01, 2011 through December 31, 2011.

Contingent upon the availability of funds.

**Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain:
#12**

**RESOLUTION NO. 11-91
(March 08, 2011)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A LETTER OF
UNDERSTANDING WITH WYOMING COUNTY – ATTICA
LEGAL AID BUREAU, INC. ON BEHALF OF THE PUBLIC
DEFENDER’S OFFICE**

March 8, 2011

RESOLUTION NO. 11-91
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Page 2

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 Wyoming County - Attica Legal Aid Bureau, Inc., 18 Linwood Ave., Warsaw, NY 14569 on behalf of the Public Defender's Office. Said Letter of Understanding is for the Alternatives to Incarceration Data-Day Program in an amount not to exceed sixteen thousand three hundred fifty-six dollars (\$16,356.00); effective January 01, 2011 through December 31, 2011.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain:
#13

RESOLUTION NO. 11-92
(March 08, 2011)

By Mr. Rogers, Chairman of Public Safety Committee:

SET PUBLIC HEARING – INTRODUCTORY LOCAL LAW
NO. C YEAR 2011

WHEREAS, There has been duly presented and introduced at a meeting of this Board of Supervisors of Wyoming County on this 8th day of March 2011, a proposed local law entitled, "Local Law Introductory No. C, Year 2011, **"A LOCAL AMENDING LOCAL LAW NO. 11, YEAR 1996, ENTITLED, A LOCAL LAW REPEALING LOCAL LAW NO. 14 OF 1987 AND REGULATING OUTDOOR PUBLIC MUSICAL ENTERTAINMENT, AMUSEMENTS AND ASSEMBLIES,"** and

RESOLUTION NO. 11-92**March 08, 2011****Page 2**

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 April, 2011 at 2:30 PM at the Wyoming County Government Center, Supervisors' Chambers, 2nd Floor, Warsaw, New York.

Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain:

There was a motion by Mr. Patti, T/Attica, to combine resolutions #14 through #16. A voice vote was taken and all voted aye.

#14**RESOLUTION NO. 11-93****(March 08, 2011)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT
WITH T. Y. LIN INTERNATIONAL 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 T.Y. Lin International, 250 East Avenue, Rochester, NY 14604 on behalf of County Highway. Said agreement is for Professional Engineering/Design/Right of Way for the Allen Street Bridge over Oatka Creek, Town of Warsaw. BIN 3320300 in an amount not to exceed one hundred sixty-four thousand dollars (\$164,000.00).

March 8, 2011

RESOLUTION NO. 11-93
March 08, 2011
Page 2

Contingent upon the availability of funds.

Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain:
#15

RESOLUTION NO. 11-94
(March 08, 2011)

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO AWARD BIDS AND SIGN
VARIOUS CONTRACTS ON BEHALF OF THE DSS
RENOVATION CAPITAL IMPROVEMENT PROJECT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to award bids and sign the following contracts on behalf of the Department of Social Services Renovation Capital Improvement Project as follows:

- *Ken's Carpet Center, 85 S. Main St., Warsaw, NY 14569,*
1. **Installation of carpet, VCT, and cove base** at the Wyoming County DSS building, in an amount not to exceed seven thousand nine hundred twelve dollars (**\$7,912.00**). Starting **ASAP**, to be completed by December 31, 2011.
 2. **Material and installation of Johnsonite Rubber Flooring** at the Wyoming County DSS building, in an amount not to exceed nine thousand four hundred ninety-eight dollars and twelve cents (**\$9,498.12**). Starting **ASAP**, to be completed by December 31, 2011.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain:

**RESOLUTION NO. 11-95
(March 08, 2011)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH NOMAD ENTERPRISES, 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 renewal contracts with NOMAD Enterprises, Inc., 6270 Abbott Road, Silver Springs, NY 14550 on behalf of Buildings and Grounds. Said contract is for lawn maintenance services at the various County buildings in an amount not to exceed ten thousand five hundred forty-five dollars (\$10,545.00); effective April 1, 2011 through November 30, 2011.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain:

There was a motion by Mrs. May, T/Orangeville, to combine resolutions #17 through #24. A voice vote was taken and all voted aye.

#17

**RESOLUTION NO. 11-96
(March 08, 2011)**

By Mrs. May, Chairman of Finance Committee:

RESOLUTION NO. 11-96
March 08, 2011
Page 2

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH BONADIO & COMPANY, LLP (DONALD T.
EICHENAUER, CPA, PARTNER) ON BEHALF 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 Bonadio & Co., LLP (Donald T. Eichenauer, CPA, Partner) 171 Sully's Trail, Pittsford, NY 14534 on behalf of the Board of Supervisors. Said contract is for Interim Assistance related to many of the roles normally performed by the CEO of the hospital. Implementation of Approved recommendations resulting from the Entity Operational Financial Review; Assistance with the Search for a permanent CEO and Strategic Planning Assistance in the amount of \$250/hr. for Don Eichenauer & other TBG Partner Level Individuals, \$155/hr for manager level individuals; \$100/hr for senior & staff level individuals, plus travel/mileage for special meetings; effective February 01, 2011.

Contingent upon the availability of funds.

**Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain:
#18**

RESOLUTION NO. 11-97
(March 08, 2011)

By Mrs. May, Chairman of Finance Committee:

WYOMING COUNTY PURCHASING POLICY ADOPTED

RESOLUTION NO. 11-97**March 08, 2011****Page 2**

BE IT RESOLVED, That this Board of Supervisors does hereby approve and adopt the Purchasing Policy for the County of Wyoming as presented to this Board for all County departments, except the Wyoming County Community Hospital which shall maintain their own procedures; and be it

FURTHER RESOLVED, That all County departments shall be responsible for the implementation and adherence to the attached Policy.

**Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain:
#19**

RESOLUTION NO. 11-98**(March 08, 2011)**

By Mrs. May, Chairman of Finance Committee:

**RECORDING AND TRANSMITTING OF PUBLIC
MEETINGS PURSUANT TO PUBLIC OFFICERS LAW
SECTION 103(d)**

WHEREAS, Pursuant to Public Officers Law Section 103(d), as of April 1, 2011, any meeting of a public body shall be open to photography, broadcast, webcast or otherwise recorded and/or transmitted by audio/video means; now therefore

BE IT RESOLVED, That to effectuate this statutory mandate, the Wyoming County Board of Supervisors hereby determines that all public meetings of the Wyoming County Board of Supervisors and all public meetings of any constituent committee, department or group of public employees associated with the County of Wyoming may be recorded or photographed

March 8, 2011

RESOLUTION NO. 11-98
March 08, 2011
Page 2

consistent with the terms of Public Officers Law Section 103(d);
and it is further

RESOLVED, That the Wyoming County Board of Supervisors shall adopt rules regarding access to the public meetings for purposes of Public Officers Law Section 103(d), and said rules shall generally relate to the number, location and operational details regarding recording or recording equipment and other matters relating to Public Officers Law Section 103(d); and it is further

RESOLVED, That the Wyoming County Board of Supervisors shall cause such rules to be available to the public pursuant to Public Officers Law Section 103(d).

**Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain:
#20**

RESOLUTION NO. 11-99
(March 08, 2011)

By Mrs. May, Chairman of Finance Committee:

POSITION FILL(S) APPROVED

BE IT RESOLVED, That permission is hereby granted to fill the following vacancies:

RESOLUTION NO. 11-99**March 08, 2011****Page 2****Department of Social Services:**

- Sr. Account Clerk (1.00 FTE), schedule A grade 6, \$15.37 – 17.14/hr.; effective February 18, 2011. (Vacated by T. Forsyth Child Support Unit), budgeted.

Sheriff's Department:

- Correction Officer (F.T.), position vacated by B. Strathearn; salary \$17.71-\$21.72 hr, 40 hrs/week, budgeted.
- Correction Officer (P.T.), position vacated by TBD; salary \$17.71-\$19.36 hr, 0-40 hrs/week, budgeted.

**Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain:
#21**

**RESOLUTION NO. 11-100
(March 08, 2011)**

By Mrs. May, Chairman of Finance Committee:

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

BE IT RESOLVED, That the following members are hereby reappointed to **Inter-County of Western New York**:

Member

One (1) year term; effective January 01, 2011 through December 31, 2011

- 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

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RESOLUTION NO. 11-100
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Page 2

Alternate Member

One (1) year term; effective January 01, 2011 through December 31, 2011

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

**Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain:
#22**

RESOLUTION NO. 11-101
(March 08, 2011)

By Mrs. May, Chairman of Finance Committee:

**HIPAA AND CORPORATE COMPLIANCE
OFFICERS REAPPOINTED**

BE IT RESOLVED, That the following persons are hereby reappointed to the following HIPAA and Corporate Compliance Officer Positions, for a term of one (1) year, said term to expire December 31, 2011:

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

**Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain:
#23**

**RESOLUTION NO. 11-102
(March 08, 2011)**

By Mrs. May, Chairman of Finance Committee:

**JOSEPH KUSHNER REAPPOINTED TO THE WYOMING
COUNTY COMMUNITY HOSPITAL BOARD OF
MANAGERS**

BE IT RESOLVED, That Joseph Kushner (T/Eagle) 3468 E. Main St., Bliss, NY 14024 be hereby reappointed to the Wyoming County Community Hospital Board of Managers as the Supervisor Member for a term of one (1) year; effective January 01, 2011 through December 31, 2011.

Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain:

#24

**RESOLUTION NO. 11-103
(March 08, 2011)**

By Mrs. May, Chairman of Finance Committee:

**JAMES FOLEY REAPPOINTED TO THE WESTERN
REGION OFF-TRACK BETTING CORPORATION BOARD
OF DIRECTORS**

BE IT RESOLVED, That *James Foley, 2766 Blackhouse Road, Warsaw, NY 14569* is hereby appointed as the *Wyoming County Director of the Western Region Off-Track Betting Corporation for a term of two (2) years; effective January 01, 2011 through December 31, 2012.*

Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain:

March 8, 2011

Chairman Berwanger asked if there was any Supervisor who objects to the presentation of unanimous consent resolution #25 through #27. Hearing none, the Chairman asked Board Clerk Ketchum to read unanimous consent resolution #25 through #27 prior to the roll call vote.

Before the roll call vote was taken Finance Chair May stated that the Health Insurance Benefits being extended to members of the Board of Managers is at the expense of the individual member.

**Unanimous Consent
#25**

**RESOLUTION NO. 11-104
(March 08, 2011)**

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

**RESOLUTION EXTENDING COUNTY HEALTH
INSURANCE BENEFITS TO THE WYOMING COUNTY
COMMUNITY HOSPITAL BOARD OF MANAGERS**

WHEREAS, The Wyoming County Community Hospital Board of Managers has made a request for County Health Insurance benefits for its individual members; and

WHEREAS, Health Insurance Benefits may be extended to the Board of Managers as stated by Excellus Underwriters because the members of this Board have been appointed to a Board of Public Entity; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby approves extending Wyoming County Health Insurance benefits to the Wyoming County Community Hospital Board of Managers; effective April 01, 2011; and be it

RESOLUTION NO. 11-104**March 08, 2011****Page 2**

FURTHER RESOLVED, That each Member of the Board of Managers electing to take advantage of the County's offer to provide Health Insurance benefits will do so at the expense of each individual member.

**Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain:
Unanimous Consent
#26**

RESOLUTION NO. 11-105**(March 08, 2011)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH THE BRENNAN GROUP, LLC (Patrick Brennan) ON
BEHALF 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 the Brennan Group, LLC (Patrick Brennan), 7705 Sally Road, Waterville, NY 13480 on behalf of the Board of Supervisors. Said contract is for strategic advice on current state/federal policy, as it relates to the interest of client, primarily funding administered by USDA Rural Development, US Department of Energy, New York State Energy Research and Development Authority, New York State Environmental Facilities Corporation, New York State Department of State and New York State Homes and Community Renewal as they relate to Wyoming County in the amount of one hundred fifty dollars (\$150.00) per hour not to exceed two thousand five hundred dollars (\$2,500.00) per month, inclusive of reimbursable expenses; effective for 10 months from the date of execution.

March 8, 2011

RESOLUTION NO. 11-105
March 08, 2011
Page 2

Contingent upon the availability of funds.

Carried: XXX Ayes: 1461 Noes: Absent:135 Bennington Abstain:

Unanimous Consent
#27

RESOLUTION NO. 11-106
(March 08, 2011)

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

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. 09-336, passed by this Board of Supervisors on August 18, 2009; now therefore

BE IT RESOLVED, That the County of Wyoming hereby requests that the New York State Legislature support and pass Senate bill S.3757 and Assembly bill, A.6042, 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, 2013; 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: 1461 Noes: Absent:135 Bennington Abstain:
Regular Session

County Attorney Dadd has asked for permission to address the Board of Supervisors in regards to water relevies by the county, most specifically because of a letter from Atty. Joel Kurtzholtz. Section under Town Law for special districts addressing unpaid special district charges, not taxes.

Town practice has been that each town will relevy the unpaid usage fees onto the Town portion of the Town and County tax bill. The County has always made the Towns whole in this regard.

Towns each generate a list of unpaid water usage charges and submits them to Real Property Tax Services for inclusion on the Town and County tax bill.

There being no further business to come before this Board, Senior Supervisor Bush, T/Gainesville, adjourned the meeting at 3:18 PM with a rap on his desk.

Respectfully submitted,
Cheryl J. Ketchum
Cheryl J. Ketchum, Board Clerk

REGULAR SESSION
(April 12, 2011)
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 Dadd; 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 for this month's meeting is:

EDGAR C. TURNER

Mr. Turner's service to his country comes when he answered the call to serve in the United States Army in May of 1958. Mr. Turner took both his Basic Training and Advanced Individual Training at Fort Knox, Kentucky and became qualified as a radio repairman. He was then assigned duties in Fleggerhorst, Germany with D Co. 2nd Heavy Tank Battalion of the 33rd Armor Division. Mr. Turner attended another training while in Germany and became qualified as a Radiac Instrument Repairman. He then spent 17 months with his unit before returning to the United States. Mr. Turner was honorably discharged at Ft. Hamilton, New York on August 8, 1960 at the rank of Specialist Fourth Class.

For his service to his country Turner was awarded:

The Army Good Conduct Medal

Following his service, Mr. Turner returned to his previous employment as an Apprentice Plumber for the Alloy J. Fischer Company in Rochester. He worked in plumbing and heating for this company for 23 years. Mr. Turner then started his own business in 1979 “Edgar Turner Plumbing & Heating Company” and successfully ran it until his retirement in 1997.

Mr. Turner has also been very active with community service. He is a volunteer driver for the Disabled American Veterans’ Chapter 166 at the Batavia VA Medical Center and has been a member of the local Warsaw Grange and Warsaw Moose Lodge. He is very active with the Warsaw Moose 560 and the Wyoming County Joint Veterans Council.

Mr. Turner and his wife Phyllis have been married 54 years and they live in the Town of Warsaw.

The pledge was said by all.

Chairman Berwanger presented Mr. Turner with the customary certificate of appreciation and an opportunity to address the Board. At which time Mr. Turner thanked the Board and offered some words of support to the Supervisors for the work that they do.

A few moments were taken to offer the press some time to take pictures.

Director of Veteran’s Services, Gary Cousins was invited to present a joint proclamation signed by several area County Executives, Chairmen of the Board and County Managers in honor of Armed Forces Week, May 1 - 7, 2011.

Communications:

1. ***Julie Hoffner, Program Director, Silver Lake Institute ~ Letter dated March 9, 2011 ~ Thank you letter.***

April 12, 2011

2. **Assemblyman Brian Kolb** ~ Letter dated March 10, 2011 ~ **Acknowledging receipt of the following 02-15-11 resolutions:**
 - a. **11-69** (*Resolution Requesting the State Legislature to Provide for Local Preference Rules for Procurement of Goods and Services*);
 - b. **11-75** (*Wyoming County Board Of Supervisors' Resolution To Oppose State Taking Of Western's Participating Municipality's Assets*); and
 - c. **11-77** (*Wyoming County Board of Supervisors Resolution Seeking Assistance in Obtaining Mandate Relief as it Relates to Wyoming County's Responsibility Under the Law to Assign Counsel to Indigent Parolees Pursuant to Executive Law §259*)

3. **Assemblyman Daniel Burling** ~ Letter dated March 15, 2011 ~ **Acknowledging receipt of the following 02-15-11 resolutions:**
 - a. **11-68** (*Home Rule Request To Extend Sales Tax Increase Approved*);
 - b. **11-69** (*Resolution Requesting the State Legislature to Provide for Local Preference Rules for Procurement of Goods and Services*);
 - c. **11-75** (*Wyoming County Board Of Supervisors' Resolution To Oppose State Taking Of Western's Participating Municipality's Assets*); and
 - d. **11-77** (*Wyoming County Board of Supervisors Resolution Seeking Assistance in Obtaining Mandate Relief as it Relates to Wyoming County's Responsibility Under the Law to Assign Counsel to Indigent Parolees Pursuant to Executive Law §259*)

4. **Meghan Hauser, Coordinator, Summer Saturdays Arts Series** ~ Letter dated March 13, 2011 ~ **Thank you letter.**

5. **Meghan Hauser, Committee Member, Last Night Perry** ~ Letter dated March 13, 2011 ~ **Thank you letter.**

Open Public Hearing:

Local Law No. 3, Year 2011 (Introductory C, Year 2011) Entitled, “A Local Amending Local Law No. 11, Year 1996, Entitled, A Local Law Repealing Local Law No. 14 of 1987 and Regulating Outdoor Public Musical Entertainment, Amusements and Assemblies,”

#1

**RESOLUTION NO. 11-107
(April 12, 2011)**

By Mrs. May, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2011 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2011 accounts as follows:

Wyoming County Community Hospital			
From: 01.35.1990.4.42110 Contingent WCCH	\$75,000.00		
To: 01.52.9950.9.99008 Transfer to Hospital		\$75,000.00	
Reason: To cover the cost of contract with the Bonadio Group.			
Wyoming County Community Hospital Total			\$75,000.00
Public Health			
From: 01.38.4010.8.89001 Medical/Hosp Ins. (PH)	\$2,805.96		
01.38.4010.8.89002 HRA Employee (PH)	\$2,080.00		
To: 01.38.4011.8.89001 Med./ Hosp Ins (WE)		\$2,805.96	
01.38.4011.8.89002 HRA Employee (WE)		\$2,080.00	
Reason: To transfer 40% of the allotted Medical / Hospitalization Insurance and the Health Reimbursement Account expense from Public Health to the Water Enhancement Grant for the Keyboard Specialist. 100% of the expense originally budgeted in Public Health.			
Public Health Total			\$4,885.96

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

#2

April 12, 2011

RESOLUTION NO. 11-108
(April 12, 2011)

By Mrs. May, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2011 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2011 accounts as follows:

Board of Supervisors			
To: 01.31.1010.4.40301 Prof Svc Contracts <i>From Any Funds Available</i>	\$22,235.00	\$22,235.00	
Reason: To cover Brennan Group, LLC consulting contract for strategic advice on current State and Federal financing opportunities.			
Board of Supervisors Total			\$22,235.00
Wyoming County Community Hospital			
To: 01.52.9950.9.99008 Interfund Transfer to Hospital <i>From Any Funds Available</i>	\$275,000.00	\$275,000.00	
Reason: To cover WCCH contract with the Bonadio Group.			
To: 02.56.4510.4.42501 Hospital Contractual w/ 02.13.4510.5031 Interfund Transf.	\$350,000.00	\$350,000.00	
Reason: To cover WCCH contract with the Bonadio Group.			
Wyoming County Community Hospital Total			\$625,000.00
Department of Social Services			
To: 01.39.6015.4.42306 Other Pt. of Entry w/ 01.11.6015.3615 State Aid (POE)	\$37,389.24	\$37,389.24	
Reason: Point of Entry 4 Grant unexpended funds to be re-appropriated to the 2011 budget.			
Department of Social Services Total			\$37,389.24

RESOLUTION NO. 11-108**April 12, 2011****Page 2**

Records Retention			
To: 01.34.1460.4.41414 Misc. Repair <i>From Any Funds Available</i>	\$600.00	\$600.00	
Reason: Repair of 2006 commercial shredder			
Records Retention Total			\$600.00
Sheriff's Department			
To: 01.37.3110.2.20501 Law Enf. Fire & Safety Equip	\$3,195.00		
01.37.3110.4.40401 Training <i>From Any Funds Available</i>	\$990.00	\$4,185.00	
Reason: Upgrade of CVSA equipment plus training with asset forfeiture funding.			
Sheriff's Department Total			\$4,185.00
Emergency Services			
To: 01.37.3020.2.20201(911) Computer Equip w/01.02.3020.114001 (911) Wireless Surchg	\$120,000.00	\$120,000.00	
Reason: To cover Dispatch Center upgrade (EM Systems, Inc.)			
Emergency Services Total			\$120,000.00

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

Mr. Bush, T/Gainesville, Chairman of the Audit Committee, presented bills totaling **\$2,138,022.10** for the month of **March 2011**.

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

There was a motion by Mrs. Meeder T/Middlebury, to combine resolutions #3 through #5. A voice vote was taken and all voted aye, and at the request of the Human Resource Director please withdraw resolution number 3.

**Withdrawn for further consideration~
#3**

**RESOLUTION NO. 11-
(April 12, 2011)**

By Mrs. Meeder, Chairman of Human Resource Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH GROVES ASSOCIATES
ON BEHALF OF THE HUMAN RESOURCE
DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Groves Associates, P. O. Box 368, Tunkhannock, PA 18657 on behalf of the Human Resources Department. Said contract is to provide 30 county managers with a 13 week management training course in an amount not to exceed twenty five thousand dollars (\$25,000.00); effective April 12, 2010 through the completion of the training.

Contingent upon the availability of funds.

Carried: Ayes: Noes: Absent: Abstain:

Prior to the roll call vote being taken for resolutions #4 and 5, County Attorney Dadd asked for clarification of the "Use of County Owned Land Line Telephones Policy Adopted" Resolution.
#4

**RESOLUTION NO. 11-109
(April 12, 2011)**

By Mrs. Meeder, Chairman of Human Resource Committee:

Regular Session

RESOLUTION NO. 11-109**April 12, 2011****Page 2****USE OF COUNTY OWNED LAND LINE TELEPHONES
POLICY ADOPTED**

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby approves the Use of County Owned Land Line Telephones Policy effective immediately.

**WYOMING COUNTY
ADMINISTRATIVE
POLICY AND PROCEDURE**

Effective Date: April 12, 2011	Prepared by: Denise Morley Human Resource Director	Department(s) Affected: All non-hospital county departments
Date Developed: March 2011	Approval(s): Human Resource 03-29-11 Board of Supervisors 04-12-11	References: None

**USE OF COUNTY OWNED LAND LINE
TELEPHONES****POLICY**

The purpose of this policy is to provide guidelines for the use of county owned telephones and for placing and/or receiving personal telephone calls while preventing disruption to customer service and productivity.

PROCEDURE

- County owned telephones are to be used for business purposes while working, except in the case of a family emergency

April 12, 2011

RESOLUTION NO. 11-109
April 12, 2011
Page 3

- Personal telephone calls:
 - may be made on county owned telephones within the department during breaks and
 - meal periods, provided they are local calls (see below)
 - must be kept to a minimum, both incoming and outgoing
 - must not be disruptive to customer service or productivity
- International calling is prohibited on county telephones unless it is required as part of the job. Approval to purchase an international calling card must be obtained from the department's home committee. A log of international calls must be maintained when using the calling card.
- All pay per call services such as 900, 971, 974, and 700 are not to be made on county owned telephones
- Long distance personal calls outside of the following exchanges in the 585 area code must be placed collect, on a calling card or billed to a home telephone:
 - 228, 237, 302, 322, 493, 495, 558, 689, 786, 969.

Willful abuse will be subject to disciplinary action, up to and including termination.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#5

RESOLUTION NO. 11-110
(April 12, 2011)

By Mrs. Meeder, Chairman of Human Resource Committee:

JOB VACANCY REQUESTS & HIRING PROCESS POLICY
ADOPTED

RESOLUTION NO. 11-110**April 12, 2011****Page 2**

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby approves the Job Vacancy Requests & Hiring Process Policy effective immediately.

**WYOMING COUNTY
ADMINISTRATIVE
POLICY AND PROCEDURE**

Effective Date: April 12, 2011	Prepared by: Denise Morley Human Resource Director	Department(s) Affected: All non-hospital departments
Date Developed: March 2011	Approval(s): Human Resource March 29, 2011 Board of Supervisors April 12, 2011	References: None

JOB VACANCY REQUESTS & HIRING PROCESS

POLICY:

This policy provides guidelines to follow when requesting to fill a vacant position and the process for hiring.

PROCEDURE:

1. Complete the following forms available on the public drive and submit to Human Resources by the 15th of the month before the next Human Resources Committee meeting held on the last Tuesday of each month:

- *Permission to Fill* (print 3 copies on bright yellow paper)
- *Permission to Create* (print 2 and provide original signed duties statements)
- *Position Justification* (attach an organizational chart)

April 12, 2011

RESOLUTION NO. 11-110**April 12, 2011****Page 3**

2. Forward completed forms to the Human Resource Director for review and schedule a meeting to discuss and review the documents listed above.
3. If determined to move forward, the *Permission to Fill* request will be presented to the following committees for approval as follows:
 - Human Resources
 - Home Committee
 - Finance Committee
 - Full Board (creations only)
4. Upon all Committee approvals the Department Head submits to Civil Service a *Job Opportunity* form and if competitive a *Request for Canvas* form. Civil Service will send a Canvas Letter to the required candidates and establish a Certificate of Eligibles among the top three ranking respondents. (If there are no respondents proceed to #5). The Certificate of Eligibles List will be sent to the Department Head who will contact and conduct interviews.
5. If an Eligibility List is unavailable, all submitted applications will be sent to Human Resources for screening. Human Resources will send screened applications to Civil Service for approval. Civil Service will send approved applications to the Department Head. The Department Head will select candidates from approved applications and conduct interviews.
6. When the interviews are complete the Department Head may extend a “conditional offer of employment” to the applicant that is contingent on the following three requirements:
 - Satisfactory references approved through Human Resources
 - Criminal Background Check clearance
 - Pre-employment Health Assessment

RESOLUTION NO. 11-110**April 12, 2011****Page 4**

7. Human Resources will conduct the activities above and communicate with the Department Head any concerns or issues. Provide to Human Resources, the following information immediately upon extending a conditional offer:

- Candidate's name
- Contact information
- Last four digits of Social Security number
- Tentative start date
- Position title
- Fax, interoffice, or email Work Experience portion of application.

8. The Department Head will create a 426 (on pink paper); attach it to the ORIGINAL application along with the *Permission to Fill* (yellow); send to Civil Service for processing.

9. Once processed, Civil Service will send the ORIGINAL 426 and attachments to Human Resources to be placed in the new employee's personnel file.

PLEASE NOTE: ALL CIVIL SERVICE FORMS
MENTIONED IN THIS POLICY CAN BE FOUND ON THE
PUBLIC DIRECTORY

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

There was a motion by Mrs. Totslin T/Genesee Falls, to combine resolutions #6 through #9. A voice vote was taken and all voted aye.

#6

**RESOLUTION NO. 11-111
(April 12, 2011)**

By Mrs. Totslin, Chairman of Human Services Committee:

**SET PUBLIC HEARING – INTRODUCTORY LOCAL LAW
NO. D YEAR 2011**

WHEREAS, There has been duly presented and introduced at a meeting of this Board of Supervisors of Wyoming County on this 12th day of April 2011, a proposed local law entitled, “Local Law Introductory No. D, Year 2011, “**A LOCAL LAW RELATING TO DECORUM AT FUNERAL RELATED EVENTS,**” 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 10th day of May, 2011 at 2:30 PM at the Wyoming County Government Center, Supervisors’ Chambers, 2nd Floor, Warsaw, New York.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain: #7

**RESOLUTION NO. 11-112
(April 12, 2011)**

By Mrs. Totslin, Chairman of Human Services Committee:

RESOLUTION NUMBER 08-142 AMENDED

RESOLUTION NO. 11-112**April 12, 2011****Page 2**

WHEREAS, Resolution Number 08-142 entitled **“CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH FRONTIER FOOD SERVICE ON BEHALF OF THE OFFICE FOR THE AGING,”** passed by this Board of Supervisors on April 08, 2008 and provides for meals for the Office For the Aging congregate and home delivered meal programs with Frontier Food Service, P.O. Box 903, West Seneca, NY 14224 in an approximate amount of three hundred thousand dollars (\$300,000.00); effective April 01, 2008 through March 31, 2011, contingent upon the availability of funds; and

WHEREAS, Resolution Number 08-244 entitled, **“RESOLUTION NUMBER 08-142 AMENDED,”** passed by this Board of Supervisors on July 08, 2008 extends the Frontier Food Service Contract through March 31, 2013, now therefore

BE IT RESOLVED, That Resolution Number 08-142 as amended by 08-244 be hereby further amended to increase the price of meals by .08 cents to \$4.17. Not to exceed budgeted amounts; effective April 1, 2011 through December 31, 2013. All else remains the same.

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

RESOLUTION NO. 11-113**(April 12, 2011)**

By Mrs. Totslin, Chairman of Human Services Committee:

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

April 12, 2011

RESOLUTION NO. 11-113

April 12, 2011

Page 2

BE IT RESOLVED, That Jean Totslin (T/Genesee Falls), 6940 River Road, Portageville, NY 14536 be hereby reappointed to the Office for the Aging Advisory Council *as the Supervisor Member for a term of one (1) year; effective January 1, 2011 through December 31, 2011.*

Carried: XXX Ayes: 1596 Noes: Absent: Abstain: #9

RESOLUTION NO. 11-114

(April 12, 2011)

By Mrs. Totslin, Chairman of Human Services Committee:

**CHILD ABUSE/NEGLECT PREVENTION MONTH
PROCLAIMED**

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

RESOLUTION NO. 11-114**April 12, 2011****Page 2**

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 2011 as:

CHILD ABUSE AND NEGLECT PREVENTION MONTH

in Wyoming County, and commend this observance to the citizens of this county.

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

After passage of the above resolutions #6 through #9, Supervisor Totslie, T/Genesee Falls was invited to the podium to present the Child Abuse and Neglect Prevention Month proclamation to Department of Social Services Commissioner David Rumsey.

There was a motion by Mr. Kushner T/Eagle, to combine resolutions #10 through #13. A voice vote was taken and all voted aye.

#10

April 12, 2011

**RESOLUTION NO. 11-115
(April 12, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

ALCOHOL AWARENESS MONTH PROCLAIMED

WHEREAS, The Wyoming County Board of Supervisors and Partners For Prevention join to support National Awareness Month, which calls attention to the disease of alcoholism, and promotes understanding that alcoholism is a chronic, treatable disease from which people can recover; and

WHEREAS, Alcohol abuse and addiction continue to present a major health crisis and can have serious consequences for all of society, such as increased costs in health care, welfare, insurance and criminal justice services, and alcohol dependence can also impact an individual and his or her family by affecting job performance and family relationships; and

WHEREAS, Persons with alcoholism can experience periods of sobriety and stability and periods of relapse, and as with other forms of addiction, recovery is possible through effective treatments and rehabilitation programs; and

WHEREAS, For both health and legal reasons, many people should not drink alcohol – including those who are under the age of 21, women who are pregnant or trying to become pregnant, persons taking prescriptions or over-the-counter medications, those with a serious medical condition, anyone driving a vehicle or participating in activities requiring skill, coordination and alertness, or recovering from alcoholism; and

RESOLUTION NO. 11-115**April 12, 2011****Page 2**

WHEREAS, It is imperative that Wyoming County joins with other counties in advancing efforts to strengthen the enforcement of our NYS underage drinking laws, and build partnerships among local agencies, elected officials, law enforcement, businesses, schools and communities to prevent underage drinking and alcoholism; and

WHEREAS, Wyoming County supports national efforts to prevent alcoholism among youth by responding to the Surgeon General's Call to Action to Stop and reduce underage drinking, so as to spread new information related to the public health risks associated with alcohol; and

WHEREAS, All Wyoming County residents join to recognize credentialed alcoholism and substance abuse prevention professionals and counselors who-along with other specialists in schools, communities and workplace-serve an important role in fighting alcoholism and related problems, therefore enabling many people to recover and lead productive and healthy lives; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby proclaim April 2011 as

ALCOHOL AWARENESS MONTH

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

RESOLUTION NO. 11-116
(April 12, 2011)

By Mr. Kushner, Chairman of Public Health Committee:

**MEMBERS APPOINTED / REAPPOINTED TO VARIOUS
MENTAL HEALTH COMMITTEES AND
SUBCOMMITTEES**

BE IT RESOLVED, That the following members be hereby appointed / reappointed to the various Mental Health Committees and Subcommittees:

Alcohol and Substance Abuse Subcommittee
Community At Large Member

Four (4) year term; effective January 01, 2011 through December 31, 2014

- Joyce Horner, 1085 Darien Alexander Townline Road, Dairen Center, NY 14040

Developmental Disabilities Subcommittee
Agency Representative Member

Four (4) year term; effective January 01, 2011 through December 31, 2014

- Chris Peterson, (Executive Director Livingston/Wyoming Arc)
18 Main Street, Mt. Morris, NY 14510

RESOLUTION NO. 11-116**April 12, 2011****Page 2****Mental Health Community Services Board:****Supervisor Member***One (1) year term effective January 01, 2011 through December 31, 2011*

- Jean Totslin, 6940 River Rd., Portageville, NY 14536

Mental Health Subcommittee:**Supervisor Member***One (1) year term effective January 01, 2011 through December 31, 2011*

- Jean Totslin, 6940 River Rd., Portageville, NY 14536

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

RESOLUTION NO. 11-117**(April 12, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
APPLICATION AND ACCEPTANCE AWARD FOR THE
PREVENTION FIRST – NY GRANT ON BEHALF OF
MENTAL HEALTH**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant acceptance award for the *Prevention First – NY* grant through NYS Office of Alcoholism and Substance Abuse (OASAS), 1450 Western Avenue, Albany, NY 12203 on behalf of Mental Health. Said grant is in a minimum amount of six hundred thousand dollars (\$600,000.00); effective March 1, 2011 through

April 12, 2011

RESOLUTION NO. 11-117**April 12, 2011****Page 2**

June 30, 2014; contingent on performance and available federal funds. No County Levy.

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

RESOLUTION NO. 11-118**(April 12, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN / COMMISSIONER OF HEALTH
AUTHORIZED TO SIGN A GRANT APPLICATION AND
ACCEPTANCE AWARD WITH NEW YORK STATE
DEPARTMENT OF HEALTH BUREAU OF
IMMUNIZATION 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 Bureau of

Immunization, ESP, Albany, NY 12237 on behalf of the Department of Social Services. Said grant is for funding of local immunization activities in a minimum amount of thirty thousand dollars (\$30,000.00); effective April 1, 2011 through March 31, 2012. Award notice received, contract documents pending.

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

After passage of the above resolutions #10 through #13, Supervisor Kushner, T/Eagle was invited to the podium to present the Alcohol Awareness Month proclamation to Director of Community Services, Steve Snell. Supervisor Kushner also invited Mental Health Fiscal Administrator and Supervisor for the Town of Bennington, Ellen Grant to join them at the podium. Supervisor Grant thanked the Board for their support of the Alcohol Awareness programs offered by the Mental Health department to the many residents of Wyoming County.

There was a motion by Mr. Gozelski T/Castile, to combine resolutions #14 and #15. A voice vote was taken and all voted aye.
#14

RESOLUTION NO. 11-119
(April 12, 2011)

By Mr. Gozelski, Chairman of Agriculture Committee:

RESCIND AND REPLACE RESOLUTION NUMBER 11-55

WHEREAS, Resolution Number 11-55 entitled, **“CHAIRMAN AUTHORIZED TO AWARD BID AND SIGN A CONTRACT WITH PORTVILLE FOREST PRODUCTS, INC. ON BEHALF OF THE BOARD OF SUPERVISORS,”** passed by this Board of Supervisors on February 15, 2011 and provides for a contract with Portville Forest Products, Inc., 457 Whitehouse Road, Portville, NY 14770 on behalf of the Board of Supervisors. Said contract is for the sale of timber, as identified by County Forester, Eric Stawitzky (Pioneer Forestry), from the County’s Hobday Rd. Wethersfield Forestland property in the amount of twenty-five thousand dollars (\$25,000.00); effective February 01, 2011 through October 01, 2012; now therefore

BE IT RESOLVED, That Resolution Number 11-55 be hereby rescinded; effective immediately; and be it

April 12, 2011

RESOLUTION NO. 11-119**April 12, 2011****Page 2**

FURTHER RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to award bid and sign contracts with David Czesak, 4006 Creek Rd., Chaffee, NY 14030 (as the next highest responsible bidder) in a minimum amount of twenty-one thousand five hundred dollars (\$21,500.00); effective April 12, 2011 through October 1, 2012.

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

RESOLUTION NO. 11-120**(April 12, 2011)**

By Mr. Gozelski, Chairman of Agriculture Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH WYOMING COUNTY SOIL AND WATER
CONSERVATION DISTRICT ON BEHALF 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 Wyoming County Soil and Water Conservation District, 31 Duncan Street. Ext., Warsaw, NY 14569 on behalf of the Board of Supervisors. Said contract is 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, 2011 through December 31, 2011.

Contingent upon the availability of funds.

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

Regular Session

There was a motion by Mr. Fleischman, T/Java, to combine resolutions #16 through #21. A voice vote was taken and all voted aye.

#16

**RESOLUTION NO. 11-121
(April 12, 2011)**

By Mr. Fleischman, Chairman of Planning Committee:

**FRANK MOFFAT APPOINTED TO THE WYOMING
COUNTY PLANNING BOARD**

BE IT RESOLVED, That Frank R Moffat (T/Sheldon), 2760 Maxon Rd, Varysburg, NY 14167 is hereby appointed to the Wyoming County Planning Board *as Alternate Member #1 to fill the unexpired vacant term of one (1) year created by the resignation of Paul Bijhouwer on February 07, 2011; effective through December 31, 2011.*

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#17

**RESOLUTION NO. 11-122
(April 12, 2011)**

By Mr. Fleischman, Chairman of Planning Committee:

**JAMES BRICK REAPPOINTED TO THE ARTS COUNCIL
BOARD OF DIRECTORS**

BE IT RESOLVED, That James Brick (T/Perry), 7618 Route 20A, Perry NY 14530 be hereby reappointed to the Arts

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RESOLUTION NO. 11-122

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Council Board of Directors *as the Supervisor Member for a term of one (1) year; effective January 1, 2011, through December 31, 2011.*

**Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#18**

RESOLUTION NO. 11-123

(April 12, 2011)

By Mr. Fleischman, Chairman of Planning Committee:

**E. JOSEPH GOZELSKI AND DOUGLAS PATTI
REAPPOINTED TO THE BUSINESS EDUCATION
COUNCIL**

BE IT RESOLVED, That the following members are hereby reappointed to the Business Education Council *for a term of one (1) year; effective January 1, 2011 through December 31, 2011:*

Supervisor Member

- E. Joseph Gozelski (T/Castile), 6175 E Lake Rd., Silver Springs, NY 14550

Supervisor Member/Alternate

- Douglas Patti (T/Attica), 333 E. Main St., Attica NY 14011

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

**RESOLUTION NO. 11-124
(April 12, 2011)**

By Mr. Fleischman, Chairman of Planning Committee:

**MEMBERS APPOINTED / 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 **for a term of one (1) year; effective January 01, 2011 through December 31, 2011:**

Chairman Member

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

Chairman Member / Alternate

- E. Joseph Gozelski (T/Castile), 6175 East Lake Road, P.O. Box 331, Silver Springs, NY 14550

Supervisor Member

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

Executive Committee

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

**Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#20**

**RESOLUTION NO. 11-125
(April 12, 2011)**

By Mr. Fleischman, Chairman of Planning Committee:

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

BE IT RESOLVED, That Larry Rogers (T/Pike), 14 East Koy Road, Pike, NY 14130 be hereby reappointed to the GLOW Solid Waste Advisory Committee *as the Wyoming County Supervisor Member for a term of one (1) year; effective January 1, 2011, through December 31, 2011.*

**Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#21**

**RESOLUTION NO. 11-126
(April 12, 2011)**

By Mr. Fleischman, Chairman of Planning Committee:

**MEMBERS APPOINTED / REAPPOINTED TO THE
GLOW REGIONAL SOLID WASTE MANAGEMENT
COMMITTEE**

BE IT RESOLVED, That the following members are hereby appointed / reappointed to the GLOW Regional Solid Waste Management Committee *for a term of one (1) year; effective January 1, 2011 through December 31, 2011:*

RESOLUTION NO. 11-126**April 12, 2011****Page 2****Supervisor Member**

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

Alternate:

- Sue May (T/Orangeville), 2916 Orangeville Center Rd. Warsaw, NY 14569.

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

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

#22**RESOLUTION NO. 11-127****(April 12, 2011)**

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 10-192 AMENDED

WHEREAS, Resolution Number 10-192 entitled, **“CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND ACCEPTANCE AWARD WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES ON BEHALF OF THE DISTRICT ATTORNEY’S OFFICE,”** passed by this Board of Supervisors on May 11, 2010 and provides for funding of services to enhance the prosecution of repeat, violent and serious felony offenders in a minimum amount of thirty-one thousand eight hundred dollars (\$31,800.00); effective April 01, 2010 through March 31, 2011; now therefore

April 12, 2011

RESOLUTION NO. 11-127**April 12, 2011****Page 2**

BE IT RESOLVED, That resolution number 10-192 be hereby amended to extend the effective date through June 30, 2011 to allow more time to expend grant funds. All else remains the same.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#23

RESOLUTION NO. 11-128
(April 12, 2011)

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 10-193 AMENDED

WHEREAS, Resolution Number 10-193 entitled, **“CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH HENRY HAAS ON BEHALF OF THE DISTRICT ATTORNEY’S OFFICE,”** passed by this Board of Supervisors on May 11, 2010 and provides for investigative services in an amount not to exceed two thousand dollars (\$2,000.00); effective April 01, 2010 through March 31, 2011; Contingent upon the availability of funds; and

WHEREAS, Resolution Number 11-28 entitled, **“RESOLUTION NUMBER 10-193 AMENDED,”** passed by this Board of Supervisors on January 18, 2011 provides for an increase of five hundred dollars (\$500.00) (contract is covered by the Aid to Prosecution Grant); all else remains the same; now therefore

BE IT RESOLVED, That resolution number 10-193, as amended by 11-28 be hereby further amended to extend the effective date through June 30, 2011. All else remains the same.

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

RESOLUTION NO. 11-129
(April 12, 2011)

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 10-446 AMENDED

WHEREAS, Resolution Number 10-446 entitled, **“POSITION CREATION(S) APPROVED,”** passed by this Board of Supervisors on December 14, 2010 and provides for several position creations in various Wyoming County Departments; now therefore

BE IT RESOLVED, That resolution number 10-446, be hereby amended to extend the Secretary I, PT (temporary) position in the District Attorney’s Office from March 31, 2011 to May 30, 2011. All else remains the same.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#25

RESOLUTION NO. 11-130
(April 12, 2011)

By Mr. Rogers, Chairman of Public Safety Committee:

CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND ACCEPTANCE AWARD WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES ON BEHALF OF PROBATION

April 12, 2011

RESOLUTION NO. 11-130**April 12, 2011****Page 2**

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 Division of Criminal Justice Services, Office of Probation and Correctional Alternatives, 4 Tower Place, 8th Floor, Albany, NY 12203 on behalf of Probation. Said grant is for funding of the Ignition Interlock Device Monitoring of cases ordered to have Ignition Interlock Devices installed, regardless of whether the device is installed in a minimum amount of one hundred fourteen dollars and sixty-six cents (\$114.66) per case (up to 109 cases = an amount up to \$12,497.00); effective October 01, 2010 through September 30, 2011.

**Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#26**

RESOLUTION NO. 11-131**(April 12, 2011)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT
WITH EM SYSTEMS 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 EM Systems, Inc., 4043 Maple Road, Suite 211, Amherst, NY 14226-1064 on behalf of Emergency Services. Said agreement is to upgrade the existing Local Law Enforcement Records Management System (LEMS) to include CAD, Map and Mobile CAD in an amount not to exceed two hundred ten thousand dollars (\$210,000.00); effective April 12, 2011 through December 31, 2013.

Regular Session

RESOLUTION NO. 11-131**April 12, 2011****Page 2**

Contingent upon the availability of funds.

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

RESOLUTION NO. 11-132**(April 12, 2011)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
APPLICATION AND ACCEPTANCE AWARD WITH NEW
YORK STATE EMERGENCY MANAGEMENT OFFICE ON
BEHALF OF WYOMING COUNTY 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 participation agreement with NYS Emergency Management Office, 1220 Washington Ave., Bldg. 22, Suite 101, Albany, NY 12226-2251 on behalf of Emergency Services. Said grant is for funding of Local Emergency Management Performance for Federal Fiscal Year 2010 (FFY10) in the amount of thirteen thousand eight hundred seventy-four dollars (\$13,874.00); effective October 1, 2009 through September 30, 2010.

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

April 12, 2011

RESOLUTION NO. 11-133
(April 12, 2011)

By Mr. Rogers, Chairman of Public Safety Committee:

**LARRY ROGERS REAPPOINTED TO THE MERCY
FLIGHT CITIZENS ADVISORY COMMITTEE**

BE IT RESOLVED, That Larry Rogers (T/Pike), P. O. Box 82, Pike, NY 14130-0082 be hereby reappointed to the Mercy Flight Citizens Advisory Committee *as the Wyoming County Supervisor Member for a term of one (1) year; effective January 1, 2011 through December 31, 2011.*

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

There was a motion by Mr. Patti, T/Attica, to combine resolutions #29 through #35. A voice vote was taken and all voted aye.

#29

RESOLUTION NO. 11-134
(April 12, 2011)

By Mr. Patti, Chairman of Public Works Committee:

ANNUAL HIGHWAY MATERIALS BIDS APPROVED

BE IT RESOLVED, That the attached yearly County Highway material bids are hereby approved effective April 02, 2011 through April 01, 2012, all ties were awarded by lot at the April 01, 2011 Public Works Committee, and be it

RESOLUTION NO. 11-134**April 12, 2011****Page 2**

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: 1596 Noes: Absent: Abstain:
#30**

RESOLUTION NO. 11-135**(April 12, 2011)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN SUPPLEMENTAL
AGREEMENT #2 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 supplemental agreement #2 with Lu Engineers, 175 Sullys Trail, Suite 202, Pittsford, NY 14535 on behalf of County Highway. Said agreement is for additional work to complete the hydraulic survey and analysis for West Street Bridge, Town of Arcade, PIN 4754.06 at Sanford Ave., in an amount not to exceed ten thousand three hundred dollars (\$10,300.00). Contingent upon the availability of funds.

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

RESOLUTION NO. 11-136**(April 12, 2011)**

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RESOLUTION NO. 11-136
April 12, 2011
Page 2

By Mr. Patti, Chairman of Public Works Committee:

CHAIRMAN AUTHORIZED TO SIGN AN INTER-MUNICIPAL AGREEMENT WITH THE VILLAGE OF PERRY 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 Inter-Municipal agreement with the Village of Perry, 22 South Main Street, Perry, NY 14530 on behalf of County Highway. Said agreement is for CR06 Borden Ave. drainage construction in an amount not exceed seventy-five thousand dollars (\$75,000.00): effective April 18, 2011 through the completion of the project.

Contingent upon the availability of funds.

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

RESOLUTION NO. 11-137
(April 12, 2011)

By Mr. Patti, Chairman of Public Works Committee:

CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT 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 an agreement with Bergmann Associates, 40 LaRiviere Dr., Suite 150, Buffalo, NY 14202 on behalf of County

RESOLUTION NO. 11-137**April 12, 2011****Page 2**

Highway. Said agreement is for design services on the replacement of the Dutch Hollow Road Bridge over Glade Creek (Sheldon 08), PIN 4755.00, in an amount not to exceed one hundred fifty-six thousand three hundred forty-four dollars (\$156,344.00); effective May 21, 2011 through December 31, 2012.

Contingent upon the availability of funds.

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

RESOLUTION NO. 11-138**(April 12, 2011)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS
CONTRACTS AND AGREEMENTS ON BEHALF OF THE
WYOMING COUNTY COMMUNITY HOSPITAL
RENOVATIONS CAPITAL IMPROVEMENT PROJECT**

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 Community Hospital Renovations Capital Improvement projects:

- **Envoy Environmental Consultants, Inc.**, 1815 Love Road, Grand Island, NY 14072 for *Pre-renovation Asbestos Survey* at the WCCHS building, in an amount not to exceed ten

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thousand nine hundred seventy dollars (\$10,970.00); effective March 7, 2011 through completion of project.

- **Foundation Design, P.C.**, 335 Colfax St, Rochester, NY 14606, for *Special Inspections for Front Entrance Renovation* at the WCCHS building, in an amount not to exceed ten thousand dollars (\$10,000.00); effective March 9, 2011 through completion of project.
- **SJB Services, Inc**, 535 Summit Point Drive, Henrietta, NY 14467 for *Special Inspections for Renovation* at the WCCHS building, at an hourly rate per rate sheet; effective March 17, 2011 through completion of project. *Not to exceed budgeted amount.*
- **Clark Patterson Lee**, 205 St. Paul St. Ste. 500, Rochester, NY 14604 for *Architectural Services on Roof Replacement at the WCCHS/SNF building* in an amount not to exceed seventy thousand dollars (\$70,000.00); effective March 24, 2011 through completion of project.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain: #34

**RESOLUTION NO. 11-139
(April 12, 2011)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH NYSERDA ON BEHALF OF THE WYOMING
COUNTY COMMUNITY HOSPITAL RENOVATIONS
CAPITAL IMPROVEMENT PROJECT**

RESOLUTION NO. 11-139**April 12, 2011****Page 2**

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 NYSERDA, 17 Columbia Circle, Albany, NY 12203 on behalf of the Wyoming County Community Hospital Renovations Capital Improvement Project. Said contract is for an Energy Analysis of the WCCHS building. Funding is through the *NY Energy Smart New Construction Program*. NYSERDA initially funds 100% of project and will cover up to the first \$5,000.00. Amounts over \$5,000 are covered at 50% (total cost \$7,589.00). Therefore, Wyoming County's share for this Energy Analysis is in an amount not to exceed one thousand two hundred ninety-four dollars and fifty cents (**\$1,294.50**); effective March 22, 2011 through completion of project.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#35

RESOLUTION NO. 11-140**(April 12, 2011)**

By Mr. Patti, Chairman of Public Works Committee:

RESOLUTION NUMBER 11-95 AMENDED

WHEREAS, Resolution Number 11-95 entitled, **“CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH NOMAD ENTERPRISES, INC. ON BEHALF OF BUILDINGS AND GROUNDS,”** passed by this Board of Supervisors on March 08, 2011 and provides for renewal contracts with NOMAD Enterprises, Inc., 6270 Abbott Road, Silver Springs, NY 14550 on behalf of Buildings and Grounds. Said contract is

April 12, 2011

RESOLUTION NO. 11-140**April 12, 2011****Page 2**

for lawn maintenance services at the various County buildings in an amount not to exceed ten thousand five hundred forty-five dollars (\$10,545.00); effective April 1, 2011 through November 30, 2011.

Contingent upon the availability of funds; now therefore

BE IT RESOLVED, That resolution number 11-95, be hereby amended to reflect the addition of lawn maintenance services at Wyoming County Cooperative Extension , 401 North Main Street, Warsaw, NY; effective through November 30, 2011 for an additional five hundred dollars (\$500.00) total contract amount not to exceed eleven thousand forty-five dollars (\$11,045.00). All else remains the same.

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

There was a motion by Mrs. May T/Orangeville, to combine resolutions #36 through #42. A voice vote was taken and all voted aye.

#36**RESOLUTION NO. 11-141****(April 12, 2011)**

By Mrs. May, Chairman of Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH BONADIO RECEIVABLE SOLUTIONS, LLC ON
BEHALF OF WYOMING COUNTY COMMUNITY
HOSPITAL**

RESOLUTION NO. 11-141**April 12, 2011****Page 2**

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 Bonadio Receivable Solutions, LLC, 171 Sully's Trail, Pittsford, NY 14534 on behalf of Wyoming County Community Hospital. Said contract is for collection of 90 days and greater facility billing accounts, education of billing staff, operational and functional review of billing process and procedures, improvement of revenue cycle operations and providing a structure for revenue cycle staff, Business Office Manager and CFO in an amount not to exceed one hundred eighty-one thousand five hundred ninety-four dollars (\$181,594.00); effective March 29, 2011 through completion of project.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#37

RESOLUTION NO. 11-142**(April 12, 2011)**

By Mrs. May, Chairman of Finance Committee:

RESCIND AND REPLACE RESOLUTION NUMBER 11-104

WHEREAS, Resolution Number 11-104 entitled, **“RESOLUTION EXTENDING COUNTY HEALTH INSURANCE BENEFITS TO THE WYOMING COUNTY COMMUNITY HOSPITAL BOARD OF MANAGERS,”** passed by this Board of Supervisors on March 08, 2011 and provides Wyoming County Health Insurance benefits to the Wyoming County Community Hospital Board of Managers at the

April 12, 2011

RESOLUTION NO. 11-142**April 12, 2011****Page 2**

expense of each member; effective April 01, 2011; now therefore

BE IT RESOLVED, That Resolution Number 11-104 be hereby rescinded; effective immediately; and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors hereby approves extending the High Deductible Healthcare Plan at the member's own expense to the Wyoming County Community Hospital Board of Managers; effective April 01, 2011.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#38

RESOLUTION NO. 11-143**(April 12, 2011)**

By Mrs. May, Chairman of Finance Committee:

**CHAIRMAN / DIRECTOR OF INFORMATION
TECHNOLOGY AUTHORIZED TO SIGN A
MAINTENANCE AGREEMENT WITH ESRI, INC. ON
BEHALF OF INFORMATION TECHNOLOGY**

BE IT RESOLVED, That the Chairman of this Board and the Director of Information Technology with the approval of the County Attorney are hereby authorized and directed to sign a maintenance agreement with ESRI, Inc., 380 New York St., Redlands, CA 92373 on behalf of Information Technology. Said maintenance agreement is for annual support of GIS software in an amount not to exceed five thousand eight hundred eight dollars (\$5,808.00); effective June 15, 2011 through June 14, 2012.

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

**RESOLUTION NO. 11-144
(April 12, 2011)**

By Mrs. May, Chairman of Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
EXTENSION WITH SOUTER PRINTING CO. ON BEHALF
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 printing contract extension with Souter Printing Co., 56 Park St., Arcade, NY 14009 on behalf of the Board of Supervisors. Said contract extension provides printing services to all Wyoming County Departments in an amount per the language of the contract; effective March 11, 2011 through March 10, 2012 (year 2 of 3 extension).

Contingent upon the availability of funds.

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

**RESOLUTION NO. 11-145
(April 12, 2011)**

By Mrs. May, Chairman of Finance Committee:

2011 UNITED WAY CAMPAIGN SUPPORTED

BE IT RESOLVED, That the United Way of Wyoming County has raised much needed funding for vital services provided

RESOLUTION NO. 11-145**April 12, 2011****Page 2**

by a number of human services agencies to residents of Wyoming County; and

WHEREAS, The United Way has a 2011 campaign goal of one hundred eighty-two thousand eleven dollars (\$182,011.00) for these much needed services to county residents; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby endorse and support the 2011 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: #41

RESOLUTION NO. 11-146**(April 12, 2011)**

By Mrs. May, Chairman of Finance Committee:

**POSITION CREATION(S) / POSITION(S) ABOLISHED
APPROVED**

BE IT RESOLVED, That one (1) position of Public Health Nurse (1.00 FTE) be hereby created within the

Regular Session

RESOLUTION NO. 11-146**April 12, 2011****Page 2**

County Health Department and placed on Salary Schedule “G;” effective April 3, 2011. This position is contingent upon available *New York State Department of Health Cancer Services Program grant* funding through a contract with the University of Rochester; and be it

FURTHER RESOLVED, That one position of Public Health Nurse (.6 FTE) be hereby removed from salary schedule “G” and abolished; effective April 3, 2011; and be it

FURTHER RESOLVED, That one (1) position of Deputy Sheriff (1.00 FTE) be hereby created within the Sheriff’s Department and placed on Salary Schedule “G” consistent with the Deputy Sheriff’s Bargaining Unit agreement step one and is contingent upon available *Prevention First – NY grant funding* through NYS Office of Alcoholism and Substance Abuse (OASAS).

**Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#42**

RESOLUTION NO. 11-147**(April 12, 2011)**

By Mrs. May, Chairman of Finance Committee:

SALARY SCHEDULES “S” AND “G” AMENDED

RESOLUTION NO. 11-147
April 12, 2011
Page 2

BE IT RESOLVED, That the Wyoming County Salary Plan which became effective January 01, 1967, as amended, is hereby amended as follows:

Salary Schedule “S”:

- ***Real Property Tax Services***
 - Set the salary of the **SR. RPTS AIDE** to reflect a .6 FTE and set the annual salary at \$24,793.00, with only those benefits mandated by law; effective May 3, 2011.

Salary Schedule “G”:

- ***Sheriff***
 - Add one (1) position of Deputy Sheriff (Mental Health Grant funded ~ \$600,000 *Prevention First – NY* grant through NYS Office of Alcoholism and Substance Abuse (OASAS)) 1.00 FTE, \$18.56-\$23.74 hr. (reflective of DSA collective bargaining unit agreement).

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
2/3 Majority
#43

RESOLUTION NO. 11-148
(April 12, 2011)

By Mrs. May, Chairman of 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

RESOLUTION NO. 11-148**April 12, 2011****Page 2**

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

Rule 9b. Position Creations / Position Fills.

All position creations and position fill requests shall first be presented to the Human Resource Committee through the Human Resource Director for approval or disapproval who shall in turn present them to the Home Committee as an FYI or further deliberations (if applicable) before referring to the Finance Committee for tabulations and approval or disapproval. All position creations will proceed to the Civil Service Commission and Full Board of Supervisors for final approval.

Carried: XXX Ayes: 1470 Noes: Absent: Abstain:
2/3 Majority
#44

RESOLUTION NO. 11-149
(April 12, 2011)

By Mrs. May, Chairman of Finance Committee:

**A RESOLUTION AUTHORIZING PHASE II
RENOVATIONS AT THE WYOMING
COUNTY COMMUNITY HOSPITAL
SKILLED NURSING FACILITY IN AND FOR
THE COUNTY OF WYOMING, NEW YORK,
AT A MAXIMUM ESTIMATED COST OF
\$6,000,000, AND AUTHORIZING THE
ISSUANCE OF \$6,000,000 BONDS OF SAID
COUNTY TO PAY THE COST THEREOF**

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April 12, 2011
Page 2

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 improvements; 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 financing of Phase II renovations at the Skilled Nursing Facility in and for the County of Wyoming, New York, Wyoming County Community Hospital is hereby authorized at a maximum estimated cost of \$6,000,000.00.

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 \$6,000,000.00 bonds of said County hereby authorized to be issued therefore 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(s) 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,

RESOLUTION NO. 11-149**April 12, 2011****Page 3**

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 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

April 12, 2011

RESOLUTION NO. 11-149
April 12, 2011
Page 4

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: 1470 Noes: Absent: Abstain:

Public Comment:
None

There being no one from the public wishing to speak a motion made by Supervisor Knab, T/Sheldon to close the public hearing was made. All voted aye.

Close Public Hearing:

**Local Law
#45**

**RESOLUTION NO. 11-150
(April 12, 2011)**

By Mr. Rogers, Chairman of Public Safety Committee:

LOCAL LAW NO. 3 (INTRODUCTORY C) - YEAR 2011, “A Local Law Amending Local Law No. 11, Year 1996, Entitled, A Local Law Repealing Local Law No. 14 of 1987 and Regulating Outdoor Public Musical Entertainment, Amusements and Assemblies,” ADOPTED

WHEREAS, There was duly presented and introduced at a meeting of this Board, held on the 8th day of March, 2011, a proposed local law of the County, designated as Local Law Introductory No. C, for the year 2011, entitled, **A Local Amending Local Law No. 11, Year 1996, Entitled, A Local Law Repealing Local Law No. 14 of 1987 and Regulating Outdoor Public Musical Entertainment, Amusements and Assemblies;** and

WHEREAS, In accordance with the provisions of Resolution No. 11-92, there was a public hearing held by this Board of Supervisors on this 12th day of April, 2011, 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

April 12, 2011

RESOLUTION NO. 11-150
April 12, 2011
Page 2

BE IT ENACTED, That Local Law Introductory No. C, Year 2011, County of Wyoming, New York, as presented to this Board on the 12th day of April 2011, is hereby adopted, enacted and passed by this Board in its amended form as follows:

INTRODUCTORY LOCAL LAW NO. C- YEAR 2011

A Local Amending Local Law No. 11, Year 1996, Entitled, A Local Law Repealing Local Law No. 14 of 1987 and Regulating Outdoor Public Musical Entertainment, Amusements and Assemblies

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WYOMING AS FOLLOWS:

Section 1. County of Wyoming Local Law No. 11 of 1996 adopted a local law entitled “A Local Law Repealing Local Law No. 14 of 1987 and Regulating Outdoor Public Musical Entertainments, Amusements and Assemblies”.

Section 2. All references to “Wyoming County Administrator” or “County Administrator” in said Local Law No. 11 of 1996 shall be amended and hereinafter referred to as “the Chairman of the Board of the Wyoming County Board of Supervisors”.

Section 3. Said Local Law Section 3 shall be amended to include a new Section XIII as follows.

Section XIII.

The information required of an applicant for a permit under this Local Law is for the sole purpose of providing notification to the County of Wyoming and to any other municipal subdivision impacted by the permitted event of the arrangements made by the sponsor or promoter for financing, sanitation, security, parking and the other information required in Section 3 so as to inform the County of Wyoming regarding the character and nature of the permitted event. Issuance of a permit under this Local Law does not constitute the County of Wyoming’s

RESOLUTION NO. 11-150**April 12, 2011****Page 3**

assumption of responsibility for maintaining the services for which information is required as part of the permit application.

Section 4. Said Local Law Section 4 entitled "Insurance and Bonds" is hereby amended as follows.

Section 4. Insurance and Bonds.

For events involving more than 5,000 persons but less than 7,500 persons, no permit shall be issued unless the applicant can furnish to the Chairman of the Board of the Wyoming County Board of Supervisors a Certificate of Insurance showing evidence of insurance coverage as follows.

Bodily Injury and Property Damage Combined

Each Occurrence	Aggregate
Not to Exceed	Not to Exceed
\$1,000,000.00	\$2,000,000.00

For events involving 7,500 or more persons, the limits of insurance shall be established by the Chairman of the Board of the Wyoming County Board of Supervisors and shall not exceed the following limits.

Bodily Injury and Property Damage Combined

Each Occurrence	Aggregate
Not to Exceed	Not to Exceed
\$5,000,000.00	\$10,000,000.00

The Certificate of Insurance shall provide no less than thirty (30) days notice of cancellation or non-renewal of the insurance coverage.

RESOLUTION NO. 11-150
April 12, 2011
Page 4

All Insurance and Bonds shall be written with an Insurance Carrier licensed by the State of New York Insurance Department to conduct business in the State of New York and have an A.M. Best Company rating of A or better.

The County of Wyoming and Town and/or Village in which the event is to be held shall be named as an Additional Insured on this policy.

All Certificates of Insurance must be signed by a licensed agent or authorized representative of the insurance carrier. A broker signature is not acceptable.

For events involving 7,500 or more persons, no permit shall be issued unless the applicant shall deposit with the Chairman of the Board of the Wyoming County Board of Supervisors cash or good surety company bond in a sum not less than \$10,000.00. The Chairman of the Board of the Wyoming County Board of Supervisors may reasonably require and condition that all requirements of an issued permit be fully performed by the applicant, that no damage will be done to any public or private property and that the applicant will not permit any litter, debris or other refuse.

Provided further that should the licensed event necessitate the employment of additional county or town personnel and equipment, such added expense shall be recoverable from the principal and/or its surety. The deposit or its balance is to be returned when the Chairman of the Board of the Wyoming County Board of Supervisors has determined that no such damage has been done and that the County did not incur such additional expense due to a said event or that the cost of the above has been paid by the applicant.

Upon compliance with these stipulations, cash will be refunded or a surety company bond will be cancelled by the Chairman of the Board of the Wyoming County Board of Supervisors.

RESOLUTION NO. 11-150**April 12, 2011****Page 5**

Section 5. Said Local Law Section 6 entitled "Necessary Approvals" is hereby amended as follows.

SECTION 6
NECESSARY APPROVALS

The following County agencies or departments must provide their written consent.

- a. Wyoming County Sheriffs Department.
- b. Wyoming County Health Department.
- c. Wyoming County Office of Emergency Services.
- d. Wyoming County Insurance Agent.

The applicant shall consent and permit the above agencies to perform, inspect and conduct inquiries in their sole discretion as deemed necessary.

Section 6. Said Local Law shall become effective April 12, 2011.

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

Chairman Berwanger asked if there was any Supervisor who objected to the presentation of unanimous consent resolution #46. Hearing none, the Chairman asked Board Clerk Ketchum to read unanimous consent resolution #46 prior to the roll call vote.

**Unanimous Consent
#46**

**RESOLUTION NO. 11-151
(April 12, 2011)**

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

APPROVES PROPERTY AUCTION SALES

April 12, 2011

RESOLUTION NO. 11-151**April 12, 2011****Page 2**

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

Serial #496: Larry Moroz, 3042 Route 98, Varysburg, NY 14167 has offered \$1,500 for property located on 2901 Route 98, Orangeville, NY 14167, Town of Orangeville. Tax Map #81.-3-10; now therefore

BE IT RESOLVED, That the above offer 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 is received by her on or before May 13, 2011.

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

After passage of the above Finance Committee, Unanimous Consent, and Local Law resolutions, Supervisor May, T/Orangeville was invited to the podium to present the 2011 UNITED WAY CAMPAIGN SUPPORTED proclamation to the following United Way Representatives: Mitch McLaughlin, Don O'Geen, and Karen Rumfola. Chairman Berwanger introduced Linda Nash as the County Coordinator. Ms. Nash encouraged attendees to make their donations and asked the Supervisors to return their pledge forms to Clerk Ketchum.

After this presentation was made meeting attendees enjoyed the:

~2011 United Way (video) Presentation~

There being no further business to come before this Board, Senior Supervisor Bush, T/Gainesville, adjourned the meeting at 3:39 PM with a rap on his desk.

Respectfully submitted,

Cheryl J. Ketchum

Cheryl J. Ketchum, Board Clerk

SPECIAL SESSION
(April 18, 2011)
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 Ryan, Town of Warsaw. Also present were Clerk to the Board of Supervisors, Cheryl Ketchum.

At 2:00 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The pledge was said by all.

There was a motion by Mr. Patti, T/Attica, to combine resolutions #1 and #2. A voice vote was taken and all voted aye.

#1

RESOLUTION NO. 11-152
(April 18, 2011)

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**

RESOLUTION NO. 11-152**April 18, 2011****Page 2**

WHEREAS, A Project for the **Replacement of Allen Street Bridge over Oatka Creek, Town of Warsaw, Wyoming County, P.I.N. 4755.01; BIN 3320300** (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 **\$164,000.00** 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

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April 18, 2011
Page 3

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: 1386 Noes: Absent: 210 (Warsaw) Abstain: #2

RESOLUTION NO. 11-153
(April 18, 2011)

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 Dutch Hollow Road Bridge over Glade Creek, Town of Sheldon, Wyoming County, P.I.N. 4755.00; BIN 3320170** (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the

RESOLUTION NO. 11-153**April 18, 2011****Page 2**

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 **\$174,000.00** 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

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Page 3

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:

There being no further business to come before this Board, Senior Supervisor Bush, T/Gainesville, adjourned the meeting at 2:20 PM with a rap on his desk.

Respectfully submitted,
Cheryl J. Ketchum
Cheryl J. Ketchum, Board Clerk

REGULAR SESSION
(May 10, 2011)
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 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 for this month's meeting is:

CARYL ROBSON

Mr. Robson's service to his country comes while serving during the Vietnam War. Mr. Robson enlisted in the United States Army on March 3, 1959. He took his Basic Training at Fort. Dix, New Jersey and then Advanced Individual Training at Fort Gordon, Georgia and became qualified as a lineman in the Signal Corp.

Mr. Robson was assigned duties at a Supply Depot in France working as a cable splicer and spent 2 ½ years in this position until March of 1962. He returned to the United States and was Honorably Discharged at Fort Hamilton, New York on March 29, 1962 at the rank of SP5 (Specialist 5th Class).

For his service to his country Mr. Robson was awarded:

The Army Good Conduct Medal

May 10, 2011

Mr. Robson returned to this area and went back to work at Morton Salt and worked in the Loading Department for the next 5 years. He then went to work for the Rochester Telephone Company as a lineman, where he worked for the next 32 years until his retirement in March of 1999.

Mr. Robson has also been in service for his community. He has served with the Silver Springs Fire Department for 56 years and 20 years with the Rescue Squad. Mr. Robinson is a member of the Village Planning Board and a Life Time Member of the Local Moose Club. He has also been a long time member of: the Wyoming County Firemen's Association, the Western New York Firemen's Association, and the Fire Fighters of the State of New York Association. Mr. Robson is a member of the Bates-Courtney Post 105 of the American Legion where he is the commander. He also has been the Wyoming County Commander of the American Legion for the past 2 years.

Mr. Robson, and his wife Sherry have been married 47 years and they live in the Village of Silver Springs.

The pledge was said by all.

Chairman Berwanger presented Mr. Robson with the customary certificate of appreciation and an opportunity to address the Board. At which time, Mr. Robson thanked the Board for inviting him and for financially supporting the Wyoming County Community Hospital (WCCH). Mr. Robson expressed his pride for Wyoming County and WCCH.

There was a brief interruption of the meeting as the press took pictures.

Chairman Berwanger introduced, Mark Relyea, a Veteran representing the VFW Hendershott Manness Post 374 in Arcade, NY. Mr. Relyea announced that for the second consecutive year, the Post representative has been New York State's Voice of Democracy

winner in the audio-essay contest. Mr. Relyea introduced Nicholas Taylor, son of Julie Wood of Arcade. In the fall, Nick plans to attend St. Bonaventure University majoring in Journalism. Mr. Taylor expressed his appreciation to the Board for giving him the opportunity to share his essay.

Mr. Taylor's essay reads as follows:

Does My Generation Have a Role in America's Future?

The Now generation – The X Generation – Generation Y – Even the Pepsi Generation –

How many times have we heard, “What’s this generation coming to?”

What will become of my generation?

Generations are a continuation of- not a stagnation of- heredity and values. My generation needs to focus on changes, but still continue to display the same values and ethics as our past generations.

Tom Brokaw, author of The Greatest Generation chose personal stories to depict the true value of the World War II generation- he wrote: “Not only the physical scope of the war, but the cost to humanity. The total immersion (individually and collectively serving a common cause) of commitment to public service and community.”

Will these same words be said of my generation? –Only if we follow in the footsteps of our families. My great grandparents and grandparents were part of the Forgotten Generation and the Greatest Generation that followed. They returned from World War II to rebuild their lives and became integral parts of their communities. My own great grandmother was the first female member of the VFW in New York State. She and others of her generation did not march in the streets for civil rights, women’s rights, or to protest any wars. They fought the wars- literally and figuratively. They grew up believing America was the greatest land on earth and believed in the

opportunities it offered to those who worked hard to get ahead. They were the driving force behind what ultimately became the longest period of peace time prosperity in the nation's history. Oh ...and they invented rock and roll too.

Our elders (parents, teachers, and the community) teach us to be patriots, to believe in one another, and believe in ourselves. We still cherish these lessons and practice them to the best of our abilities. But some place along the line, many young people didn't latch on to the American values.

Instead, the "me generation" became the symbol of status and the generation of "more."

I recall when I was part of that "me generation" as a young child. I had been going to the VFW Memorial Day Parade and Services for as long as I could remember- and before that, too- but the only thing important to me was how much candy and spent cartridges I could grab before the other kids retrieved them. As I've matured, I've come to appreciate the significance of these ceremonies and realize that the rifle salutes are not for my pleasure, but to acknowledge the dedication of the many generations before me. This has helped change me from a "ME" person to a "WE" person.

Will this change also come, for my generation, with the same dedication to special projects and volunteerism as was so evident with the Greatest Generation? Our schools and churches urge young people to contribute to their communities- to help develop the "common cause" mentality. But we each need to put those values into practice- "individually for a common cause."

Second Generation projects are supposedly new and improved. Maybe that's what our role will be in the future- New and Improved- We should take from the past, learn from it and improve the future. It occurred to me that every generation wants something better for the next generation: Parents strive to make a better home and life for their children-New and Improved-Schools work hard to educate students for a changing world-New and Improved- We are constantly reminded of how we can improve our environment- New and

Improved. My generation's role will be to be appreciative of that past initiative and hard work by developing that same sense of ethics as we take on the responsibilities of adulthood. And yes, to make our world "New and Improved."

Yes, my generation has a role in America's future. It is the same role that countless others have had in generations past- We will take from the past and improve it. We need to create a safer, friendlier world and honor the efforts of past generations in doing so. At a church youth rally this last summer, the speaker closed the events with the words I'll close with today-: "It's not that my generation does NOT have a role in America's future, we ARE America's future."

Communications:

1. ***NYS Senator Patrick Gallivan***, ~ Letter dated May 4, 2011 ~ ***Albany Update from the Senator's Office.***
2. ***Chuck Prinzi***, ~ Letter dated April 20, 2011 ~ ***Thank you for assistance Lindsay Shearing provided in regards to Medicare regulations.***

Mr. Berwanger, Chairman

Wyoming County Board of Supervisors

Just a note to express our appreciation for Lindsay Shearing, a representative in the Office of the Aging. We are turning 65 and we knew very little about Medicare. We asked around, and more than a few people suggested we talk to Lindsay at the Office of the Aging. We did, and she was terrific. Lindsay is knowledgeable, friendly, professional and very, very helpful. Lindsay is a credit to herself, the Office of the Aging, and the Wyoming County System.

Sincerely, Chuck Prinzi

Chairman Berwanger, congratulated Andrea Aldinger, Director of the Office for the Aging.

Open Public Hearing:

May 10, 2011

Local Law No. 4, Year 2011 (Introductory D, Year 2011)
 Entitled, “A Local Law Relating to Decorum at Funeral Related
 Events”

#1

RESOLUTION NO. 11-154
(May 10, 2011)

By Mrs. May, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2011 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to
 the various 2011 accounts as follows:

Emergency Services			
From: 01.37.3020.2.20401 Misc. Equip.	\$5,000.00		
01.37.3020.2.20001 Furniture	5,000.00		
01.37.3020.4.40012 Emerg. 911	2,421.59		
01.37.3020.4.41401 Maint. Agree.	2,400.00		
To: 01.37.3020.2.20201 Comp. Equip.		\$14,821.59	
Reason: Transfer funds to purchase computer/software equipment for Computer Aided Dispatch (CAD) update.			
Emergency Services Total			\$14,821.59

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

RESOLUTION NO. 11-155
(May 10, 2011)

By Mrs. May, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2011 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2011 accounts as follows:

Board of Elections			
To: 01.34.1450.4.42482 HAVA Access Impr. w/01.11.1450.3089 Other State Aid Reason: poll site upgrades as granted by HAVA through the Voting Access for Individuals with Disabilities Polling Place Access Improvement Grant.	\$1,823.00	\$1,823.00	
Board of Elections Total			\$1,823.00
Youth Bureau			
To: 01.45.7310.4.42434 Stars of Tomorrow w/01.03.7310.1289 – Other Dept Income Reason: Youth Bureau Activities for Honeycomb (R-AHEC) after school program for Perry School.	\$600.00	\$600.00	
Youth Bureau Total			\$600.00
District Attorney			
To: 01.32.1169.1.10101 Full Time CSEA 01.32.1169.4.40402 Conferences 01.32.1169.4.40405 Employee Expense 01.32.1169.4.40406 Employee Mileage 01.32.1169.8.81001 Retirement 01.32.1169.8.83001 FICA 01.32.1169.8.85001 Medicare – FICA w/01.12.1169.4389 Federal Aid Reason: Roll over grant funds for CVB Grant	30,816.70 451.44 200.00 300.00 3,910.06 1,461.00 342.00	\$37,481.20	
District Attorney Total			\$37,481.20

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Page 2

Highway			
To: 04.53.5110.4.41904 Bituminous Products w/ 04.11.5110.3501 Consolidated Highway Aid Reason: To allocate funds for CHIPS increased funding for 2011.	\$95,618.00	\$95,618.00	
Highway Total			\$95,618.00
Emergency Services			
To: 01.37.3020.4.41402 Computers 01.37.3020.4.41410 Software w/01.02.3020.114001 Wireless Surcharge Reason: To appropriate funds for the purchase of computer equipment and software for the Computer Aided Dispatch (CAD) update.	\$ 1,418.97 11,335.62	\$ 12,754.59	
Emergency Services Total			\$12,754.59
County Reforestation			
To: 01.49.8710.4.40301 Prof. Svc.Contracts <i>From Any Funds Available</i> Reason: To cover contract with Pioneer Forestry (property maintenance & property line identification and the addition of 3 parcels to the 10-year forestry plan)	\$8,900.00	\$8,900.00	
County Reforestation Total			\$8,900.00
Human Resources			
To: 01.34.1431.4.40301 Prof. Svc. Contracts <i>From Any Funds Available</i> Reason: To cover contract with Groves Associates for a 13 week management training program.	\$20,000.00	\$20,000.00	
Human Resources Total			\$20,000.00

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

Mr. Bush, T/Gainesville, Chairman of the Audit Committee,
presented bills totaling **\$2,072,294.31** for the month of **April 2011**.

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

There was a motion by Mrs. Meeder T/Middlebury, to combine resolutions #3 and #4. A voice vote was taken and all voted aye. In addition, Mrs. Meeder offered corrections for resolution number 3. The amount of this contract should be \$20,000 instead of \$25,000 and the effective date is May 26, 2011 not September 01, 2011.

#3

**RESOLUTION NO. 11-156
(May 10, 2011)**

By Mrs. Meeder, Chairman of Human Resource Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH
GROVES ASSOCIATES ON BEHALF OF THE HUMAN
RESOURCE DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Groves Associates, P.O. Box 369, Tunkhannock, PA 18657 on behalf of the Human Resource Department. Said contract to provide management training to 30 county managers for 15 weeks in an amount not to exceed twenty thousand dollars (\$20,000.00); effective May 26, 2011 through completion of the training.

Contingent upon the availability of funds.

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

#4

**RESOLUTION NO. 11-157
(May 10, 2011)**

By Mrs. Meeder, Chairman of Human Resource Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
ACCEPTANCE AWARD WITH THE NEW YORK STATE
BOARD OF ELECTIONS ON BEHALF OF WYOMING
COUNTY BOARD OF ELECTIONS**

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 Board of Elections, 40 Steuben St, Albany, NY 12207 on behalf of Wyoming County Board of Elections. Said funding for poll site upgrades in a minimum amount of one thousand eight hundred twenty-three dollars (\$1,823.00); effective April 1, 2011 through September 30, 2015.

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

There was a motion by Mrs. Totslin T/Genesee Falls, to combine resolutions #5 through #9. A voice vote was taken and all voted aye.

#5

**RESOLUTION NO. 11-158
(May 10, 2011)**

By Mrs. Totslin, Chairman of Human Services Committee:

FOSTER CARE MONTH PROCLAIMED

RESOLUTION NO. 11-158**May 10, 2011****Page 2**

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 currently 44 children and youth in foster care being provided with a safe, secure and stable environments, along with the compassion and nurturing, of 24 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 and 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 whom work to increase public awareness of the needs of children in and leaving foster care as well as the enduring and valuable contribution of foster parents, and the foster care “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 2011* as:

Foster Care Month

In Wyoming County; and be

FURTHER RESOLVED, That the Board of Supervisors 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: 1596 Noes: Absent: Abstain:

May 10, 2011

RESOLUTION NO. 11-159
(May 10, 2011)

By Mrs. Totslin, 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 Community Action, 6470 Route 20A, Perry, NY 14530 on behalf of the Office for the Aging. Said contract is to provide for the Weatherization Referral Program (WRAP) in an amount not to exceed thirty-eight thousand four hundred thirty-six dollars (\$38,436.00); effective May 1, 2011 through March 31, 2012.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#7

RESOLUTION NO. 11-160
(May 10, 2011)

By Mrs. Totslin, Chairman of Human Services Committee:

**ROBERT YUNKER AND CAROL BROWN APPOINTED
TO THE OFFICE FOR THE AGING ADVISORY COUNCIL**

RESOLUTION NO. 11-160**May 10, 2011****Page 2**

BE IT RESOLVED, That the following individuals be hereby appointed to the Office for the Aging Advisory Council:

Town Representatives

To fill an unexpired vacant three (3) year term; effective May 1, 2011 through December 31, 2011

- **Robert Yunker** (T/ Perry) 165 Lake Street, Apt. A4, Perry, NY 14530 (replacing Elizabeth Rice);

To fill an unexpired vacant three (3) year term; effective May 1, 2011 through December 31, 2013

- **Carol Brown** (T/Middlebury) 1236 South Academy Road, Route 19, Wyoming, NY 14591 (replacing Shirley Acker).

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

**RESOLUTION NO. 11-161
(May 10, 2011)**

By Mrs. Totslin, Chairman of Human Services Committee:

OLDER AMERICANS MONTH PROCLAIMED

WHEREAS, Wyoming County is a community that includes approximately 6,900 citizens aged 60 and older; and

WHEREAS, The older adults in Wyoming County are the roots from which our community grows, who bestow gifts of wisdom and insight upon younger generations, and strengthen the bonds between neighbors to create a better place to live; and

May 10, 2011

RESOLUTION NO. 11-161**May 10, 2011****Page 2**

WHEREAS, Our Society can be enhanced by older adults aging peacefully in their communities; and

WHEREAS, The older adults in Wyoming County should be commended for their role in creating and bolstering the fiber of our community and nation; and

WHEREAS, Our community can provide that recognition and respect by enriching the quality of life for older Americans by:

- Increasing their opportunities to remain in their communities as active and engaged citizens;
- Providing services, technologies, and support systems that allow seniors to foster and maintain connections within the community;
- Emphasizing the value of elders by publically recognizing their contributions to the diversity, strength, and unity of our community; now therefore

BE IT RESOVLED, That the Wyoming County Board of Supervisors do hereby proclaim *May 2011* as:

Older Americans Month

and urges every citizen to take time this month to honor our older adults and the professionals, family members, and volunteers who care for them. Our recognition of older Americans and their involvement in our lives can help us achieve stronger and more meaningful connections with each other and enrich our community's quality of life.

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

#9

**RESOLUTION NO. 11-162
(May 10, 2011)**

By Mrs. Totline, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS
CONTRACTS FOR EARLY INTERVENTION SERVICES
AND/OR PRE-SCHOOL RELATED SERVICES 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 Early Intervention Services and/or Pre-School Related Services contracts with the following providers on behalf of the Youth Bureau. Compensation variable depending on number of services provided - not to exceed 2011 – 2012 budget; effective April 1, 2011 through June 30, 2012:

- Kelly Kloc, 504 Mill Road, East Aurora, NY 14052
- Laura Kurowski, 2851 Maxon Road, Varysburg, NY 14167
- Elizabeth Laczi, 480 Ashland Avenue, Buffalo, NY 14222
- Larissa Cox, 2368 Kilian Road, Corfu, NY 14036

Contingent upon the availability of funds.

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

After passage of above resolutions #5 through #9, Chairman Berwanger invited Supervisor Totline, T/Genesee Falls to the podium to present the Older Americans Month proclamation to Director Aldinger, Director for the Office for the Aging. Director

May 10, 2011

Aldinger joined Supervisor Totstline and agreed to read the proclamation.

Director Aldinger expressed her appreciation to the Board of Supervisors for their continued care and generosity in support of the Office for the Aging program.

Supervisor Totstline invited Commissioner Rumsey to the podium to receive the Foster Care Month proclamation. Commissioner Rumsey agreed to read his proclamation as well. In addition, he invited members of the Social Services staff to join him at the podium to receive the Foster Care Month proclamation (joining him were G. Lew, R. Warren, B. Bagley).

Mr. Lew thanked the Board for their support to the Department of Social Services and explained that the Foster Care Unit works hard at providing lasting and loving homes to foster children.

There was a motion by Mr. Kushner T/Eagle, to combine resolutions #10 through #13. A voice vote was taken and all voted aye.

#10

**RESOLUTION NO. 11-163
(May 10, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS GRANT
APPLICATIONS AND ACCEPTANCE AWARDS ON
BEHALF OF THE COUNTY HEALTH DEPARTMENT**

RESOLUTION NO. 11-163**May 10, 2011****Page 2**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign the following grant applications and acceptance awards on behalf of the County Health Department:

- *Governor's Traffic Safety Committee* via e-Grants for the Child Passenger Safety Program in a minimum amount of eight thousand dollars (\$8,000.00); effective October 1, 2011 through September 30, 2012;
- *New York State Department of Health, Center for Environmental Health, Bureau of Water Supply Protection*, 547 River Street, Room 400, Flanigan Square, Troy, NY 12180 for the provision of funding for the Drinking Water Enhancement Program in a minimum amount of one hundred four thousand four hundred thirty-five dollars (\$104,435.00); effective April 1, 2011 through March 31, 2012;
- *New York State Department of Health, Bureau of Communicable Disease Zoonoses Program, Corning Tower, ESP, Room 621, Albany, NY 12237* for the provision of funding for the Rabies Program in a minimum amount of eleven thousand two hundred thirty-seven dollars (\$11,237.00); effective April 1, 2011 through March 31, 2012.

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

**RESOLUTION NO. 11-164
(May 10, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

**PETER COGGIOLA APPOINTED TO THE MENTAL
HEALTH COMMUNITY SERVICES BOARD AND THE
MENTAL HEALTH SUBCOMMITTEE**

BE IT RESOLVED, That Peter Coggiola, NP, 4470 Jordan Road, Silver Springs, NY 14550 be hereby appointed to the Community Services Board and to the Mental Health Subcommittee *as a Community Member at Large replacing Dr. Gregory Collins to fill the unexpired vacant four (4) year term; effective April 1, 2011 through December 31, 2011.*

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

**RESOLUTION NO. 11-165
(May 10, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN LEASE
AGREEMENTS WITH WARSAW PROPERTY
MANAGEMENT, LLC (JIM RUTOWSKI)
ON BEHALF OF MENTAL HEALTH**

RESOLUTION NO. 11-165**May 10, 2011****Page 2**

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 lease agreements with Warsaw Property Management, LLC, 2071 Crittenden Road, Alden, NY 14004 (Jim Rutowski) on behalf of Mental Health:

- lease of the downstairs and barn at 460 North Main Street, Warsaw, NY 14569 for ten years in an amount not to exceed \$1,600.00 a month with a 2% increase at years 4, 6 and 8; effective July 1, 2011 through June 30, 2021. 100% State Aid. No County levy; and
- lease of the upstairs at 460 North Main Street, Warsaw, NY 14569 in an amount not to exceed \$1,000.00 per month for an initial term of thirty months; effective July 1, 2011 through December 31, 2013. 100% State Aid and Federal Grant funds. No county levy.

Contingent upon the availability of funds.

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

RESOLUTION NO. 11-166**(May 10, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

MENTAL HEALTH MONTH PROCLAIMED

May 10, 2011

RESOLUTION NO. 11-166
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Page 2

Live Well! It's Essential for Your Potential

WHEREAS, Wyoming County Mental Health is proud to continue its tradition of celebrating “*May is Mental Health Month*”, which began in 1949 to raise awareness of mental health conditions and wellness for all; and

WHEREAS, Wellness encompasses the notions of balance in one’s life among the mental, physical, and emotional elements of health; and

WHEREAS, Mental health disorders and mental health problems affect people of all ages, backgrounds, and at all stages of life; and

WHEREAS, Serious emotional and mental disorders in children and youth are real and treatable; and

WHEREAS, One in four adults will experience a serious mental disturbance in their thoughts, feelings and ability to cope during their life-time; and

WHEREAS, Mental health problems are real, common and treatable, we can – no matter how challenging the mental health obstacle we face-always chart a course back to wellness and lead full and productive lives; and

WHEREAS, The Wyoming County Board of Supervisors desires to acknowledge the concerns that individuals and families face with mental illness, including the mental health needs of both children and the elderly, those with serious and persistent mental illness, and those fighting stigma in employment, housing, and community relations; and

WHEREAS, This Board also desires to support efforts to promote good mental health in all county residents through the delivery of services that enable individuals and families to receive treatment, prevention, advocacy and other supportive services to allow them to enjoy a healthy and successful life; now therefore

RESOLUTION NO. 11-166**May 10, 2011****Page 3**

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby proclaims:

May 2011 as Mental Health Month

May 2nd through 8th as Children's Mental Health Week

May 23rd through 29th as Older American's Mental Health Week

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

After passage of above resolutions #10 through #13, Supervisor Kushner T/Eagle was invited to the podium to present the Mental Health Month proclamation. Joining him were Stephen Snell, Director of Community Services and Ellen Grant, T/Bennington Supervisor and Mental Health Fiscal Administrator.

On behalf of the Mental Health Department, Supervisor Kushner, T/Eagle reported that amidst the past and present challenges the department has maintained services to the people of Wyoming County. Supervisor Kushner, T/Eagle thanked the Board of Supervisors for their continued support to the department.

Director Snell announced that there are Mental Health Month activities scheduled for Wednesday, May 18, 2011 at 8:30am at Breezy Hill Party House.

Chairman Berwanger reported that due to continued unfunded mandates by the State Legislature several Wyoming County programs will be impacted. As these programs become affected, department heads are being asked to provide a report to the Board of Supervisors.

Director Aldinger reported that as of July 1, 2011 grant funding received from the Office of Children and Family Services will be

cut by twenty-five percent (25%) and will be cut by an additional twenty-five percent (25%) in 2012. Programs such as Youth Court, Stars for Tomorrow, and Intensive Case Management are among those threatened by State cuts. The Youth Court program teaches youth about court procedures. Children who commit a crime in Wyoming County are referred to Youth Court rather than Family Court by Probation. The average annual number of cases held in Youth Court is fifteen (15) at an expense of approximately \$12,000, compared to approximately \$69,000 if the same cases were heard in Family Court. This comparison depicts the negative impact caused by the funding cuts to the Youth Bureau.

The Stars for Tomorrow program provides unique and creative recreational activities to youth in Wyoming County who may not have opportunities otherwise. The Intensive Case Management program is driven to limit child foster care placement. Both of these programs are in jeopardy of elimination because of potential staff reductions.

Laura Paolucci, Public Health Administrator, explained that the Health Department's Certified Home Health Agency (CHHA) will be most profoundly impacted by the Governor's budget effective July 1, 2011. In 2010, this agency provided nursing care to 1,000 eligible Wyoming County residents in their homes. Health Department staff recognizes their responsibility to improve efficiencies, to account for dollars spent, and to sharpen contracts. According to Admin. Paolucci, the CHHA would have cost WCCH \$50,000 in 2010, had it not been for state aid. Admin. Paolucci acknowledged the tough decisions that are coming before the Board of Supervisors during this mid-year budget crisis and respects their consideration with regard to services and residents' needs.

Chairman Berwanger reminded attendees that the Pension and Medicaid unfunded mandates for 2012 are expected to increase the Wyoming County tax rate by twenty-two and a half percent

(22.5%). *Chairman Berwanger explained that roughly every one hundred thousand dollars equals one percent of the tax rate. This increase is for two of the nine unfunded mandates alone and excludes additional costs in employee benefits, operating expenses, or other mandates. According to Supervisor Berwanger, residents of Wyoming County and New York State should be encouraged to contact State Legislators and the Governor's office demanding relief of these unfunded mandates.*

There was a motion by Mr. Fleischman T/Java, to combine resolutions #14 through #16. A voice vote was taken and all voted aye.

#14

**RESOLUTION NO. 11-167
(May 10, 2011)**

By Mr. Fleischman, Chairman of Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN AGREEMENT
WITH ENVIRONMENTAL ENTERPRISES FOR GLOW
REGION 2011 HOUSEHOLD HAZARDOUS WASTE
COLLECTION PROGRAM**

WHEREAS, The GLOW Region Solid Waste Management Committee has received funding from the NYS Department of Environmental Conservation (NYSDEC) for the 2011 Household Hazardous Waste Collection Program; and

WHEREAS, The GLOW Committee has recommended that a contract with Environmental Enterprises Inc., 4650 Spring Grove Ave., Cincinnati, OH 45232 be extended to provide collection services for the September 17, 2011 Household Hazardous Waste Collection Program; now therefore

RESOLUTION NO. 11-167
May 10, 2011
Page 2

BE IT RESOLVED, That upon the approval of the County Attorney, the Chairman of the Wyoming County Board of Supervisors is authorized and directed to sign a contract with the GLOW Counties and Environmental Enterprises Inc. for the 2011 GLOW Household Hazardous Waste Collection Program in an amount not to exceed twenty-seven thousand dollars (\$27,000.00).

Contingent upon the availability of funds.

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

RESOLUTION NO. 11-168
(May 10, 2011)

By Mr. Fleischman, Chairman of 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 New York State Office of Community Renewal, Small Business program, for up to one hundred ten thousand dollars (\$110,000) that will be used by the Wyoming County Business Assistance Corporation (WCBAC) to provide financial assistance to Upstate Door, Inc., in the Town of Warsaw for its continued growth and expansion; and

RESOLUTION NO. 11-168**May 10, 2011****Page 2**

WHEREAS, Any repayments of loan proceeds of this grant from Upstate Door, Inc. will be used by the WCBAC 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 necessary documents to the Office of Community Renewal for a NYS Community Development Block Grant, OCR Small Business 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 acceptance of the grant award 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 May 5, 2011 and May 11 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 county designated for such publications.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#16

**RESOLUTION NO. 11-169
(May 10, 2011)**

By Mr. Fleischman, Chairman of Planning Committee:

**JAMES FLEISCHMAN REAPPOINTED TO
THE LOCAL DEVELOPMENT CORPORATION BOARD**

BE IT RESOLVED, That James Fleischman, Town of Java, 5824 Java Lake Road, Arcade, NY 14009 be hereby reappointed to the Local Development Corporation Board *for a term of three (3) years; effective May 10, 2011 through May 09, 2014.*

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

Supervisor Fleischman presented Certificates of Appreciation to Douglas Wolcott and W. Jerome Smith for 20 years of dedicated service to the Wyoming County Planning Board from 1991 to 2011. Chairman Berwanger thanked both men for their devotion.

#17

**RESOLUTION NO. 11-170
(May 10, 2011)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
APPLICATION AND ACCEPTANCE AWARD WITH NEW
YORK STATE OFFICE OF EMERGENCY MANAGEMENT
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 grant acceptance award with New York State Office of Emergency Management, 1220

RESOLUTION NO. 11-170**May 10, 2011****Page 2**

Washington Ave., Bldg. 22, Suite 101, Albany, NY 12226-2251 on behalf of Emergency Services. Said grant is for funding to improve and implement hazardous materials emergency plans in a minimum amount of two thousand nine hundred thirty dollars (\$2,930.00); effective October 1, 2010 through September 30, 2011.

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

There was a motion by Mr. Patti T/Attica, to combine resolutions #18 through #22. A voice vote was taken and all voted aye.

#18**RESOLUTION NO. 11-171****(May 10, 2011)**

By Mr. Patti, Chairman of Public Works Committee:

CHAIRMAN AUTHORIZED TO SIGN A MEMORANDUM OF UNDERSTANDING WITH THE FEDERAL HIGHWAY ADMINISTRATION, NEW YORK STATE DEPARTMENT OF TRANSPORTATION, AND NEW YORK STATE HISTORIC PRESERVATION ON BEHALF OF COUNTY HIGHWAY

WHEREAS, The County of Wyoming plans to carry out the *Griffith Road Bridge replacement Project* (undertaking) thereby requiring review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f, and its implementing regulations, 36 C.F.R. Part 800; and

May 10, 2011

RESOLUTION NO. 11-171**May 10, 2011****Page 2**

WHEREAS, The undertaking consists of replacing the Griffith Road Bridge over East Koy Creek and reconstruct approximately 300 feet of approach roadway east of the bridge and 150 feet west of the bridge maintaining the existing horizontal alignment. The vertical alignment will be raised approximately 2 feet 6 inches at the bridge to improve a non-standard vertical alignment; and

WHEREAS, The County of Wyoming has defined the undertaking's area of potential effect (APE); and

WHEREAS, The County of Wyoming has determined that the undertaking will have an adverse effect on the Griffith Road Bridge, which is eligible for listing in the National Register of Historic Places, and has consulted with the New York State Historic Preservation Officer (SHPO) pursuant to 36 C.F.R. part 800, of the regulations implement Section 106 of the National Historic Preservation Act (16 U.S.C. §470f); and

WHEREAS, The County of Wyoming has consulted with New York State Department of Transportation regarding the effects of the undertaking on historic properties and has invited them to sign this MOA as a concurring party; and

WHEREAS, In accordance with 36 C.F.R. § 800.6(a)(1), Wyoming County has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); now therefore

BE IT RESOLVED, That the County of Wyoming and the SHPO agree that the undertaking shall be implemented in accordance with the agreed upon stipulations in order to take into account the effect of the undertaking on historic properties.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#19

RESOLUTION NO. 11-172
(May 10, 2011)

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH CLARK PATTERSON LEE ON BEHALF OF THE
WYOMING COUNTY COMMUNITY HOSPITAL CAPITAL
IMPROVEMENT 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 contract with Clark Patterson Lee, 205 St. Paul Street, Ste. 500, Rochester, NY 14604 on behalf of the Wyoming County Community Hospital Capital Improvement Project. Said contract is for Engineering and Architectural Services relating to the Skilled Nursing Facility Capital Project in an amount not to exceed nine hundred forty thousand dollars (\$940,000.00); effective April 1, 2011 through project completion.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#20

RESOLUTION NO. 11-173
(May 10, 2011)

By Mr. Patti, Chairman of Public Works Committee:

May 10, 2011

RESOLUTION NO. 11-173**May 10, 2011****Page 2**

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH KEN'S CARPET CENTER ON BEHALF OF THE
DEPARTMENT OF SOCIAL SERVICES CAPITAL
IMPROVEMENT 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 contract with Ken's Carpet Center, 85 S. Main Street, Warsaw NY 14569 on behalf of the Department of Social Services Capital Improvement Project. Said contract is for installation of carpet, cove base, VCT, vinyl cove base at the Department of Social Services lower building in an amount not to exceed eight thousand eight hundred fifty-eight dollars and sixteen cents (\$8,858.16); effective April 14, 2011 through December 31, 2011.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain: #21

**RESOLUTION NO. 11-174
(May 10, 2011)**

By Mr. Patti, Chairman of Public Works Committee:

RESOLUTION NUMBER 10-340 AMENDED

WHEREAS, Resolution Number 10-340 entitled **“CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH THYSSENKRUPP ELEVATOR CORPORATION ON BEHALF OF BUILDINGS AND GROUNDS,”** passed by this Board of Supervisors on October 12, 2010 and provides for maintenance of the Otis elevator at the Wyoming County

RESOLUTION NO. 11-174**May 10, 2011****Page 2**

Courthouse for three (3) years in an amount not to exceed eight thousand one hundred fifty-three dollars and thirty four cents (\$8,153.34); effective September 01, 2009 through August 31, 2012.

Contingent upon the availability of funds; now therefore

BE IT RESOLVED, That Resolution Number 10-340 be hereby amended to reflect a revised expiration date of August 31, 2012 to March 31, 2011. All else remains the same.

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

#22

RESOLUTION NO. 11-175**(May 10, 2011)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH THYSSENKRUPP 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 Thyssenkrupp Elevator Corporation, 2495 Walden Avenue, Suite 600, Buffalo, NY 14225 on behalf of Buildings and Grounds. Said contract is for maintenance services to elevators at the Wyoming County Courthouse, Government Center, and Public Safety buildings in an amount not to exceed twenty-two thousand six hundred eighty

May 10, 2011

RESOLUTION NO. 11-175
May 10, 2011
Page 2

dollars (\$22,680.00); effective April 01, 2011 through March 31, 2014.

Contingent upon the availability of funds.

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

There was a motion by Mrs. May T/Orangeville, to combine resolutions #23 through #26. A voice vote was taken and all voted aye.

#23

RESOLUTION NO. 11-176
(May 10, 2011)

By Mrs. May, Chairman of Finance Committee:

NURSES WEEK PROCLAIMED

WHEREAS, Nursing is often described as a profession of art and science, embracing dedicated people with varied interests, strengths, and passions; and

WHEREAS, Nursing has been demonstrated to be an indispensable component in the safety and quality of care of patients in a variety of practice settings; and

WHEREAS, The demand for nursing services will be greater than ever due to the aging population, the continuing expansion of life sustaining technology and the explosive growth of patient care services; and

RESOLUTION NO. 11-176**May 10, 2011****Page 2**

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 of the Wyoming County; and

WHEREAS, The nurses in Wyoming County have proven their passion and strong commitment to the Wyoming County community dedicated to meeting the current and emerging health care needs of its residents and visitors; and

WHEREAS, The week of has been declared throughout the United States as National Nurses Week in commemoration of Florence Nightingale and all nurses to celebrate the many ways in which nurses strive to provide safe and high quality patient care mapping the way to improve our healthcare system; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby proclaim **May 6 – 12, 2011** as:

Nurses Week

in Wyoming County and asks that all residents of Wyoming County and the surrounding communities join them in honoring our nurses and celebrate nursing's accomplishments and valuable contribution to our health care system.

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

RESOLUTION NO. 11-177
(May 10, 2011)

By Mrs. May, Chairman of Finance Committee:

POSITION CREATION(S) APPROVED

BE IT RESOLVED, That the one (1) position of Motor Equipment Operator (Seasonal) (1.00 FTE) be hereby created within County Highway at a rate of \$12.50/hr. for a period not to exceed nineteen (19) weeks; effective May 10, 2011.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#25

RESOLUTION NO. 11-178
(May 10, 2011)

By Mrs. May, Chairman of Finance Committee:

Mrs. May, Chairman of the Finance Committee, presented the **SEMI-ANNUAL MORTGAGE TAX REPORT** for the period of October 01, 2010 through March 31, 2011 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 **\$185,235.57** to the several tax districts of Wyoming County, in accordance with the report filed with the Clerk of the Board of Supervisors, as follows:

RESOLUTION NO. 11-178**May 10, 2011****Page 2**

TAX DISTRICTS	MORTGAGE TAX DISTRIBUTED	VILLAGE	TOWN
Arcade	\$18,007.22	\$4,018.21	\$13,989.01
Attica	\$12,502.66	\$2,471.45	\$10,031.21
Bennington	\$21,090.26		\$21,090.26
Castile	\$15,295.00	\$1,191.45	\$13,162.81
Perry Village		\$940.74	
Covington	\$26,471.95		\$26,471.95
Eagle	\$4,942.04		\$4,942.04
Gainesville	\$5,102.78	\$163.87	\$4,384.84
Silver Springs Village		\$554.07	
Java	\$11,134.27		\$11,134.27
Middlebury	\$6,750.98	\$611.49	\$6,139.49
Orangeville	\$6,326.60		\$6,326.60
Perry	\$12,083.46	\$3,242.49	\$8,840.97
Pike	\$3,253.02		\$3,253.02
Sheldon	\$12,434.62		\$12,434.62
Warsaw	\$25,259.96	\$7,745.95	\$17,514.01
Wethersfield	\$2,455.29		\$2,455.29
Total:		\$20,939.72	\$164,295.85
Grand Totals:		\$185,235.57	\$185,235.57

Let This Be Your Warrant for Such Payment: **\$185,235.57** IN
WITNESS WHEREOF, I have hereunto set my hand and seal of
the Board of Supervisors this 10th day of May 2011.

s/ *Cheryl J. Ketchum*, Clerk

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

#26

May 10, 2011

RESOLUTION NO. 11-179
(May 10, 2011)

By Mrs. May, Chairman of Finance Committee:

**DISABILITY INSURANCE RATE WITH
HARTFORD LIFE INSURANCE COMPANY APPROVED**

BE IT RESOLVED, That rates for statutory New York State Disability Insurance coverage with Hartford Life Insurance Company, P.O. Box 2999, Hartford, Connecticut 06104 for the following employees are hereby approved; effective July 01, 2011 through June 30, 2012:

- Schedule S, D, & WCCH C - \$12.51/employee/month;
- CSEA - \$15.95/employee/month.

Contingent upon the availability of funds.

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

After passage of above resolutions #23 through #26, Mrs. May T/Orangeville, was invited to the podium to present the Nurses Week proclamation to representatives of the WCCH nursing staff.

Lori Roche, WCCH Director of Nursing, praised the nursing staff for their dedication and recognized Sam Thaw for an award he recently received. Well deserved!!

Dr. Leon Kuczmariski, CEO, was present and offered words of praise to the nursing staff...

On behalf of the Board of Supervisors, Chairman Berwanger thanked the nursing staff for their care, compassion, dedication, and loyalty to the residents of Wyoming County.

Public Comment:

None

Regular Session

Gary Cousins, Director of Veterans' Services was invited to offer his thoughts.

There being no one from the public wishing to speak Supervisor May, T/Orangeville made a motion to close the public hearing. All voted aye.

Close Public Hearing:

**Local Law
#27**

**RESOLUTION NO. 11-180
(May 10, 2011)**

By Mrs. Totline, Chairman of Human Services Committee:

**LOCAL LAW NO. 4 (INTRODUCTORY D) - YEAR 2011, "A
Local Law Relating to Decorum at Funeral Related Events,"
ADOPTED**

WHEREAS, There was duly presented and introduced at a meeting of this Board, held on the 12th day of April, 2011, a proposed local law of the County, designated as Local Law Introductory No. D, for the year 2011, entitled, *A Local Law Relating to Decorum at Funeral Related Events*; and

WHEREAS, In accordance with the provisions of Resolution No. 11-111, there was a public hearing held by this Board of Supervisors on this 10th day of May, 2011, 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

May 10, 2011

RESOLUTION NO. 11-180**May 10, 2011****Page 2**

BE IT ENACTED, That Local Law Introductory No. D, Year 2011, County of Wyoming, New York, as presented to this Board on the 10th day of May 2011, is hereby adopted, enacted and passed by this Board in its original form as follows:

LOCAL LAW NO. 4 -YEAR 2011**A Local Law Relating to Decorum at Funeral Related Events****BE IT ENACTED BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF WYOMING AS FOLLOWS:****Section 1. Introduction and Legislative Purposes.**

The Wyoming County Board of Supervisors has considered and now determines that families have a substantial interest in organizing and attending funerals for deceased relatives. Further, the private interests of families in peacefully mourning the loss of deceased relatives and the public interest in preserving orderliness and decorum at funeral related events must be measured against the constitutional rights of the public to exercise freedom of speech and other rights and in particular such rights within one (1) hour prior to, during and one (1) hour following the conclusion of funeral related events. To this end, the Wyoming County Board of Supervisors has determined to enact a law which may be cited as “Decorum at Funeral Related Events”.

Section 2. Definitions.

a. “Funeral” means the ceremonies, processions and memorial services held in connection with the burial or cremation of the dead; and

b. “Picketing” means protest activities engaged in by a person or persons within one thousand (1,000) feet of a cemetery, mortuary or church within one (1) hour prior to, during and one (1) hour following the commencement of a funeral.

Section 3. Prohibited Activity.

a. It is hereby declared unlawful for any person to engage in picketing within one thousand (1,000) feet of any cemetery, mortuary

RESOLUTION NO. 11-180**May 10, 2011****Page 3**

b. or church within one (1) hour prior to, during and one (1) hour following the conclusion of a funeral.

c. Any person knowingly violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than One Thousand dollars (\$1,000.00), and/or by imprisonment of up to (1) one year.

Section 4. Severability.

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

Section 5. Effective Date.

This local law shall become effective immediately upon filing with the Secretary of State.

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

Chairman Berwanger asked if there was any Supervisor who objected to the presentation of unanimous consent resolution #28. Hearing none, the Chairman asked Board Clerk Ketchum to read unanimous consent resolution #28 prior to the roll call vote.

Before passage of the above resolution, Supervisor Berwanger expressed his anticipation that WCCH and the Skilled Nursing Facility will reap the benefits of contracting with a company who specializes in health care grants. Capitol Public Strategies, LLC has been very successful in securing large amounts of funding for other counties.

**RESOLUTION NO. 11-181
(May 10, 2011)**

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

**CHAIRMAN AUTHORIZED TO SIGN CONTRACTS WITH
CAPITOL PUBLIC STRATEGIES 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 contracts with *Capitol Public Strategies, LLC*, 121 State Street, Albany, NY 12207 to provide the following services effective May 01, 2011 through April 30, 2012:

- Legislative, government relations and grant procurement services in support of Wyoming County Community Hospital in an amount not to exceed forty-two thousand dollars (\$42,000.00);
- Private fundraising services in support of Wyoming County Community Hospital in an amount not to exceed 10% of all private dollars raised during the period of engagement.

Contingent upon the availability of funds.

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

There being no further business to come before this Board, Senior Supervisor Bush, T/Gainesville, adjourned the meeting at 3:42 PM with a rap on his desk.

Respectfully submitted,
Cheryl J. Ketchum
Cheryl J. Ketchum, Board Clerk

REGULAR SESSION
(June 14, 2011)
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 Lauren Weiss, Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Brenda Ferrell.

At 2:36 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance for this month's meeting is:

RICHARD J. WOODMAN

Mr. Woodman's service to his country comes while serving during the Vietnam War. He enlisted in the United States Army on November 16, 1959. He completed Basic Training at Ft. Knox, Kentucky and Advanced Individual Training at Ft. Marmouth, New Jersey and became qualified as a Signal Equipment Repairman. Mr. Woodman was assigned to the 542nd Signal Company and attached to the United States Air Force in Anchora, Turkey.

He spent the next 3 years as a Signal Equipment Repairman until returning to the United States in 1963. Mr. Woodman was honorably discharged on October 15, 1963 in Ft. Hood, Texas at the rank of SP 5 (Specialist 5th Class).

For his service to his country Mr. Woodman was awarded:

June 14, 2011

The Marksmanship Rifle Badge

He returned to this area and went to work in Buffalo as a furnace repairman.

He held this position for 2 years when he changed vocations and became an auto parts manager. Mr. Woodman worked for a number of automobile dealers in Buffalo, Attica, and Leroy. He was a parts manager for over 30 years until his retirement from Leroy Motors in 2001.

Mr. Woodman enjoys hunting and fishing. He has been married to his wife Shirley for 50 years and they live in the Town of Warsaw.

The pledge was said by all.

Chairman Berwanger presented Mr. Woodman with a certificate of appreciation and an opportunity to address the Board. At which time, Mr. Woodman thanked the Board for inviting him and acknowledged today, June 14th, as National Flag day. Mr. Woodman encouraged the Board of Supervisors to consider legislation that would prohibit desecration of the US Flag and offered statistics in favor of doing so...

There was a brief interruption of the meeting as the press took pictures.

Communications:

1. ***NYS Senator Patrick Gallivan***, ~ Letter received May 11, 2011 ~ ***Unfunded state mandate relief for Western New York update.***
2. ***NYS Assemblyman Daniel Burling***, ~ Letter dated June 02, 2011 ~ ***Sales Tax Bill passage update.***
3. ***NYS Assemblyman Daniel Burling***, ~ Letter dated June 07, 2011 ~ ***Letter to Kristen Ross, Legislative Secretary, Executive Chamber, urging the passage of legislation allowing Wyoming County to maintain the additional 1% sales tax collection.***

There was a motion by Mr. Gozelski T/Castile, to combine resolutions #1 and #2. A voice vote was taken and all voted aye.

#1

**RESOLUTION NO. 11-182
(June 14, 2011)**

By Mr. Gozelski, Chairman of Agriculture Committee:

**JUNE 2011 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, 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. Wyoming County farms produce an average of 22,700 pounds of milk per cow per year, with a total Wyoming County Milk production in 2008 of 1,074,000,000 pounds with 47,300 milk cows. 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 do hereby proclaim *June 2011* to be:

National Dairy Month
in
Wyoming County

June 14, 2011

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June 14, 2011
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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: 1596 Noes: Absent: Abstain:
#2

RESOLUTION NO. 11-183
(June 14, 2011)

By Mr. Gozelski, Chairman of Agriculture Committee:

**CHAIRMAN AUTHORIZED TO SIGN A FOREST
MANAGEMENT PLAN WITH PIONEER FORESTRY ON
BEHALF 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 Forest Management proposal with Pioneer Forestry, 4000 Skunk Hollow Road, Jamestown, NY 14701 in order to add Poplar Tree Rd. (236 acres), Wethersfield Rd. (41 acres), and Dale Rd. (87 acres) to the already completed Forest Management Plan for the Hobday Road Forestlands in Wethersfield in the amount of \$14.00/wooded acre not to exceed five thousand one hundred dollars (\$5,100.00); effective immediately through the completion of the project.

Contingent upon the availability of funds.

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

**RESOLUTION NO. 11-184
(June 14, 2011)**

By Mrs. May, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2011 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2011 accounts as follows:

Department of Social Services			
To:01.51.9732.7.70004 Serial Bond Int. MBBA w/01.12.9732.448990 US Treas. BOND Int. Rebate <i>From any funds available</i> Reason: To cover the debt expense associated with the DSS financing.	\$33,507.00	\$30,868.00 2,639.00	
Department of Social Services Total			\$33,507.00
Wyoming County Community Health Systems			
To: 02.56.9730.7.70001 WCCH Serial Bond Int w/02.04.4510.1635 Hospital Income w/02.12.9730.448990 WCCH MBBA Subsidy Interest Reason: To cover the debt expense associated with the Hospital Renovation financing.	\$299,745.51	\$149,660.51 \$150,085.00	
WCCHS Total			\$299,745.51
Public Health			
To: 01.38.4035.4.41204 Advertising 01.38.4035.4.41214 Supplies Purchased 01.38.4035.4.41706 Medical/Safety Sup. w/01.11.4035.3489State Aid Reason: Appropriate for various expenses in connection with the NYS Depart. of Health Family Planning Services Grant Enhanced EC, HIV, and HPV Services Awards.	\$12,000.00 5,000.00 20,609.00	\$37,609.00	
Public Health Total			\$37,609.00

June 14, 2011

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June 14, 2011
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Mental Health			
To: 01.38.4325.4.42441 Misc. MH Programs w/01.12.4325.4490 Mental Health Fed. Aid Reason: Mental Health Dept. can make available, upon approval by the County, \$15,087.00 of unused state aid. From unused \$3,087.00 in Commissioner's Performance funds from Trauma Advisory Program and \$12,000.00 from the Local Governmental Unit Administration funds in Federal Salary Sharing funding for 2010, and then increase Spectrum's total 2010 contract by \$15,087.00.	\$12,000.00	\$12,000.00	
To: 01.38.4220.4.42490 SPF SIG Grant w/01.12.4220.4490 Mental Health Fed. Aid Reason: Appropriate new SPT State Incentive Grant Funds	\$200,000.00	\$200,000.00	
Mental Health Total			\$212,000.00
District Attorney			
To: 01.32.1167.1.10101 Full Time CSEA 01.32.1167.4.40401 Training/Education 01.32.1167.4.41010 Misc Office Sup. 01.32.1167.4.40402 Conference/Convention 01.32.1167.8.83001 FICA 01.32.1167.8.85001 Medicare 01.32.1167.8.81001 Retirement w/01.12.1167.4389 Fed Block Grant Reason: increase in grant funds from that which was budgeted originally	\$367.00 1,935.40 800.00 100.00 23.07 5.54 190.99	\$3,422.00	
To: 01.32.1169.1.10101 F/T CSEA 01.32.1169.8.83001 FICA 01.32.1169.8.82002 CSEA Disab 01.32.1169.8.85001 Medicare 01.32.1169.8.81001 Retirement 01.32.1169.8.80001 Worker's Comp. 01.32.1169.8.86001 EAP 01.32.1169.8.89001 Med./Hospital Ins. 01.32.1169.8.89002 Health Reimb. Act w/01.12.1169.4389 Crime Victims Fed Rev Reason: To appropriate funds for 2011-2012 CVB grant year	\$54,049.00 3,352.00 310.00 784.00 10,228.00 250.00 30.00 12,079.00 7,000.00	\$88,082.00	
District Attorney Total			\$91,504.00

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Sheriff			
To: 01.37.3110.2.20201 Comp & Equip 01.37.3110.4.40016 Internet Service 01.37.3110.4.42101 Law Enf. Supplies w/01.12.3110.438903 Homeland Security Reason: purchase in-car computers, air cards and service and protection spray as granted by Homeland Security through the Y2010 LETPP, Resolution #10-430	\$31,404.45 4,800.00 2,311.55	\$38,516.00	
Sheriff Total			\$38,516.00
Jail			
To: 01.37.3150.1.10601 Unused Benefit Time <i>From any funds available</i> Reason: Paid unbudgeted Unused Benefit Time to retired Correction Officer	\$10,325.00	\$10,325.00	
Jail Total			\$10,325.00
Highway			
To: 04.53.5112.4.40940 HBRR Contract 04.53.5112.4.40956 Other Bridge Project w/04.03.5112.1289 Other Dept. income <i>From any funds available</i> Reason: for E&D; truss bridge and installation for the Fairground Bridge – PI #33.	\$35,000.00 246,000.00	\$100,000.00 181,000.00	
To: 04.53.5112.4.40940 HBRR Contract w/04.12.5112.4089 Corps of Engineers w/04.11.5112.3089 Other State Aid <i>From any funds available</i> Reason: Funds not used in 2010 carried over for the 2011 expenses, which are being incurred for C&CI for Orangeville Bridge #10 (Snyder Rd), E&D and C&CI for Arcade Bridge #02 (West St), E&D for Pike Bridge #07 (Griffith Rd), E&D on TIP PM #1; PM#2 and High Risk Rd projects.	\$1,038,154.00	\$835,423.00 \$94,500.00 \$108,231.00	
To: 04.53.5110.4.41904 Bituminous Products <i>From any funds available</i> Reason: for 2008 Hanson Aggregates bill owed for the asphalt price adjustment.	\$57,665.55	\$57,665.55	
Highway Total			\$1,376,819.55

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Buildings and Grounds			
To: 01.34.1620.1.10001 Salary Schedule S/D/I	\$5,480.77		
01.34.1620.8.81001 Retirement	849.52		
01.34.1620.8.83001 FICA	339.81		
01.34.1620.8.85001 Medicare – FICA	79.47		
w/01.10.1620.2801 Interfund Revenue		\$6,749.57	
Reason: To appropriate funds to cover the additional salary approved for Administrative Duties associated with WCCH Maintenance.			
Buildings and Grounds Total			\$6,749.57
Information Technology			
To: 01.34.1680.1.10001 Salary Schedule S/D/I	\$5,480.77		
01.34.1680.8.81001 Retirement	849.52		
01.34.1680.8.83001 FICA	339.81		
01.34.1680.8.85001 Medicare – FICA	79.47		
w/01.10.1680.2801 Interfund Revenue WCCH		\$6,749.57	
Reason: To appropriate funds to cover the additional salary approved for Administrative Duties associated with WCCH Maintenance.			
Information Technology Total			\$6,749.57

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

Mr. Bush, T/Gainesville, Chairman of the Audit Committee, presented bills totaling **\$1,042,920.20** for the month of **May 2011**.

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

Chairman Berwanger introduced and welcomed Cassandra Johnson, the 2011-2012 Wyoming County Dairy Princess. Cassandra is the daughter of Doug and Kathy Johnston of Attica. She is currently a sophomore at Attica High School and is an active member of United Schools, book club, student government and the basketball team. Recently, she became the president of the Attica FFA chapter and competed at the state math competition this past March. Outside of school, Kassie participates in dance and 4-H in addition to spending time on her family’s farm. Since

becoming dairy princess, she's been very busy promoting the dairy industry.

Princess Johnson made a brief presentation to the Board explaining the significant impact agriculture and dairy have on the community. She reported that Wyoming County is the leading county in milk production. According to Princess Johnson, two reasons for celebrating June dairy month is to thank local dairy farmers and to give extra thought for getting three servings of dairy every day. She thanked the Board for inviting her to the meeting.

Supervisor Gozelski T/Castile was invited to the podium to present the June 2011 Dairy Month in Wyoming County proclamation to Princess Johnson.

There was a motion by Supervisor Meeder T/Middlebury, to combine resolutions #4 through #6. A voice vote was taken and all voted aye.

#4

**RESOLUTION NO. 11-185
(June 14, 2011)**

By Mrs. Meeder, Chairman of Human Resource Committee:

RESOLUTION NUMBER 10-422 AMENDED

WHEREAS, Resolution Number 10-422 entitled **“CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTACTS ON BEHALF OF HUMAN RESOURCES,”** passed by this Board of Supervisors on December 14, 2010 and provides for various contracts on behalf of Human Resources. Contingent upon the availability of funds; now therefore

June 14, 2011

RESOLUTION NO. 11-185

June 14, 2011

Page 2

BE IT RESOLVED, That Resolution Number 10-422 be hereby amended to reflect an amendment to David Lippitt contract as follows; effective March 01, 2011:

- o *Osborn, Reed & Burke, LLP (David Lippitt)* located at 45 Exchange Blvd. 4th floor in Rochester, NY 14614, Power Boulevard, Suite 732, 16 W. Main St., Rochester, NY 14614.

All else remains the same.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain: #5

**RESOLUTION NO. 11-186
(June 14, 2011)**

By Mrs. Meeder, Chairman of Human Resource Committee:

**ANIMALS/PETS IN WYOMING COUNTY BUILDINGS
POLICY ADOPTED**

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby approves the Animals/Pets in Wyoming County Buildings Policy effective immediately, as follows:

**WYOMING COUNTY
ADMINISTRATIVE POLICY
Animals/Pets in Wyoming County Buildings Policy**

To ensure the safety, health, and comfort of all staff, volunteers, visitors, and customers, animals/pets are prohibited in all Wyoming County owned, leased, or occupied buildings.

RESOLUTION NO. 11-186**June 14, 2011****Page 2****Exceptions**

- Service animal(s) trained to do work or perform tasks for the benefit of a person with a disability as defined in the American with Disabilities Act. The term *service animal* does not apply to personal pets.
- Nursing Facility residents please refer to in-house policy.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#6

RESOLUTION NO. 11-187**(June 14, 2011)**

By Mrs. Meeder, Chairman of Human Resource Committee:

**SET PUBLIC HEARING – INTRODUCTORY LOCAL LAW
NO. E, YEAR 2011**

WHEREAS, There has been duly presented and introduced at a meeting of this Board of Supervisors of Wyoming County on this 14th day of June, 2011, a proposed local law entitled, “Local Law Introductory No. E Year 2011, “**A LOCAL LAW TO CONTINUE TO IMPOSE A COUNTY MORTGAGE RECORDING TAX ON OBLIGATIONS SECURED BY A MORTGAGE ON REAL PROPERTY AND TO REPEAL LOCAL LAW NUMBER 8 OF 2008,**” 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

RESOLUTION NO. 11-187

June 14, 2011

Page 2

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 July, 2011 at 2:30 PM at the Wyoming County Government Center, Warsaw, New York.

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

There was a motion by Mrs. Totstline T/Genesee Falls, to combine resolutions #7 and #8. A voice vote was taken and all voted aye.

#7

RESOLUTION NO. 11-188

(June 14, 2011)

By Mrs. Totstline, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS
EARLY INTERVENTION SERVICES AND PRE-SCHOOL
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 various Early Intervention Services and Pre-School Related Services agreements on behalf of the Youth Bureau in an amount not to exceed 2011- 2012 budgeted amounts; variable depending on number of services provided as follows:

RESOLUTION NO. 11-188**June 14, 2011****Page 2****Early Intervention Services**

- **Seedling Developmental, Inc.**, 679 Main Street, East Aurora, NY; effective April 01, 2011 through June 30, 2012.
- **Buffalo Hearing and Speech Center**, Attn: Joe Sonnenberg, 50 East North Street, Buffalo, NY 14203; effective April 01, 2011 through June 30, 2012.

Pre-School Related Services

- **Kelly Kloc**, 504 Mill St., East Aurora, NY 14052; effective July 01, 2011 through June 30, 2012.
- **Jenna Romano**, 192 North Union Road, Williamsville, NY 14221; effective July 01, 2011 through June 30, 2012.

Contingent upon available funding.

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

RESOLUTION NO. 11-189**(June 14, 2011)**

By Mrs. Totline, Chairman of Human Services Committee:

CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND ACCEPTANCE AWARD WITH THE NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES ON BEHALF OF YOUTH BUREAU

RESOLUTION NO. 11-189**June 14, 2011****Page 2**

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 of Children and Family Services, 52 Washington Street, Rensselaer, NY 12444 for the funding of Youth Bureau Administration costs, Stars, Omega, Youth Court, Positive Parenting, and the Town and Village Recreation programs' administration in a minimum amount of fifty-two thousand one hundred ninety-seven dollars (\$52,197.00); effective January 01, 2011 through December 31, 2011.

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

Chairman Berwanger reported meeting with Wyoming County Community Action (WCCA) Board of Directors, Executive Directors and Program Directors regarding federal funding restrictions or possible abolishment. Chairman Berwanger invited Marty Mucher, WCCA Executive Director to provide a brief summary regarding this matter.

Mr. Mucher explained that recently President Obama proposed removal of Community Services Block Grant (CSBG) funding. WCCA's budget consists of \$224,000 CSBG funds. These funds are important to WCCA because the local Board of Directors decides how monies are spent. Mr. Mucher asked the Board of Supervisors to consider a resolution encouraging the President and Congress to reinstate CSBG funds into the 2011-2012 Presidential budget.

There was a motion by Supervisor Kushner T/Eagle, to combine resolutions #9 through #11. A voice vote was taken and all voted aye.

#9

**RESOLUTION NO. 11-190
(June 14, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN / COMMISSIONER OF HEALTH
AUTHORIZED TO SIGN VARIOUS GRANT
APPLICATION 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 various grant applications and acceptance awards on behalf of the County Health Department as follows:

- ***University of Rochester Center for Community Health***, 46 Prince Street, Rochester, NY 14607
 - for reimbursement of Livingston Wyoming Cancer Services Program Partnership infrastructure expenses in a minimum amount of one hundred seventeen thousand five hundred-four dollars (\$117,504.00); effective April 01, 2011 through March 31, 2012
 - for payment of Livingston Wyoming Cancer Services Program Partnership clinical patient services fees to the Wyoming County Health Department, in a minimum amount of forty-four thousand two hundred thirty-nine dollars (\$44,239.00); effective April 01, 11 through 3/31/2012
- ***New York State Department of Health***, Corning Tower, ESP, Albany, NY 12237 for the provision of funding for the Lead Poisoning Prevention Program in a minimum amount of thirty-three thousand three hundred fifty-seven dollars (\$31,357.00); effective October 01, 2011 through September 30, 2012;

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

June 14, 2011

**RESOLUTION NO. 11-191
(June 14, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

RESOLUTION NUMBER 10-416 AMENDED

WHEREAS, Resolution Number 10-416 entitled, **“CHAIRMAN AUTHORIZED TO SIGN 2011 RENEWAL CONTRACTS ON BEHALF OF MENTAL HEALTH,”** passed by this Board of Supervisors on December 14, 2010 provides for various contracts on behalf of Mental Health for the year 2011; Contingent upon the availability of funds; and

WHEREAS, on February 15, 2011 the Board of Supervisors passed resolution number 11-45 amending Resolution Number 10-416 to reflect an increase to the Spectrum Human Services, 227 Thorn Ave., Orchard Park, NY 14127 contract of two hundred eighty-one thousand eighty dollars (\$281,080.00) for Personalized Oriented Recovery Services (PROS), 100% state aid, no county levy for a total contract amount of seven hundred eighty-seven thousand one hundred two dollars (\$787,102.00) for 2011. (This amount was not included on original contract because the state aid was unknown until receipt of the state aid approval letter); all else remains the same; now therefore

BE IT RESOLVED, That Resolution Number 10-416, as amended by Resolution Number 11-45 be hereby further amended to reflect the addition of Adult and Child Case Management Services and increase contract by \$15,087.00 to \$802,189.00. 100% State Aid. No County levy; all else remains the same.

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

#11

RESOLUTION NO. 11-192
(June 14, 2011)

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
APPLICATION AND ACCEPTANCE AWARD WITH THE
MENTAL HEALTH ASSOCIATION OF NEW YORK
STATE ON BEHALF OF MENTAL HEALTH**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant application and acceptance award with Mental Health Association of NYS (MHANYS) 19 Washington Ave., Suite 415, Albany, NY 12210 on behalf of Mental Health. Said grant is for funding the purchase of educational materials for doctors' offices for suicide screening and print pamphlets for the suicide support group and to run ads in the shopper in the minimum amount of two thousand dollars (\$2,000.00); effective July 01, 2011 through December 31, 2011. 100% Non-for-profit grant funds. No county match.

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

#12

RESOLUTION NO. 11-193
(June 14, 2011)

By Mr. Fleischman, Chairman of Planning Committee:

June 14, 2011

**AMANDA PARKER AND NORBERT FUEST
REAPPOINTED TO THE INDUSTRIAL DEVELOPMENT
AGENCY**

BE IT RESOLVED, That *Amanda Parker*, 3756 St. Helena St., Perry NY 14530 is hereby reappointed to the Industrial Development Agency *for a term of three (3) years; effective August 15, 2011 through August 14, 2014*; and be it

FURTHER RESOLVED, That *Norbert Fuest*, 2039 Church Road, Darien Center, NY 14040 be hereby reappointed to the Industrial Development Agency *for a term of three (3) years; effective July 8, 2011 through July 7, 2014*.

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

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

#13

RESOLUTION NO. 11-194
(June 14, 2011)

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
ACCEPTANCE AWARD WITH NEW YORK STATE
DIVISION OF CRIMINAL JUSTICE SERVICES ON
BEHALF OF THE DISTRICT ATTORNEY’S OFFICE**

RESOLUTION NO. 11-194**June 14, 2011****Page 2**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant acceptance award with New York State Division of Criminal Justice Services, 4 Tower Place, Albany, New York on behalf of the District Attorney's office. Said grant funding is to enhance the prosecution of repeat violent and serious felony offenders in a minimum amount of twenty-nine thousand two hundred dollars (\$29,200.00); effective April 1, 2011 through March 31, 2012.

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

RESOLUTION NO. 11-195**(June 14, 2011)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT
 WITH GENESEE FINGER LAKES REGIONAL PLANNING
 COUNCIL 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 Genesee Finger Lakes Regional Planning Council, 50 West St., Suite 8107, Rochester, NY 14614 on behalf of Emergency Services. Said agreement is for updating the All Hazard Mitigation Plan in an amount not to exceed thirty-nine thousand five hundred dollars (\$39,500.00); effective July 01, 2011 through May 31, 2013.

Contingent upon the availability of funds.

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

June 14, 2011

**RESOLUTION NO. 11-196
(June 14, 2011)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH AUTOMON, LLC 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 AutoMon LLC, 10450 North 74th Street, Suite 210, Scottsdale, AZ 85258 on behalf of Probation. Said contract is for software maintenance, in an amount not to exceed five thousand one hundred seventy-three dollars (\$5,173.00); effective June 19, 2011 to June 18, 2012. This is a yearly contract which shows an increase of \$322.00.

Contingent upon the availability of funds.

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

There was a motion by Mr. Patti T/Attica, to combine resolutions #16 through #19. A voice vote was taken and all voted aye.

**RESOLUTION NO. 11-197
(June 14, 2011)**

By Mr. Patti, Chairman of Public Works Committee:

Regular Session

RESOLUTION NO. 11-197**June 14, 2011****Page 2****CHAIRMAN AUTHORIZED TO AWARD VARIOUS BIDS
AND SIGN THE VARIOUS CORRESPONDING
CONTRACTS 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 bids and sign the various corresponding contracts on behalf of the County Highway Department as follows:

- **Skyline Steel, LLC, 300 Mt. Lebanon Blvd., Suite 2211, Pittsburgh, PA 15234 to furnish and deliver steel sheeting for the Wyoming County Fairgrounds Bridge – Pike Bridge No. 33 in an amount not to exceed twenty-nine thousand five hundred eighty-three dollars and ninety-two cents (\$29,583.92); effective June 1, 2011 through August 31, 2011.**
- **Ferraro Pile & Shoring, Inc., 13590 Genesee Street, Alden, NY 14004 for the installation of Permanent Steel Sheeting for the Wyoming County Fairgrounds – Pike Bridge No. 33 in an amount not to exceed seventeen thousand seven hundred sixty-five dollars (\$17,765.00); effective June 14, 2011 through August 31, 2011.**
- **Acrow Corp. of America, 181 New Rd., Parsippany, NJ 07054 for the fabrication and delivery of a pre-engineered structural steel truss bridge for the Wyoming County Fairgrounds – Pike Bridge No. 33 in an amount not to exceed one hundred two thousand seven hundred fifty dollars (\$102,750.00); effective June 14, 2011 through August 31, 2011.**
- **Villager Construction, Inc., 425 Old Macedon Center Road, Fairport, NY 14550 for Highway Shoulder Removal at \$.066/sy in an amount not to exceed ten thousand dollars (\$10,000.00); effective June 14, 2011 through September 30, 2011.**
- **Edward Hulme Inc., 17 East Buffalo Street, Warsaw, NY 14569 for the bid opened on May 20, 2011 for the Liberty
June 14, 2011**

RESOLUTION NO. 11-197
June 14, 2011
Page 3

- **Street Drainage Improvements project** – the low bidder in an amount not to exceed sixty-four thousand seven hundred forty-five dollars (\$64,745.00); effective June 14, 2011 through December 31, 2011.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#17

RESOLUTION NO. 11-198
(June 14, 2011)

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 **High Risk Rural Road Improvement: Intersection #1 – Dale Road, W. Middlebury Road & Capwell Road, Town of Middlebury; Intersection #2 – Curriers Road & Genesee Road, Town of Arcade, Wyoming County**, (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

RESOLUTION NO. 11-198**June 14, 2011****Page 2**

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 **\$49,000.00** 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

June 14, 2011

RESOLUTION NO. 11-198
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Page 3

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: #18

RESOLUTION NO. 11-199
(June 14, 2011)

By Mr. Patti, Chairman of Public Works Committee:

RESOLUTION NUMBER 11-138 AMENDED

WHEREAS, Resolution Number 11-138 entitled **“CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS AND AGREEMENTS ON BEHALF OF THE WYOMING COUNTY COMMUNITY HOSPITAL RENOVATIONS CAPITAL IMPROVEMENT PROJECT,”** passed by this Board of Supervisors on April 12, 2011 and provides for various contracts on behalf of the Wyoming County Community Hospital Renovations Capital Improvement Project. Contingent upon the availability of funds; now therefore

RESOLUTION NO. 11-199**June 14, 2011****Page 2**

BE IT RESOLVED, That Resolution Number 11-138 be hereby amended to reflect an amendment to the Envoy Environmental Consultants, Inc, 1815 Love Rd, Grand Island, NY 14072 contract to increase the asbestos survey by including Thomson Hall and unforeseen areas that were not included with original survey in an additional amount not to exceed ten thousand dollars (\$10,000.00), effective May 05, 2011 through May 05, 2012. All else remains the same.

**Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#19**

**RESOLUTION NO. 11-200
(June 14, 2011)**

By Mr. Patti, Chairman of Public Works Committee:

RESOLUTON NUMBER 10-339 AMENDED

WHEREAS, Resolution Number 10-339 entitled **“CHAIRMAN AUTHORIZED TO AWARD BIDS AND SIGN VARIOUS CONTRACTS ON BEHALF OF THE DEPARTMENT OF SOCIAL SERVICES RENOVATIONS CAPITAL IMPROVEMENT PROJECT,”** passed by this Board of Supervisors on October 12, 2010 and provides for various contracts on behalf of the Department of Social Services Renovations Capital Improvement Project. Contingent upon the availability of funds; now therefore

RESOLUTION NO. 11-200**June 14, 2011****Page 2**

BE IT RESOLVED, That Resolution Number 10-339 be hereby amended to reflect an amendment to the Linstar Security Inc., 430 Lawrence Bell Drive, Buffalo, NY 14221 contract to increase the cost to include additions needed to the Access Control System contract that was not included in original quote in an additional amount not to exceed ten thousand three hundred seventy-six dollars and twenty cents (\$10,376.20); effective May 23, 2011 through May 31, 2011. All else remains the same.

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

Chairman Berwanger delivered the following press release:

*Wyoming County Board of Supervisors Modifies Plans for
Hospital Upgrades*

Warsaw, New York, June 14, 2011 - The Wyoming County Board of Supervisors and the Hospital Building Committee will modify the existing plans for the upgrades to the Wyoming County Community Hospital and Skilled Nursing Facility within a budget that is affordable to tax payers of the County.

In light of additional costs that would have increased the cost of the project from \$21,000,000 to \$32,000,000, the County immediately engaged Clark Patterson Lee, the firm hired to coordinate the construction project, to scale back on the planned renovations. The plans will now include essential upgrades as follows:

- *Parking lot and site improvements*
- *Redesigned front entrance with Handicap Accessibility*
- *Emergency Room renovations*
- *Surgical Department renovations*

- *Complete new roof on the main Hospital and Nursing Home facilities*
- *Cooling system updates for both the hospital and nursing home*
- *Sprinkler and HVAC updates to the Skilled Nursing Facility*
- *Skilled Nursing Facility renovations*

The modified project budget will not exceed \$20,000,000 and still meets eligibility requirements for all funding sources.

The first phase of the project for parking lot upgrades and front entrance enhancements are already underway and are expected to be complete, this summer.

Mrs. May, T/Orangeville instructed Clerk Ketchum to withdraw resolution office numbers #20.

**WITHDRAWN
#20**

**RESOLUTION NO. 11-
(June 14, 2011)**

By Mrs. May, 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:

June 14, 2011

RESOLUTION NO. 11-XXX**June 14, 2011****Page 2****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, 2013, 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, 2013, 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

RESOLUTION NO. 11-XXX**June 14, 2011****Page 3**

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, 2013, the tax shall be at the rate of four percent, and on and after December 01, 2013, 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.

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- (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, 2013, the tax shall be at the rate of four percent, and on and after December 01, 2013, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.
- (d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2013, the tax shall be at the rate of four percent, and on and after December 01, 2013, 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.

RESOLUTION NO. 11-XXX**June 14, 2011****Page 5**

- (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, 2013, the tax shall be at the rate of four percent, and on and after December 01, 2013, 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, 2013, the tax shall be at the rate of four percent, and on and after December 01, 2013, 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

RESOLUTION NO. 11-XXX**June 14, 2011****Page 6**

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, 2013.

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, 2013, 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, 2011.

Carried: Ayes: Noes: Absent: Abstain:

There was a motion by Mrs. May T/Orangeville, to combine resolutions #21 through #29. A voice vote was taken and all voted aye.

#21**RESOLUTION NO. 11-201****(June 14, 2011)**

By Mrs. May, Chairman of Finance Committee:

SEMI-ANNUAL REVENUE SHARING FOR THE TOWNS

RESOLUTION NO. 11-201**June 14, 2011****Page 2**

BE IT RESOLVED, That the Chairman of the Finance Committee, presented the Semi-Annual Revenue Sharing Report for the period of October 1, 2010 through March 31, 2011 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, New York

You are hereby authorized and directed to distribute the Semi-Annual Revenue Sharing amounts totaling **\$32,674.86** (thirty-two thousand six hundred seventy-four dollars and eighty-six 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	\$3,176.42
Attica	\$2,205.43
Bennington	\$3,720.24
Castile	\$2,697.99
Covington	\$4,669.54
Eagle	\$871.76
Gainesville	\$900.11
Genesee Falls	\$374.93
Java	\$1,964.03
Middlebury	\$1,190.85
Orangeville	\$1,115.98
Perry	\$2,131.47
Pike	\$573.83
Sheldon	\$2,193.42
Warsaw	\$4,455.76
Wethersfield	\$433.10
Grand Totals:	\$32,674.86

June 14, 2011

RESOLUTION NO. 11-201

June 14, 2011

Page 3

Let this be your Warrant for Such Payment: **\$32,674.86** (thirty-two thousand six hundred seventy-four dollars and eighty-six cents).

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Board of Supervisors this 14th day of June, 2011.

s/ Cheryl J. Ketchum, Clerk

Board of Supervisors

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

RESOLUTION NO. 11-202

(June 14, 2011)

By Mrs. May, Chairman of Finance Committee:

RESOLUTION NUMBER 11-181 AMENDED

WHEREAS, Resolution Number 11-181 entitled **“CHAIRMAN AUTHORIZED TO SIGN CONTRACTS WITH CAPITOL PUBLIC STRATEGIES ON BEHALF OF THE COUNTY OF WYOMING,”** passed by this Board of Supervisors on May 10, 2011 and provides for two contracts with Capitol Public Strategies, LLC, 121 State Street, Albany, NY 12207. Contingent upon the availability of funds; now therefore

BE IT RESOLVED, That Resolution Number 11-181 be hereby amended to reflect revised effective dates of June 01, 2011 through May 31, 2012 from May 01, 2011 through April 30, 2012. Contingent upon the availability of funds. All else remains the same.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain: #23

RESOLUTION NO. 11-203
(June 14, 2011)

By Mrs. May, Chairman of Finance Committee:

**STANDARD WORK DAY AND REPORTING
RESOLUTION**

WHEREAS, On August 12, 2009 the Office of the New York State Comptroller regulation number 315.4 became effective. This regulation more clearly defines the process of reporting elected and appointed officials and adds additional requirements for both employers and officials. Among the requirements for employers are a more detailed Standard Work Day and Reporting Resolution, submission of the resolution to the Retirement System and certification that the resolution was publicly posted; now therefore

BE IT RESOLVED, That the County of Wyoming hereby establishes the following as standard work days for elected and appointed officials whose term begins on or after August 12, 2009 and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this Board:

Title	Name	Standard Work Day hrs/day	Term Begins/Ends	Participates in Employer's Time Keeping System Y/N	Days / Month (based on record of activities)
Elected Officials					
District Attorney	O'Geen, Donald	7	01/01/11-12/31/14	N	20 / 30
Appointed Officials					
Human Resource Director	Morley, Denise	7	01/31/11-12/31/11	N	20 / 30
Election Commissioner (D)	Balmas, Anna Mae	7	01/01/11-12/31/12	N	13.83

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

June 14, 2011

**RESOLUTION NO. 11-204
(June 14, 2011)**

By Mrs. May, Chairman of Finance Committee:

POSITION CREATION(S) APPROVED

BE IT RESOLVED, That the following positions be hereby created as stated within the various county departments listed:

Building & Grounds

- Two (2) positions of Laborer (Per Diem / temporary) a rate of \$10.00/hr. with only those benefits mandated by law for a period of six months beginning May 19, 2011 through November 19, 2011.

Office for the Aging

- One (1) position of Transportation Coordinator, PT (Temp) CSEA agreement, sch. A, grade 3 (\$14.23 - \$15.58/hr); effective through the medical leave of current employee.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#25

**RESOLUTION NO. 11-205
(June 14, 2011)**

RESOLUTION NO. 11-205**June 14, 2011****Page 2**

By Mrs. May, Chairman of Finance Committee:

RESOLUTION NUMBER 09-502 AMENDED

WHEREAS, Resolution Number 09-502 entitled, “**POSITION CREATIONS APPROVED**,” passed by this Board of Supervisors on December 08, 2009 provides for the creation of various positions throughout Wyoming County including the following creation:

Buildings and Grounds:

- One (1) position of Laborer (CIP) in the amount of \$25.00/hr. up to one year.
Position is 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; and

WHEREAS, Resolution number 10-204, entitled, “**RESOLUTION NUMBER 09-502 AMENDED**,” passed by the Board of Supervisors on May 11, 2010 extends this Laborer (Temp. CIP) position another six (6) months; effective June 09, 2010; and

WHEREAS, Resolution number 10-445, entitled, “**RESOLUTION NUMBER 09-502 AMENDED**,” passed by the Board of Supervisors on December 14, 2010 extends this up to one year through July 01, 2011 (through the completion of the Lower Department of Social Services building renovations); now therefore

BE IT RESOLVED, That Resolution Number 09-502, as amended by resolution numbers 10-204 and 10-445 be hereby further amended to reflect an extended effective date of July 01, 2011 through January 01, 2012. All else remains unchanged.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#26

June 14, 2011

**RESOLUTION NO. 11-206
(June 14, 2011)**

By Mrs. May, Chairman of Finance Committee:

RESOLUTION NUMBER 09-417 AMENDED

WHEREAS, Resolution Number 09-417 entitled, **“ONE (1) POSITION OF LABORER (TEMP) (1.00 FTE) CREATED WITHIN THE DEPARTMENT OF BUILDINGS AND GROUNDS,”** passed by this Board of Supervisors on October 13, 2009 provides for the creation of one (1) position of Laborer (Temp.) (1.00 FTE) 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., Warsaw, New York); effective for six (6) months from the date of hire at a rate of \$10.00/hr.; and

WHEREAS, Resolution number 10-203, entitled, **“RESOLUTION NUMBER 09-417 AMENDED,”** passed by the Board of Supervisors on May 11, 2010 extends this Laborer (Temp. CIP) position another six (6) months; effective June 01, 2010; and

WHEREAS, Resolution number 10-444, entitled, **“RESOLUTION NUMBER 09-502 AMENDED,”** passed by the Board of Supervisors on December 14, 2010 extends this position; effective date through July 01, 2011 (through the completion of the Lower Department of Social Services building renovations).; now therefore

BE IT RESOLVED, That Resolution Number 09-502, as amended by resolution numbers 10-203 and 10-444 be hereby further amended to reflect an extended effective date of

July 01, 2011 through January 01, 2012. All else remains unchanged.

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

**RESOLUTION NO. 11-207
(June 14, 2011)**

By Mrs. May, Chairman of Finance Committee:

SALARY SCHEDULES “S” AND “D” AMENDED

BE IT RESOLVED, That the Wyoming County Salary Plan which became effective January 01, 1967, as amended, is hereby amended as follows:

Salary Schedule “S”:

• ***Buildings and Grounds***

- Assistant Superintendent of Buildings and Grounds to include a separate stipend of \$10,000.00 for oversight of WCCH buildings; effective June 15, 2011 through December 31, 2011, with employee evaluation after 6 months.

Salary Schedule “D”:

• ***Information Technology***

- Director of Information Technology to include a separate stipend of \$10,000.00 for oversight of Information Technology at WCCH; effective June 15, 2011 through December 31, 2011, with employee evaluation after 6 months.

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

**RESOLUTION NO. 11-208
(June 14, 2011)**

June 14, 2011

RESOLUTION NO. 11-208**June 14, 2011****Page 2**

By Mrs. May, Chairman of Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH M. S. HALL ASSOCIATES ON BEHALF OF
WYOMING COUNTY COMMUNITY HOSPITAL**

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 M. S. Hall & Associates, Inc., P.O. Box 564, Syracuse, NY 13205 to assist in the data gathering and cost as well as other required reports for WCCH's facilities. Service is needed to replace and/or supplement the duties previously assigned to retired employee in the amount of \$155.00/hr. not to exceed seventy-seven thousand one hundred ninety dollars (\$77,190.00); effective April 19, 2011 through completion of reports (December 31, 2011). Contract has been approved by the Board of Managers. *~At the recommendation of the Bonadio Group~*

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

RESOLUTION NO. 11-209**(June 14, 2011)**

By Mrs. May, Chairman of Finance Committee:

**AMENDING RESOLUTION 91-159, AUTHORITY
OF THE BOARD OF MANAGERS OF THE HOSPITAL**

WHEREAS, the Wyoming County Board of Supervisors hereby amends Resolution 91-159 consistent with the applicable provisions of the County Law and the General Municipal Law and

RESOLUTION NO. 11-209**June 14, 2011****Page 2**

wishes to clarify and set forth the authority of the Board of Managers in discharging its ascribed functions, powers, and duties; and

WHEREAS, General Municipal Law Section 128 sets forth the duties and responsibilities of the Board of Managers as more fully described in Resolution 91-159.

NOW THEREFORE, IT IS HEREBY RESOLVED, that

Resolution 91-159 is hereby amended so as to add the following:

G. Any contract entered into by the Wyoming County Community Health System, formerly known as Wyoming County Community Hospital and Nursing Facility, (hereinafter "Health System") in excess of \$50,000.00 and any contract with a physician with privileges to practice at the Health System involving the payment of consideration to said physician or the guarantee of payment shall be subject to the prior approval of the fiscal authority responsible for the Health System, specifically the Wyoming County Board of Supervisors.

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

Chairman Berwanger introduced Assistant County Attorney Lauren Weiss sitting in for County Attorney Eric Dadd.

There was a motion by Mr. Berwanger T/Arcade, to combine resolutions #30 through #31. A voice vote was taken and all voted aye.

**Unanimous Consent
#30**

RESOLUTION NO. 11-210**(June 14, 2011)**

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

June 14, 2011

RESOLUTION NO. 11-210**June 14, 2011****Page 2****RIGHT OF WAYS FOR WEST STREET BRIDGE
PROJECT APPROVED**

WHEREAS, That the real property below located in the Town of Arcade, Wyoming County, New York is needed to be acquired by the County of Wyoming for the replacement of Arcade Bridge #02, BIN #3319440 West Street over the Cattaraugus Creek, as described on maps on file in the Office of the Wyoming County Superintendent of Highways;

Property Owner	Tax Map No.	Surveyor Map & Parcel No.		Acreeage
Edward L. Pirdy Jr. Sandra L. Pirdy 239 East Main Street Arcade, NY 14009	183.14-1-10	PE Map #1	Parcel #1	.0476 ±*
		TE Map #2	Parcel #2	.0518 ±
Russell Day 3246 Transit Road Orchard Park, NY 14127	183.10-1-27	PE Map #1	Parcel #1	.415 ±*
Evelyn J. Bly 549 North Street Arcade, NY 14009	183.09-1-2.1	PE Map #1	Parcel #1& #2	.048 ±
		TE Map #3	Parcel #4	.073 ±
Donald Wulff 423 North Street Arcade, NY 14009	183.09-1-10.1	PE Map #4	Parcel #5	.007 ±*
		TE Map #5	Parcel #6	.022 ±
Pioneer Central School 12145 County Line Road Yorkshire, NY 14173	183.13-1-42	PE Map #1	Parcel #1	.033 ±
Village of Arcade 17 Church Street Arcade, NY 14099	183.09-1-9	PE Map #3	Parcel #3	.015 ±

RESOLUTION NO. 11-210**June 14, 2011****Page 3**

WHEREAS, It is the intention of Wyoming County to transfer the easement of the * properties to the Village of Arcade; said real property owners have agreed to graciously donate said real property so that said replacement may be completed;

WHEREAS, It is necessary for the County to indemnify said property owners in connection with said replacement; now therefore

BE IT RESOLVED That the County of Wyoming shall indemnify and hold harmless the property owners listed 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; and be it

FURTHER RESOLVED That the County of Wyoming is authorized to accept the donation of said real properties; said conveyances to be completed upon the recording of an Easement from the real property owners to the County of Wyoming.

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

**Unanimous Consent
#31**

**RESOLUTION NO. 11-211
(June 14, 2011)**

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

**CHAIRMAN AUTHORIZED TO SIGN PURCHASE
CONTRACT
RE: RIGHT OF WAY FOR WEST STREET BRIDGE**

June 14, 2011

RESOLUTION NO. 11-211
June 14, 2011
Page 2

WHEREAS, That the real property purchase contracts in the Town of Arcade needed for the replacement of Arcade Bridge #02, BIN #3319440 West Street over the Cattaraugus Creek, as described on maps on file in the Office of the Wyoming County Superintendent of Highways is hereby ratified and accepted; and

WHEREAS, It is the intention of Wyoming County to transfer the ownership of the below mentioned property to the Village of Arcade; the said real property owner has agreed to transfer ownership for the agreed upon compensation so that said replacement may be completed; now therefore

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

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

Evelyn J. Bly	Map #2	Parcel #3	PE 2251sf	Fee	\$3000.00
549 North Street				Land Improvements	<u>\$ 0.00</u>
Arcade, NY 14009				For an amount not to exceed	\$3,000.00

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

There being no further business to come before this Board, Senior Supervisor Bush, T/Gainesville, adjourned the meeting at 3:15 PM with a rap on his desk.

Respectfully submitted,
Cheryl J. Ketchum
Cheryl J. Ketchum, Board Clerk

Regular Session

REGULAR SESSION
(July 12, 2011)
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 Dadd; Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Brenda Ferrell.

At 2:36 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance for this month's meeting is:

GEORGE W. SONRICKER

Mr. Sonricker's service to his country comes while serving during the Korean War. Mr. Sonricker enlisted in the United States Army on November 23, 1954. He took Basic Training and Advanced Individual Training at Ft. Knox, Kentucky and became qualified as a tank crewman. Mr. Sonricker was assigned duties in Bombholder, Germany, under the 66th Tank Regiment of the 3rd Armor Division. He then spent 18 months in Germany as an Ammo Loader on a tank crew. At the end of his tour, he returned to the United States and was honorably discharged at Ft. Hamilton, New York on November 1, 1956 at the rank of SP4 (Specialist 4th Class).

For his service to his country Mr. Sonricker was awarded:

**The National Defense Service Medal
The Army Good Conduct Medal
The European Theater Campaign Medal**

Mr. Sonricker returned to this area and went to work as a laborer at Godfrey's Mill in Attica as well as working on the family farm. In the spring of 1957, he went to work as a truck driver for Eloon Bey Milk Haulers. Mr. Sonricker changed vocations in the spring of 1959 and became a Correction Officer with the New York State Department of Correction and continued to run the family Dairy Farm until 1980. In 1983, he converted the family dairy farm to a Christmas tree farm. Mr. Sonricker retired from the Department of Corrections in March of 1991 and continues to run the Christmas tree farm.

Mr. Sonricker is a life member of the Harter O'Donnell Post of the American Legion in Attica.

Mr. Sonricker enjoys hunting, fishing, and traveling. He has been married to his wife, Betty, for 57 years and they live in the Town of Attica.

The pledge was said by all.

Chairman Berwanger and Mr. Patti, T/Attica, presented Mr. Sonricker with the customary certificate of appreciation and an opportunity to address the Board. Mr. Sonricker expressed his appreciation for the opportunity to lead the Pledge.

There was a brief interruption of the meeting as the press took pictures.

Communications:

1. *NYS Assemblyman Daniel Burling, ~ Letter dated June 15, 2011 ~ Passage of S.2385-A and A.2986-A/Allowing hunting of deer and bear with a rifle in Wyoming County. Legislation will eventually be forwarded to Governor Cuomo for his consideration.*

**2. NYS Senator Patrick Gallivan, ~ Letter June, 2011 ~
Congratulating Janet Miller for earning Women of Distinction
Honoring Women in New York.**

Dear Janet,

It is one of my greatest pleasures as a State Senator to recognize individuals from Western New York who continue to go above and beyond to improve the quality of life in their community. While your career and body of work speak loudly for themselves, it was none-the-less a privilege to formally recognize you as a Woman of Distinction – my staff also enjoyed meeting with you and learning about your work in Wyoming County. I hope you enjoyed your time in Albany.

Your commitment to community, especially with the Wyoming County Community Hospital, demonstrates the profound impact one devoted person can have. Please continue your efforts and let me know whenever my office may be able to assist.

Feel free to visit my office any time and keep us informed of your future endeavors, Together, we can ensure New York States' future continues to be brighter than its past.

*With best wishes and kind regards,
Patrick M. Gallivan
Senator – 59th District*

Open Public Hearing:

Local Law No. 5, Year 2011 (Introductory E, Year 2011)
Entitled, “A Local Law to Continue to Impose a County Mortgage Recording Tax on Obligations Secured by a Mortgage on Real Property and to Repeal Local Law Number 8 of 2008”

July 12, 2011

**RESOLUTION NO. 11-212
(July 12, 2011)**

By Mrs. May, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2011 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2011 accounts as follows:

Capital Improvement Projects			
From: 12.61.9950.9.99004 Interfund Transfer To: 12.61.1620.2.21023 FTC Storage Facility Reason: Storage barn located at the Fire Training Center.	\$200,000.00	\$200,000.00	
From: 12.61.9950.9.99007 Reserve for Hwy Project To: 12.61.1620.2.21022 CI –Highway Reason: Renovations to be made to the Highway Department property (Maintenance Workshop).	\$600,000.00	\$600,000.00	
CIP Total			\$800,000.00
Social Services			
From: 01.40.6109.4.42252 TANF To: 01.40.6123.4.42263 Juvenile Delinquent Reason: Transfer necessary to cover 2011 costs.	\$130,000.00	\$130,000.00	
Social Services Total			\$130,000.00

Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain: #2

**RESOLUTION NO. 11-213
(July 12, 2011)**

By Mrs. May, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2011 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2011 accounts as follows:

Buildings & Grounds/Maintenance			
To: 01.34.1620.1.10001 Salary Sched. S/D/I 01.34.1620.8.81001 Retirement 01.34.1620.8.83001 FICA 01.34.1620.8.85001 Medicare – FICA w/01.10.1620.2801 Interfund Revenue Reason: Additional salary approved for Asst. Supt. of Buildings & Grounds Adm. Duties associated with WCCH Maintenance.	\$4,519.23 700.48 280.19 65.53	\$5,565.43	
Buildings & Grounds/Maint. Total			\$5,565.43
Information Technology			
To: 01.34.1680.1.10001 Salary Sched. S/D/I 01.34.1680.8.81001 Retirement 01.34.1680.8.83001 FICA 01.34.1680.8.85001 Medicare – FICA w/01.10.1680.2801 Interfund Rev. WCCH Reason: Additional salary approved for Dir. of Information Technology's Administrative Duties associated with WCCH IT.	\$4,519.23 700.48 280.19 65.53	\$5,565.43	
Information Technology Total			\$5,565.43
Reimbursement & Budget			
To: 01.33.1231.4.40008 Long Dist. Telephone <i>From funds available</i> Reason: Increased phone usage.	\$125.00	\$125.00	
Reimbursement & Budget Total			\$125.00
Mental Health			
To: 01.38.4324.4.40001 Gas 01.38.4324.4.40002 Electric 01.38.4324.4.40005 Water/Sewer 01.38.4324.4.40805 Cleaning/Private 01.38.4324.4.40806 Cleaning Supplies 01.38.4324.4.42306 Misc. Others w/01.12.4325.4490 Mental Health Reason: Federal Salary Sharing funds for new location costs.	\$1,000.00 1,000.00 200.00 3,000.00 200.00 6,600.00	\$12,000.00	
Mental Health Total			\$12,000.00

July 12, 2011

RESOLUTION NO. 11-213
July 12, 2011
Page 2

Sheriff			
To: 01.37.3110.4.40508 Private Auto Repair w/01.08.3110.2680 Insurance Recovery Reason: Insurance recovery for repair of car 13	\$717.64	\$717.64	
Sheriff Total			\$717.64
County Jail			
To: 01.37.3150.4.41701 Employee Physicals <i>From any funds available</i> Reason: Unbudgeted new hire psychological exams for Correction Officers	\$2,100.00	\$2,100.00	
To: 01.37.3150.4.41803 Payments to Other Counties w/01.04.3150.1525 Prisoner Charges Reason: Boarding out inmates May&June 2011	\$50,000.00	\$50,000.00	
County Jail Total			\$52,100.00
District Attorney			
To: 01.32.1168.1.10604 Personnel 01.32.1168.4.40301 Prof. Svc. Contract 01.32.1168.4.41010 Misc Office Supplies 01.32.1168.4.40402 Conf./Convention 01.32.1168.4.40405 Employee Expenses 01.32.1168.4.40406 Employee Mileage 01.32.1168.8.83001 FICA 01.32.1168.8.85001 Medicare FICA 01.32.1167.8.81001 Retirement w/01.11.1168.3089 State Aid Reason: 2011-2012 Aid to Prosecution (ATP) Award.	\$17,000.00 1,500.00 1,000.00 4,000.00 500.00 500.00 1,054.00 246.00 3,400.00	\$29,200.00	
District Attorney Total			\$29,200.00
Emergency Services			
To: 01.37.3640.4.40503 Gasoline w/01.08.3640.2665 Sale of Equipment Reason: From sale of property.	\$4,590.00	\$4,590.00	
Emergency Services Total			\$4,590.00

RESOLUTION NO. 11-213**July 12, 2011****Page 3**

Highway			
To: 04.53.5110.4.41904 Bituminous Products <i>From any funds available</i>	\$200,000.00	\$200,000.00	
Reason: money from fund balance for planned road upgrades which will be over budget due to the increase in asphalt price adjustments.			
To: 17.66.5112.2.24009 Liberty Street w/17.03.5112.1289 Other Dept. Income	\$210.00	\$210.00	
Reason: Non-refundable bid deposit / CIP			
Highway Total			\$200,210.00

Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain:

Mrs. May T/Orangeville, presented the following statement on the financial condition of the Health System.

Operations at the Wyoming County Community Health System (WCCHS) during 2010 and 2011 have been strained by costly pension increases and Federal mandates for implementing electronic medical records. In spite of these challenges, Wyoming County and the Administration of WCCHS are committed to sustaining much needed health services and retaining jobs at WCCHS.

Implementing the new electronic medical records system in 2010 affected and slowed WCCHS accounts receivable. In June of 2011, the system is more efficient and employees have been trained aggressively to capture revenues more quickly, which has significantly increased our receipt of both short and long term accounts receivables. As a result, the length of time for a bill to be paid is getting shorter, which is key to the health systems' cash flow and operational sustainability.

Another important factor in the financial operations is consistency and/or growth in admissions of patients. For the month of June (2011), admissions remained consistent with YTD admission for 2011 and have been slightly higher than admissions in 2010.

In 2011, WCCHS streamlined three non-clinical departments with the County – Human Resources, Information Technology, and Maintenance. These realignments alleviate WCCHS' financial pressures and enhance collaboration across County departments as a whole.

July 12, 2011

Mr. Bush, T/Gainesville, Chairman of the Audit Committee, presented bills totaling **\$3,064,699.15** for the month of **June 2011**.

Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain:

There was a motion by Mrs. Totslie T/Genesee Falls, to combine resolutions #3 through #8. A voice vote was taken and all voted aye.

#3

**RESOLUTION NO. 11-214
(July 12, 2011)**

By Mrs. Totslie, Chairman of Human Services Committee:

CHAIRMAN AUTHORIZED TO SIGN GRANT APPLICATIONS AND ACCEPTANCE AWARDS WITH THE STATE OF NEW YORK OFFICE OF GENERAL SERVICES ON BEHALF OF THE DIVISION OF VETERAN AFFAIRS ON BEHALF OF WYOMING COUNTY VETERAN SERVICES

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign various grant applications and acceptance awards on behalf of Wyoming County Veteran Services as follows:

- **State of New York Office of General Services on behalf of the Division of Veterans’ Affairs**, Mayor Erastus Corning 2nd Tower, The Governor Nelson A. Rockefeller Empire State Plaza, Albany, NY 12242:
 - 2010 State Aid in a minimum amount of \$8,654.00; effective April 01, 2010 through March 31, 2011
 - 2011 State Aid in a minimum amount of \$8,654.00; effective April 01, 2011 through March 31, 2012.

Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain:
Regular Session

**RESOLUTION NO. 11-215
(July 12, 2011)**

By Mrs. Totslin, 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 acceptance award with the New York State Office for the Aging, 2 Empire Plaza, Albany, NY 12223 for the provision of funding for Title V (Senior Employment) in a minimum amount of twenty-seven thousand six hundred twenty-five dollars (\$27,625.00); effective July 01, 2011 through June 30, 2012.

Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain:

#5

**RESOLUTION NO. 11-216
(July 12, 2011)**

By Mrs. Totslin, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH WYOMING COUNTY COMMUNITY ACTION ON
BEHALF OF WYOMING COUNTY OFFICE FOR THE
AGING**

July 12, 2011

RESOLUTION NO. 11-216**July 12, 2011****Page 2**

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 Rt. 20A Suite 1, Perry, NY 14530 for funding of senior employment opportunities to residents 55+ in Wyoming County in an amount not to exceed twenty-six thousand two hundred forty dollars (\$26,240.00); effective July 01, 2011 through June 30, 2012.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain: #6

RESOLUTION NO. 11-217**(July 12, 2011)**

By Mrs. Totline, Chairman of Human Services Committee:

CHAIRMAN AUTHORIZED TO SIGN VARIOUS PRE-SCHOOL RELATED SERVICES CONTRACTS ON BEHALF OF WYOMING COUNTY YOUTH BUREAU

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign various Pre-School Related Services Contracts on behalf of the Wyoming County Youth Bureau as follows:

- **Chloe Straw PT**, 6013 Route 19, Gainesville, NY 14066 at the rate of \$50 per half hour not to exceed 2011- 2012 budget; variable depending on # of services; effective July 01, 2011 through August 31, 2012.

RESOLUTION NO. 11-217**July 12, 2011****Page 2**

- **Tiffney Malloy, TOD**, 79 Main Street, Wyoming, New York 14591 at the rate of \$50 per half hour not to exceed 2011- 2012 budget; variable depending on # of services; effective July 01, 2011 through August 31, 2012.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain:
#7

RESOLUTION NO. 11-218
(July 12, 2011)

By Mrs. Totslin, Chairman of Human Services Committee:

**CHAIRMAN / COMMISSIONER OF SOCIAL SERVICES
AUTHORIZED TO SIGN A LEASE AGREEMENT WITH
MAIL FINANCE 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 lease agreement with Mail Finance, 478 Wheelers Farm Road, Milford, CT 06461 on behalf of the Department of Social Services. Said lease is for a Haler brand mail machine (dealer in Buffalo) in the amount of \$150.73/monthly not to exceed nine thousand forty-three dollars and eighty cents (\$9,043.80) payable quarterly; effective for 60 months July 11, 2011 through July 11, 2016.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain:

July 12, 2011

**RESOLUTION NO. 11-219
(July 12, 2011)**

By Mrs. Totslin, Chairman of Human Services Committee:

**WYOMING COUNTY BOARD OF SUPERVISORS
SUPPORTS FULL FUNDING
FOR COMMUNITY SERVICES BLOCK GRANT AS WELL
AS THE
PROGRAM'S STRUCTURE**

WHEREAS, Wyoming County continues to have a high incidence of poverty and unemployment and these conditions severely affect the quality of life for many of our neighbors; and

WHEREAS, Wyoming County Community Action, Inc. has utilized Community Services Block Grants and other funding leveraged from that source to successfully and efficiently provide services and opportunities to low-income and unemployed residents; and

WHEREAS, The Community Services Block Grant provides not only funding but by law assures local control through a mandated board structure and flexibility to address changing local needs; and

WHEREAS, Funding for the Community Services Block Grant is targeted for drastic reductions in multiple federal budget proposals, putting the entire range of services and opportunities provided by Wyoming County Community Action, Inc. at risk; and

WHEREAS, The National Association of Counties is urging Congress to maintain current CSBG funding and program structure; now therefore

RESOLUTION NO. 11-219**July 12, 2011****Page 2**

BE IT RESOLVED, That the Wyoming County Board of Supervisors is fully supportive of Wyoming County Community Action, Inc. and urges that adequate funding for the Community Services Block Grant be adopted in the Congressional appropriations process to assure the continuation of so many vital services to the citizens of Wyoming County; and be it

FURTHER RESOLVED, That certified copies of this resolution shall be forwarded to President Barack Obama, The White House, 1600 Pennsylvania Avenue NW, Washington, DC; Governor Andrew M. Cuomo, Executive Chamber, New York State Capitol Building, Albany, NY 12224; Senator Charles Schumer, 322 Hart Senate Building, Washington, DC 20510; and Senator Kirstin Gillibrand, 478 Russell Senate Office Building, Washington, DC 20510.

Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain: #9

**RESOLUTION NO. 11-220
(July 12, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

RESOLUTION NUMBER 11-43 AMENDED

WHEREAS, Resolution Number 11-43 entitled **“CHAIRMAN / COMMISSIONER OF HEALTH AUTHORIZED TO SIGN GRANT APPLICATIONS AND ACCEPTANCE AWARDS WITH NEW YORK STATE DEPARTMENT OF HEALTH ON BEHALF OF THE COUNTY HEALTH DEPARTMENT,”** passed by this Board of Supervisors on February 15, 2011 and provides for various Grant

July 12, 2011

RESOLUTION NO. 11-220**July 12, 2011****Page 2**

Applications and Acceptance Awards with the New York State Department of Health, Corning Tower, ESP, Albany, NY 12237-0675; now therefore

BE IT RESOLVED, That Resolution Number 11-43 be hereby amended to reflect a reduction to the Year #1, Men's & Women's Reproductive Health Services grant award in the amount of thirty-one thousand three hundred thirty-one dollars (\$31,331.00) resulting in a grant award of one hundred seventy-four thousand seven hundred thirty-one dollars (\$174,731.00) per year from the two hundred six thousand sixty-two dollars (\$206,062.00) per year with a corresponding reduction in work plan activities; effective January 1, 2011 through December 31, 2011. All else remains the same.

Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain: #10

RESOLUTION NO. 11-221**(July 12, 2011)**

By Mr. Gozelski, Chairman of Agriculture Committee:

RESOLUTION NUMBER 10-128 AMENDED

WHEREAS, Resolution Number 10-128 entitled **“SUPPORTING WYOMING COUNTY WILDLIFE FEDERATION REQUEST FOR STATE LEGISLATION**

RESOLUTION NO. 11-222

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Page 2

**CHAIRMAN AUTHORIZED TO SIGN ANNUAL GLOW
CEO WIB AGREEMENT**

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 GLOW CEO WIB agreement between Chief Elected Officials of Genesee, Livingston, Orleans, and Wyoming County and the GLOW Workforce Investment Board (WIB), Genesee County Career Center, 587 E. Main St., Suite 100, Batavia, New York 14020 on behalf of Wyoming County; effective July 1, 2011 through June 30, 2013.

**Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain:
#12**

RESOLUTION NO. 11-223

(July 12, 2011)

By Mr. Davis, Vice Chairman of Planning Committee:

**MELISSA HAIGHT (PATHSTONE CORP.) APPOINTED
TO THE GLOW WORKFORCE INVESTMENT BOARD**

BE IT RESOLVED, That *Melissa Haight (Pathstone Corp.)* 140 N. Main Street, Albion, NY 14476 is hereby appointed to the **GLOW Workforce Investment Board** as an *At Large Member* (replacing Shelly Dale-Hall); *for an indefinite term effective immediately.*

**Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain:
#13**

RESOLUTION NO. 11-224
(July 12, 2011)

By Mr. Davis, Vice Chairman of Planning Committee:

SET PUBLIC HEARING – INTRODUCTORY LOCAL LAW
NO. F, YEAR 2011

WHEREAS, There has been duly presented and introduced at a meeting of this Board of Supervisors of Wyoming County on this 12th day of July, 2011, a proposed local law entitled, “Local Law Introductory No. F Year 2011, “**A LOCAL LAW PROVIDING FOR THE PERMITTING AND REGULATION OF VEHICLES EXCEEDING THE WEIGHT AND DIMENSIONAL LIMITS SET FORTH IN SECTION 385 OF THE VEHICLE AND TRAFFIC LAW OF THE STATE OF NEW YORK AND FURTHER REGULATING THE TRAVEL OF SAID VEHICLES IN THE COUNTY OF WYOMING,**” 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 16th day of August, 2011 at 2:00 PM at the Wyoming County Fairgrounds, Pike, New York.

Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain:

There was a motion by Mr. Rogers T/Pike, to combine resolutions #14 and #15. A voice vote was taken and all voted aye.

**RESOLUTION NO. 11-225
(July 12, 2011)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
ACCEPTANCE AWARD WITH THE GOVERNOR'S
TRAFFIC SAFETY COMMITTEE 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 award with the Governor's Traffic Safety Committee; NYS Dept of Motor Vehicles, 6 Empire State Plaza, Room 414, Albany, NY 12228 on behalf of the Sheriff's Department. Said Buckle Up New York (BUNY) grant funding is in a minimum amount of two thousand four hundred ninety-six dollars (\$2,496.00); effective October 1, 2010 through September 30, 2011.

**Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain:
#15**

**RESOLUTION NO. 11-226
(July 12, 2011)**

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 INDIGENT LEGAL
SERVICES ON BEHALF OF THE PUBLIC DEFENDER'S
OFFICE**

RESOLUTION NO. 11-226**July 12, 2011****Page 2**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant application and grant acceptance award with New York State Office of Indigent Legal Services, State Capitol Room 254, Albany, NY 12224 on behalf of the Public Defender's Office. Said grant funding is for improved legal representation provided under County Law Article 18-B, in a minimum amount of seven thousand four hundred eighty-two dollars (\$7,482.00); effective June 1, 2011 through May 31, 2012.

Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain:

Chairman Berwanger invited Sheriff Heimann to the podium make a presentation. Sheriff Heimann announced that Jail Captain Bruce James received the American Legion's Eighth District Award as its Corrections Officer of the Year. Captain James also received notification that he was selected for the Corrections Officer of the Year Award for 2010-2011 from The American Legion, Department of New York, as well. According to Sheriff Heimann, Captain James is worthy of these awards for many reasons, one being that he has served the county since 1984 and celebrated 20 years as Jail Captain on July 1, 2011. Chairman Berwanger congratulated Captain James for his accomplishments and invited him back next month for a formal presentation at the August 2011 meeting.

There was a motion by Mr. Patti T/Attica, to combine resolutions #16 through #18. A voice vote was taken and all voted aye.

#16**RESOLUTION NO. 11-227****(July 12, 2011)**

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RESOLUTION NO. 11-227
July 12, 2011
Page 2

By Mr. Patti, Chairman of Public Works Committee:

RESOLUTION FOR THE STATE TO USE CENTERVILLE ROAD – CR #17 IN THE TOWN OF EAGLE FOR A DETOUR

WHEREAS, The New York State Department of Transportation proposes to rehabilitate the culvert on Route 39 over a tributary of the Wiscoy Creek (C.I.N. 470042) in the Town of Eagle, Wyoming County under P.I.N. 4T38.10; and

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 roads and streets as detours during the period of construction; and

- Centerville Road C.R. 17

WHEREAS, The New York State Department of Transportation will provide traffic control devices and make improvements or repairs when necessary to the above mentioned road to make them adequate to handle additional detour traffic; now therefore

BE IT RESOLVED, That the Board of Supervisors of the County of Wyoming 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 specifications during the period of necessity; and be it

FURTHER RESOLVED, That the County of Wyoming will continue to provide routine maintenance on the above mentioned roads and streets, including snow and ice control; and be it

RESOLUTION NO. 11-227**July 12, 2011****Page 3**

FURTHER RESOLVED, That the Clerk of this Board is hereby directed to transmit four (4) certified copies of this resolution to New York State Department of Transportation.

**Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain:
#17**

RESOLUTION NO. 11-228**(July 12, 2011)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH BECKER MOVERS ON BEHALF OF THE
DEPARTMENT OF SOCIAL SERVICES CAPITAL
IMPROVEMENT 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 contract with Becker Movers, 1523 Mt. Read Blvd., Rochester, NY 14606 on behalf of the Department of Social Services Capital Improvement Project to provide trucks, man hours, and supervision of the move from the Hollywood Video building to the newly renovated Department of Social Services Building in an amount not to exceed five thousand six hundred dollars \$5,600.00; effective June 27, 2011 through July 15, 2011.

**Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain:
#18**

RESOLUTION NO. 11-229
(July 12, 2011)

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS
CLEANING CONTRACTS ON BEHALF OF BUILDINGS
AND GROUNDS**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign various Cleaning Contracts on behalf of Buildings and Grounds as follows:

- **S & T Pierson**, 2276 Silver Lake Rd., Perry, NY 14530, for the provision of cleaning services at the Health Department for one (1) year in an amount not to exceed twenty thousand one hundred dollars (\$20,100.00); effective October 14, 2011 through October 13, 2012.
- **T.C.C.T., Inc. (Joanne Ballard & Terry Pierson)**, 46 North Maple Street, Warsaw, NY 14569 for the provision of cleaning services at the Mental Health Department in an amount not to exceed six thousand four hundred twenty dollars (\$6,420.00); effective July 05, 2011 through July 04, 2012.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain:

Mrs. May, T/Orangeville instructed the Clerk to withdraw resolution #26. Mrs. May, T/Orangeville, then made a motion to combine resolutions #19 through #25 and #27. A voice vote was taken and all voted aye.

#19

RESOLUTION NO. 11-230
(July 12, 2011)

By Mrs. May, Chairman of Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH BCE TECHNOLOGY CORP. ON BEHALF OF THE
WYOMING COUNTY COMMUNITY HEALTH SYSTEM**

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 BCE Technology Corp., 1613 Sand Key Estates Court, Clearwater, FL 33767 on behalf of Wyoming County Community Health System. Said contract is for implementation of the CliniNotes™ Software System to assist Wyoming County Health Care Providers in improving clinical documentation. The CliniNotes™ System is a proven method of educating physicians in the importance of correct medical record documentation in an amount not to exceed one hundred twenty thousand dollars (\$120,000.00) in year one with subsequent years not to exceed eighty thousand dollars (\$80,000.00); effective date of signing. This contract along with the corresponding appropriation to cover the cost thereof will be turned over to the health system for further processing. However, monitoring of this agreement will be retained by the Board of Supervisors (Chairman of the Board).

Contingent upon the availability of funds.

**Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain:
#20**

**RESOLUTION NO. 11-231
(July 12, 2011)**

By Mrs. May, Chairman of Finance Committee:

CANCELLATION OF VOID TAXES

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 Finance Committee; now therefore

BE IT RESOLVED, That the County of Wyoming hereby directs the cancellation of any and all such unpaid taxes in accordance with the applicable section of the Real Property Tax Law and the Wyoming County Treasurer, shall charge back and apportion the various amounts thereof, if applicable, to the appropriate taxing authorities, to the extent to which each has been benefited thereby:

AUTHORITY: RPTL §558(1) Cancellation of Void Tax.

PARCEL: Town of Attica
Tax Map#: 8.-1-4.3
ASSESSED TO: Marvin Ohlson Estate, 1 Bartz Drive, Alexander, NY 14005-9606

PARCEL: Town of Genesee Falls
Tax Map#: 180.-2-10.1/2
ASSESSED TO: Travis Delude, 6013 East Koy Road, Portageville, NY 14536

PARCEL: Town of Java
Tax Map#: 105.-2-29.1
ASSESSED TO: Louis Reisdorf, 4797 RT 98, North Java, NY 14113

Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain:

RESOLUTION NO. 11-232
(July 12, 2011)

By Mrs. May, Chairman of Finance Committee:

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

Pike Fire District, 67 Main Street, Pike, NY 14130 has offered the sum of **one dollar (\$1.00)** to Wyoming County for property located in the Town of Pike, 64 Main Street, Pike, NY **Tax Map #179.14-1-14** formerly assessed to Richard Peale; 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.

Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain:

#22

**RESOLUTION NO. 11-233
(July 12, 2011)**

By Mrs. May, Chairman of Finance Committee:

**HIGHWAY MAINTENANCE WORKSHOP
RENOVATIONS CAPITAL IMPROVEMENT
PROJECT ESTABLISHED**

WHEREAS, The Wyoming County Board of Supervisors' Public Works Committee, Finance Committee, and this Board of Supervisors in consultation with the County Highway Supt. and the Supt. of Buildings and Grounds through discussions during numerous Public Works Committee meetings in order to identify the specific need for renovations to the Wyoming County Highway Maintenance Workshop; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors, on the recommendation of the above mentioned committees hereby establishes the Wyoming County Highway Maintenance Workshop Renovations Capital Improvement Project in an amount not to exceed six hundred thousand dollars (\$600,000.00) with funds previously set aside for these renovations through the county's capital improvement project strategic plan; and be it

FURTHER RESOLVED, That permission is hereby granted to seek proposals for completion of this established project.

Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain:

RESOLUTION NO. 11-234
(July 12, 2011)

By Mrs. May, Chairman of Finance Committee:

**FIRE TRAINING CENTER STORAGE BARN
CONSTRUCTION CAPITAL IMPROVEMENT
PROJECT ESTABLISHED**

WHEREAS, The Wyoming County Board of Supervisors' Public Safety Committee, Finance Committee, and this Board of Supervisors in consultation with the Director of Fire and Emergency Management and the Supt. of Buildings and Grounds through discussions during numerous Public Safety Committee meetings in order to identify the specific need for construction of a Storage Barn at the Fire Training Center in Wethersfield, NY; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors, on the recommendation of the above mentioned committees hereby establishes the Fire Training Center Storage Barn Construction Capital Improvement Project in an amount not to exceed two hundred thousand dollars (\$200,000.00) with funds previously set aside for these renovations through the county's capital improvement project strategic plan; and be it

FURTHER RESOLVED, That permission is hereby granted to seek proposals for completion of this established project.

Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain:

#24

July 12, 2011

**RESOLUTION NO. 11-235
(July 12, 2011)**

By Mrs. May, Chairman of Finance Committee:

RESOLUTION NUMBER 10-285 AMENDED

WHEREAS, Resolution Number 10-285 entitled “**POSITION CREATION(S) APPROVED**,” passed by this Board of Supervisors on July 13, 2010 that provides for the creation and extension of various positions throughout two Wyoming County Departments; now therefore

BE IT RESOLVED, That Resolution Number 10-285 be hereby amended to reflect an extension of one (1) year on the *Heavy Equipment Operator* position (position number 076.163B); effective August 01, 2011 through July 31, 2012; and be it

FURTHER RESOLVED, That this position be left vacant pending further review by the Public Works Committee, Finance Committee and Full Board of Supervisors. All else remains the same.

**Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain:
#25**

RESOLUTION NO. 11-236
(July 12, 2011)

By Mrs. May, Chairman of Finance Committee:

POSITION CREATION(S) APPROVED

BE IT RESOLVED, That the following position(s) are hereby created within the various Wyoming County Departments:

Highway:

- One (1) position of **Sr. Account Clerk (temporary)** CSEA agreement, sch. A, grade 6 (\$15.37 - \$17.14/hr), effective July 5, 2011 through July 31, 2011 for retired employee to provide training and overlap during the orientation period for the newly hired Sr. Account Clerk.

Sheriff:

- One (1) position of **Deputy Sheriff (temporary)** at a rate of \$18.56/hr. with only those benefits mandated by law, effective June 30, 2011 through September 20, 2011 or through the medical leave of a current employee. The position will be filled July 5, 2011.

Social Services:

- One (1) position of **Clerk**, CSEA agreement, sch. A, grade 2 (\$13.97- \$15.25/hr) to replace the below abolished Keyboard Specialist position who resigned May 31, 2011; and be it

FURTHER RESOLVED, That one position of **Keyboard Specialist (position code #132.337)** within the Department of Social Services by hereby abolished effective immediately.

Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain:

Withdrawn
#26

July 12, 2011

**RESOLUTION NO. 11-
(July 12, 2011)**

By Mrs. May, 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, 2013, 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, 2013, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all

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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

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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, 2013, the tax shall be at the rate of four percent, and on and after December 01, 2013, 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, 2013, the tax shall be at the rate of four percent, and on and after December 01, 2013, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

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(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, 2013, the tax shall be at the rate of four percent, and on and after December 01, 2013, 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, 2013, the tax shall be at the rate of four percent, and on and after December 01, 2013, 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

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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, 2013, the tax shall be at the rate of four percent, and on and after December 01, 2013, 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, 2013.

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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, 2013, 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, 2011.

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

**RESOLUTION NO. 11-237
(July 12, 2011)**

By Mrs. May, Chairman of Finance Committee:

**LOCATION AND TIME OF AUGUST 2011 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 *Tuesday, August 16th, 2011 at 2:00 PM* at the *Wyoming County Fairgrounds in Pike, New York.*

Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain:

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Before passage of the above resolution, Chairman Berwanger commented that renovations to the highway building have been long over due – roof leaks, siding is in poor condition, and insulation is non-existent which wastes money and energy.

With regards to Resolution #23, Chairman Berwanger commented that it is the intent of the Board of Supervisors to construct a storage barn that will house emergency services equipment including the mobile command center and various trailers used to move emergency services network equipment. Chairman Berwanger commended the Board for appropriating funds in this time of economic stress to complete these projects.

Mrs. May, T/Orangeville instructed Clerk Ketchum to withdraw resolution office numbers #28.

Withdrawn
2/3 Majority Vote
#28

RESOLUTION NO. 11-
(July 12, 2011)

By Mrs. May, Chairman of 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 \$_____, AND AUTHORIZING THE ISSUANCE OF \$_____ 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

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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 \$_____.

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 \$_____ 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

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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

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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

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- 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: Ayes: Noes: Absent: Abstain:

Chairman Berwanger noted that resolution office number #28 was drafted to authorize reconstruction of various roads in and for the County of Wyoming. After further consideration, the Board of Supervisors decided against any further borrowing for roads at this time due to NYS/Federal mandates.

Chairman Berwanger reviewed a few key points regarding increased costs affecting all departments within Wyoming County, including the hospital. NYS retirement costs are projected to increase by nearly \$1.9 million for a total cost of around \$6,315,500. Health care costs are expected to increase by approximately twenty percent (20%) or an estimated \$1.3 million. This equates to a total cost of approximately \$9,147,300 for health care. Medicaid is the largest unfunded mandate in NYS and the increase across the state for Medicaid alone is \$279 million. In

Wyoming County, the nine primary NYS mandates consume 114% of the County tax levy.

Following is an excerpt from correspondence to Governor Cuomo by Jay Gsell, County Manager for Genesee County as read by Chairman Berwanger:

“... NYS needs to reform and revise the outlandish programs and services that are driving local property tax rates, develop the intestinal fortitude that other states are exhibiting in changing the scope and cost of these mandates that will save both NYS and the local governments \$ and not create a more destitute/disenfranchised low/moderate income populace. True economic recovery and some modicum of prosperity will come only when the State itself reins in its overindulgent spending and give away habits and gives local governments real tools to forge a stronger partnership in 21st Century governance with the State...”

Residents that are concerned about the poor condition of their roads and the lack of repairs being made by the County are encouraged to contact the Governor and State Legislators who voted in favor of the tax cap which is detrimental to local services and is driving Wyoming County toward the brink of bankruptcy.

Public Comment:

None

There being no one from the public wishing to speak, Supervisor Ryan, T/Warsaw made a motion seconded by Mrs. May, T/Orangeville to close the public hearing. All voted aye.

Close Public Hearing:

**Local Law
#29**

RESOLUTION NO. 11-238
(July 12, 2011)

By Mrs. Meeder, Chairman of Human Resource Committee:

LOCAL LAW NO. 5 (INTRODUCTORY E) - YEAR 2011, “A Local Law to Continue to Impose a County Mortgage Recording Tax on Obligations Secured by a Mortgage on Real Property and to Repeal Local Law Number 8 of 2008,” ADOPTED

WHEREAS, There was duly presented and introduced at a meeting of this Board, held on the 14th day of June, 2011, a proposed local law of the County, designated as Local Law Introductory No. E, for the year 2011, entitled, **A Local Law to Continue to Impose a County Mortgage Recording Tax on Obligations Secured by a Mortgage on Real Property and to Repeal Local Law Number 8 of 2008**; and

WHEREAS, In accordance with the provisions of Resolution No. 11-187, there was a public hearing held by this Board of Supervisors on this 12th day of July, 2011, 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. E, Year 2011, County of Wyoming, New York, as presented to this Board on the 12th day of July 2011, is hereby adopted, enacted and passed by this Board in its amended form as follows:

LOCAL LAW NO. 5- YEAR 2011**A Local Law to Continue to Impose a County Mortgage Recording Tax on Obligations Secured by a Mortgage on Real Property and to Repeal Local Law Number 8 of 2008****BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WYOMING AS FOLLOWS:**

STATUTORY AUTHORITY. New York State Tax Law, Section 253-n.

BE IT ENACTED, By this Board of Supervisors of the County of Wyoming, State of New York as follows:

SECTION 1.

This local law hereby repeals local law number 8 of 2008 which imposed a county recording tax on obligations secured by a mortgage on real property situated in Wyoming County. The repeal of Local Law 8 of 2008 is not retroactive. The purpose of the repeal is to make clear that this 2011 local law supersedes the repealed law and that there is non-interrupted and continuing imposition of the mortgage tax.

SECTION 2. IMPOSITION OF TAXES.

For the period commencing November 1, 2011 and ending November 30, 2015, there is hereby imposed in Wyoming County a tax of twenty-five cents (\$0.25) for each one hundred dollars (\$100.00) and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within such county and recorded on or after the date upon which such tax takes effect

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and a tax of twenty-five cents(\$0.25) on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than one hundred dollars (\$100.00). County of Wyoming,

SECTION 3. APPLICABILITY.

The taxes imposed under the authority of this local law shall be administered and collected in the same manner as the taxes imposed under subdivision one of Section 253 and paragraph (b) of subdivision one of Section 255 of the Tax Law. Except as otherwise provided in this local law, all the provisions of Article 11 of the Tax Law relating to or applicable to the administration and collection of the taxes imposed by such subdivisions shall apply to the taxes imposed under the authority of this local law with such modifications as may be necessary to adapt such language to the tax so authorized. Such provisions shall apply with the same force and effect as if those provisions had been set forth in full in this local law, except to the extent that any provision is either inconsistent with a provision of this local law or not relevant to the tax authorized by this local law. For purposes of this local law, any reference in this Article 11 of the Tax Law to the tax or taxes imposed by such article shall be deemed to refer to a tax imposed pursuant to this local law, and any reference to the phrase “within this state” shall be read as “within Wyoming County,” unless a different meaning is clearly required.

SECTION 4. REAL PROPERTY LOCATED IN MORE THAN ONE COUNTY.

Where the real property covered by the mortgage subject to the tax imposed pursuant to the authority of this local law is situated in this state but within and without Wyoming County, the amount of such tax due and payable to such county shall be determined in the same manner prescribed in the first paragraph of Section 260 of the

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Tax Law, which concerns real property situated in two or more counties. Where such property is situated both within Wyoming County and without the state, the amount due and payable to Wyoming County shall be determined in the manner prescribed in the second paragraph of such Section 260 of the Tax Law, which concerns property situated within and without the state. Where real property is situated within and without Wyoming County, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed pursuant to this section.

SECTION 5. ADDITIONAL TAXES.

A tax imposed pursuant to the authority of this local law shall be in addition to the taxes imposed by Section 253 of the Tax Law.

SECTION 6. DISPOSITION OF TAXES.

Notwithstanding any provision of Article 11 of the Tax Law to the contrary, the balance of all moneys paid to the recording officer of the County of Wyoming during each month upon account of the tax imposed pursuant to the authority of this local law, after deducting the necessary expenses of his or her office as provided in Section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of this section or Section 260 of the Tax Law are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by such recording officer on or before the tenth day of each succeeding month to the Treasurer of Wyoming County and, after the deduction by such Treasurer of the necessary expenses of his or her office provided in Section 262 of the Tax Law shall be deposited in the general fund of the County of Wyoming for expenditure on any county purpose. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of this section of Section 260

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of the Tax Law are first to be apportioned by the Commissioner of Taxation and Finance, shall be paid over by the recording officer receiving the same as provided by the determination of said Commissioner of Taxation and Finance.

SECTION 7. EFFECTIVE DATE

This local law shall become effective November 1, 2011 and ending November 30, 2015.

Carried: XXX Ayes: 1504 Noes: Absent: 92 (Java) Abstain:

There being no further business to come before this Board, Senior Supervisor Bush, T/Gainesville, adjourned the meeting at 3:16 PM with a rap on his desk.

Respectfully submitted,
Cheryl J. Ketchum
Cheryl J. Ketchum, Board Clerk

REGULAR SESSION
(August 16, 2011)
Tuesday
2:00 PM

The regular session of the Wyoming County Board of Supervisors was held at the Wyoming County Fair Grounds located in Pike, New York with all Supervisors present except Supervisor Ryan, T/Warsaw. Also present were County Attorney, Eric Dadd; Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Brenda Ferrell.

At 2:03 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance for this month's meeting is:

JOHN D. KARASIEWICZ

Mr. Karasiewicz's service to his country comes while serving during the Gulf War. He enlisted in the United States Marine Corp Reserve in 1992 and completed Basic Training at Paris Island, completing Advanced Individual Training at Camp LeJeune and where he qualified as Tank Crew Member.

Mr. Karasiewicz spent the next eight years drilling with the 8th Tank Battalion in Syracuse. One notable point in his career was a "Combined Armed Forces Training Exercise" at Camp Pendleton, California. Other training missions occurred at Ft. Knox, Kentucky and Ft. Drum, New York. Mr. Karasiewicz was honorably discharged in 2000.

For his service to his country Mr. Karasiewicz was awarded:

The National Defense Service Medal

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In 1997, Mr. Karasiewicz became a New York State Trooper and was stationed in Plattsburg, New York. He was reassigned in 1999 to the Geneseo Barracks and in 2007, was promoted to Investigator and worked under the Bureau of Criminal Investigation and continues to work in this position.

Mr. Karasiewicz has also supported his community. He has been a member of the Pike Fire Department for 25 years, an 11 year member of the Hunt-Stout Post 1670 of the American Legion, a member of the Tri-Luminar Masons in Pike and serves on the Pike Planning Board and Board of Fire Commissioners. He also coaches Little League Baseball and is a member of the NYS Bluebird Society.

Mr. Karasiewicz enjoys the outdoors, fishing, & horses. He has been married for 14 years to his wife Vanessa and they have two young daughters and live in the Town of Pike.

The pledge was said by all.

Chairman Berwanger presented Mr. Karasiewicz with the customary certificate of appreciation and an opportunity to address the Board. Mr. Karasiewicz took the opportunity to tell the Board what it means to him to serve his community and be a life long resident of the Town of Pike and what it meant as a kid with the Pike Fairgrounds right in his backyard.

There was a brief interruption of the meeting as the press took pictures.

Special Wounded Warrior Presentation ~

By NYS Senator Patrick Gallivan, WNY Safari Club,
Regional Director Robert Keicher and Wyoming County
Director of Veteran Services, Gary Cousins

An all expenses paid hunt trip to South Dakota was
presented to Wyoming County Veteran, **Gary Gardner**,
T/Warsaw resident (he served in Iraq and Afghanistan).

Recognition of Special Guests ~

NY State Senator Patrick Gallivan:

Senator Gallivan offered a brief statement about his first 8
months in office.

NY State Assemblyman Daniel Burling:

Assemblyman Burling thanked the community for
allowing him to represent the District. He continues to
fight for the interests of Wyoming County.

Communications ~

1. ***Wyoming County Wildlife Federation***, ~ Letter dated August 10, 2011 ~ ***thanking the Board for their support resulting in enactment of the law which will allow the use of rifles for big game hunting for a trial period ending on January 01, 2014.***

2. ***NYS Assemblyman Daniel Burling***, ~ Letter dated June 25, 2011 ~ ***regarding legislation S. 2385-A and A.2986-A, that passed both houses of the state legislature allowing the county to be included in those areas where deer and bear can be hunted with rifles...***

3. ***NYS Senator Patrick Gallivan***, ~ Letter dated August 10, 2011 ~ ***regarding Governor Cuomo's recent signing of legislation to permit a trial period for rifle hunting in Wyoming County.***

4. *NYS Governor Andrew Cuomo*, Letter dated August 13-20, 2011 ~ *greetings to everyone gathered for the Wyoming County Fair.*

Open Public Hearing:

Local Law No. 6, Year 2011 (Introductory F, Year 2011) Entitled, “A Local Law Providing for the Permitting and Regulation of Vehicles Exceeding the Weight and Dimensional Limits Set Forth in Section 385 of the Vehicle and Traffic Law of the State of New York and Further Regulating the Travel of Said Vehicles in the County of Wyoming”

#1

**RESOLUTION NO. 11-239
(August 16, 2011)**

By Mr. Gozelski, Chairman of Agriculture Committee:

WYOMING COUNTY FAIR WEEK PROCLAIMED

WHEREAS, The Wyoming County Fair will be held from August 13th through August 20th, 2011 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, The Fair’s theme “*Sew it - Grow it - Show it*” focuses on all families, particularly the farm family; and

WHEREAS, The Wyoming County Fair is truly a showcase for our farmers, artisans of all types, and the youth of the entire county; now therefore

RESOLUTION NO. 11-239**August 16, 2011****Page 2**

BE IT RESOLVED, That the Wyoming County Board of Supervisors proclaims the week of August 13th through August 20th in the year 2011 as:

“WYOMING COUNTY FAIR WEEK”

and be it

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:

After the passage of the above resolution, Chairman Berwanger invited Supervisor Gozelski to the podium to present the proclamation to Fair Association President, Allen Rudgers and the 2011 Fair Queen, Kelsey Carpenter to join Supervisor Gozelski to accept the proclamation. Fair Queen Carpenter was very happy to represent Wyoming County as this year's Fair Queen. President Rudgers also expressed his appreciation for the proclamation and thanked Wyoming County Highway Supt., T. Gadd for the recently replaced bridge and he encouraged Fair Goers to check out all of the exhibits.

Next, Chairman Berwanger invited County Consultant, Patrick Brennan to the podium to offer Fair Goers a few words. He explained that Mr. Brennan is a former Commissioner of NYS Ag. and Markets and currently serves as a Oneida County Legislator, he has been instrumental to the success of several Wyoming County projects and is currently working on a Countywide Water System over the last couple of years. Most importantly today, Mr. Brennan is serving on the New York State Association of Counties (NYSAC) Blue Ribbon Task Force on the future of Farming along

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with Chairman Berwanger, Supervisors Gozelski, T/Castile and Brick, T/Perry along with about 55 other members from across the state. This group of Supervisors and Legislators from around the state has earned the respect from members of the state legislature including the Governor's Office. This year in the Governor's first proposed budget all programs relating to agriculture funded by New York State were cut. Because of the advocacy of Assemblyman Burling and Senator Gallivan, but more importantly the Chairman of the State Ag. Committees, Senator Pattie Ritchie (Senate Ag. Committee) and Assemblyman Bill Magee (Assembly Ag. Committee) and the new Commissioner of Ag. and Markets Darrel Aubertine all were impressed with the report prepared by the NYSAC Blue Ribbon Task Force regarding agriculture. Former Ag. and Markets Commissioner Brennan was the obvious choice to the Blue Ribbon Task force to carry the message (Blue Ribbon Task Force report) forward.

Former Commissioner Brennan added that Chairman Berwanger serves as the Chairman of the NYSAC Ag. Committee. Appropriate that focus first on state appropriation of agricultural programs. \$1.22M initially in Governor Cuomo's proposed budget the balance being through competitive grant programs. Strategy formed for restoring appropriations was formed with Senator Ritchie and Assemblyman Magee. \$18.5M restored by the end of this process.

#2

RESOLUTION NO. 11-240
(August 16, 2011)

By Mrs. May, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2011 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2011 accounts as follows:

Mental Health			
From: 01.38.4324.4.40406 Employee Mileage 01.38.4324.4.40402 Conferences/ Conv	\$2,000.00 800.00		
To: 01.38.4324.2.20401 Misc. Equipment Reason: Relocation Expense - Telephone System		\$2,800.00	
Mental Health Total			\$2,800.00
Public Defender			
From: 01.32.1171.4.40902 Legal Svc To: 01.32.1171.2.20201 Computer equipment Reason: Indigent Defense portion of the software upgrade	\$10,299.00	\$10,299.00	
From: 01.32.1170.1.10001 Salaries To: 01.32.1170.2.20201 Computer equipment Reason: Public Defender portion of the software upgrade.	\$10,299.00	\$10,299.00	
Public Defender Total			\$20,598.00

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

**RESOLUTION NO. 11-241
(August 16, 2011)**

By Mrs. May, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2011 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2011 accounts as follows:

Fire Training Center Cleanup Project			
To: 25.72.3640.4.40301 Prof. Svc.Contract w/25.13.3640.5031 Interfund Transfer Reason: for Certificate of Completion Additions funds for recurring expenses associated with the Fire Training Center	\$60,000.00	\$60,000.00	
Fire Training Ctr. Cleanup Total			\$60,000.00
Public Defender			
To: 01.34.1421.2.20201 Computer equip. w/01.11.1421.3025 State Indigent Legal Svc. Reason: Indigent Legal Svc Funds portion of software upgrade	\$7,842.00	\$7,842.00	
Public Defender Total			\$7,842.00
Buildings and Grounds			
To: 01.34.1620.2.23001 Motor Vehicles <i>From any funds available</i> Reason: To purchase trailer for tool storage to be used by Building and Grounds	\$4,990.00	\$4,990.00	
Buildings and Grounds Total			\$4,990.00

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

After passage of the above resolution, Chairman Berwanger invited Senator Gallivan and Janet Miller, member of the Wyoming County Community Hospital Board of Managers to the microphone for a special presentation.

Senator Gallivan presented Mrs. Miller with the Outstanding Woman of Distinction Award, an award that is unique to the New York State Senate. The Senator explained Mrs. Miller's involvement in the Hospital Renovations project and her involvement within her community.

Chairman Berwanger also presented Mrs. Miller with a Certificate of Recognition in honor of her receiving the New York State Senate Outstanding Woman of Distinction Award.

Mr. Bush, T/Gainesville, Chairman of the Audit Committee, presented bills totaling **\$1,786,223.60** for the month of **July 2011**.

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

There was a motion by Mrs. Meeder, T/Middlebury, to combine resolutions #4 and #5. A voice vote was taken and all voted aye.

#4

**RESOLUTION NO. 11-242
(August 16, 2011)**

By Mrs. Meeder, Chairman of Human Resource Committee:

RESOLUTION NUMBER 11-156 AMENDED

WHEREAS, Resolution Number 11-156 entitled “**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH GROVES ASSOCIATES ON BEHALF OF THE HUMAN RESOURCES,**” passed by this Board of Supervisors on May 10, 2011 and provides for a contract with Groves Associates, P.O. Box 369, Tunkhannock, PA 18657 on behalf of the Human Resource Department. Said contract to provide management training to 30 county managers for 15 weeks in an amount not to exceed twenty thousand dollars (\$20,000.00); effective May 26, 2011 through completion of the training.

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Contingent upon the availability of funds; now therefore

BE IT RESOLVED, That Resolution Number 11-156 be hereby amended to reflect an increase of two thousand five hundred dollars (\$2,500.00) to total contract amount of twenty-two thousand five hundred dollars (\$22,500.00); effective through July 31, 2011. All else remains the same.

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

#5

RESOLUTION NO. 11-243
(August 16, 2011)

By Mrs. Meeder, Chairman of Human Resource Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH WENDY SISSON ON BEHALF OF THE COUNTY
ATTORNEY'S OFFICE**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney be hereby authorized and directed to sign a contract with Wendy Sisson, P.O. Box 242, Geneseo, New York 14454 on behalf of the County Attorney's office. Said contract is for legal services to the Wyoming County Department of Social Services in an amount not to exceed thirty thousand dollars (\$30,000.00); effective September 1, 2011 through August 31, 2012.

Contingent upon the availability of funds.

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

There was a motion by Mrs. Totslie, T/Genesee Falls, to combine resolutions #6 through #10. A voice vote was taken and all voted aye.

#6

**RESOLUTION NO. 11-244
(August 16, 2011)**

By Mrs. Totslie, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS
CONTRACTS WITH SOUTHTOWNS CHILDREN'S
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 the following contracts with Southtowns Children's Associates, 43 East Main Street, Springville, NY 14141 on behalf of the Youth Bureau:

- **Early Intervention Services** not to exceed 2011- 2012 budget; variable depending on number of services; effective August 01, 2011 through June 30, 2012.
- **Pre-School Related Services** at the rate of \$50 per half hour not to exceed 2011- 2012 budget; variable depending on number of services; effective September 01, 2011 through June 30, 2012.
- **Pre-School Special Education** at the rate of \$50 per half hour not to exceed 2011- 2012 budget; variable depending on # of services; effective September 01, 2011 through June 30, 2012.

Contingent upon the availability of funds.

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

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RESOLUTION NO. 11-245
(August 16, 2011)

By Mrs. Totslie, Chairman of Human Services Committee:

RESOLUTION NUMBER 10-256 AMENDED

WHEREAS, Resolution Number 10-256 entitled **“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,”** passed by this Board of Supervisors on July 13, 2010 and provides for a contract with the New York State Office for the Aging, 2 Empire Plaza, Albany, New York 12223 on behalf of the Wyoming County Office for the Aging. Said grant to provide funding for Title V (Senior Employment) in a minimum amount of thirty-six thousand dollars (\$36,000.00); effective July 1, 2010 through June 30, 2011; now therefore

BE IT RESOLVED, That Resolution Number 10-256 be hereby amended to reflect an extended expiration date; effective July 1, 2010 through December 31, 2011; All else remains the same.

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

RESOLUTION NO. 11-
(August 16, 2011)

By Mrs. Totslie, Chairman of Human Services Committee:

RESOLUTION NUMBER 10-222 AMENDED

Regular Session

**RESOLUTION NO. 11-
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Page 2**

WHEREAS, Resolution Number 10-222 entitled “**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,**” passed by this Board of Supervisors on June 08, 2010 and provides for additional funding for senior employment opportunities to residents 55+ in Wyoming County in a minimum amount of twenty-one thousand five hundred ten dollars (\$21,510.00); effective February 01, 2010 through June 30, 2011.; now therefore

BE IT RESOLVED, That Resolution Number 10-222 be hereby amended to reflect an extended expiration date to Title V Senior Employment Program – Additional funds; Effective February 1, 2010 through December 31, 2011; all else remains the same.

Carried: Ayes: Noes: Absent: Abstain: #9

**RESOLUTION NO. 11-246
(August 16, 2011)**

By Mrs. Totslin, Chairman of Human Services Committee:

CHILD SUPPORT AWARENESS MONTH PROCLAIMED

WHEAREAS, 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

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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 support 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 the Wyoming County Board of Supervisors hereby proclaim August 2011 as:

CHILD SUPPORT AWARENESS MONTH

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

RESOLUTION NO. 11-247
(August 16, 2011)

By Mrs. Totslin, 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 the New York State OCFS, Evelyn D'Ambro, 52 Washington Street, Rensselaer NY 12144 on behalf of the Department of Social Services. Said grant funds will be used to pay for children placed directly in detention, in an estimated amount not to exceed forty thousand dollars (\$40,000.00); effective April 01, 2011 through December 31, 2011.

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

After the roll call vote was taken, Chairman Berwanger invited Supervisor Totslin, T/Genesee Falls to the microphone to present the Child Support Awareness Month proclamation. Chairman Berwanger also invited the Commissioner of Social Services, Dave Rumsey to join Mrs. Totslin. The Commissioner was asked to read the proclamation.

There was a motion by Mr. Fleischman, T/Java, to combine resolutions #11 and #12. A voice vote was taken and all voted aye.

#11

**RESOLUTION NO. 11-248
(August 16, 2011)**

By Mr. Fleischman, Chairman of Planning Committee:

CHAIRMAN AUTHORIZED TO SIGN AN INTER-MUNICIPAL COOPERATIVE AGREEMENT WITH GLOW SOLID WASTE MANAGEMENT COMMITTEE 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 Inter-Municipal Cooperative Agreement with GLOW Solid Waste Management Committee, Genesee County Building 2, 3837 West Main Street Road, Batavia, NY 14020 to carry out GLOW Solid Waste pharmaceutical and household hazardous waste collection programs and services in an amount not to exceed eighteen thousand one hundred seven dollars (\$18,107.00); effective January 1, 2012 through December 31, 2013.

Contingent upon the availability of funds.

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

**RESOLUTION NO. 11-249
(August 16, 2011)**

By Mr. Fleischman, Chairman of Planning Committee:

WYOMING COUNTY FARM-TO- SCHOOL PROGRAM LAUNCH DAY PROCLAIMED

RESOLUTION NO. 11-249**August 16, 2011****Page 2**

WHEREAS, The Wyoming County Business Education Council serves as the liaison between the agricultural business and education sectors, and helps to foster and support the relationships between local farmers, growers, and community members which helps create an economically stable agricultural operation in which consumers are assured the highest quality local produce; and

WHEREAS, Wyoming County Students while in school, will have access to healthy produce and freshly prepared meals. Developing an awareness of the benefits to living a healthy lifestyle, and experience the availability of local fresh and nutritious produce as a healthy choice being offered from the school lunch menu; and

WHEREAS, The Wyoming County Board of Supervisors recognize that support for healthy meal choices for the youth of Wyoming County will nurture healthy eating habits, and support local commerce in the agriculture community; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby proclaims
August 16, 2011 as:

*Wyoming County
Farm-to-School Program Launch*

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

After the roll call vote was taken, Chairman Berwanger invited Supervisor Fleischman, T/Java to the microphone to present the Wyoming County Farm-to-School Program Launch proclamation to Business Education Council, Executive Director, Linda Leblond.

August 16, 2011

Ms. Leblond joined the Supervisor at the microphone and thanked the Board of Supervisors for their inception and support of the program.

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

#13

**RESOLUTION NO. 11-250
(August 16, 2011)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH THE COUNTY OF MONROE, PUBLIC CRIME
LABORATORY ON BEHALF OF THE SHERIFF'S
DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with County of Monroe, Public Crime Laboratory, 150 S Plymouth Ave, 5th Floor, Rochester NY 14614 on behalf of the Sheriff's department. Said contract is for forensic laboratory services in an amount not to exceed twenty-four thousand eight hundred five dollars (\$24,805.00); effective January 1, 2011 through December 31, 2011.

Contingent upon the availability of funds.

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

#14

RESOLUTION NO. 11-251
(August 16, 2011)

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 10-375 AMENDED

WHEREAS, Resolution Number 10-375 entitled “**CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF STATE, BUREAU OF FISCAL ADMINISTRATION, CONTRACT ADMINISTRATION UNIT ON BEHALF OF WYOMING COUNTY EMERGENCY SERVICES,**” passed by this Board of Supervisors on November 09, 2010 and provides for an agreement for the Local Enhanced Wireless 911 Program for reimbursement of costs associated with the provision of Wireless 911 services. Allocation in a minimum amount of twenty-two thousand four hundred twenty-five dollars (\$22,425.00); effective April 1, 2010 through March 31, 2013; now therefore

BE IT RESOLVED, That Resolution Number 10-375 be hereby amended to reflect a decrease of two hundred forty-seven dollars (\$247.00) to a total amount of twenty-two thousand one hundred seventy-eight dollars (\$22,178.00); All else remains the same.

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

RESOLUTION NO. 11-252
(August 16, 2011)

By Mr. Rogers, Chairman of Public Safety Committee:

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Page 2

**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, 2011 through July 10, 2012**:

Arcade	Gregory Landis	782 Geer Rd. Arcade, NY 14009
Attica	Terry Snyder	37 Buffalo St. Attica, NY 14011
Bennington	David Valtin	2166 Church Rd. Darren Ctr., NY 14040
Bliss	Richard Maher	3248 Rt. 39 Bliss, NY 14024
Castile	*William Dake	73 W. Park Rd. Castile, NY 14427
Cowlesville	Joseph Pomona	203 Clinton St. Cowlesville, NY 14037
Gainesville	Robert Patterson	5006 Shearing Rd. Gainesville, NY 14066
Harris Corners	Mark Keem	2563 Rt. 77 Strykersville, NY 14145
North Java	*Joseph Siler	2520 Pee Dee Rd. Java Center, NY 14082
Perry	*Frederick Eickhoff	33 Dolbeer St. Perry, NY 14530
Perry Center	James Brick	7618 Rt. 20A Perry, NY 14530

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Pike	Douglas Flint	78 Main St. Pike, NY 14130
Sheldon	Richard Brzezicki, Jr.	2830 Valley View Ln. Strykersville, NY 14145
Silver Springs	Deanna Wilcox	5400 Toolhouse Rd. Warsaw, NY 14569
Strykersville	Donald Simons	425 Factory Rd. Strykersville, NY 14145
Varysburg	Carl Parmerter	2151 Rt. 98 Attica, NY 14011
Warsaw	William Goulet	5310 Wethersfield Rd. Silver Springs, NY 14550
Wyoming	* R. Bruce Brown	1236 Rt. 19 Wyoming, NY 14591

***new appointees**

Members At-Large for towns without Departments:

Orangeville Town Supervisor Town of Orangeville
Covington Town Supervisor Town of Covington

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

Special “Emergency Services/Community Awards” presentation

– Several Local Volunteers were presented with Certificates of Recognition.

Special “County Jail/American Legion’s “2010-2011 New York Corrections Officer of the Year” presentation –

Jail Captain, Bruce James

There was a motion by Mr. Patti, T/Attica, to combine resolutions #16 through #18. A voice vote was taken and all voted aye.

Prior to the roll call vote, Chairman Berwanger explained that Resolution Office number 18 is the beginning of the renovations to the Wyoming County Community Health System facility.

#16

**RESOLUTION NO. 11-253
(August 16, 2011)**

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 01, 2011 through August 31, 2012; and be it

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.

Contingent upon availability of funds.

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

#17

**RESOLUTION NO. 11-254
(August 16, 2011)**

By Mr. Patti, Chairman of Public Works Committee:

2011 – 2012 SALT BID APPROVED

RESOLUTION NO. 11-254**August 16, 2011****Page 2**

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 for the purchase of salt for the **2011 – 2012 Snow Season** to American Rock Salt Co., LLC, PO Box 190, Mt. Morris, NY 14510 in an amount not to exceed \$40.49 per ton.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain: #18

RESOLUTION NO. 11-255**(August 16, 2011)**

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 WYOMING COUNTY
COMMUNITY HEALTH SYSTEM ON BEHALF OF THE
COUNTY OF WYOMING**

WHEREAS, The Wyoming County Board of Supervisors in partnership with the Wyoming County Community Hospital Board of Managers has determined that the facility located at 400 North Main Street is in need of extensive repair and as a result on March 09, 2010 this Board of Supervisors passed resolution number 10-138 entitled, **“WYOMING COUNTY**

August 16, 2011

RESOLUTION NO. 11-255
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Page 2

COMMUNITY HOSPITAL RENOVATIONS CAPITAL IMPROVEMENT PROJECT ESTABLISHED;” now therefore

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 the following bids and sign contracts with the following contractors for the following renovations to the hospital and skilled nursing facility located at 400 North Main Street, Warsaw, NY 14569:

Roof Reconstruction Project:

- The Base Bid includes replacement of all 19 separate roofs at the Hospital and Skilled Nursing Facility, totaling approximately 57,000 sq. ft.
- The replacement of existing HVAC ductwork and ductwork insulation on 4 of the roofs, including the Main Hospital building and Boiler Room roofs.
- The replacement of the lightning protection system on the Main Hospital Building.
- Asbestos abatement under select roofs as required to complete the work.
- New roofs will be cold applied built-up roof systems and have a 20 year warranty.
- All roofs will now meet the NYS Energy Code.
- The bid package was separated into Roofing (General), Mechanical (HVAC) and Electrical prime contracts to comply with Wick's Law.

Roofing (Base Bid):

Leo J. Roth Corp., 841 Holt Rd., Webster, NY 14580 \$1,192,000.00

Mechanical:

Leo J. Roth Corp., 841 Holt Rd., Webster, NY 14580 434,500.00

Electrical:

Concord Electric Corp., 706 Maple St., Rochester, NY 14611 42,395.00

Total of Bids: \$1,668,895.00

RESOLUTION NO. 11-255**August 16, 2011****Page 3****Chilled Water System Improvements:**

- Removal of the existing absorption chiller, chilled water distribution pumps, and concentrator system.
- Installation of a new 500-Ton chiller, cooling tower, and chilled water distribution pumps. This will provide additional cooling capacity and cooling tower redundancy.
- Installation of new chilled water central plant system controls which will be integrated into the existing Trane Summit building management system.
- Replacement of the Boiler Room main distribution panel (1,200 Amps).
- The work will take place during the "non-cooling" season, and should be complete by approximately March 16, 2012.
- The bid package was separated into Mechanical (HVAC) and Electrical prime contracts to comply with Wick's Law.

Mechanical:

B&B Mechanical Contractor, Inc.,

105 Lincoln Pkwy, E. Rochester, NY 14445

\$620,000.00

Electrical:

Kenneth R. Lawrence Electric, Inc.,

167 Hook Rd., Farmington, NY 14425

102,368.00**Total of Bids: \$722,368.00****Carried: XXX Ayes: 1596 Noes: Absent: Abstain:**

There was a motion by Mrs. May, T/Orangeville, to combine resolutions #19 through #22. A voice vote was taken and all voted aye.

#19

RESOLUTION NO. 11-256
(August 16, 2011)

By Mrs. May, Chairman of Finance Committee:

APPROVES PROPERTY AUCTION SALES

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

WHEREAS, the Finance Committee of the Board has obtained offers at public auction to purchase said properties and recommends the acceptance thereof, namely:

- Lot#1 Adam Gernstl, 6630 Railroad Avenue, Bliss, NY 14024 has offered \$2,700 for property located on 499 Genesee Road, Town of Arcade. Tax Map #172.-1-24.
- Lot#2 Springbrook Central, Inc., 199 South Main Street, PO Box 44, Perry, NY 14530 has offered \$3,600 for property located on 4351 Lake Shore Drive, Town of Castile. Tax Map #222.20-3-46.
- Lot#5 Java Lake Waterfront, Inc., 199 South Main Street, PO Box 44, Perry, NY 14530 has offered \$300 for properties located on Lakeshore Drive/ Park Drive/S. Lakeshore Drive/Lakeshore Drive, Town of Java. Tax Map #140.8-8-21.1/140.8-8-20/140.8-8-28/140.8-8.30.
- Lot#8 Don Meeder, 792 Dale Road, Dale, NY 14039 has offered \$1,100 for properties located on Dale Road, Town of Middlebury. Tax Map #21.-2-19.
- Lot#9 Leith Realty Holdings, Inc., 74 Covington Street, Perry, NY 14530 has offered \$6,100 for property located on 10 Callahan Street, Town of Perry. Tax Map #100.11-3-32.1; now therefore

BE IT RESOLVED, That the above sales 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, provided payment of said purchase price is received by her on or before September 16, 2011.

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

Regular Session

RESOLUTION NO. 11-257
(August 16, 2011)

By Mrs. May, Chairman of Finance Committee:

**CHAIRMAN/DIRECTOR OF INFORMATION
TECHNOLOGY AUTHORIZED TO SIGN A
MAINTENANCE AGREEMENT WITH MATRIX
COMMUNICATIONS ON BEHALF OF INFORMATION
TECHNOLOGY**

BE IT RESOLVED, That the Chairman of this Board and the Director of Information Technology with the approval of the County Attorney are hereby authorized and directed to sign a maintenance agreement with Matrix Communications, 126 Dwight Park Circle, Syracuse, NY 13209 on behalf of Information Technology. Said agreement will provide for an Annual Support of the Phone System for the Government Center campus in an amount not to exceed ten thousand two hundred eighty-one dollars and seventy-one cents (\$10,281.71); effective September 23, 2011 through September 22, 2012.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#21

RESOLUTION NO. 11-258
(August 16, 2011)

By Mrs. May, Chairman of Finance Committee:

August 16, 2011

RESOLUTION NO. 11-258**August 16, 2011****Page 2****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, 2013, 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, 2013, 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 prior to December 1, 1992, any effect transaction which may not be subject to the additional tax imposed effective on that date.

RESOLUTION NO. 11-258**August 16, 2011****Page 3**

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, 2013, the tax shall be at the rate of four percent, and on and after December 01, 2013, 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

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(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, 2013, the tax shall be at the rate of four percent, and on and after December 01, 2013, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2013, the tax shall be at the rate of four percent, and on and after December 01, 2013, 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.

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(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, 2013, the tax shall be at the rate of four percent, and on and after December 01, 2013, 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, 2013, the tax shall be at the rate of four percent, and on and after December 01, 2013, 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, 2013.

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Page 6

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, 2013, 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, 2011.

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

**RESOLUTION NO. 11-259
(August 16, 2011)**

By Mrs. May, Chairman of Finance Committee:

VOLUNTARY CLEAN-UP AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO REMEDIATE THE WYOMING COUNTY FIRE TRAINING CENTER PROPERTY COMPLETED

WHEREAS, The County of Wyoming on October 24, 2002 entered into a voluntary clean-up agreement with the New York State Department of Environmental Conservation to remediate the Wyoming County Fire Training Center property; and

WHEREAS, It has been determined that certain additional monies are necessary to hopefully conclude the County’s financial obligations in connection with the clean up of the Wyoming

RESOLUTION NO. 11-259**August 16, 2011****Page 2**

County Fire Training Center property, specifically for additional engineering services to complete the clean up; now therefore

BE IT RESOLVED, that the County is authorized to expend an additional \$47,250.00 for the aforesaid engineering and related services to be provided by the County's engineering firm, URS.

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

Public Comment (Local Law Introductory F):

1. Supervisor Fleischman, T/Java – explained that this came out of the Marcellus Shale Committee stating that it was carefully crafted so as to not have a negative impact to the farming community. The only local control will be through Road Use legislation. The DEC will have overall authority. This local law can be used as a template for any of the Towns wishing to maintain local control over road usage. Supervisor Fleischman further explained that the bulk of the drilling will not be done in Western New York, rather down state further...

Close Public Hearing:

Motion made by Supervisor Rogers, T/Pike and seconded by Supervisor Brick, T/Perry. All voted aye. Carried

**Local Law
#23**

**RESOLUTION NO. 11-260
(August 16, 2011)**

By Mr. Fleischman, Chairman of Planning Committee:

August 16, 2011

RESOLUTION NO. 11-260**August 16, 2011****Page 2****LOCAL LAW NO. 6 (INTRODUCTORY F) - YEAR 2011, “A Local Law Providing for the Permitting and Regulation of Vehicles Exceeding the Weight and Dimensional Limits Set Forth in Section 385 of the Vehicle and Traffic Law of the State of New York and Further Regulating the Travel of Said Vehicles in the County of Wyoming,” ADOPTED**

WHEREAS, There was duly presented and introduced at a meeting of this Board, held on the 12th day of July, 2011, a proposed local law of the County, designated as Local Law Introductory No. F, for the year 2011, entitled, **A Local Law Providing for the Permitting and Regulation of Vehicles Exceeding the Weight and Dimensional Limits Set Forth in Section 385 of the Vehicle and Traffic Law of the State of New York and Further Regulating the Travel of Said Vehicles in the County of Wyoming**; and

WHEREAS, In accordance with the provisions of Resolution No. 11-224, there was a public hearing held by this Board of Supervisors on this 16th day of August, 2011, 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 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. F, Year 2011, County of Wyoming, New York, as presented to this Board on the 16th day of August 2011, is hereby adopted, enacted and passed by this Board in its original form as follows:

LOCAL LAW NO. 6 - YEAR 2011

RESOLUTION NO. 11-260**August 16, 2011****Page 3**

**A Local Law Providing For The Permitting And Regulation Of
Vehicles Exceeding The Weight And Dimensional Limits Set Forth
In Section 385 Of The Vehicle And Traffic Law Of The State Of New
York And Further Regulating The Travel Of Said Vehicles In The
County Of Wyoming.**

**BE IT ENACTED BY THE BOARD OF SUPERVISORS FOR THE
COUNTY OF WYOMING AS FOLLOWS:**

Section 1. Introduction and Legislative Purpose. This Local Law is enacted pursuant to the New York State Municipal Home Rule Law, the New York County Law, the New York County Law Section 725, Highway Law Section 102, New York Vehicle and Traffic Law Section.

Section 2. 385(15) and the New York Vehicle and Traffic Law Section 1650, so as to provide for the general health, safety, welfare of the citizens of Wyoming County (hereinafter “County”) and to regulate by “permit” the operation of motor vehicles exceeding the weight and dimensions standards set forth by New York Vehicle and Traffic Law Section 385 (hereinafter “Permit”).

Section 3. Permit Required.

a. Any vehicle or combination of vehicles that exceed the weight or dimensions standards set forth in New York Vehicle and Traffic Law Section 385 shall be prohibited from operating on roads under the jurisdiction of the County unless holding a Permit issued under the provisions of this Local Law. An applicant for purposes of this law shall mean the owner of the motor vehicle to be permitted.

b. This Local Law shall only apply to Permits issued in connection with a “major project” as defined in this subsection. For purposes of this Local Law, “major project” shall mean a commercial activity involving the installation, development or construction of one (1) or more natural gas wells and related infrastructure and facilities as well as the installation, development or construction of any wind power generation facility involving the installation, development or construction of one (1)

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or more wind energy conversion devices in excess of one hundred twenty (120) feet high.

c. Wyoming County Highway Superintendent (hereinafter “Highway Superintendent”) shall issue the Permits established by this Local Law.

Section 4. Permit Procedure. The Highway Superintendent shall make available to any applicant who wishes to operate a motor vehicle exceeding the weight and dimensions standards established by New York Vehicle and Traffic Law a permit application which shall require the applicant to submit, in a form acceptable to the Highway Superintendent, the following:

a. Proof of valid New York State motor vehicle registration for each vehicle.

b. A valid New York State Special Hauling Permit issued by the New York State Department of Transportation pursuant to New York Code of Rules and Regulations (NYCRR) Part 154 (17 NYCRR §154).

c. A specification of the County highways for which a Permit is requested as well as a route map indicating the applicant’s proposed hauling routes, if applicable.

d. Proof of liability insurance, as requested by the Highway Superintendent.

Additional relevant information may be required in the permit application as deemed necessary for the purposes of this Local Law by the Highway Superintendent.

Section 5. Permit Conditions. The Highway Superintendent is specifically authorized to attach appropriate conditions to any Permit issued under this Local Law so as to ensure that hauling and road use by the applicant is consistent with the statutory purpose of New York Vehicle and Traffic Law Section 385 and provisions of this Local Law relating to an applicant’s obligation to repair or replace any damage to

RESOLUTION NO. 11-260**August 16, 2011****Page 5**

County roads occasioned by use of the Permit contemplated by Section 2 of this Local Law.

Section 6. Multiple Permits. Should an applicant or one or more related applicants or one or more applications related to the same project or purpose apply for more than one (1) Permit under the terms of this Local Law, such applicant(s) must execute a Road Maintenance Agreement acceptable to the Highway Superintendent substantially in a form approved by the Highway Superintendent and made part of the application form referred to in Section 1 herein.

Section 7. Permit and Road Maintenance Agreement Conditions. The Highway Superintendent is authorized to attach appropriate conditions to any Permit issued under this Local Law and/or to the Road Maintenance Agreement so as to ensure that hauling and road use by the applicant is consistent with the statutory purposes of the New York Vehicle and Traffic Law Section 385, New York Vehicle and Traffic Law Section 1650 and the provisions of this Local Law relating to the operation of motor vehicles exceeding the weight and dimensions standards set forth in New York Vehicle and Traffic Law §385 and the applicant's obligation to repair or replace any damage to County roads established by this Local Law and New York State law.

Section 8. Duration and Term. Permits under this Local Law shall be issued for a period of one (1) year and are subject to renewal for one (1) year periods provided the applicant has complied with the conditions of the Permit and, if applicable, the Road Maintenance Agreement.

Section 9. Revocation of Permit and Stop Orders. The Highway Superintendent is authorized to suspend any Permit issued under the terms of this Local Law upon the issuance of a written notice of Permit violation issued to the Permit holder. Upon the issuance of a notice of Permit violation, which may contain an Order immediately suspending the Permit, the Permit holder shall have an opportunity to correct any violation of the Permit or shall have an opportunity to be heard by the Highway Superintendent within five (5) days of the notice of Permit violation. Should the applicant fail to correct any violation of an issued

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Page 6

Permit as specified by the Highway Superintendent, said Permit may be revoked on ten (10) day's written notice to the applicant.

Section 10. Security Bond. Any applicant(s) for Permits under this Local Law which may be subject to the requirement of a Road Maintenance Agreement shall fully comply with the indemnity, insurance and security provisions contained in said Road Maintenance Agreement.

Section 11. Additional Requirements.

a. Any Permit holder shall provide the Highway Superintendent with a minimum of seventy-two (72) hours notice of a Permit holder's intent to commence use of the Permit on County roads and further said applicant shall be required, upon request by the Highway Superintendent, to provide the Highway Superintendent with detailed information regarding the locations and duration of the truck routing activity authorized by the Permit.

b. The Highway Superintendent may waive the requirements of this Local Law for publicly owned vehicles, those vehicles owned by a public utility and emergency vehicles.

Section 12. Fee. The annual Permit fee shall be the maximum fee provided by New York State Vehicle and Traffic Law Section 385, according to weight schedule.

Section 13. Violation and Penalties

a. Any person who shall operate or move a vehicle or a combination of vehicles, the weights or dimensions of which exceed the limitations provided in Section 385 on County roads or highways without obtaining the Permit required hereunder shall be guilty of a violation, which shall be punishable by a fine not exceeding five hundred and no/100 (\$500.00) dollars per occurrence for the first violation and not to exceed one thousand and no/100 Dollars (\$1,000.00) per occurrence for each subsequent violation.

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b. The County is specifically authorized to institute a civil action in New York Supreme Court to compel compliance with this Local Law.

Section 14. Severability. If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the County Board of Supervisors hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 15. This Local Law shall take effect upon the filing with New York State Secretary of State.

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

Prior to the adjournment of the Regular Monthly Meeting Chairman Berwanger commended Supt. of County Highways, Todd Gadd on a job well done in the construction of the new fair bridge.

Jerry Sahrle, T/Perry was given permission by Chairman Berwanger to address the Board. He stated that he would like the Board of Supervisors to take stand in opposition to recently enacted legislation referred to the Power New York Act of 2011. He continued by informing the Board of this legislation taking the local authority away for siting wind projects. He also commended Assemblyman Burling for voting against it.

*There being no further business to come before this Board,
Senior Supervisor Bush, T/Gainesville, adjourned the meeting at
3:20 PM with a rap on his desk.*

Respectfully submitted,
Cheryl J. Ketchum
Cheryl J. Ketchum, Board Clerk

REGULAR SESSION
(September 13, 2011)
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 Dadd; Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Brenda Ferrell.

At 2:36 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance for this month's meeting is:

CHARLES R. NEWMAN

Mr. Newman's service to his country comes while serving during World War II. He was attending St. Bonaventure College with a major in accounting and was also participating in an Army Reserved Special Training Program at Syracuse University when he answered the call to serve his country.

Mr. Newman enlisted in the United States Army on July 10, 1943. He completed his Basic Training at Ft. Dix, New Jersey and his Advanced Individual Training at Ft. Benning, Georgia and became qualified as an infantryman. Mr. Newman was shipped overseas to Liverpool, England and was assigned to the 533rd Quartermaster Railhead Company in Granville, France under the 87th Infantry Division. He then attended O.C.S. (Officers Candidate School) and was commissioned as 2nd Lt.

Mr. Newman's next assignment was with the Adjutant Generals office in the 4th Armor Division. He worked in the Adjutant Generals office until his completion of his tour in Europe. Mr. Newman returned to the United States and was Honorably Discharged on October 6th 1946 at the rank of 1g. Lt.

For his service to his country, Mr. Newman was awarded:
The World War II Victory Medal

The European, African, Middle Eastern Campaign Medal

Following the war, Mr. Newman returned to this area and went back to college at St. Bonaventure with a major in pre-law. He then attended law school at the University of Buffalo and graduated with a Bachelor's Degree in 1950.

Mr. Newman passed the Bar Exam in the spring of 1951 and then practiced law in the town of Arcade for the next 27 years. In 1978, Mr. Newman was appointed as Wyoming County Judge and he held this position until his retirement in 1991.

Mr. Newman has been a member of the Hendershott-Mannes VFW Post 374 for over 30 years, a member of the Free-Masons for over 63 years, and a member of the American Legion for over 68 years. He is also very active with the Arcade Senior Citizens Club.

Mr. Newman and his wife, Barbara, live in the Village of Arcade.

The pledge was said by all.

Chairman Berwanger presented Mr. Newman with the customary certificate of appreciation and an opportunity to address the Board.

There was a brief interruption of the meeting as the press took pictures.

Communications:

1. Wyoming County Fair Association ~ Letter September 05, 2011 ~ Thank you to the Board of Supervisors for continuous support of the Association and the Fair (construction of the new bridge, small animal building and antique facility).

**RESOLUTION NO. 11-261
(September 13, 2011)**

By Mrs. May, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2011 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2011 accounts as follows:

Human Resource			
From: 01.34.1430.4.40402 CS Conference To: 01.34.1431.4.40401 HR Training/Educa. Reason: Transfer funds from Civil Service to Human Resource to cover the cost of Civil Service training in Albany.	\$700.00	700.00	
Human Resource Total			\$700.00

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

#2

**RESOLUTION NO. 11-262
(September 13, 2011)**

By Mrs. May, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2011 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2011 accounts as follows:

September 13, 2011

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Human Resource			
To: 01.34.1431.4.40301 Prof. Svc. Contracts <i>From any funds available</i> Reason: D. Lippitt, Attorney expenses for contract negotiations and legal services for labor and employment issues. Webster Szanyi, Brian Doyle, Attorney expenses for ADA issue. Groves Associates expenses for presentation to the Board of Managers approved at July 2011 HR Committee.	\$19,500.00	\$19,500.00	
Human Resource Total			\$19,500.00
Mental Health			
To: 01.38.4220.4.40002 Electricity <i>From any funds available</i> Reason: Replacement of tax levy reduction needed for state aid match requirement. May lose \$40,000.00 in State Aid, if this match is not reinstated in 2011 budget.	\$2,926.50	\$2,926.50	
To: 01.38.4323.4.42441 Misc. MH Programs w/01.03.4323.1289 Other Dept. Revenue Reason: Received MHANYS Suicide Prevention Mini-Grant	\$2,000.00	\$2,000.00	
Mental Health Total			\$4,926.50
Sheriff			
To: 01.37.3110.1.10301 Overtime 01.37.3110.1.10501 Shift Differential 01.37.3110.8.81001 Retirement 01.37.3110.8.83001 FICA 01.37.3110.8.85001 Medicare-FICA w/01.03.3110.1289 Other Dept Income Reason: Reimbursement for personal services for Parmelee eviction	\$1,052.89 \$15.76 \$396.36 \$66.26 \$15.50	\$1,546.77	
To: 01.37.3110.1.10201 Part time 01.37.3110.1.10301 Overtime 01.37.3110.1.10501 Shift Differential 01.37.3110.8.81001 Retirement 01.37.3110.8.83001 FICA 01.37.3110.8.85001 Medicare-FICA w/01.03.3110.1289 Other Dept Income Reason: Reimbursement for personal services for Buffalo Hill Village concert	\$923.94 \$11,140.20 \$199.01 \$1,655.46 \$760.32 \$177.82	\$14,856.75	
Sheriff Total			\$16,403.52

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Page 3

County Jail			
To: 01.37.3150.4.41803 Payments to Other Counties <i>From any funds available</i> Reason: Appropriation needed to cover boarding out inmates for July and August 2011.	\$50,000.00	\$50,000.00	
County Jail Total			\$50,000.00
Building & Grounds CIP			
To: 01.34.1621.1.10202 Temporary 01.34.1621.8.81001 Retirement 01.34.1621.8.83001 FICA 01.34.1621.8.85001 Medicare – FICA w/01.03.1621.1289 Other Income Reason: To appropriate funds to cover cost related to temporary employees for the CIP projects.	\$30,000.00 4,500.00 1,860.00 435.00	\$36,795.00	
Building & Grounds CIP Total			\$36,795.00

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

Mr. Bush, T/Gainesville, Chairman of the Audit Committee, presented bills totaling **\$3,438,449.20** for the month of **August 2011**.

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

There was a motion by Mrs. Totsline, T/Genesee Falls, to combine resolutions #3 through #8. A voice vote was taken and all voted aye.

#3

**RESOLUTION NO. 11-263
(September 13, 2011)**

By Mrs. Totslin, Chairman of Human Services Committee:

**NATIONAL POW/MIA RECOGNITION DAY
PROCLAIMED**

WHEREAS, The Federal Government has designated Friday, September 16, 2011 as National POW/MIA Recognition Day; and

WHEREAS, Numerous members of our Armed Forces are still listed as POW/MIAs and we demand an accurate accounting of those listed as POW/MIAs; and

WHEREAS, The members of 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 16, 2011** as:

NATIONAL POW/MIA RECOGNITION DAY

in Wyoming County; and be it

FURTHER RESOLVED, That the Clerk of this Board is hereby directed to forward copies of this resolution to President Barack Obama, U.S. Senators Charles Schumer and Kirsten Gillibrand, U.S. Congresswoman Kathleen Hochul, NYS Governor Andrew Cuomo, Senator Patrick Gallivan, Assemblyman Daniel Burling, and any others deemed appropriate and necessary.

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

#4

**RESOLUTION NO. 11-264
(September 13, 2011)**

By Mrs. Totslin, 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 acceptance award with New York State Office for the Aging, 2 Empire State Plaza, Albany, New York 12223 on behalf of the Office for the Aging. Said grant is for funding of the NY Connects: Choices for Long Term Care Program (year 6) in a minimum amount of forty-three thousand two hundred eighty-nine dollars (\$43,289.00); effective October 1, 2011 through September 30, 2012.

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

#5

**RESOLUTION NO. 11-265
(September 13, 2011)**

By Mrs. Totslin, Chairman of Human Services Committee:

NATIONAL YOUTH COURT MONTH PROCLAIMED

September 13, 2011

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September 13, 2011
Page 2

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 by 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 country. 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 2011** as:

“National Youth Court Month”

In Wyoming County and calls on all citizens to find ways to give their time, energy, and talents to serve and support the Wyoming County Youth Court.

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

**RESOLUTION NO. 11-266
(September 13, 2011)**

By Mrs. Totslin, Chairman of Human Services Committee:

RESOLUTION NUMBER 09-155 AMENDED

WHEREAS, Resolution Number 09-155 entitled “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS EARLY INTERVENTION CONTRACTS ON BEHALF OF THE YOUTH BUREAU,**” passed by this Board of Supervisors on April 14, 2009 that provides for various Early Intervention Contracts on behalf of the Youth Bureau; effective July 01, 2009 through June 30, 2012. Contingent upon the availability of funds; now therefore

BE IT RESOLVED, That Resolution Number 09-155 be hereby amended to reflect a name change only to the Integrated Therapy Services contract to **Integrated Therapy Services of WNY, OT/PT, SLP, PLLC**; effective August 12, 2011 through June 30, 2012. All else remains the same.

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

#7

**RESOLUTION NO. 11-267
(September 13, 2011)**

By Mrs. Totslin, Chairman of Human Services Committee:

RESOLUTION NUMBER 09-156 AMENDED

September 13, 2011

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September 13, 2011
Page 2

WHEREAS, Resolution Number 09-156 entitled “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS PRE-SCHOOL SPECIAL EDUCATION SERVICES AND PRESCHOOL RELATED SERVICES CONTRACTS ON BEHALF OF THE YOUTH BUREAU,**” passed by this Board of Supervisors on April 14, 2009 that provides for various Pre-School Special Education Services and Preschool Related Services Contracts on behalf of the Youth Bureau; effective July 01, 2009 through June 30, 2012. Contingent upon the availability of funds; now therefore

BE IT RESOLVED, That Resolution Number 09-156 be hereby amended to reflect a name change only to the Integrated Therapy Services contract to **Integrated Therapy Services of WNY, OT/PT, SLP, PLLC**; effective August 12, 2011 through June 30, 2012. All else remains the same.

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

#8

RESOLUTION NO. 11-268
(September 13, 2011)

By Mrs. Totslie, Chairman of Human Services Committee:

**CHAIRMAN/COMMISSION OF SOCIAL SERVICES
 AUTHORIZED TO SIGN A MEMORANDUM OF
 UNDERSTANDING WITH ADECCO 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

RESOLUTION NO. 11-268**September 13, 2011****Page 2**

Memorandum of Understanding/Agreement (MOA is an ongoing agreement to use as needed) with Adecco, 230 East Main Street, Arcade New York 14009 on behalf of the Department of Social Services. Said Memorandum of Agreement is for 3 Energy Resource Aides for the seasonal HEAP program in an amount not to exceed sixty-three thousand thirty-four dollars (\$63,034.00); effective September 06, 2011 through September 30, 2012.

Contingent upon the availability of funds.

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

After the roll call vote was taken, Chairman Berwanger invited Supervisor Totslie, T/Genesee Falls to present the National POW/MIA Recognition Day and the National Youth Court Month proclamations. Supervisor Totslie invited Director of Veteran Services, Gary Cousins to join her to receive the National POW/MIA Recognition Day proclamation.

Next, Supervisor Totslie, T/Genesee Falls invited OFA and Youth Director Andrea Aldinger to join her at the podium to receive the National Youth Court Month proclamation. Director Aldinger brought with her Youth Court person in the Youth Bureau, Jamie Hudson. Director Aldinger read the proclamation out loud to the Supervisors and to members of the gallery. Director Aldinger explained that the new Youth Court Coordinator's name is Amy Falkowski and that they do a lot of work with Deputy Sheriff, Ivan Carrasquillo. Will see a resurgence of activities in the Youth Court...

There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #9 through #14. A voice vote was taken and all voted aye.

**RESOLUTION NO. 11-269
(September 13, 2011)**

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/HRI 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 grant acceptance award with the New York State Department of Health/HRI, 1 University Place, Rensselaer, New York on behalf of the County Health Department. Said grant funding is for the 2011-2012 Public Health Emergency Preparedness Program Services in a minimum amount of fifty thousand dollars (\$50,000.00); effective August 10, 2011 through August 9, 2012.

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

#10

**RESOLUTION NO. 11-270
(September 13, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

RESOLUTION NUMBER 10-294 AMENDED

RESOLUTION NO. 11-270**September 13, 2011****Page 2**

WHEREAS, Resolution Number 10-294 entitled **“CHAIRMAN / COMMISSIONER OF HEALTH AUTHORIZED TO SIGN A GRANT APPLICATION AND ACCEPTANCE AWARD WITH THE NEW YORK STATE DEPARTMENT OF HEALTH DIVISION OF ENVIRONMENTAL HEALTH PROTECTION ON BEHALF OF THE COUNTY HEALTH DEPARTMENT,”** passed by this Board of Supervisors on August 17, 2010 and provides funding for the Tobacco Enforcement Program in Wyoming County in a minimum amount of twenty-eight thousand four hundred eighty-one dollars (\$28,481.00); effective October 01, 2010 through September 30, 2011; now therefore

BE IT RESOLVED, That Resolution Number 10-294 be hereby amended to reflect an increase of thirteen thousand two hundred twenty-two dollars (\$13,222.00) for a total award of forty-one thousand seven hundred three dollars (\$41, 703.00) and extend the effective date by 6-months; to be effective October 01, 2010 through March 31, 2012. All else remains the same.

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

**RESOLUTION NO. 11-271
(September 13, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN / COMMISSIONER OF HEALTH
AUTHORIZED TO SIGN VARIOUS AGREEMENTS ON
BEHALF OF THE COUNTY HEALTH DEPARTMENT**

September 13, 2011

RESOLUTION NO. 11-271
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BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Public Health with the approval of the County Attorney be hereby authorized and directed to sign agreements replacing the Wyoming County Community Hospital Therapy Contracts terminating effective October 1, 2011 with the following provider agreements:

- **Justin Bayliss**, 11 East Avenue, Attica, New York, 14011, for OT services to clients of the CHHA, \$72.50/visit effective October 01, 2011 through December 31, 2012; funds budgeted.
- **Lisa Halstead**, 43 Washington Street, Warsaw, New York, 14569, for OT services to clients of the CHHA; \$72.50/visit effective September 01, 2011 through December 31, 2012; funds budgeted.
- **Carolyn Schofield**, 4063 Retsof Road, Piffard, New York, 14533, for SLP services to clients of the CHHA \$75/visit effective August 11, 2011 through December 31, 2012; funds budgeted.
- **Elizabeth Wasczak**, 3820 Euclid Avenue, Perry, New York, 14530, for SLP services to clients of the CHHA \$75/visit effective August 11, 2011 through December 31, 2012.

Contingent upon the availability of funds.

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

RESOLUTION NO. 11-272
(September 13, 2011)

By Mr. Kushner, Chairman of Public Health Committee:

RESOLUTION NUMBER 10-416 AMENDED

RESOLUTION NO. 11-272
September 13, 2011
Page 2

WHEREAS, Resolution Number 10-416 entitled, **“CHAIRMAN AUTHORIZED TO SIGN 2011 RENEWAL CONTRACTS ON BEHALF OF MENTAL HEALTH,”** passed by this Board of Supervisors on December 14, 2010 provides for various contracts on behalf of Mental Health for the year 2011; Contingent upon the availability of funds; and

WHEREAS, on February 15, 2011 the Board of Supervisors passed resolution number 11-45 amending Resolution Number 10-416 to reflect an increase to the Spectrum Human Services, 227 Thorn Ave., Orchard Park, New York 14127 contract of two hundred eighty-one thousand eighty dollars (\$281,080.00) for Personalized Oriented Recovery Services (PROS), 100% state aid, no county levy for a total contract amount of seven hundred eighty-seven thousand one hundred two dollars (\$787,102.00) for 2011. (This amount was not included on original contract because the state aid was unknown until receipt of the state aid approval letter); all else remains the same; and

WHEREAS, on June 14, 2011 the Board of Supervisors passed resolution number 11-191 to further amend Resolution Number 10-416 to reflect the addition of Adult and Child Case Management Services and increase the Spectrum Human Services, 227 Thorn Ave., Orchard Park, New York 14127 contract by fifteen thousand eighty-seven dollars (\$15,087.00) to a total contract amount of eight hundred two thousand one hundred eighty nine dollars (\$802,189.00). 100% State Aid. No County levy; all else remains the same; now therefore

BE IT RESOLVED, That Resolution Number 10-416, as amended by Resolution Number 11-45 and 11-191 be hereby further amended to reflect an increase to the Spectrum Human Services, Inc., 227 Thorn Ave., Orchard Park, New York 14127 contract of sixteen thousand seven hundred twenty-five dollars (\$16,725.00) for court ordered services thereby increasing the 2011 contract to eight hundred eighteen thousand nine hundred fourteen dollars (\$818,914.00). 100% State Aid. No County Levy. Effective January 1, 2011 through December 31, 2011.

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

September 13, 2011

**RESOLUTION NO. 11-273
(September 13, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH BACH HARRISON ON BEHALF OF PARTNERS
FOR PREVENTION/MENTAL HEALTH**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Bach Harrison, L.L.C., 116 South 500 East, Salt Lake City, Utah 84102 on behalf of Partners for Prevention/Mental Health. Said contract is for 3,600 surveys to be distributed by Partners for Prevention throughout the six school districts to satisfy grant requirements, as well as, collect data to determine substance abuse prevention needs within Wyoming County in an amount not to exceed nine thousand one hundred eighty dollars (\$9,180.00). 100% Federal and State Aid funding. No County Levy; effective July 29, 2011 through December 31, 2011.

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

#14

**RESOLUTION NO. 11-274
(September 13, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

FAMILY DAY IN WYOMING COUNTY PROCLAIMED

RESOLUTION NO. 11-274**September 13, 2011****Page 2**

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

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 the 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; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors joins with Partners For Prevention and do hereby proclaim, **Monday, September 26, 2011** 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: 1596 Noes: Absent: Abstain:

September 13, 2011

After the roll call vote was taken, Chairman Berwanger invited Supervisor Kushner, T/Eagle to the podium to present the Family Day In Wyoming County proclamation. Supervisor Kushner, T/Eagle in turn invited fellow Supervisor, Ellen Grant, T/Bennington and Fiscal Administrator of the Mental Health Department as well as Community Services Director, S. Snell to join him to receive the proclamation. Supervisor Grant also graciously agreed to read the proclamation out loud for the Board and members of the gallery. After the presentation of the proclamation Director Snell outlined several events taking place about the county on Monday the 26th commemorating Family Day in Wyoming County and encouraged everyone to participate...

There was a motion by Mr. Gozelski T/Castile, to combine resolutions #15 and #16. A voice vote was taken and all voted aye.

Prior to the roll call vote being taken, Chairman Berwanger commented on the Pioneer Forestry contract being considered. He stated that the County really never had a formal focus on the county forestlands but with a little research learned that the County owns over 700 acres of Forestlands and with the help of Mr. Stawitzky and Pioneer Forestry plans are to prepare a 10 year forest management plan to preserve and maintain this very valuable resource.

**RESOLUTION NO. 11-275
(September 13, 2011)**

By Mr. Gozelski, Chairman of Agriculture Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH PIONEER FORESTRY ON BEHALF OF COUNTY
REFORESTATION**

BE IT RESOVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Pioneer Forestry, 4000 Skunk Hollow Road, Jamestown, New York 14701 on behalf of the County Reforestation. Said contract is for the work depicted in the updated 10 year plan for 2011 as follows:

Poplar Tree Road Tract

Selection / Salvage Harvest in Stand 3 (108 acres)
– projected revenue..... \$25 - \$30,000
Herbicide Back-Pack and stump treatment in Stand 3
– estimated cost.....\$2,000-\$2,500
Blaze and Paint Boundary Lines
– estimated cost.....\$1,500 - \$1,800

Dale Road Tract

Blaze and Paint Boundary Lines
– estimated cost.....\$1,200 - \$1,500

Wethersfield Road Tract

Blaze and Paint Boundary Lines
– estimated cost.....\$800 - \$1,200

in an amount not to exceed seven thousand dollars (\$7,000.00);
effective immediately through the completion of the project.

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

September 13, 2011

RESOLUTION NO. 11-276
(September 13, 2011)

By Mr. Gozelski, Chairman of Agriculture Committee:

**REVIEW OF AGRICULTURAL DISTRICT No. 4 AND SET
PUBLIC HEARING**

WHEREAS, This Board is conducting a review of Agricultural District No. 4 located in the Towns of Bennington, Sheldon, Java, Arcade and a few parcels in the Town of Attica 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. 4; 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 11th day of October, 2011 at 2:30 PM regarding Wyoming County Agricultural District No. 4 located in the Towns of Bennington, Sheldon, Java, Arcade and a few parcels in the Town of Attica 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

RESOLUTION NO. 11-276**September 13, 2011****Page 2**

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, New York 14569.

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

There was a motion by Mr. Rogers, T/Pike, to combine resolutions #17 through #20. A voice vote was taken and all voted aye.

#17**RESOLUTION NO. 11-277****(September 13, 2011)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A LEASE
AGREEMENT WITH WELLS FARGO FINANCIAL
LEASING, INC. 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 lease agreement with Wells Fargo Financial Leasing, Inc., 800 Walnut Street, Des Moines, Iowa 50309 on behalf of the District Attorney's Office. Said lease is for department copiers in an amount not to exceed nine thousand six hundred dollars (\$9,600.00); effective December 01, 2011 through November 30, 2014.

Contingent upon the availability of funds.

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

September 13, 2011

**RESOLUTION NO. 11-278
(September 13, 2011)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH WILMAC 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 a contract with Wilmac, 73 State Street, Rochester, New York 14614 on behalf of the Sheriff's Office. Said contract is for a maintenance contract for the NICE Digital Recorder SN 41931101 for 24 hour support coverage in an amount not to exceed six thousand three hundred fifteen dollars (\$6,315.00); effective September 1, 2011 through August 31, 2012.

Contingent upon the availability of funds.

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

#19

**RESOLUTION NO. 11-279
(September 13, 2011)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
APPLICATION AND ACCEPTANCE AWARD WITH THE
NEW YORK STATE CRIMINAL JUSTICE SERVICES ON
BEHALF OF THE PUBLIC DEFENDER'S OFFICE**

RESOLUTION NO. 11-279**September 13, 2011****Page 2**

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 Division of Criminal Justice Services, 4 Tower Plaza, Albany, New York 12203 on behalf of the Public Defender's office. Said grant is for funding of the mandated Indigent Parolee Program (contract #BJ11-1194-D00) in a minimum amount of one hundred eighty thousand dollars (\$180,000.00); effective July 1, 2011 to March 31, 2012.

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

#20**RESOLUTION NO. 11-280****(September 13, 2011)**

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 11-60 AMENDED

WHEREAS, Resolution Number 11-60 entitled, **“CHAIRMAN AUTHORIZED TO SIGN GRANT APPLICATIONS AND ACCEPTANCE AWARDS WITH NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES ON BEHALF OF PROBATION,”** passed by this Board of Supervisors on February 15, 2011 provides funding for Probation Eligible Diversion Program in a minimum amount of ten thousand four hundred ninety dollars (\$10,490.00), effective January 01, 2011 through December 31, 2011; Alternative to Incarceration programs, specifically Community Service, Pre-Trial Release and Data Day programs, to be provided in a minimum amount of twenty-one thousand five hundred twenty-six dollars

RESOLUTION NO. 11-280
September 13, 2011
Page 2

(\$21,526.00) effective January 1, 2011 to December 31, 2011;
now therefore

BE IT RESOLVED, That Resolution Number 11-60, be hereby amended to reflect a decrease of eight hundred twenty-six dollars (\$826.00) to the Probation Eligible Diversion Program for a total award in the minimum amount of nine thousand six hundred sixty-four dollars (\$9,664.00) and a reduction in funding of three thousand six hundred eighty-seven dollars (\$3,687.00) to the Alternative to Incarceration Programs for a revised minimum amount of seventeen thousand eight hundred thirty-nine dollars (\$17,839.00); (Community Service \$5,531.00, Pre-Trial Release \$5,531.00 and Defendant Based Data Day program \$6,777.00); all else remains the same.

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

There was a motion by Mr. Patti, T/Attica, to combine resolutions #21 through #29. A voice vote was taken and all voted aye.

#21

RESOLUTION NO. 11-281
(September 13, 2011)

By Mr. Patti, Chairman of Public Works Committee:

RESOLUTION NUMBER 10-312 AMENDED

WHEREAS, Resolution Number 10-312 entitled, **“CHAIRMAN AUTHORIZED TO SIGN VARIOUS CLEANING CONTRACTS ON BEHALF OF BUILDINGS AND GROUNDS,”** passed by this Board of Supervisors on

RESOLUTION NO. 11-281
September 13, 2011

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September 14, 2010 provides for the various county cleaning contracts on behalf of Buildings and Grounds; effective either September 14, 2010 through September 13, 2011 (T.C.C.T.) or October 14, 2010 through October 13, 2011 (S & T Pierson & Warren's Carpet Cleaning); now therefore

BE IT RESOLVED, That Resolution Number 10-312, be hereby amended to reflect a revised expiration date to the T.C.C.T., Inc., 46 North Maple Street, Warsaw, New York 14569 contract for a period of one (1) month from September 14, 2011 through October 13, 2011 and an additional monthly cost not to exceed three thousand one hundred thirty dollars (\$3,130.00). This adjustment puts all cleaning contracts on the same schedule; all else remains the same.

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

RESOLUTION NO. 11-282
(September 13, 2011)

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO AWARD BID AND SIGN
CONTRACT WITH EDWARD HULME, INC. ON BEHALF
OF THE FIRE TRAINING CENTER STORAGE BARN
CONSTRUCTION CAPITAL IMPROVEMENT PROJECT**

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 with Edward Hulme, Inc., 17 East Buffalo Street, Warsaw, New York 14569 on behalf of the Fire Training Center Storage Barn Construction Capital

September 13, 2011

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Improvement Project. Said contract is for the construction of a 60' x 100' pole building located at the Wyoming County Fire Training Center, 3651 Wethersfield Road, Warsaw, New York 14569 in an amount not to exceed one hundred four thousand forty-two dollars (\$104,042.00); effective September 06, 2011 through September 06, 2012.
Contingent upon the availability of funds.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain: #23

RESOLUTION NO. 11-283
(September 13, 2011)

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 **Preventative Maintenance #1 on 5 bridges in Wyoming County, in various Towns, Wyoming County, P.I.N. 4755.31; BINS: 3319560, 3320180, 3320030, 3320190 and 3319650** (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** .

RESOLUTION NO. 11-283
September 13, 2011

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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 **\$62,300.00** 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

September 13, 2011

RESOLUTION NO. 11-283

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RESOLVED, this Resolution shall take effect immediately.

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

#24

RESOLUTION NO. 11-284

(September 13, 2011)

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 **Preventative Maintenance #3 on 29 bridges in Wyoming County, in various Towns, Wyoming County, P.I.N. 4755.61; BINS: 3319470, 319700, 3329710, 3329760, 3319890, 3319980, 3320310, 3320320, 3320340, 3320360, 3321620, 3319430, 3319510, 3319630, 3319720, 3319750, 3319800, 3319810, 3319850, 3319870, 3319910, 3319920, 319930, 3320140, 3320280, 3320290, 3320380, 3369130 and 3369140** (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**.

RESOLUTION NO. 11-284
September 13, 2011

Page 2

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 **\$84,000.00** 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

September 13, 2011

RESOLUTION NO. 11-284
September 13, 2011
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RESOLVED, this Resolution shall take effect immediately.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#25

RESOLUTION NO. 11-285
(September 13, 2011)

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN SUPPLEMENTAL
AGREEMENT #2 (SNYDER ROAD BRIDGE) WITH
BRYANT 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 supplemental agreement #2 with Bryant Associates P.C., 108 W. Jefferson St., Suite 400, Syracuse, New York 13202 on behalf of County Highway. Said agreement is for additional construction inspection services for the Snyder Road Bridge, Orangeville #10 for contractor repairs to damage in an amount not to exceed twenty thousand three hundred forty dollars (\$20,340.00); effective July 1, 2011 through November 1, 2011.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#26

**RESOLUTION NO. 11-286
(September 13, 2011)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
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 a contract with Bergmann Associates, 28 East Main Street, 200 Federal Plaza, Rochester, New York 14614 on behalf of County Highway. Said contract is for Engineering and Design services for the High Risk Rural Road Improvements – Intersection #1 Dale, West Middlebury and Capwell Roads in the Town of Middlebury and Intersection #2 Curriers and Genesee Roads in the Town of Arcade in an amount not to exceed fifty-nine thousand dollars (\$59,000.00).

Contingent upon the availability of funds.

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

**RESOLUTION NO. 11-287
(September 13, 2011)**

By Mr. Patti, Chairman of Public Works Committee:

**RIGHT OF WAYS FOR GRIFFITH ROAD BRIDGE
PROJECT APPROVED**

WHEREAS, That the real property below located in the Town of Pike, Wyoming County, New York is needed to be acquired by the County of Wyoming for the replacement of Pike Bridge #07, BIN #3320120 Griffith Road over East Koy Creek, as described on maps on file in the Office of the Wyoming County Superintendent of Highways;
September 13, 2011

RESOLUTION NO. 11-287
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Property Owner	Tax Map No.	Surveyor Map & Parcel No.		Acreeage
Nancy A. Rusinski 5733 Griffith Road Portageville, NY 14536	169.00-1-16.2	PE Map # 1	Parcel #1	.131 ±
Gregory Van Slyke Connie A. Van Slyke Gary Van Slyke Virginia Van Slyke 5633 Griffith Road Portageville, NY 14536	180.00-1-5	PE Map# 2	Parcel #1	.084 ±
Gregory Van Slyke Connie Van Slyke 5770 Griffith Road Portageville, NY 14536	180.00-1-4	PE Map #3	Parcel # 1	.052 ±

WHEREAS, Said real property owners have agreed to graciously donate said real property so that said replacement may be completed;

WHEREAS, It is necessary for the County to indemnify said property owners in connection with said replacement; now therefore

BE IT RESOLVED, That the County of Wyoming shall indemnify and hold harmless the property owners listed 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; and be it

FURTHER RESOLVED That the County of Wyoming is authorized to accept the donation of said real properties; said conveyances to be completed upon the recording of an Easement from the real property owners to the County of Wyoming.

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

Regular Session

RESOLUTION NO. 11-288
(September 13, 2011)

By Mr. Patti, Chairman of Public Works Committee:

**TODD GADD REAPPOINTED AS COUNTY HIGHWAY
SUPERINTENDENT**

BE IT RESOLVED, That Todd Gadd, 618 Clinton Street, Cowlesville, New York 14037 is hereby reappointed to the position of County Highway Superintendent, *pursuant to County Highway Law §100, for a term of four (4) years; effective October 01, 2011 through September 30, 2015.*

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

RESOLUTION NO. 11-289
(September 13, 2011)

By Mr. Patti, Chairman of Public Works Committee:

RESOLUTION NUMBER 11-255 AMENDED

WHEREAS, Resolution Number 11-255 entitled, **“CHAIRMAN AUTHORIZED TO AWARD FIVE (5) BIDS AND SIGN FIVE (5) SEPARATE CONTRACTS IN CONNECTION WITH THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM ON BEHALF OF THE COUNTY OF WYOMING,”** passed by this Board of Supervisors on August 16, 2011 provides for the various contractor bid awards

RESOLUTION NO. 11-289
September 13, 2011
Page 2

in connection with the Wyoming County Community Health System roof renovations; now therefore

BE IT RESOLVED, That Resolution Number 11-255, be hereby amended to reflect a change order to the contract for WCCH roofing (base bid) awarded to Leo J. Roth Corp., 841 Holt Road, Webster, New York 14580, increasing the amount by forty-five thousand dollars (\$45,000.00) for a total of one million two hundred thirty-seven thousand five hundred dollars (\$1,237,500.00) and reduce the Mechanical contract with Leo J. Roth by forty-five thousand dollars (\$45,000.00) for a total of three hundred eighty-nine thousand dollars (\$389,000.00); all else remains the same.

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

There was a motion by Mrs. May, T/Orangeville, to combine resolutions #30 through #32. A voice vote was taken and all voted aye. Finance Chair May requested that resolutions number #31 and #32 be amended to reflect withdrawing of the Deputy Clerk position creation within the Board of Supervisors' office due to budget constraints.

#30

RESOLUTION NO. 11-290
(September 13, 2011)

By Mrs. May, Chairman of Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN 2012 INSURANCE
RENEWAL RATES ON BEHALF OF COUNTY
EMPLOYEES**

RESOLUTION NO. 11-290**September 13, 2011****Page 2**

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 **2012** as follows:

Univera PPO – 15% increase

- ❖ Single – \$605.36
- ❖ Family - \$1,642.20

Univera High Deductible Plan – 12% increase

- ❖ Single – \$301.68
- ❖ Family - \$818.40

Retiree rates are unavailable at this time.

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

#31**RESOLUTION NO. 11-291****(September 13, 2011)**

By Mrs. May, Chairman of Finance Committee:

POSITION(S) ABOLISHED / CREATION(S) APPROVED

BE IT RESOLVED, That the following positions be hereby created as stated within the various county departments listed:

Board of Supervisors

- One (1) position of **Deputy Clerk to the Board of Supervisors, PT, (.4 FTE)** to be placed on salary sch. S, at a salary of \$3,460.80; effective September 22, 2011 through December 31, 2011 and then at a salary of \$16,000.00 annually; effective January 01, 2012. This position is currently a job sharing arrangement which will result in a shift in cost from WCCH to the Board

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of Supervisors'. The individual will work two days per week in the Board Clerk's office and three days per week for WCCH.

Buildings and Grounds

- One (1) position of **Superintendent of Buildings and Grounds (County Buildings) (1.00 FTE)** to be placed on Salary Schedule "D" with the following salaries and stipends:
 - \$49,218.00; annually; effective immediately
 - \$10,000.00; effective June 15, 2011 through December 31, 2011 for oversight of WCCH buildings; and be it

FURTHER RESOLVED, That one (1) position of **Assistant Superintendent of Buildings and Grounds** in the department of Buildings and Grounds be hereby abolished and removed from Salary Schedule "S;" effective immediately.

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

#32

RESOLUTION NO. 11-292
(September 13, 2011)

By Mrs. May, Chairman of Finance Committee:

SALARY SCHEDULES "S," "F," 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:

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Salary Schedule “S”:

- *Board of Supervisors*
 - Add one (1) position of **Deputy Clerk to the Board of Supervisors, PT, (.4 FTE)** and set the salary at \$3,460.80; effective September 22, 2011 through December 31, 2011 and at \$16,000.00 annually; effective January 01, 2011.
- *Highway*
 - Distribution of a one (1) 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 2011.

Salary Schedule “F”:

- *Office for the Aging*
 - Set the hourly wage of the Meal Site Managers at \$9.20/hr retroactive to 1/1/11 through 12/31/11. Cost is budgeted. Not to exceed \$1,500

Salary Schedule “G”:

- *District Attorney*
 - Set the salary of the **Crime Victim Program Coordinator** at \$38,443 annually; effective October 1, 2011. This change represents a 2% increase for the Crime Victim Coordinators entire salary of \$754. This increase has been built into an already approved grant award and said increase will be paid from grant funds. This raise would be the equivalent to all other county employee raises for 2011.
 - *Distribution of a one (1) time stipend payable after January 01, 2012 with 2011-2012 Aid to Prosecution Grant funds as follows:

(1 st) Assistant District Attorney	\$10,000
(2 nd) Assistant District Attorney	\$ 3,000
Administrative Assistant (DA)	\$ 2,000
Secretary to the District Attorney	\$ 1,000
Crime Victims Program Coordin.	<u>\$ 1,000</u>
	<u>\$17,000</u>

****Once Paid salary schedule reverts back to 0.***

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

There being no further business to come before this Board, Senior Supervisor Bush, T/Gainesville, adjourned the meeting at 3:42 PM with a rap on his desk.

Respectfully submitted,
Cheryl J. Ketchum
Cheryl J. Ketchum, Board Clerk

REGULAR SESSION
(October 11, 2011)
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 Dadd, Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Brenda Ferrell.

At 2:30 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance for this month's meeting is:

STEPHEN SURTEL

Mr. Surtel's service to his country comes while serving during World War II. He had been working at the Perry Knitting Mill, when he answered the call to serve his country. He enlisted in the United States Navy on February 10, 1943 and completed his Basic Training at Sampson Naval Base.

Mr. Surtel completed his Advanced Individual Training at Ridler Naval Base and became qualified as a Gunner's Mate. He spent time on the Liberty Ships – USS Kearnstown and USS Benjamin Born, which were supply ships that transported supplies to England. Mr. Surtel also saw duty in the Pacific when he was assigned as a Gunner's Mate on the USS Saugus, which laid mines.

Mr. Surtel returned to the United States and was honorably discharged on November 28, 1945 at the rank of Seaman 1st Class.

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

The World War II Victory Medal
The European, African, Middle Eastern Campaign Medal
The Asiatic-Pacific Campaign Medal
The American Campaign Medal

Following the war, Mr. Surtel returned to this area and went to work for Robeson Cutlery in Perry, N.Y. for one year. He then spent the next 2 years working for the Kaustine Company which made bowies. Mr. Surtel changed vocations and went to work for Morton Salt in Silver Springs. He spent the next 31 years at Morton Salt, working his way up from “glue man”, Mechanics helper, and then as Forman until his retirement in February of 1985.

Mr. Surtel is a past member of the Silver Springs Fire Department, a longtime member of the VFW Post 4823 in Warsaw, and longtime member of Bates-Courtney Post 105 of the American Legion. He also has been a member of St. Mary’s Catholic Church in Silver Springs for over 70 years.

Mr. Surtel used to enjoy hunting and fishing, but now just enjoys going out to dinner. He lives in the village of Silver Springs.

The pledge was said by all.

Chairman Berwanger invited Town of Gainesville Supervisor, Mr. Bush to join him in the presentation of a certificate of appreciation to Mr. Surtell and an opportunity to address the Board. At which time, Mr. Surtel thanked the Board for inviting him...

There was a brief interruption of the meeting as the press took pictures.

Communications:

5. Board Clerk Ketchum asked the Board of Supervisors to welcome visiting SUNY Brockport & Nazareth College students, Amanda Munto (Perry Resident) and Karrisa Seteri to the meeting. Ms. Munto and Ms. Seteri are working on their MSW

6. The Wyoming County Board of Supervisors October 11, 2011 Brennan Group Report was presented.

Open Public Hearings:

***Agricultural District #4 (Postponed until November 8, 2011)**

#1

**RESOLUTION NO. 11-293
(October 11, 2011)**

By Mrs. May, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2011 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2011 accounts as follows:

Highway/CIP			
From: 17.66.5112.2.24001 Middle Reservation Rd. To: 17.50.9901.9.99001 Interfund Transfer Reason: funds borrowed for the discontinued Better Pavement Program, to offset a portion of the debt payment for the 2012 Budget.	\$300,000.00	\$300,000.00	
Highway/CIP Total			\$300,000.00

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Health Department			
From: 01.38.4010.4.42463 Novel H1N1 To: 01.38.4010.2.20401 Misc.Equip. Reason: for Miscellaneous Equipment approved by the NYSDOH HRI Public Health Emergency Preparedness Program. Effective 08/10/11 through 08/09/12. Resolution 11-269.	\$8,502.96	\$8,502.96	
Health Department Total			\$8,502.96
Sheriff			
From: 01.37.3110.8.81001 Retirement To: 01.37.3110.4.40503 Gasoline Reason: to pay for gasoline from September through December.	\$44,500.00	\$44,500.00	
Sheriff Total			\$44,500.00

Carried: XXX Ayes: 1551 Noes: Absent: 45 (Pike) Abstain:
#2

RESOLUTION NO. 11-294
(October 11, 2011)

By Mrs. May, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2011 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2011 accounts as follows:

Youth Bureau			
To: 01.45.7310.4.42479 ABC's of Parenting w/01.03.7310.1289 – Other Dept Income Reason: Funds will be used to purchase books for parenting class for Head Start attendees – YB has invoiced Head Start for the cost.	\$143.65	\$143.65	
Youth Bureau Total			\$143.65

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Mental Health			
To: 01.38.4324.4.40601 Office Rent w/01.12.4324.4490 Mental Health Reason: Federal Salary Sharing funds for 2011 WCCHS Lease Agreement.	\$7,494.00	\$7,494.00	
To: 01.38.4321.4.42422 Suburban Adult Svc. w/01.11.4321.3490 Mental Health Reason: Increase in state aid.	\$279.00	\$279.00	
Mental Health Total			\$7,773.00
Sheriff			
To: 01.37.3110.4.40507 Highway Dept Repair w/01.07.3110.2626 Seized Property Reason: repairs done to drug task force vehicles	\$1,863.41	\$1,863.41	
Sheriff Total			\$1,863.41

Carried: XXX Ayes: 1551 Noes: Absent: 45 (Pike) Abstain:

Mr. Bush, T/Gainesville, Chairman of the Audit Committee, presented bills totaling **\$1,522,805.99** for the month of **September 2011**.

Carried: XXX Ayes: 1551 Noes: Absent: 45 (Pike) Abstain:
#3

RESOLUTION NO. 11-295
(October 11, 2011)

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 communities; sadly, one in six individuals suffers abuse at the hands of their partner and these victims can be of any

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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 2011 as:

DOMESTIC VIOLENCE AWARENESS MONTH

In Wyoming County, and commend this observance to the citizens of this county.

Carried: XXX Ayes: 1551 Noes: Absent: 45 (Pike) Abstain:

After the roll call vote was taken for resolution number 3 Chairman Berwanger invited Supervisor Totslie, T/Genesee Falls to the podium to present the Domestic Violence Awareness Month Proclamation. Supervisor Totslie invited Department of Social Services Commissioner, D. Rumsey and the Department of Social Services Domestic Violence Advocate, Brenda Stowell to join her and receive the proclamation. Commissioner Rumsey agree to read the proclamation, after which Ms. Stowell thanked the Board for their continued support of these services, explained that she is often asked if domestic violence is a problem in Wyoming County and she shared many of the excuses abusers and their abused use to justify their abuse. She encouraged the Board to pick up the purple ribbons available in the rotunda to wear in support of domestic violence awareness. Chairman Berwanger explained to the audience that this month the Government Center Campus is bathed in purple lights as a show of awareness and support for the eradication of domestic violence.

There was a motion by Mr. Kushner T/Eagle, to combine resolutions #4 through #6. A voice vote was taken and all voted aye.

#4

**RESOLUTION NO. 11-296
(October 11, 2011)**

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 MATERNAL &
CHILD HEALTH ON BEHALF OF THE COUNTY
HEALTH DEPARTMENT**

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Page 2

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 Bureau of Maternal & Child Health, Empire State Plaza, Corning Tower, Room 878, Albany, NY 12237 on behalf of the County Health Department. Said grant is for funding the Children with Special Health Care Needs Program in a minimum amount of seventeen thousand four hundred twenty-eight dollars (\$17,428.00) per year for the three-year period; effective October 01, 2011 through September 30, 2014.

Carried: XXX Ayes: 1551 Noes: Absent: 45 (Pike) Abstain:
#5

RESOLUTION NO. 11-297
(October 11, 2011)

By Mr. Kushner, Chairman of Public Health Committee:

NATIONAL BREAST CANCER AWARENESS MONTH
PROCLAIMED

WHEREAS, National Breast Cancer Awareness Month educates women about the importance of early detection for breast cancer, and since its inception more than 25 years ago, mammography use has doubled, and breast cancer death rates have declined. Despite those improvements, this year nearly 180,000 women in the United States will be diagnosed with breast cancer and more than 40,000 women will lose their lives nationwide, including nearly 3,000 in New York State alone; and

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WHEREAS, Early detection and prompt treatment can significantly reduce the suffering caused by this disease. Monthly self breast exam and regular mammograms are the most effective methods to detect changes that may be cancer; now therefore

BE IT RESOLVED, In recognition of the fact that there are two million breast cancer survivors in the United States today; The Wyoming County Board of Supervisors do hereby proclaim the month of October 2011 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 Wyoming County Health Department Cancer Services Program.

**Carried: XXX Ayes: 1551 Noes: Absent: 45 (Pike) Abstain:
#6**

**RESOLUTION NO. 11-298
(October 11, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

October 11, 2011

RESOLUTION NO. 11-298**October 11, 2011****Page 2****RESOLUTION NUMBER 10-416 AMENDED**

WHEREAS, Resolution Number 10-416 entitled “**CHAIRMAN AUTHORIZED TO SIGN 2011 RENEWAL CONTRACTS ON BEHALF OF MENTAL HEALTH,**” passed by this Board of Supervisors on December 14, 2010 and provides for various 2011 Mental Health Contracts on behalf of Wyoming County Mental Health; Contingent upon the availability of funds; now therefore

BE IT RESOLVED, That Resolution Number 10-416 be hereby amended to reflect the following amendments: All else remains the same.

- **Amended Dollar Amount:**

Item #2 – Authorize Chairman to sign an amended contract with Suburban Adult Services, Inc., 960 West Maple Court, Elma, NY 14059 to reflect the **increased amount of \$279.00** in 100% State Aid funding. (revised total \$39,955.00) No County Levy.

- **Amend Expiration Dates:**

Item #9- Buzz and Val Properties, 100 Allen Street, Warsaw, NY 14569. Lease for the downstairs office space at 108 North Main Street , Warsaw, NY 14569 for the Partners for Prevention program - **Amend end date to June 30, 2011.**

Item #10 – Wyoming County Community Hospital, 400 North Main Street, Warsaw, NY 14569. Lease for office space at 338 North Main Street, Warsaw, NY 14569 - **Amend end date to June 30, 2011.**

Item #11 – East Hill Storage, 5351 Miller Road, Warsaw, NY 14569. Ongoing lease for storage space for Partners For Prevention program materials - **Amend end date to June 30, 2011.**

Item #12 - Collings Cleaning Services, 18 Tuna Street, Perry, 14530. Contract to clean Partners For Prevention Office at 108 Main Street, Warsaw, NY 14569 - **Amend end date to June 30, 2011.**

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Item #13 – Allegany Rehabilitation Associates, 4222 Bolivar Road, Wellsville, NY 14895. Adolescent Treatment Program - **Amend end date to June 30, 2011**, as funding was discontinued by OASAS at the end of June 2011.

Carried: XXX Ayes: 1551 Noes: Absent: 45 (Pike) Abstain:

After the roll call vote was taken for Resolution Numbers 4 through 6 Chairman Berwanger invited Supervisor Kushner, T/Eagle to the podium to present the National Breast Cancer Awareness Month proclamation to Public Health Administrator L. Paolucci and the guests she brought with her today. PH Admin. L. Paolucci thanked the Board for their continued support of Public Health Services and for allowing the department to present the National Breast Cancer Awareness Month proclamation. PH Admin. L. Paolucci then took the opportunity to introduce Public Health Nurse & Partnership Coordinator, Mary Eckstein, and Cheryl Furgeson, representing the WCCH Radiology Department.

Next Supervisor Kushner, T/Eagle introduced a very special person, Supervisor Meeder, T/Middlebury as a 32 year cancer survivor. He informed the audience that Supervisor Meeder intends to retire at the end of this term and does not plan to seek re-election during the November 2011 elections. He continued by stating that she will be dearly missed by everyone and that of all the Supervisors, himself coming in second, Supervisor Meeder is the most liked.

Prior to Supervisor Meeder's presentation of the proclamation, with Chairman Berwanger's permission, Supervisor Kushner shared some exciting news about research his daughter is involved with at Strong Memorial Hospital in Rochester. He stated that research has proven that breast biopsies tested within the first hour after harvest can more accurately dictate appropriate

treatment. After one hour the biopsy samples begin to deteriorate leading to inaccurate treatment recommendations.

Supervisor Meeder, T/Middlebury presented the proclamation to PH Admin. L. Paolucci, who in turn invited Ms. Eckstein and Ms. Ferguson to join her at the podium.

Ms. Eckstein thanked everyone as the program coordinator for the cancer services program at the health department for their continued support.

Ms. Ferguson expressed her pride in the services Wyoming County Community Hospital radiology is able to provide to women today. With updated technology WCCH is able to provide a mammogram and additional follow up services, if necessary, usually within an hour of detecting further services, so that patients either have a clean bill of health or are well on their way to immediate and an appropriate cure.

There was a motion by Mr. Gozelski, T/Castile, to combine resolutions #7 and #8. A voice vote was taken and all voted aye.

RESOLUTION NO. 11-299
(October 11, 2011)

By Mr. Gozelski, Chairman of Agriculture Committee:

ORDER OF PROTECTION FOR DEER APPROVED

WHEREAS, The Wyoming County Department of Animal Control has indicated that there is a potential for unnecessary loss to the white tailed deer population within the County of Wyoming due to anticipated weather conditions; now therefore

BE IT RESOLVED, That this Board hereby orders and requires that all dogs in the County of Wyoming shall be securely confined for the period of November 1, 2011 through April 1, 2012, under Article 7, Section 122 of the New York State Agriculture and Markets Law; and be it

FURTHER RESOLVED, That notice of this Order shall be given publication in the following newspapers of general circulation within the County of Wyoming:

Perry Herald, Perry, New York
Daily News, Batavia, New York

And be it

FURTHER RESOLVED, That the Clerk of this Board shall file a certified copy of this Order in the Office of each Town Clerk and Village Clerk in the County and with the Commissioner of the Department of Agriculture and Markets of the State of New York.

Carried: XXX Ayes: 1551 Noes: Absent: 45 (Pike) Abstain:
#8

October 11, 2011

**RESOLUTION NO. 11-300
(October 11, 2011)**

By Mr. Gozelski, Chairman of Agriculture Committee:

**CONFINEMENT OF DOGS IN WYOMING COUNTY
AUTHORIZED**

BE IT RESOLVED, That this Board hereby orders and requires that all dogs in the County of Wyoming shall be securely confined between sunset and one hour after sunrise for the period January 1, 2012 through Midnight, December 31, 2012, under Article 7, Section 122 of the New York State Agriculture and Markets Law; and be it

FURTHER RESOLVED, that notice of this Order shall be given publication in the following newspapers of general circulation within the County of Wyoming:

Perry Herald, Perry, New York
Daily News, Batavia, New York

And be it

FURTHER RESOLVED, That the Clerk of this Board shall file a certified copy of this Order in the office of each Town Clerk and Village Clerk in the County and with the Commissioner of the Department of Agriculture and Markets of the State of New York.

**Carried: XXX Ayes: 1551 Noes: Absent: 45 (Pike) Abstain:
#9**

RESOLUTION NO. 11-301
(October 11, 2011)

By Mr. Davis, Chairman of the Green Energy Committee / Mr. Fleischman, Chairman of the Planning Committee:

RESOLUTION OPPOSING THE POWER NY ACT OF 2011

WHEREAS, New York State recently enacted legislation known as the Power NY Act of 2011; and

WHEREAS, Said legislation amended the public service law by adding a new Article X, which establishes a New York State Board of Electrical Generation Siting and the Environment; and

WHEREAS, Said Board will have the authority to permit the siting of electrical generating facilities in the State which have a nameplate generating capacity of twenty-five thousand kilowatts or more; and

WHEREAS, Previously, while various state agencies had regulatory oversight for such facilities, as a home rule state, New York's local municipalities, by virtue of decisions made by locally-elected representatives, could ultimately decide whether such development was in their residents' best interests; and

WHEREAS, The Power NY Act of 2011 removes said decision making from local municipalities, and puts that authority into the hands of a bureaucratic State Board which will have nominal representation from affected communities, and even that representation cannot be from elected representatives of those communities; and

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WHEREAS, The new Board will have the authority to ignore "any local ordinance, law...or any local standard or requirement...if it finds that...such is unreasonably burdensome...on ratepayers whether located inside or outside of such municipality"; and

WHEREAS, The new law further states that "no...municipality...may require any approval, consent, permit, certificate or other condition for the construction of operation" of such facility; and

WHEREAS, While the law provides for the set-aside of funds for pre-hearing research on behalf of the affected communities, said funds are controlled by the Board and will be allocated as it sees fit; and

WHEREAS, The large majority of the Board's membership will have no connection to the affected communities and will not be directly affected by their decisions; and

WHEREAS, While municipalities may be a party to the siting hearings, so may any individual within 5 miles of the proposed facility's site, and therefore the municipality itself, which purpose, by law, is to represent the residents who elect its officials, is diminished to the level of each individual within the 5 mile radius, whether or not he/she lives in the affected municipality; and

WHEREAS, Said law follows a disturbing trend in New York State to remove powers from local jurisdictions and therefore from the affected electorate and transfer such powers to a faceless bureaucracy which has no constituency; now therefore

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BE IT RESOLVED, That the Wyoming County Board of Supervisors opposes, protests, and expresses its deep disappointment and concern over the establishment of said siting Board and of the enactment of the Power NY Act of 2011; and be it

FURTHER RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to New York State Senator Patrick Gallivan, New York State Assemblyman Daniel Burling and Governor Andrew Cuomo.

Carried: XXX Ayes: 1551 Noes: Absent: 45 (Pike) Abstain: #10

RESOLUTION NO. 11-302
(October 11, 2011)

By Mr. Fleischman, Chairman of Planning Committee:

RESOLUTION NUMBER 11-168 AMENDED

WHEREAS, Resolution Number 11-168 entitled **“CHAIRMAN AUTHORIZED TO SIGN NEW YORK STATE OFFICE OF COMMUNITY RENEWAL GRANT APPLICATION,”** passed by this Board of Supervisors on May 10, 2011 and provides for a grant application with the New York State Office of Community Renewal, Small Business program, for up to one hundred ten thousand dollars (\$110,000) that will be used by the Wyoming County Business Assistance Corporation (WCBAC) to provide financial assistance to Upstate Door, Inc., in the Town of Warsaw for its continued growth and expansion; now therefore

RESOLUTION NO. 11-302
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Page 2

BE IT RESOLVED, That Resolution Number 11-168 be hereby amended to name Arthur Buckley, Wyoming County Planner, to act as Certifying Officer for the purpose of carrying out an environmental review: All else remains the same.

Carried: XXX Ayes: 1551 Noes: Absent: 45 (Pike) Abstain:

Prior to the roll call vote of resolution number 20 Chairman Berwanger invited Supervisor Fleischman to the podium to present a proclamation in honor of Conroy Motors 100th year Anniversary Celebration. Supervisor Fleischman explained that Conroy's were unable to have a representative from the dealership present and read the proclamation to the Board. Ed Conroy did express his appreciation to the Board of Supervisors through the Board Clerk, yesterday. He stated that they were a good bunch of kids. On behalf of Conroy Motors, Supervisor Fleischman accepted the proclamation and offered to deliver it to Conroys this Wednesday before celebrations began.

With this presentation being made Chairman Berwanger asked that Supervisor May present resolution number 20 out of order.

#20

RESOLUTION NO. 11-303
(October 11, 2011)

By Mrs. May, Chairman of Finance Committee:

RESOLUTION NO. 11-303**October 11, 2011****Page 2****CONROY MOTORS CELEBRATES 100TH ANNIVERSARY**

WHEREAS, The Wyoming County Board of Supervisors do hereby acknowledge that Conroy Motors did establish their business, located at 1457 Main Street, Java Center, New York in 1911, and that same business has operated for one hundred (100) continuous years, and

WHEREAS, Conroy Motors has continuously supported numerous organizations within the Town of Java, and surrounding communities with their expertise and donations; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby acknowledge and congratulate Conroy Motors on maintaining a successful business for one hundred years!

Carried: XXX Ayes: 1551 Noes: Absent: 45 (Pike) Abstain:

There was a motion by Mr. Copeland, T/Wethersfield, Vice Chairman of the Public Safety Committee to combine resolutions #11 through #14. A voice vote was taken and all voted aye.

#11**RESOLUTION NO. 11-304****(October 11, 2011)**

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 11-90 AMENDED

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WHEREAS, Resolution Number 11-90 entitled **“CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT WITH WYOMING COUNTY – ATTICA LEGAL AID BUREAU, INC. ON BEHALF OF THE PUBLIC DEFENDER’S OFFICE,”** passed by this Board of Supervisors on March 08, 2011 and provides for an agreement with Wyoming County - Attica Legal Aid Bureau, Inc., 18 Linwood Ave., Warsaw, NY 14569 on behalf of the Public Defender’s Office. Said agreement is for the Indigent Parolee Program in an amount not to exceed eighty thousand dollars (\$80,000.00); effective January 01, 2011 through December 31, 2011. Contingent upon the availability of funds; now therefore

BE IT RESOLVED, That Resolution Number 11-90 be hereby amended to reflect an increase of one hundred thousand dollars (\$100,000.00) to a total contract amount not to exceed one hundred eighty thousand dollars (\$180,000.00); All else remains the same.

Carried: XXX Ayes: 1551 Noes: Absent: 45 (Pike) Abstain:
#12

RESOLUTION NO. 11-305
(October 11, 2011)

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 11-279 AMENDED

RESOLUTION NO. 11-305**October 11, 2011****Page 2**

WHEREAS, Resolution Number 11-279 entitled **“CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND ACCEPTANCE AWARD WITH THE NEW YORK STATE CRIMINAL JUSTICE SERVICES ON BEHALF OF THE PUBLIC DEFENDER’S OFFICE,”** passed by this Board of Supervisors on September 13, 2011 and provides for a grant application and acceptance award with the New York State Division of Criminal Justice Services, 4 Tower Plaza, Albany, New York 12203 on behalf of the Public Defender’s office. Said grant is for funding the state mandated Indigent Parolee Program (contract #BJ11-1194-D00) in a minimum amount of one hundred eighty thousand dollars (\$180,000.00); effective July 1, 2011 to March 31, 2012; now therefore

BE IT RESOLVED, That Resolution Number 11-279 be hereby revised to reflect an amended effective date of July 01, **2010** to March 31, 2012; All else remains the same.

**Carried: XXX Ayes: 1551 Noes: Absent: 45 (Pike) Abstain:
#13**

**RESOLUTION NO. 11-306
(October 11, 2011)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
APPLICATION AND ACCEPTANCE AWARD WITH THE
NEW YORK STATE DEPARTMENT OF CRIMINAL
JUSTICE SERVICES ON BEHALF OF THE DISTRICT
ATTORNEY’S OFFICE**

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BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant application and acceptance award with New York State Dept. of Criminal Justice Services, 4 Tower Place, Albany, New York on behalf of the District Attorney's Office. Said grant is for funding the Violence Against Women Act (VAWA) program in a minimum amount of forty-three thousand seven hundred fifty dollars (\$43,750.00) with eight thousand seven hundred fifty dollars (\$8,750.00) as local match; effective January 1, 2012 through December 31, 2012.

Carried: XXX Ayes: 1551 Noes: Absent: 45 (Pike) Abstain:
#14

RESOLUTION NO. 11-307
(October 11, 2011)

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN THE 2012 STOP
 DWI PLAN AGREEMENT WITH THE GOVERNOR'S
 TRAFFIC SAFETY COMMITTEE**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign the 2012 STOP-DWI Plan Agreement with the Governor's Traffic Safety Committee, 6 Empire Plaza, Room 414, Albany NY 12228 in a minimum amount of one hundred twenty-nine thousand six hundred dollars (\$129,600.00); effective January 1, 2012 through December 31, 2012.

Carried: XXX Ayes: 1551 Noes: Absent: 45 (Pike) Abstain:

There was a motion by Mr. Patti, T/Castile, to combine resolutions #15 through #18. A voice vote was taken and all voted aye.

#15

**RESOLUTION NO. 11-308
(October 11, 2011)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO AWARD BID AND SIGN
CONTRACT WITH EDWARD HULME, INC. ON BEHALF
OF THE DEPARTMENT OF SOCIAL SERVICES
RENOVATION CAPITAL IMPROVEMENT PROJECT**

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 Edward Hulme, Inc., 17 E. Buffalo Street, Warsaw, NY 14569 on behalf of the Department of Social Services Renovation Capital Improvement Project. Said contract is to provide material and labor to demo the upper Department of Social Services building in an amount not to exceed nine thousand two hundred dollars (\$9,200.00); effective August 11, 2011 through December 31, 2011.

**Carried: XXX Ayes: 1551 Noes: Absent: 45 (Pike) Abstain:
#16**

**RESOLUTION NO. 11-309
(October 11, 2011)**

By Mr. Patti, Chairman of Public Works Committee:

RESOLUTION NO. 11-309
October 11, 2011
Page 2

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH NEW YORK STATE UNIFIED COURT SYSTEM
ON BEHALF OF BUILDINGS AND GROUNDS
(COUNTY BUILDINGS)**

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 Unified Court System, 92 Franklin Street, 3rd Floor, Buffalo, NY 14202 on behalf of Buildings and Grounds (County Buildings). Said contract is for Cleaning and Minor Repairs (Contract # 300242) to the County Court House in a minimum amount of sixty-one thousand five hundred twenty-nine dollars (\$61,529.00); effective April 01, 2011 through March 31, 2012.

**Carried: XXX Ayes: 1551 Noes: Absent: 45 (Pike) Abstain:
#17**

RESOLUTION NO. 11-310
(October 11, 2011)

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS
CLEANING CONTRACTS ON BEHALF OF BUILDINGS
AND GROUNDS (COUNTY BUILDINGS)**

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 cleaning contracts on behalf of Buildings and Grounds (County Buildings):

RESOLUTION NO. 11-310
October 11, 2011

Page 2

- **T.C.C.T., Inc.**, 46 North Maple Street, Warsaw, NY 14569, for the provision of cleaning services at the Wyoming County Courthouse and Office for the Aging for one (1) year in the amount of forty-two thousand three hundred dollars (\$42,300.00); effective October 14, 2011 through October 13, 2012.
- **Warren's Carpet Cleaning, Inc.**, 454 North Main Street, Warsaw, NY 14569, for the provision of cleaning services at various County buildings for one (1) year in the amount of fifty-six thousand four hundred eighty dollars and forty cents (\$56,480.40); effective October 14, 2011 through October 13, 2012.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1551 Noes: Absent: 45 (Pike) Abstain:
#18

RESOLUTION NO. 11-311
(October 11, 2011)

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH CLARK PATTERSON LEE ON BEHALF OF THE
COUNTYWIDE WATER DISTRICT RESEARCH
SUBCOMMITTEE**

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 Street, Suite 500, Rochester, NY 14604 on behalf of the Countywide Water District Research Subcommittee for the following major issues associated with the feasibility study and implementation:

October 11, 2011

RESOLUTION NO. 11-311
October 11, 2011
Page 2

- assessment of existing and future conditions
- quantity and quality of water supply sources
- regulations affecting public water systems
- developing recommendations;

in an amount not to exceed twenty thousand dollars (\$20,000.00); effective October 1, 2011 through September 30, 2012.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1551 Noes: Absent: 45 (Pike) Abstain:

There was a motion by Mrs. May, T/Orangeville, to combine resolutions #19, 21 and #22. A voice vote was taken and all voted aye.

Prior to the roll call vote of resolutions 19, 21 and 22 Mrs. May stated that upon Budget Officer Cook's reappointment for the years 2012-2013, she is to be commended for all of her hard work in preparing the 2012 budget, recognizing the additional challenge of the newly adopted state legislation enacting a 2% tax cap on all New York State real property taxes.

#19

RESOLUTION NO. 11-312
(October 11, 2011)

By Mrs. May, Chairman of Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN 2012 INSURANCE
RENEWAL RATES ON BEHALF OF RETIRED COUNTY
EMPLOYEES**

RESOLUTION NO. 11-312**October 11, 2011****Page 2**

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 Retired County Employees for **2012** as follows:

Univera PPO (4% inc.)

- ❖ Single - \$ 950.58
- ❖ Family - \$2,552.97

Univera High Deductible Plan (6% inc.)

- ❖ Single - \$ 531.19
- ❖ Family - \$1,426.61

Medicare PPO

- ❖ Unavailable at this time

Carried: XXX Ayes: 1551 Noes: Absent: 45 (Pike) Abstain: #21

RESOLUTION NO. 11-313**(October 11, 2011)**

By Mrs. May, Chairman of Finance Committee:

**DENISE MORLEY APPOINTED TO THE
GLOW WORKFORCE INVESTMENT BOARD**

BE IT RESOLVED, That **Denise Morley** (Wyoming County Municipal Consulting), 6578 Pearl Street, Bliss, NY 14024 be hereby appointed to the GLOW Workforce Investment Board as the Private Sector Representative; effective immediately.

Carried: XXX Ayes: 1551 Noes: Absent: 45 (Pike) Abstain: #22

October 11, 2011

**RESOLUTION NO. 11-314
(October 11, 2011)**

By Mrs. May, Chairman of Finance Committee:

**JANIS COOK REAPPOINTED WYOMING COUNTY
BUDGET OFFICER**

BE IT RESOLVED, That Janis Cook, 6 East Court Street, Warsaw NY 14569 be hereby reappointed as Wyoming County Budget Officer for a two (2) year term; effective January 01, 2012 through December 31, 2013.

Carried: XXX Ayes: 1551 Noes: Absent: 45 (Pike) Abstain:

At this time Chairman Berwanger introduced Don Eichenauer of the Bonadio Group to present a Wyoming County Community Hospital Update to the Board. Mr. Eichenauer and the Bonadio firm were hired by the Wyoming County Community Hospital Board of Managers with the support and encouragement of the Wyoming County Board of Supervisors to assist hospital administration in the collection of 90 days and greater facility billing accounts, education of billing staff, operational and functional review of billing process and procedures, improvement of revenue cycle operations and providing a structure for revenue cycle staff, Business Office Manager and the Facility CFO.

(Power Point Presentation attached)



WYOMING COUNTY
COMMUNITY
HEALTH SYSTEM

WCCHS Update

October 11, 2011

Background

Operating Income (Loss) **

2006	2007	2008	2009	2010
(\$380)	\$342	\$568	\$154	(\$6,577)

** Includes Operating Revenue plus IGT funding

*** Hospital operating revenue required to fund ongoing cash flow needs, capital improvements, etc. is generally considered to be approximately 4%

- WCCHS provides employment to approximately 525 individuals (475 full-time equivalent employees) with a \$22M annual payroll
- During the above period, revenues increased 7.3% while salary expenses increased 15.6% and benefits increased 52.5%, resulting in benefits expense in 2010 amounting to 46.4% of payroll

Background

- Wyoming County Board of Supervisors Concerns
 - Significant Increase in Loss
 - Delay in Receipt of IGT
 - Loan Provided to WCCHS \$6.5M
 - Variation of Annual Funding Requirements
 - Future Revenue Rates and Healthcare Related Funding Concerns
 - NYS Property Tax Cap

3

Bonadio Project Initiatives

- Assistance in Revenue Cycle Areas including CPSI issues, Billing Initiatives and Collection of Accounts Receivable.
- Analysis of Operational Areas and Development of Reengineering Recommendations
- Analyses of all Financial Accounts, Contracts and Initiatives
- Development of Financial Information By Service Area
 - Including proper identification / allocation of revenue and expenses

4

Financial Performance (2009 compared to 2010)

THE BONADIO GROUP
CPAs, Consultants & More

Major Contributors to 2010 Loss

- Increase in State Pension Cost – \$1,373 (2009) \$2,408 (2010)
- Additional Workers Comp Charge in 2010 (1.5 M actuarial adj.)
- Revenue loss due to CPSI Installation Related Billing Problems
- Revenue Cycle shortcomings including Chargemaster, physician documentation, coding and billing issues
- Resulting Accounts Receivable Reserve Adjustments Required
- New Initiatives, Physician Agreements and increased services (some of which were not based on strategic plan, thorough financial analysis or closely monitored after initiation)
- Department Operational Inefficiencies
- Decline in Volumes in Some Key Service Areas
- Service Lines Operating at a Loss

5

Background

Total Population Based on US Census

1990	2000	2010
42,507	43,424	42,155

- Stagnant population, declining utilization due to factors that include advances in technology, growing capabilities of outpatient treatment, greater scrutiny by Medicaid, Medicare, and insurers of the need to hospitalize patients, and changes in reimbursement systems
- Financial situation driven by stagnant population, limited or no increases in revenue, changes in healthcare industry and large increases in wages and employee benefit costs and other costs.

6

Areas of Focus

- Major identified areas either unprofitable or not up to expectations
 - Need for review and action plan
 - Early Intervention
 - PT, OT, Speech
 - Lab
 - Imaging
 - Nursing home
 - OB / Birthing
 - Orthopedics
 - Clinics and 408 North Main Street Office Building
 - Corrections

7

Recommendations

- **Develop a Realistic Mission – A key to successful operation of a rural hospital is an appropriately developed Mission and the entity's ability to focus the operations of the facility on addressing that Mission**
- **Strategic Plan - The Board and Management should agree on a strategic direction to address the agreed-upon Mission.**
- **The above seems somewhat basic but do the following fit into WCCHS Mission and Strategic Plan**
 - Purchase and Remodeling of 408 N. Main St.
 - \$20+M construction project and hospital / patient areas included
 - Various Physician Contracts and Guarantees
 - Level of Current Marketing Efforts

8

Background

Previous WCCHS Mission --

“Our mission is to provide quality health care services to the residents of Wyoming County and surrounding counties, to treat each patient and loved one with respect and care, and to continuously improve quality care”.

9

Background

Newly Approved WCCHS Mission –

“Our mission is to provide outstanding primary hospital care and make a positive difference in the health of our rural community”.

10

Recommendations

- Strategic Plan -
 - Consider
 - Community Needs
 - Community Commitment
 - Resources Available
 - Competition
 - What is / Can Be WCCHS market share ?
 - Where does WCCHS fit in?
 - Changes in Healthcare

11

Recommendations

- Strategic Plan –
 - Strategic Plan Creation and Mission Evaluation
 - Full Service State of the Art Healthcare Facility ?
 - Limited Service Provider ?
 - Which Services are needed ?
 - Which Services are Financially Feasible ?

12

Recommendations

- Strategic Plan Creation
- **Need Input and Support From**
 - **Board**
 - **Physicians**
 - **Staff**
 - **Community**

13

Approach and Steps Taken and In Process

- Elements
 - Management understanding, buy in and involvement
 - Develop team knowledge and approach
 - Information and Communication
 - Customer Service Initiatives
 - Education and training
 - Financial and Operational Information for Managers and Others
 - Change Management – everyone must be involved
 - Ongoing Performance Criteria and Evaluation
 - Address Operational Areas

14

Approach and Steps Taken and In Process

- Marketing plan
 - Plan and integration essential
 - Internal Staff and Management as well as Community
 - Customer Focus of Services and Strategic Initiatives –
 - Consider competition
 - Increase Market Share in Targeted Areas
 - Revenue / Billing -
 - Meaningful Use as a Major Initiative
 - Significant Financial Payback

15

Areas of Focus Continued – Board Committees Assigned to Address

- Revenue / Billing - Numerous Operational Issues
 - Charge Master Project
 - Registration Process
 - Billing and Coding Training
 - Physician Support of Billing Process
 - Co-Pay Collection
 - Manual Tasks in Billing / CPSI & PN&N
 - Timely Billing / Elimination of Backlog
 - Denials Management
 - Utilization Review

16

Important Achievements

- Chargemaster Review and Update Substantially Complete
- Significant Improvements in CPSI Software Usage and Processing
- Backlog of Billing and Accounts Receivable Addressed
 - Accounts Receivable Reduced from approximately
 - \$8M in late 2010 to \$6.9 currently
 - Appeals of older items in process
- IGT funds received from NYS (\$4.3M)
- Medicare Low Volume Appeal from 2006 received (\$600K)
- Significant Portion of County Loan Paid Back (4.3M)

17

Important Achievements

- Meaningful Electronic Medical Record Use Achieved-
 - To Result in Estimated \$1M of Additional Funds
- Financial Benefits of Service Line Changes and Operational Improvements being realized
- Meaningful Financial Information Being Provided to Board and Management
- Medical Staff Strategic Planning Committee Formed
- Board Strategic Planning and Affiliation Committee Continues
- Employee Meetings Being Held
- Loss Reduced to \$365,000 YTD August 31, 2011

18

Next Steps

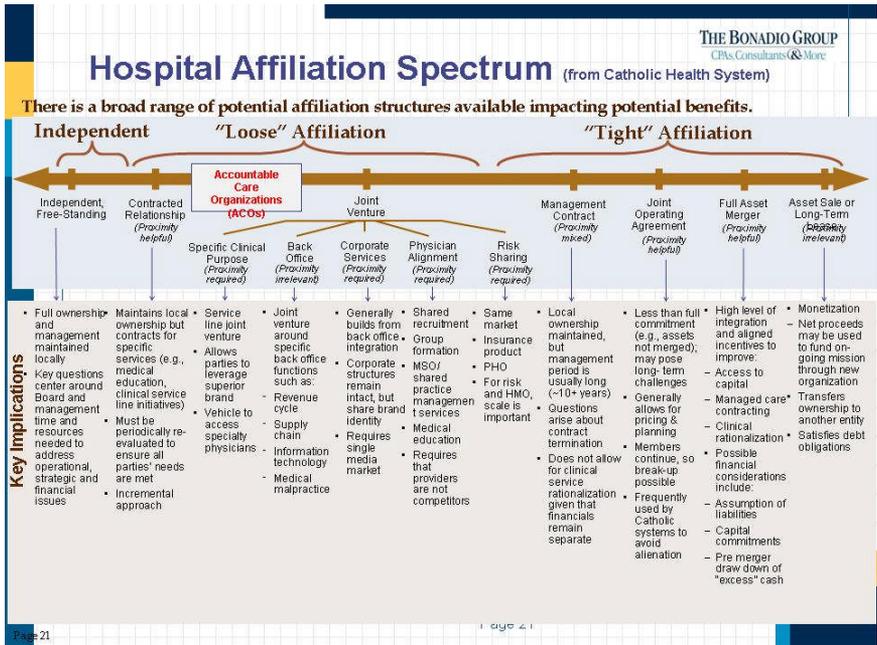
- **Solidify Programs, Services, and Facilities Within the Operating Strategy**
- **Consider Affiliation Opportunities**
- **Develop 2012 Budget Including opportunities addressed and items to be Implemented within strategic plan**
- **Marketing Program to Coordinate Message within Strategy**
- **Need Management, Physicians, Staff Commitment, Buy in, and Cooperation**
- **Need Continued Community Support**

19

Areas of Focus Cont.

- **Exploration of Affiliations**
 - In Today's Healthcare Environment Hospitals are Increasingly Deciding that it is More Effective to Cooperate then Compete.
 - Define Forms, Goals and Objectives
 - Protect Your Interests
 - Leverage Negotiations and Alternatives

20



Chairman Berwanger invited Supervisor Patti to the podium as the Chairman of the Wyoming County Community Hospital Renovations Committee Chair to offer an update to the renovation project. Supervisor Patti's comments are referenced below as follows:

"Thank you Chairman Berwanger:

It gives me great pleasure to present this update of the hospital construction and renovation project.....

The scope of the work is really 5 separate projects and will allow the County to best maximize the available funding sources.....

The 1st Project is the 12,000 square foot addition to the hospital....along with 15,000 square feet of renovations....14 million dollars

October 11, 2011

The main piece of this addition will be a new emergency department

This project will also include:

Ambulatory Surgery renovations

Renovations to the 4th floor Maternity Department

New accessible entrances

Central Stair Improvements to meet fire code

Site improvements

Parking lot expansion

Relocated Mercy Flight landing pad

Completion of Thompson Hall which will be used for additional office space

This project is currently under way with site improvements to be completed by the end of 2011 and the addition and remaining renovations to be completed by the end of 2013.....

The 2nd Project is the Renovations to the Skilled Nursing Facility: these renovations include the following: 3.8 million dollars

Country kitchens on each floor along with decentralized dining OT/PT Speech which will be located on the 1st floor

Dementia Unit which will be located on the 2nd floor of the 1964 building

Outdoor terrace

Nursing Station upgrades

Piped Medical gases to the 1964 building

All corridors will be cosmetically upgraded

This project is scheduled to start in the spring of 2012

The 3rd Project is the W.C.C.H. and Skilled Nursing Facility Roof Replacement: 1.775 million dollars

19 separate roof projects totaling over 57,000 square feet will be replaced

All roofs will come with a 20 year warranty and meet all N.Y.S. Energy Codes

H.V.A.C. duct work and insulation will be done on 4 of the roof projects including the main hospital building Replacement of the lightning protection system on the main hospital building

This project has started and it is anticipated to have a completion by the end of 2011.

The 4th Project is the W.C.C.H. and Skilled Nursing Facility Chiller replacement: 725,000 dollars

Removal of the existing chiller system

Installation of a 500 ton chiller.....cooling tower and chilled water distribution pumps..... This will provide additional cooling capacity and cooling tower redundancy.....

New chilled water system controls

Replacement of the Boiler room main distribution electrical panel

This project is underway with a completion date of spring of 2012

The 5th Project is the Skilled Nursing Facility Sprinkler and HVAC Improvements: 1.5 million dollars

Improvements required by NYS DOH by 2013 for continued facility operation

Sprinkler System improvements in the 1964 building

HVAC upgrades to provide fresh air and corridor air conditioning

Project start date will be spring of 2012

It is important to note that the majority of the 15,000 square feet of renovations will be done by Wyoming County work force under the direction of C.I.P Project Manager Dennis Halstead.....by using existing work forces it will result in huge savings for the County

much the same as we experienced on the recently completed D.S.S. building.....

I would also like to address a question that everyone is asking....what is the purpose of the big wall out front??????

Funding for these combined projects totaling 21.8 million

HEAL 11 grant totaling 4.2 million

HEAL 20 grant totaling 4.75 million

Hospital Foundation funding of 1.8 million

Wendt Grant of \$250,000

The County is in the process of searching for any available funding that may be available for rural hospitals and the remaining funding will be through Wyoming County loans.....

I would like to thank the dedicated employees at W.C.C.H. and the Skilled Nursing Facility for their valuable input in the development of this project. I would like to thank the Hospital Foundation.....the W.C.C.H. Board of Managers and the Wyoming County Board of Supervisors.....and the staff of Clark Patterson Lee.....Through the combined efforts of hundreds of people I am sure that we will be able to deliver a project that will serve the health care needs of Wyoming County residents for years to come.”

At the conclusion of Supervisor Patti's update, Chairman Berwanger offered the following commentary ~

Mandate relief was promised by the state.

Tax Cap in place with no mandate relief!!

The Senator who represents Wyoming County in the 59th District, Senator Patrick Gallivan and Assemblywoman Paulin from Westchester County introduced a bill to freeze Medicaid increases \$584,000.00.

Wyoming County is currently over the 2% Tax Cap limit by \$350,000 over and facing the prospect of laying of 5-8 employees. Not a happy time by any means.

Circumstances surround the tax cap Senator Gallivan's proposal would save Wyoming County \$584,000 and 6-8 jobs.

A couple of weeks ago Lt. Gov. Duffy was in Bolton Landing for an Economic Dev. Meeting. NYSAC's Daily News stated in an article, "There was a lot of warmth between Lt. Gov. Bob Duffy and members of the Business Council..."

He spoke at length about the regional economic development councils, whose members were well represented in the room. He also talked about the administration's fiscal record: a budget that didn't raise taxes and a property tax cap.

*The Duffy hinted at what will be a big push next year: a renewed focus on mandate relief. The administration convened a committee to examine state mandates, but its report was **scattershot and didn't lead to any clear action.***

"If things need to change, tell us," Duffy said. "You talk about mandate relief: what are those mandates? Define those mandates specifically because sometimes... some of these 'mandates' are so complex it's difficult for any one person to step in and change, but understanding which ones have the most impact. Sometimes what we have done is put in regulations and charged people, businesses, for things that become revenue enhancers...what would be helpful is getting a top 10 list.""

Chairman Berwanger next displayed a copy of NYSAC's presentation entitled, "Property Tax Cap Proposals, State Mandates, and 2011 County Budgets," that outlines in great detail the 9 state mandates that devour 90% of the property tax, on average, statewide. Chairman Berwanger explained that shortly

after Cuomo and Duffy took office this presentation was given to them by NYSAC Officials. Chairman Berwanger said that he was going to ask NYSAC to deliver another presentation assuming they know how to read...

The Gov. promised mandate relief. He made a statement last week Thursday in response to Senator Gallivan and Assemblywoman Paulin's proposed legislation that would not only save Wyoming County tax payers \$584,000 but 6-8 county jobs.

The Chairman then showed a list of other programs being cut from Wyoming County's business as usual. Before sharing that list he wanted

Chairman Berwanger read the following excerpt from an article that appeared in the October 7th edition of the NYSAC Daily News, entitled, "Cuomo rejects state takeover of local Medicaid costs." The excerpt reads as follows:

"Gov. Andrew Cuomo on Thursday rebuffed a push by counties and some lawmakers to have the state pick up the local cost of Medicaid, saying the state can't afford it.

Do we have money to subsidize them?" To that report Chairman Berwanger asked, "Gee, I don't know, isn't that a State program?"

He continued reading from the article ~ "A bipartisan (Chairman Berwanger explained that bipartisan is both Democrats and Republicans) group of lawmakers introduced legislation that would lead to a state takeover of Medicaid costs over eight years, with about \$180 million picked up by the state next year." That would be Senator Gallivan's Bill, Berwanger explained.

"Cuomo defended the cap, saying local governments aren't bound to it. If they want to override it, that's up to them and the citizens they represent, he said.

We have never dictated to anyone what the taxes should be.” Chairman Berwanger stated that this Board has no inclination of overriding the tax cap. The tax cap is a law of New York State. If there was going to be a cap then there should have been, as promised, mandate relief. There was none. There is none and obviously the Governor’s doing a double clutch or a double step on his promise for mandate relief. And in return for that it’s putting the Board of Supervisors in a situation, in a predicament where we have to choose between jeopardizing public safety, whether we’re going to jeopardize reconstruction of our highways, maintaining the infrastructure of the county and maintaining programs to the seniors, to the youth bureau, to the 4-H, to the Cooperative Extensions all of those organizations who depend on tax payer dollar to exist here in Wyoming County, all doing good things for the residents of this county. Chairman Berwanger stated that he felt that this was an insult to all elected officials throughout New York State, whether you’re on a Board of Supervisors, a County Legislature, the Town Board, a Village Board, where ever you serve. This is an insult to you because you were promised this and now they’re backing out. Having said that the Chairman stated that he has already contacted NYSAC to make sure Gov. Cuomo gets another copy of the 9 for 90 presentation just in case they lost the first copy. Chairman Berwanger explained that he just had to say something about this because of the ludicrousness of the statements by these two top people of New York State Government!!!

There being no further business to come before this Board, Senior Supervisor Bush, T/Gainesville, adjourned the meeting at 3:40 PM with a rap on his desk.

Respectfully submitted,
Cheryl J. Ketchum
 Cheryl J. Ketchum, Board Clerk

October 11, 2011

REGULAR SESSION
(November 08, 2011)
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 Jamie Welch, Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Brenda Ferrell.

At 2:35 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance for this month's meeting is:

EDWARD J. RUSZALA

Mr. Ruszala's service to his country comes while serving during the Korean War.

Mr. Ruszala enlisted in the United States Navy on September 17, 1953. He took his Basic Training in Bainbridge, Maryland and Advanced Individual Training in Memphis, Tennessee and became qualified as a Training Instructor.

Mr. Ruszala was assigned instructor duties at Wattspoint, Rhode Island and spent the next 2 years teaching different courses with the Navy. He was honorably discharge on November 2, 1956.

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

The National Defense Service Medal The Navy Good Conduct Medal

Following his service to his country, Mr. Ruszala returned to this area went to work for Bell Aircraft. For the next 2 years he worked testing components for Bell Aircraft.

Mr. Ruszala then went to work for General Motors. He worked his way from assembly to Skilled Trades Supervisor during his 32 year career with General Motors and retired in June of 1992.

Mr. Ruszala enjoys woodworking and playing golf. He has been a member of the Bliss Memorial Post 1720 for the Past 23 Years with a term as their Commander. Mr. Ruszala lives in the town of Bliss.

The pledge was said by all.

Chairman Berwanger invited Town of Eagle Supervisor, Mr. Kushner to join him in the presentation of a certificate of appreciation to Mr. Ruszala and an opportunity to address the Board. At which time, Mr. Ruszala thanked the Board for inviting him...

There was a brief interruption of the meeting as the press took pictures.

POW / MIA Day Recognition Ceremony

POW/MIA REMEBRANCE SERVICE

Director Cousins invited all veterans of any branch to join Asst. Director Wilkinson at the ceremony table for the service.

“Before we begin our activities, we pause to recognize our POWs and MIAs.

We call your attention to a small table which occupies a place of dignity and honor. It is set for one, symbolizing the fact that members of our armed forces are missing from our ranks. They are referred to as: POWs and MIAs.

We call them comrades. They are unable to be with their loved ones and families, we join together to pay humble tribute to them, and to bear witness to their continued absence.

The table is small, symbolizing the frailty of one prisoner, alone against his or her suppressors.

The tablecloth is white, symbolic of the purity of their intentions to respond to their Country's call to arms.

The single rose in the vase signifies the blood they may have shed in sacrifice to ensure the freedom of our beloved United States of America. This rose also reminds us of the family and friends of our missing comrades who keep faith, while awaiting their return.

A slice of lemon on the plate reminds us of their bitter fate.

The salt sprinkled on the plate reminds us of their bitter fate.

The chair is empty. They are NOT here.

The candle is reminiscent of the light of hope, which lives in our hearts to illuminate their way home, away from their captors, to open arms of a grateful nation.

The American flag reminds us that many of them may never return – and have paid the supreme sacrifice to insure our freedom.

Let us pray to the Supreme Commander that all of our comrades will soon be back amongst our ranks.

***Let us remember – and NEVER forget their sacrifice.
“LET US REMEMBER”***

Prior to introduction of guests, Senator Gallivan and Assemblyman Burling, Chairman Berwanger, expressed the Boards' appreciation for the sacrifices veterans have made in order for us all to enjoy the freedoms that we do today and always.

Introduction of guests

Communications -

7. Assemblyman Burling ~ Letter October 18, 2011 ~ in support of Wyoming County Resolution #11-301 opposing the Power NY Act of 2011.

Read aloud:

“Dear Honorable Members of the Board of Supervisors:

Thank you for sending me a copy of a resolution that was adopted by your Honorable Body on October 11, 2011.

Resolution 11-301 opposes the Power NY Act of 2011.

I agree that this legislation would remove local home rule control by municipalities while increasing the state’s authority to site power plants. I heard from many constituents who were also opposed to this concept and voted against this legislation when it came before the Assembly earlier this year.

I appreciate receiving your position on this resolution and thank you for forwarding this important information to me.

Sincerely,

*Daniel J. Burling
Member of Assembly
147th Assembly*

District

Open Public Hearings:

***Agricultural District #4**

#1

**RESOLUTION NO. 11-315
(November 08, 2011)**

By Mrs. May, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2011 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2011 accounts as follows:

Records Retention			
From: 01.34.1460.8.81001 Retirement To: 01.34.1460.4.40107 Liability Ins. 01.34.1460.4.40109 Other Reason: Transfer funds to cover the cost of Insurance Department should have been paying all along, but just starting in 2011.	\$465.00	\$386.00 79.00	
Records Retention Total			\$465.00
Social Services			
From: 01.40.6109.4.42252 TANF To: 01.39.6010.4.40008 Long Distance Reason: To cover 2011 costs for telephone system hack.	\$31,325.00	31,325.00	
Social Services Total			\$31,325.00
Jail			
From: 01.37.3150.8.81001 Retirement To: 01.37.3150.1.10301 Overtime Reason: To cover the cost of staff overtime for the remainder of the year.	\$45,000.00	\$45,000.00	
Jail Total			\$45,000.00
Public Defender			
From: 01.32.1170.2.20201 Computer Eq 01.32.1171.2.20201 Computer Eq 01.34.1421.2.20201 Computer Eq To: 01.32.1170.4.41410 Software 01.32.1170.4.41410 Software 01.34.1421.4.41410 Software Reason: To move funds to the correct expense line item for the Public Defense software purchase/upgrade.	\$7,524.00 7,524.00 <u>7,482.00</u> \$22,530.00	\$7,524.00 7,524.00 <u>7,482.00</u> \$22,530.00	
Public Defender Total			\$22,530.00

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

**RESOLUTION NO. 11-316
(November 08, 2011)**

By Mrs. May, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2011 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2011 accounts as follows:

Mental Health			
To: 01.38.4325.4.42407 Mental Health Clinic w/01.11.4325.3490 Mental Health Reason: Increase in State Aid – Uncompensated Care Forensic Services. Contract amendment approved at Aug. 2011 PH Committee meeting. Appropriation was not done at that time.	\$16,725.00	\$16,725.00	
Mental Health Total			\$16,725.00
County Reforestation			
To: 01.49.8710.4.40301 Prof. Services w/01.08.8710.2652 Sale of Property Reason: To cover Pioneer Forestry Forest Management Plan for Poplar Tree Road, Dale Road and Wethersfield Road property and 10% commission on timber sale.	\$10,000.00	\$10,000.00	
County Reforestation Total			\$10,000.00
Public Defender			
To: 01.32.1171.4.40902 Legal Svc - Parole w/01.12.1171.448914 Federal Aid Reason: To appropriate funds for IPP Program.	\$100,000.00	\$100,000.00	
Public Defender Total			\$100,000.00
Jail			
To: 01.37.3150.1.10301 Overtime 01.37.3150.4.41711 Inmate Medical <i>From any funds available</i> Reason: To appropriate funds to cover staff overtime and inmate medical expenses for the remainder of the year.	\$ 28,500.00 100,000.00	\$128,500.00	
Jail Total			\$128,500.00

November 08, 2011

RESOLUTION NO. 11-316
November 08, 2011
Page 2

Sheriff			
To: 01.37.3110.1.10201 Part-Time w/01.03.3110.128917 Youth Officer Reason: To appropriate funds to cover cost of MH Youth Officer	\$50,370.00	\$50,370.00	
Sheriff Total			\$50,370.00
Emergency Services			
To: 01.37.3640.4.40305 All Hazard Mitigation Plan <i>From any funds available</i> Reason: To appropriate funds to cover initial costs for contractual Hazard Mitigation planning.	\$5,000.00	\$5,000.00	
Emergency Services Total			\$5,000.00
Youth Bureau			
To: 01.45.7310.4.42436 Omega/Youth Court w/01.08.7310.2680 Insurance Recovery Reason: To pay Ott's Collision for car repair due to car/deer accident en route to a Youth Court conference in Long Island on October 20, 2011, plus \$200 deductible.	\$1,880.00	\$1,880.00	
Youth Bureau Total			\$1,880.00

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

Mr. Bush, T/Gainesville, Chairman of the Audit Committee,
presented bills totaling **\$2,385,881.33** for the month of **October**
2011.

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

#3

RESOLUTION NO. 11-317
(November 08, 2011)

By Mrs. Meeder, Chairman of Human Resource Committee:

2011 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 2011 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. ENROLLED VOTERS	AMOUNT OF LEVY	SPECIAL ELECTION
Arcade	2,439	\$2,024.00	
Attica	2,486	\$2,063.00	
Bennington	2,285	\$1,897.00	
Castile	1,952	\$1,620.00	
Covington	772	\$641.00	
Eagle	790	\$656.00	
Gainesville	1,495	\$1,241.00	
Genesee Falls	309	\$256.00	
Java	1,414	\$1,174.00	
Middlebury	964	\$800.00	
Orangeville	870	\$722.00	
Perry	2,789	\$2,315.00	
Pike	667	\$554.00	
Sheldon	1,693	\$1,405.00	
Warsaw	3,280	\$2,722.00	
Wethersfield	594	\$493.00	
Total	24,799	\$20,583.00	0

Very truly yours,

Board of Elections

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

There was a motion by Mrs. Totsline T/Genesee Falls, to combine resolutions #4 through #7. A voice vote was taken and all voted aye.

November 08, 2011

**RESOLUTION NO. 11-318
(November 08, 2011)**

By Mrs. Totline, Chairman of Human Services Committee:

**NATIONAL FAMILY CAREGIVERS MONTH
PROCLAIMED**

WHEREAS, During this season of thanksgiving, as we pause to reflect on the many blessings that have been bestowed on 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 our 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. 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

BE IT RESOLVED, That the Wyoming County Board of Supervisors, do hereby proclaim November 2011 as:

RESOLUTION NO. 11-318**November 08, 2011****Page 2*****National Family Caregivers Month***

in

Wyoming County

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#5

RESOLUTION NO. 11-319**(November 08, 2011)**

By Mrs. Totslin, Chairman of Human Services Committee:

RESOLUTION NUMBER 11-159 AMENDED

WHEREAS, Resolution Number 11-159 entitled
“CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH WYOMING COUNTY COMMUNITY ACTION ON BEHALF OF THE OFFICE FOR THE AGING,” passed by this Board of Supervisors on May 10, 2011 and provides for a contract with Wyoming County Community Action, 6470 Route 20A, Perry, NY 14530 on behalf of the Office for the Aging. Said contract is to provide for the Weatherization Referral Program (WRAP) in an amount not to exceed thirty-eight thousand four hundred thirty-six dollars (\$38,436.00); effective May 1, 2011 through March 31, 2012; Contingent upon the availability of funds; now therefore

BE IT RESOLVED, That Resolution Number 11-159 be hereby amended to increase the original contract amount by twenty-eight thousand six hundred seventy-four dollars (\$28,674.00) due to carryover funds from Program Year 2010-2011 for a total contract amount not to exceed sixty-seven thousand one hundred ten dollars (\$67,110.00); effective October 1, 2011 through March 31, 2012. All else remains the same.

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

November 08, 2011

**RESOLUTION NO. 11-320
(November 08, 2011)**

By Mrs. Totslie, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN 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:

- **Keshequa Central School**, 13 Mill Street, P.O. Box 517, Nunda, NY 14517 for the provision of Pre-School Related Services amount variable depending on number of services received; effective November 14, 2011 through June 30, 2012. Amount not to exceed 2011-2012 budget.
- **James McGuinness and Associates, Inc.**, 263 State Street, Schenectady, NY 12305, for the provision of software support services in an amount not to exceed \$550 per month + \$100/hr; effective January 1, 2012 through December 31, 2014. Amount not to exceed 2012-14 budgets.

Contingent upon the availability of funds

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

#7

RESOLUTION NO. 11-321
(November 08, 2011)

By Mrs. Totslie, 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 acceptance award with 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 for funding of outreach and counseling to Medicare Beneficiaries who are low income and potentially eligible for low income subsidies in a minimum amount of thirteen thousand five hundred dollars (\$13,500.00); effective September 30 2011 through September 29, 2012.

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

After the passage of resolutions office #4 – #7, Chairman Berwanger invited Supervisor Totslie, T/Genesee Falls to the podium to present the National Family Caregivers Month Proclamation. In doing so, Supervisor Totslie invited Angie Proper, D. Director of the Office for the Aging to join her and receive the proclamation on behalf of her department.

There was a motion by Mr. Kushner T/Eagle, to combine resolutions #8 through #11. A voice vote was taken and all voted aye.

**RESOLUTION NO. 11-322
(November 08, 2011)**

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 MATERNAL &
CHILD HEALTH ON BEHALF OF WYOMING 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 Bureau of Maternal & Child Health, ESP, Corning Tower Building, Room 878, Albany, NY 12237-0675 on behalf of the County Health Department. Said grant is for Title X funding for the Men's & Women's Reproductive Health Services Clinic in the minimum amount of one hundred sixty-three thousand three hundred thirty-two dollars (\$163,332.00); effective January 01, 2012 through December 31, 2012.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#9

**RESOLUTION NO. 11-323
(November 08, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

RESOLUTION NO. 11-323**November 08, 2011****Page 2**

**CHAIRMAN/COMMISSIONER OF HEALTH
AUTHORIZED TO SIGN A SUB-AGREEMENT WITH THE
LIVINGSTON COUNTY HEALTH DEPARTMENT ON
BEHALF OF THE WYOMING 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 on behalf of the County Health Department. Said Sub-Agreement is for reimbursement of Livingston Wyoming Cancer Services Program activities, as required by the approved New York State Department of Health work plan in an amount not to exceed thirty-eight thousand one hundred seventeen dollars (\$38,117.00); effective April 01, 2011 through March 31, 2012; fully reimbursed by CSP Infrastructure Grant funds paid by the University of Rochester.

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

**RESOLUTION NO. 11-324
(November 08, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

NATIONAL HOME CARE MONTH PROCLAIMED

November 08, 2011

RESOLUTION NO. 11-324
November 08, 2011
Page 2

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 the elderly, disabled, and 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, provide for greater health, dignity, and comfort to the residents in our communities; 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, Everyday heroes in Wyoming County such as home care nurses, therapists, support staff and aides work together to provide professional health care to our residents in need of quality health services in their homes; and

WHEREAS, These dedicated home care professionals, volunteers, and caregivers form a support network that plays a vital role in health care delivery for Wyoming County's disabled, infirm and aging population; and

WHEREAS, The Wyoming County Health Department recognizes November 2011 as National Home Care Month and honors staff of the Certified Home Health Agency for their excellence in service and commitment to compassionate high-quality care at home throughout the year; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors in joining with the Wyoming County Health Department, do hereby proclaim November 2011 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:
 Regular Session

RESOLUTION NO. 11-325
(November 08, 2011)

By Mr. Kushner, Chairman of Public Health Committee:

SHARON WARD APPOINTED TO THE
MENTAL HEALTH SUBCOMMITTEE

BE IT RESOLVED, That *Sharon Ward* (a Coordinated Care Services liaison), 1055 Ransom Road, Grand Island, New York 14072 be hereby appointed to the Mental Health Subcommittee *to fill the unexpired vacant four (4) year term of Kathy Holmes; effective November 1, 2011 through December 31, 2013.*

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

After the passage of resolutions office #8 – #11, Chairman Berwanger invited Supervisor Kushner, T/Eagle to the podium to present the National Home Care Month Proclamation. In doing so, Supervisor Totstline invited Dr. Gregory Collins, Commissioner of Public Health, to join him and receive the proclamation on behalf of the county health department. Dr. Collins agreed to read the proclamation aloud. After which, Dr. Collins spoke briefly on the services provided by the Wyoming County Health Dept. Certified Home Health Agency and its successes as compared to several other counties who are selling their CHHAs.

There was a motion by Mr. Fleischmann T/Java, to combine resolutions #12 through #15. A voice vote was taken and all voted aye.

#12

**RESOLUTION NO. 11-326
(November 08, 2011)**

By Mr. Fleischman, Chairman of Planning Committee:

**2012 MATCHING FUNDS PROGRAM APPROVED
ON BEHALF OF THE WYOMING COUNTY CHAMBER
OF COMMERCE**

BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby approve taking part in the 2012 Matching Funds Program for tourist promotional activities; and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors hereby designates the Wyoming County Chamber of Commerce 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: 1596 Noes: Absent: Abstain:
#13**

**RESOLUTION NO. 11-327
(November 08, 2011)**

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:

Regular Session

RESOLUTION NO. 11-327**November 08, 2011****Page 2****Voting Members*****Three (3) year term effective January 01, 2012 through December 31, 2014***

- Dana Grover (Town of Perry) 65 South Main St., Perry , NY 14530
- W. Jerome Smith (Town of Warsaw) 4673 Buffalo Rd, Warsaw, NY 14569
- Michael R. Armbrust (Town of Sheldon) 601 Brookledge Court, Strykersville, NY 14145

Alternate Member***One (1) year term effective January 01, 2012 through December 31, 2012***

- Gerald R. Pfeifer (Town of Warsaw) 261 Linwood Ave, Warsaw, NY 14569

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

**RESOLUTION NO. 11-328
(November 08, 2011)**

By Mr. Fleischman, Chairman of Planning Committee:

**CYNTHIA SAGE APPOINTED TO THE
GENESEE VALLEY MARKETING AUTHORITY**

BE IT RESOLVED, That *Cynthia Sage*, 4449 Sage Road, Warsaw NY 14569 be hereby appointed to the Genesee Valley Regional Market Authority Board of Directors to replace Roger Sage(her husband, who recently passed away); ***effective November 08, 2011.***

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

November 08, 2011

**RESOLUTION NO. 11-329
(November 08, 2011)**

By Mr. Fleischman, Chairman of Planning Committee:

**HOWARD WOOD AND JAMES PIERCE REAPPOINTED
TO THE MICRO-LOAN REVIEW COMMITTEE**

BE IT RESOLVED, That *Howard Wood*, 170 South Main Street, Perry, NY 14530 and *James Pierce* (Wyoming County Business Center) 6470 Route 20A, Suite 2, Perry, NY 14530 are hereby reappointed to the Micro-Loan Review Committee *for a term of two (2) years; effective October 1, 2011, through September 30, 2013.*

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

There was a motion by Mr. Rogers T/Pike, to combine resolutions #16 through #18. A voice vote was taken and all voted aye.

#16

**RESOLUTION NO. 11-330
(November 08, 2011)**

By Mr. Rogers, Chairman of Public Safety Committee:

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

RESOLUTION NO. 11-330**November 08, 2011****Page 2**

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

- **County of Monroe, Public Safety Laboratory**, 150 S Plymouth Ave, 5th Floor, Rochester, NY 14614, for the forensic laboratory service in an amount not to exceed twenty-four thousand eight hundred five dollars (\$24,805.00); effective January 01, 2012 through December 31, 2012;
- **EM Systems Inc**, 4043 Maple Rd, Ste 211, Amherst, NY 14226 for the maintenance of the LEMS Record Management System (REMS) and Sex Offender Program Software in an amount not to exceed twelve thousand dollars (\$12,000.00); effective January 1, 2012 through December 31, 2012.
- **State of New York, Unified Court System, 8th Judicial District**, 92 Franklin St, 3rd floor, Buffalo, NY 14202-3902 for court security in the County, Family, and Supreme Courts in an amount not to exceed two hundred eighty-five thousand dollars (\$285,000.00); effective April 01, 2011 through March 31, 2012.

Contingent upon the availability of funds

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#17

RESOLUTION NO. 11-331
(November 08, 2011)

By Mr. Rogers, Chairman of Public Safety Committee:

November 08, 2011

RESOLUTION NO. 11-331
November 08, 2011
Page 2

**CHAIRMAN AUTHORIZED TO SIGN CONTRACTS
ON BEHALF OF THE JAIL**

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 County Jail:

- **EM Systems Inc.**, 4043 Maple Rd, Ste 211, Amherst, NY 14226 for annual maintenance of the JMS Software in an amount not to exceed eight thousand dollars (\$8,000.00); effective April 01, 2012 through March 31, 2012.
- **Simplex Grinnell LP**, 90 Goodway Drive, Rochester, NY 14623 for the fire alarm maintenance in an amount not to exceed six thousand one hundred thirty-five dollars (\$6,135.00); effective January 1, 2012 through December 31, 2012.

Contingent upon the availability of funds

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#18

RESOLUTION NO. 11-332
(November 08, 2011)

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT
WITH THE OFFICE OF INTEROPERABLE AND
EMERGENCY COMMUNICATIONS ON BEHALF OF
EMERGENCY SERVICES**

RESOLUTION NO. 11-332**November 08, 2011****Page 2**

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 Office of Interoperable and Emergency Communications, New York State Division of Homeland Security and Emergency Services, State Office Campus, Bldg. 7A, 1220 Washington Avenue, Albany, New York 12242 on behalf of Emergency Services. Said agreement is for reimbursement of certain costs associated with the provision of Wireless 911 services in a minimum amount of twenty-two thousand seven hundred ninety-four dollars (\$22,794.00); effective April 01, 2011 through March 31, 2014.

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

After the passage of resolutions office #16 – #18, Chairman Berwanger stated that this would be the portion of the meeting where he explains why all of the uniformed and uniformed Volunteer Firemen are present. Senator Gallivan requested a venue for being able to honor Wyoming County Firemen and present them with proclamations for their volunteerism in the aftermath of Hurricane Irene and Tropical Storm Lee in Schoharie, Broom, and Tioga Counties. Wyoming County has Certificates of Recognition to present in addition to the Senator's proclamation.

Senator Gallivan read one of the proclamations aloud. Chairman Berwanger read aloud one of the Wyoming County Certificates of Appreciation.

The following Volunteer Firemen were recognized (most of them were present!):

- **Wyoming County Emergency Services**
 - Anthony Santoro (Wyoming County Director of Fire & Emergency Management)
 - Bill Streicher (Wyoming County Fire Coordinator)
 - Gary Huff (Wyoming County Deputy Fire Coordinator)
- **Arcade Fire Dept.**
 - Dave Bray, Tricia Meyers
- **Attica Fire Dept.**
 - Bob Willard, Brad Meisner, Terry Snyder, James Prusak, Jr.
- **Bennington Fire Dept.**
 - Chet Zymowski, Jamie Zymowski, Jim Dick, Pat Zymowski
Chris Hojnowski
- **Harris Corners Fire Company**
 - Mark Keem, Tom Keem, Robert Dehl
- **North Java Fire Company**
 - John Meyer, Tom Wilson
- **Perry Center Fire**
 - Chris Cury, Dan Scott
- **Sheldon Fire Company**
 - Rick Brzezicki, Phil Biggie
- **Silver Springs Fire Dept.**
 - John Proper, Rick Torres
- **Strykersville Fire Dept.**
 - Eric Kirsch, Doug Vetter, Bill Streicher, Jr., Doug Schwab
Chet Woronowski
- **Warsaw Fire Dept.**
 - James Ferrin, Keith Hall, Ken Smith, James Ferrin
- **Wyoming Hook & Ladder**
 - Mike Sullivan, Steph Ridall, John Moore, Vern Baker

After the above presentation was concluded Senator Gallivan provided the Supervisors and the remaining members of the gallery with an update from Albany on State Legislation. Chairman Berwanger offered to excuse the Volunteers but encouraged them to stay and hear Senator Gallivan's update. He did state that the Board would understand if they wished to leave

the meeting prior to the Senator's update. Most of them took the Chairman up on his offer to be excused.

Senator Gallivan acknowledged Wyoming County as being the only county in its entirety he represents out of the 4 counties in his district.

The Senator thanked the Supervisors for spending time with him at the Town meetings that have taken place as he learns expectations and needs of the Towns and County.

He mentioned taking part in a successful legislative session including the closing of a \$10 bill. budget gap with no new taxes.

Property Tax Cap proponent

- *The Senator Categorizes in 3 sections for ease of understanding*
 - *Medicaid ~ the single biggest anchor around the necks of counties*
 - *Schools*
 - *Municipalities*

Senator Gallivan agreed that going forward this legislation can't work without mandate relief. Senator Gallivan recognizes that without mandate relief the state legislature will be judged on their in effectiveness. As Senate Social Services Committee Chair, reached out and ultimately hired former State Medicaid Director and Former State Commissioner of OCFS, someone with expertise in this area.

Calling for an immediate freeze in Medicaid increases with an 8 year take over. Over 3,000 recommendations provided by the Medicaid relief team. Fingerprinting and Asset reviews are among these proposals.

The Senator reported working on a State Medicaid Takeover proposal that is not just cost shifting. Many successful options are being reviewed. There is majority sponsorship in both Senate and

Assembly. Proposal will be retroactive to January 2012. NYSAC is working hard with member counties to try and move this legislation forward. The goal is to get the Governor to include in his state of the state address.

School Medicaid formulation, favors wealthier more populated school districts to the detriment of the schools in the smaller lower populated counties like Wyoming County. The less populated more rural areas. Senator Gallivan spoke of a NY City School lawsuit against the state that the state lost due to inequities in funding to NYC Schools.

Senator Gallivan reported on learning Agricultural support by the State of New York amounts to only 1% of the entire budget. Hard for him to believe that is true especially when, clearly, agriculture is New York State's number one industry.

In closing, Senator Gallivan stated that Mark Rieman, will continue to be available in the Senator's Warsaw office to assist with the immediate needs of the county and the individual Towns of Wyoming County.

Chairman Berwanger reported on a recent regional economic development meeting where he spoke with Lt. Governor Duffy. The Lt. Gov. was unsure of what the unfunded mandates were. All news to him... Chairman told Lt. Gov. Duffy that they're not asking for him to move heaven and earth just freeze Medicaid for one year. Wyoming County would experience no layoffs. Lt. Gov. Duffy was astonished and promised to talk to the Governor on the matter. US Senator Gellibrand informed the Chairman that she had not seen the NYSAC Blue Ribbon Task Force report. In fact, she stated that if this report were sent to Washington that there was a good chance it wound up in the trash...

Chairman Berwanger informed Senator Gallivan of a NYSAC form letter counties were encouraged to send to the Governor.

Chairman Berwanger next gave Assemblyman Burling an opportunity to update the Board on Assembly current events.

Assemblyman Burling acknowledged today as being Election Day and congratulated the outgoing Supervisors. No matter what side of the isle you're on it's still a service that is meaningful. The Assemblyman acknowledged the Town Supervisor races with some competition and congratulated the Supervisors who are running unopposed.

The Assemblyman went on to say that it's hard to believe that world events (such as Greece not being able to meet their financial obligations) can have such a huge impact on our little corner of the world.

Assemblyman Burling recounted historical events in his lifetime comparing them to what is happening economically today.

The Assemblyman went on to explain that Western New York State Assembly Democrats are more conservative than the Long Island Republicans. He stated that the Republican Conference took back 9 seats in the last election making that 51 Republican members out of 150 total members of the Assembly and continued by stating that he felt Sheldon Silver is the nemesis of all New York State. Assemblyman Burling explained that Assemblyman Silver has resisted, for years, legislation that removed the statute of limitations on rape and is a disgusting individual...

In closing Assemblyman Burling reminded the Board of his open door policy and he thanked the Board along with the members of the gallery today for their support...

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

#19

**RESOLUTION NO. 11-333
(November 08, 2011)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO AWARD BIDS AND SIGN
CONTRACTS
ON BEHALF OF WYOMING COUNTY HIGHWAY**

BE IT RESOLVED, That the Chairman of this Board after a review by the Highway Superintendent, Engineers, and the County Attorney is hereby authorized and directed to sign the following contracts on behalf of County Highway:

- **Nichols Long and Moore Construction Corp.**, 149 Gunnville Road, Lancaster NY 14086 as the lowest responsible bidder for the Replacement of the West Street Bridge over Cattaraugus Creek, Town of Arcade; BIN 3319440, PIN 4754.06 in an amount not to exceed two million one hundred eighty thousand eight hundred fifty-eight dollars and twenty-four cents (\$2,180,858.24);
- **Lu Engineers**, 175 Sully's Trail, Suite 202, Pittsford, NY 14534
 - **Supplement Agreement #3** for additional PE/Design for the West Street Bridge over Cattaraugus Creek, Town of Arcade. BIN 3319440; PIN 4754.06 in an amount not to exceed sixty-four thousand dollars (\$64,000.00) through December 31, 2012.
 - **Supplement Agreement #4** for CS/CI for the West Street Bridge over Cattaraugus Creek, Town of Arcade. BIN 3319440; PIN 4754.06 for an amount not to exceed two hundred six thousand dollars (\$206,000.00) effective; November 01, 2011 through December 31, 2012.

Contingent upon the availability of funds

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

RESOLUTION NO. 11-334
(November 08, 2011)

By Mr. Patti, Chairman of Public Works Committee:

**MEMBERS REAPPOINTED TO THE TRAFFIC SAFETY
BOARD**

BE IT RESOLVED, That the following members are hereby appointed / reappointed to the Traffic Safety Board for a term of three (3) years; effective November 06, 2011 through November 05, 2014:

- William Hicks (Town of Arcade), 158 North Street, Arcade NY 14009
- Douglas Patti (Town of Attica), 333 E. Main St., Attica NY 14011
- Joseph Heller, (Town of Bennington), 1290 Maxon Road, Attica, NY 14011
- Douglas Richardson (Town of Covington), 1594 Perry Road, Pavilion, NY 14525
- Eileen Stroud (Town of Pike), P.O. Box 244, Pike NY 14130

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

Public Hearing

***Agricultural District #4**

Public Comment

None

Chairman Berwanger then closed the Public Hearing

There was a motion by Mrs. May T/Orangeville, to combine resolutions #21 through #30. A voice vote was taken and all voted aye.

#21

**RESOLUTION NO. 11-335
(November 08, 2011)**

By Mrs. May, Chairman of Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN 2012 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 Medicare PPO renewal rates for Retired County Employees for **2012** as follows:

Univera Medicare PPO High Option

❖ Single - \$216.48

Univera Medicare PPO Low Option

❖ Single \$183.60

Excellus Medicare PPO

❖ Single \$237.16

MVP Medicare Gold Anywhere

❖ Single \$219.00

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

**RESOLUTION NO. 11-336
(November 08, 2011)**

By Mrs. May, Chairman of Finance Committee:

RELEVY OF UNPAID SCHOOL AND VILLAGE TAXES

AT THE REQUEST OF: County Treasurer

WHEREAS, The Real Property Tax Lax requires that all Wyoming County School Districts return their respective unpaid 2011-2012 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:
#23**

**RESOLUTION NO. 11-337
(November 08, 2011)**

By Mrs. May, Chairman of Finance Committee:

APPROVES PROPERTY AUCTION SALES

November 08, 2011

RESOLUTION NO. 11-337
November 08, 2011
Page 2

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 from the County Tax Auction held October 29, 2011 and recommends the acceptance thereof, namely:

SERIAL# *Missing parcel numbers were withdrawn.*

- 29 Kim J. & Joanne E. Offers**, 223 Park Street, Arcade, NY 14009 has offered \$100 for property located on Park Street, in the Town of Arcade. Tax Map #183.17-1-18.
- 71 Kim J. & Joanne E. Offers**, 223 Park Street, Arcade, NY 14009 has offered \$100 for property located on Park Street, in the Town of Arcade. Tax Map #183.17-3-3.
- 32 John Borer**, 10826 Osmun Rd, Freedom, NY 14065 has offered \$37,000 for property located on 7945 Route 98 South, in the Town of Arcade. Tax Map #193.-2-9.112.
- 77 TJF Enterprises, LLC**, 4 Market Street, Attica, NY 14011 has offered \$26,000 for property located on 29 Washington Street, in the Town of Attica. Tax Map #6.10-3-23.
- 83 Manufactures Traders Trust, Co.**, Anthony R. Hanley, Attorney, 5701 W. Genesee Street, Camillus, NY 13031 has offered \$18,000 for property located on 218 Exchange Street, in the Town of Attica. Tax Map #6.18.1-12.1.
- 87 Donald Paddock**, 7279 Burke Hill Road, Perry, NY 14530 has offered \$10,000 for property located on 12 Railroad Avenue, in the Town of Attica. Tax Map #6.10-1-47.1.
- 88 Jeffrey A & Kristin K Ezzo**, 1942 Thomas Road, Varysburg, NY 14167 has offered \$22,000 for property located on 46 Jackson Street, in the Town of Attica. Tax Map #6.15-2-55.
- 107 Correctional Peace Officers Foundation**, PO Box 34890, Sacramento, CA 95834-8390 has offered \$20,000 for property located on 668 Exchange Street, in the Town of Attica. Tax Map #19.-1-36.

RESOLUTION NO. 11-337**November 08, 2011****Page 3**

- 129 Irvine & Anna Nutty**, 1029 Gulf Road, Attica, NY 14011 has offered \$5,500 for property located on 1776 Mengs Road, in the Town of Attica. Tax Map #46.-1-12.1.
- 146 Philip Rechin**, 152 Greengage Circle, East Amherst, NY 14051 has offered \$9,000 for property located on Lower Cotton Hill Road, in the Town of Bennington. Tax Map #31.-1-29.
- 209 Christopher Carney**, 41 East Mill Street, Castile, NY 14427 has offered \$16,000 for property located on 23 North Main Street, in the Town of Castile. Tax Map #147.7-3-40.1.
- 215 Andrew Dunbar**, 85 South Main Street, Castile, NY 14427 has offered \$15,000 for property located on 26 South Main Street, in the Town of Castile. Tax Map #147.7-2-41.
- 253 James Rutowski**, 2071 Crittenden Drive, Alden, NY 14004 has offered \$31,000 for property located on 4404 Old Orchard Drive, in the Town of Castile. Tax Map #111.20-2-26.
- 254 James Rutowski**, 2071 Crittenden Drive, Alden, NY 14004 has offered \$5,000 for property located on Vista Way Lot 413 & 414, in the Town of Castile. Tax Map #111.20-2-27.1.
- 299 James F & Cynthia E Davis, Jr**, 3007 West Hill Road, Bliss, NY 14024 has offered \$5,000 for property located on 6214 Maxwell Road, in the Town of Eagle. Tax Map #154.-2-2.2.
- 300 Johnnie B. Hershberger**, 4868 Wolfe Road, Gainesville, NY 14066 has offered \$8,000 for property located on 4348 Telegraph Road, in the Town of Eagle. Tax Map #178.-1-5.1.
- 338 Michael Harold Woolley**, 4720 Poplar Tree Road, Gainesville, NY 14066 has offered \$10,000 for property located on 35 South Main Street, in the Town of Gainesville. Tax Map #122.20-2-46.
- 374 Aaron Herbert Marquart**, 5195 State Route 19, Gainesville, NY 14066 has offered \$32,000 for property located on 5510 Route 19, in the Town of Gainesville. Tax Map #145.-1-11.1.
- 414 Allen Schilling**, 3825 Main St., Box 31, Strykersville, NY 14145 has offered \$85,000 for property located on Route 78, in the Town of Java. Tax Map #102.2-3-21.1.
- 446 James Weiss & Nicole Duzy**, 52 Regent Street, Buffalo, NY 14206 has offered \$200 for property located on Block G, in the Town of Java. Tax Map #140.8-8-13.

RESOLUTION NO. 11-337
November 08, 2011**Page 4**

- 461 Catharine Smithley & Charles Colton**, 693 Vernal Road, Attica, NY 14011 has offered \$9,000 for property located on 745 Vernal Road, in the Town of Middlebury. Tax Map #21.-2-6.2.
- 494 Kevin H & Suzenne C Miller**, 40 State Street, Warsaw, NY 14569 has offered \$7,000 for property located on Hollow Road, in the Town of Orangeville. Tax Map #105.-3-5.2.
- 514 Charles A & Lynda M Yung**, 234 Warren Avenue, West Seneca, NY 14224 has offered \$14,000 for property located on 3230 Almeter Road, in the Town of Orangeville. Tax Map #94.-1-25.
- 561 Robert Schwab**, 36 Dolbeer Street, Perry, NY 14530 has offered \$6,000 for property located on 87 Dolbeer Street, in the Town of Perry. Tax Map #100.8-3-2.
- 581 Edward G Schoff**, 2707 Fisher Road, Warsaw, NY 14569 has offered \$3,000 for property located on Silver Lake Road, in the Town of Perry. Tax Map #76.-1-52.
- 582 Charles R Page**, 5229 Moose Road, Wyoming, NY 14591 has offered \$30,000 for property located on 2634 Silver Lake Road, in the Town of Perry. Tax Map #76.-1-53.
- 583 Laura & Floyd Scott**, 9 Needham Street, Perry, NY 14530 has offered \$80,000 for property located on 3370 Bacon Road, in the Town of Perry. Tax Map #87.-1-30.
- 587 Justus B & Joan A Snyder**, 4323 E. Alabama Lane, Hernando, FL 34442 has offered \$23,000 for property located on 6817 West View Drive, in the Town of Perry. Tax Map #76.-1-44.
- 593 Emerling Farms, LLC** Michael J Emerling, 2904 Route 246, Perry, NY 14530 has offered \$17,000 for property located on 7375 Myers Road, in the Town of Perry. Tax Map #64.-1-27.
- 631 James Weiss & Nicole Duzy**, 52 Regent Street, Buffalo, NY 14206 has offered \$6,500 for property located on Murphy Road, in the Town of Pike. Tax Map #157.-1-29.2.
- 635 Gregory Miller**, 475 19th Street SW, Naples, FL 34117 has offered \$10,500 for property located on 7785 Camp Road, in the Town of Pike. Tax Map #190.-1-5.

RESOLUTION NO. 11-337**November 08, 2011****Page 5**

- 636 Thomas Farmer**, 190 Newell Ave, Tonawanda, NY 14150 has offered \$3,100 for property located on Route 39, in the Town of Pike. Tax Map #168.-1-13.
- 681 Troy M Armbrust**, 584 Brookledge Ct, Strykersville, NY 14145 has offered \$5,500 for property located on 4023 Marie Drive, in the Town of Sheldon. Tax Map #90.4-2-26.11.
- 682 Troy M Ambrust**, 584 Brookledge Ct, Strykersville, NY 14145 has offered \$5,500 for property located on Brookledge Ct, in the Town of Sheldon. Tax Map #90.4-2-26.12.
- 288W Irvine & Anna Nutty**, 1029 Gulf Road, Attica, NY 14011 has offered \$100 for property located on NYS Route 39, in the Town of Eagle. Tax Map #176.-2-25.131.
- 434W Harold Herman**, 3169 Suckerbrook Road, Perry, NY 14530 has offered \$400 for property located on Block F, in the Town of Java. Tax Map #140.8-6-15.
- 441W Richard J Snyder**, 179 E. Main Street, Arcade, NY 14009 has offered \$100 for property located on Block F, in the Town of Java. Tax Map #140.8-7-11.

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 her on or before December 9, 2011.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#24

RESOLUTION NO. 11-338**(November 08, 2011)**

By Mrs. May, Chairman of Finance Committee:

2011 TOWN BALANCES APPROVED

November 08, 2011

RESOLUTION NO. 11-338
November 08, 2011
Page 2

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 2012 Tax Rolls of the respective towns:

Town	Debit	Credit
Arcade	\$0	
Attica	35.86	
Bennington	0	
Castile	0	
Covington	0	
Eagle	0	
Gainesville	0	
Genesee Falls	580.89	
Java	137.40	
Middlebury	0	
Orangeville	0	
Perry	0	
Pike	0	
Sheldon	0	
Warsaw	23.60	
Wethersfield	16.53	
Total	\$794.28	0

Dated: November 1, 2011

Cheryl D. Mayer
Treasurer

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

RESOLUTION NO. 11-339
(November 08, 2011)

By Mrs. May, Chairman of Finance Committee:

REORGANIZATION OF COUNTY ATTORNEY'S OFFICE
APPROVED

WHEREAS, The Wyoming County Board of Supervisors has determined that it is in the County's interest to provide the County with ongoing access to Municipal Law legal services in light of the fact that the County Attorney has withdrawn his name from consideration for reappointment.

NOW, THEREFORE, IN THAT REGARD, IT IS
HEREBY

RESOLVED, That the position of 1st Assistant County Attorney, PT, which was abolished by virtue of not being filled for one (1) year, is re-established at an annual salary of twenty-five thousand dollars (\$25,000.00); effective January 01, 2012, and it is further

RESOLVED, That Wyoming County Salary Schedule "S" shall be amended to reflect this position and salary effective January 01, 2012; and it is further

RESOLVED, That Wyoming County Salary Schedule "S" is further amended to reduce the salary of Assistant County Attorney, FT (Supervisor) from forty-two thousand dollars (\$42,000.00) to thirty thousand dollars (\$30,000.00) per year effective January 01, 2012; and it is further

RESOLUTION NO. 11-339
November 08, 2011
Page 2

RESOLVED, That the Chairman of the Wyoming County Board of Supervisors, subject to legal approval, is authorized to execute a contract with Dadd, Nelson &Wilkinson effective January 01, 2012 for the provision of Municipal Law legal services under such terms and conditions that are acceptable to the Chairman in the annual amount of forty-five thousand dollars (\$45,000.00).

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#26

RESOLUTION NO. 11-340
(November 08, 2011)

By Mrs. May, Chairman of Finance Committee:

POSITION CREATION(S) APPROVED

BE IT RESOLVED, That the following position(s) be hereby created as stated within the various county department(s) listed:

Health Department

- One (1) position of **RPN (Men’s & Women’s Reproductive Health Services) (per diem)** to be placed on the appropriate step and grade of the current CSEA Collective Bargaining Unit agreement; effective November 08, 2011.

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

**RESOLUTION NO. 11-341
(November 08, 2011)**

By Mrs. May, Chairman of Finance 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, 2011 through November 14, 2013.*

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

**RESOLUTION NO. 11-342
(November 08, 2011)**

By Mrs. May, Chairman of Finance Committee:

2012 EQUALIZATION TABLE PRESENTED AND TABLED

BE IT RESOLVED, That the 2012 Equalization Table is hereby presented; and be it

FURTHER RESOLVED, That its adoption be tabled for at least one day.

RESOLUTION NO. 11-342
November 08, 2011
Page 2

2012 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
94.00%	ARCADE	210,740,601	224,192,129	0.110411344	210,731,251
100.00%	ATTICA	171,338,342	171,338,342	0.084381627	171,328,042
50.00%	BENNINGTON	112,635,683	225,271,366	0.110942852	112,607,154
100.00%	CASTILE	229,958,002	229,958,002	0.113250952	229,941,652
100.00%	COVINGTON	68,180,441	68,180,441	0.033577870	68,176,241
100.00%	EAGLE	53,850,417	53,850,417	0.026520543	53,843,117
100.00%	GAINESVILLE	86,655,522	86,655,522	0.042676577	86,649,072
100.00%	GENESEE FALLS	25,210,240	25,210,240	0.012415674	25,199,740
90.00%	JAVA	116,135,226	129,039,140	0.063549889	116,127,726
100.00%	MIDDLEBURY	85,169,129	85,169,129	0.041944550	85,168,529
100.00%	ORANGEVILLE	77,975,217	77,975,217	0.038401654	77,973,817
100.00%	PERRY	180,682,323	180,682,323	0.088983401	180,667,873
100.00%	PIKE	50,302,724	50,302,724	0.024773356	50,302,724
90.00%	SHELDON	129,869,155	144,299,061	0.071065177	129,844,055
100.00%	WARSAW	232,833,658	232,833,658	0.114667171	232,830,658
100.00%	WETHERSFIELD	45,559,452	45,559,452	0.022437364	45,545,752
	TOTALS	1,877,096,132	2,030,517,163	1.000000000	1,876,937,403

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

RESOLUTION NO. 11-343
(November 08, 2011)

By Mrs. May, Chairman of Finance Committee:

DATE OF PUBLIC HEARING FOR
2012 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 2012 will be held in the Supervisors' Chambers at the Wyoming County Government Center, 143 N. Main St., in the Village of Warsaw, NY 14569, on *Tuesday, November 29th, 2011 at 11:30 AM* and that copies of that tentative County Budget will be available at the Public Hearing and after 3:00 P.M. on November 15, 2011, 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 29, 2011.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#30

RESOLUTION NO. 11-344
(November 08, 2011)

By Mrs. May, Chairman of Finance Committee:

Mr. Davis, Chairman of the Finance Committee, presented the **SEMI-ANNUAL MORTGAGE TAX REPORT** for the period of April 01, 2011 through September 30, 2011 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 **\$161,974.35** to the several tax districts of Wyoming County, in accordance with the report filed with the Clerk of the Board of Supervisors, as follows:

RESOLUTION NO. 11-344**November 08, 2011****Page 2**

TAX DISTRICTS	MORTGAGE TAX DISTRIBUTED	VILLAGE	TOWN
Arcade	\$20,110.83	\$4,538.38	\$15,572.45
Attica	\$13,737.24	\$2,728.01	\$11,009.23
Bennington	\$27,979.16		\$27,979.16
Castile	\$13,013.82	\$939.16	\$11,309.65
Perry Village		\$765.01	
Covington	\$4,407.11		\$4,407.11
Eagle	\$1,929.63		\$1,929.63
Gainesville	\$6,063.66	\$194.98	\$5,207.23
Silver Springs Village		\$661.45	
Genesee Falls	\$2,855.62		\$2,855.62
Java	\$11,796.34		\$11,796.34
Middlebury	\$4,981.65	\$439.39	\$4,542.26
Orangeville	\$6,853.97		\$6,853.97
Perry	\$14,464.96	\$3,875.01	\$10,589.95
Pike	\$3,348.51	\$0.00	\$3,348.51
Sheldon	\$9,383.77		\$9,383.77
Warsaw	\$17,114.24	\$5,236.23	\$11,878.01
Wethersfield	\$3,933.84		\$3,933.84
Total:		\$19,377.62	\$142,596.73
Grand Totals:		\$161,974.35	

Let This Be Your Warrant for Such Payment: **\$161,974.35** IN
WITNESS WHEREOF, I have hereunto set my hand and seal of
the Board of Supervisors this 8th day of November 2011.

s/Cheryl J. Ketchum, Clerk
Board of Supervisors

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

November 08, 2011

**RESOLUTION NO. 11-345
(November 08, 2011)**

By Mr. Gozelski, Chairman of the Agriculture Committee:

FINDING TO MODIFY AGRICULTURAL DISTRICT NO. 4

WHEREAS, This Board has conducted the review of Agricultural District No. 4 located in the Towns of Arcade, Attica, Bennington, Java, and Sheldon; and

WHEREAS, The review was initiated with a 30-day review process 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. 4; 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. 4 will not have a significant adverse environmental impact; and be it

RESOLUTION NO. 11-345**November 08, 2011****Page 2**

FURTHER RESOLVED, That this Board does hereby make the finding Wyoming County Agricultural District No. 4 should be modified by adding (6,801.8) acres and removing (4,571.05) 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 welcomed and thanked Jamie Welch for sitting in for County Attorney Dadd. The Chairman announced that prior to the Board meeting in Committee of the Whole a group of people gave a presentation on the Countywide Water District proposal. Tomorrow will be a Regional Economic Development Council meeting in Rochester. Wyoming County is part of the Finger Lakes unit. The Board has given Chairman Berwanger permission to present a draft of the Wyoming County Water District plan, worked on by P. Brennan/The Brennan Group, J. Smith/Municipal Solutions, S. Perkins/Wyoming County Public Health Environmental Unit, and R. Henry/Clark Patterson Lee.

Chairman Berwanger next called upon Commissioner Brennan to provide Senator Gallivan with some information regarding the County wide water district plan for future funding opportunities.

Commissioner Brennan took the opportunity to first publicly recognize Senator Gallivan for his leadership abilities, particularly on an issue that's personally important to the Commissioner, agricultural funding, working with the Chairman on the Blue Ribbon Task Force and being part of writing the report that was disseminated to Washington and New York State representatives. The Commissioner was aware of Senator Gallivan's leadership and he was impressed with the Senator's attendance at 2011 Winter NYSAC conference especially since he was extremely new to his position and experiencing a huge learning curve.

Commissioner Brennan mentioned New York State agricultural funding reductions by the Governor's 2011/2012 Executive Budget and how Senator Gallivan worked with agricultural advocacy groups across New York State to restore funding to reasonable levels. Commissioner Brennan stated that he would be surprised if the state saw the same large cuts in agriculture funding.

In answer to Chairman Berwanger's question regarding the Countywide Water district, Commissioner Brennan explained the results of a feasibility study and explained that as a result to that study Wyoming County is trying to position themselves for eligibility to grant funding for implementation of that study...

Senator Gallivan questioned if there was a known cost. \$260,000 was the price tag placed on implementation by R. Henry of Clark Patterson Lee.

In closing, Supervisor Rogers, T/Pike announced that this would be Nancy Herman's last Agricultural District review.

Audit will immediately follow the Board meeting...

There being no further business to come before this Board, Senior Supervisor Bush, T/Gainesville, adjourned the meeting at 3:06 PM with a rap on his desk.

Respectfully submitted,

Cheryl J. Ketchum

Cheryl J. Ketchum, Board Clerk

**SPECIAL SESSION
(November 29, 2011)
Tuesday
11:30 AM**

The Special Session of the Wyoming County Board of Supervisors was held at the Wyoming County Government Center in the Board of Supervisors' Chambers located at 143 North Main Street, Warsaw, New York with all Supervisors. Also present were Budget Officer, J. Cook and Clerk to the Board of Supervisors, Cheryl Ketchum.

At 11:30 AM Chairman Berwanger, T/Arcade, called the meeting to order.

The pledge was said by all.

Communications:

- *Town Budgets are now due in the Budget Office*

Open Public Hearing:

Adoption of Wyoming County Tentative Budget for the Year 2012

#1

RESOLUTION NO. 11-346
(November 29, 2011)

By Mrs. May, Chairman of the Finance Committee:

**LIFT THE 2012 EQUALIZATION TABLE, AMEND
AND ADOPT**

BE IT RESOLVED, That the 2012 Equalization Table, which was tabled on November 08, 2011, be lifted from the table, and be it

FURTHER RESOLVED, That the 2012 Equalization Table is hereby amended to reflect revised assessments in the Towns of Bennington, Castile, Gainesville, Java, Orangeville, Perry and Pike; 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 2012 is hereby adopted as amended.

2012 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
94.00%	ARCADE	210,740,601	224,192,129	0.110432460	210,731,251
100.00%	ATTICA	171,338,342	171,338,342	0.084397765	171,328,042
50.00%	BENNINGTON	112,588,651	225,177,302	0.110917736	112,560,122
100.00%	CASTILE	229,758,002	229,758,002	0.113174096	229,741,652
100.00%	COVINGTON	68,180,441	68,180,441	0.033584292	68,176,241
100.00%	EAGLE	53,850,417	53,850,417	0.026525615	53,843,117
100.00%	GAINESVILLE	86,653,882	86,653,882	0.042683931	86,647,432
100.00%	GENESEE FALLS	25,210,240	25,210,240	0.012418049	25,199,740
90.00%	JAVA	116,132,726	129,036,362	0.063560675	116,125,226
100.00%	MIDDLEBURY	85,169,129	85,169,129	0.041952572	85,168,529

November 29, 2011

RESOLUTION NO. 11-346
November 08, 2011
Page 2

100.00%	ORANGEVILLE	77,974,274	77,974,274	0.038408534	77,972,874
100.00%	PERRY	180,601,484	180,601,484	0.088960600	180,587,034
100.00%	PIKE	50,294,724	50,294,724	0.024774153	50,294,724
90.00%	SHELDON	129,869,155	144,299,061	0.071078768	129,844,055
100.00%	WARSAW	232,833,658	232,833,658	0.114689101	232,830,658
100.00%	WETHERSFIELD	45,559,452	45,559,452	0.022441655	45,545,752
	TOTALS	1,876,755,178	2,030,128,899	1.000000000	1,876,596,449

2011 FINANCE COMMITTEE

Sue May	James Brick	John Knab	Larry Rogers
Joseph Kushner	E. Joseph Gozelski	Douglas Patti	Jean Totline

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

BOARD OF SUPERVISORS
2012 BUDGET MESSAGE

On behalf of A. Douglas Berwanger, Chairman and the Wyoming County Board of Supervisors, it is my honor to present the TENTATIVE 2012 BUDGET.

The 2012 Tentative Wyoming County budget was formulated to accomplish two goals: to be compliant with the newly enacted New York State Property Tax Cap Law and to do so without a reduction in local services. This proved to be an extremely challenging task given the current economic climate and the increase in state mandated expenses. However, due to the prudent budgeting practices on the part of the Board of Supervisors and a continued focus on long-term planning, the County has been

able to maximize its resources, increase efficiency and provide the necessary services to our residents all within a cost to the taxpayers that is compliant with the New York State Property Tax Cap Law.

Based on the newly enacted state property tax cap, the state cap calculation formula limits the increase in taxes levied by local governments and school districts to 2% (or the rate of inflation) with an allowable adjustment for real property growth in the tax base and a portion of the increase in pension costs. The state calculated cap results in an increase of 3.68% or \$628,320.48. The State mandated property tax cap allows Wyoming County to increase the amount raised in taxes by only \$628,320, a small allowance considering the cost of state mandated programs increased by just under \$1.8 million. Accordingly, the 2012 Tentative Budget increases the property tax levy by 3.66%, or just over \$624,000. This represents a tax rate increase of 1.49% or for a home with a full value of \$90,000 (median sale value 2010) an increase per year of \$9.90.

Taxable Valuation Table:

	2012	2011	Increase / (Decrease)
Taxable Valuation	1,876,596,449	1,836,034,211	40,562,238
Taxable Full Valuation	2,030,128,899	1,986,656,676	43,472,223
Co. Tax Rate with 100% Equalization Rate - Full Value /1,000	7.48	7.37	\$ 0.11

The proposed 2012 budget appropriations total \$121,181,314.19 reflecting an increase of 2.38% or \$2,814,572.74. Estimated revenues in the amount of \$ 102,150,618.92 have been proposed increasing by \$1,318,689.03 or 1.31%. In an effort to reduce the tax rate, surplus funds have been applied from the General Fund of \$2,700,000 and the Highway Fund of \$1,146,000 for a total of \$3,846,000.

General County Levy	Adopted 2011	Tentative	2012 Inc / Dec	2012 Percentage Inc / Dec
Revenue	100,831,929.89	102,150,618.92	1,318,689.03	1.31%
Expenses	118,366,741.45	121,181,314.19	2,814,572.74	2.38%
Surplus from Reserve	2,900,000.00	3,846,000.00	946,000.00	32.62%
Total General County Levy	14,634,811.56	15,184,695.27	549,883.71	3.62%
Special District Levy				
Board of Elections	20,197.00	20,583.00	386.00	1.88%
Recycling	1,388,595.00	1,389,375.00	780.00	0.06%
Worker's Comp	393,475.00	466,488.00	73,013.00	15.65%
Total Levy All Districts	16,437,078.56	17,061,141.27	624,062.71	3.66%
NYS Tax Levy Limitation		17,065,399.04	628,320.48	3.68%
Over / (Under) Allowable Cap		(4,257.77)	(4,257.77)	

Expenditures:

In an effort to contain spending, Department Heads were instructed to submit a budget that maintained the same levy as the revised 2011 budget. The only capital expenditures budgeted reflects the cost of Computer Capital Equipment purchased by the Information Technology Department.

The proposed 2012 tentative budget does not include salary increases for management and elected personnel. In most funds, no salary increases have been budgeted for employees represented by the CSEA bargaining unit, the Sheriff Employees' Association and the Deputy Sheriff's Association or the Schedule E CSEA Supervisory unit (WCCH) as negotiations are currently in process. The tentative budget also reflects the reduction of three positions. These positions include the Civil Service Administrator, the Construction Project Coordinator for the Better Pavement Program and one Sheriff Deputy. Two of these positions will be vacant by year end due to retirements, the other is currently vacant. The duties will be shifted to existing staff.

The County continues to work cooperatively with the Insurance Task Force to keep the cost of Health Insurance affordable to both the employees and the County. In 2011, management staff was required to move from the traditional PPO plan to a High Deductible plan. Union employees were given the opportunity to enroll as well, and several did. The plan has many benefits. The premiums are considerably lower than the traditional PPO plan. The new plan also has an Active Rewards component which allows the employees to earn money by engaging in healthy lifestyle choices. Additionally, the high deductible plan enables the participant to become a better consumer of health care. The savings anticipated by switching to the High Deductible plan are being applied as a portion of the Fund Balance that will be used to reduce the property tax levy.

All contract agencies were looked at carefully. After many discussions and meetings, some agencies were funded at the same level as 2011. Others were either reduced or eliminated entirely. These agencies provide a valuable service to all County residents and it is with great sadness that these measures must be taken in an effort to comply with the NYS Property Tax Cap Law.

The Board of Supervisors has also made some very difficult decisions as they pertain to the Better Pavement Program and the County Hospital/Nursing Home. The road program was discontinued this summer. The County will not be able to borrow additional funds at this time to continue to reconstruct roads in the county. Although the program has ended for the time being, the Supervisors are committed to maintaining the roads and ensuring their safety for all County residents.

The Hospital has gone through many changes in 2011, not only in delivery of service and administration, but in its

physical structure. The Board is committed to ensuring that services continue to be delivered in the most cost effective manner in an environment that has been updated and ensures efficiency. The original construction plan for the facility has been scaled back to a more affordable design, but will still provide the improvements that will make the Community Hospital and Nursing Home a facility that the patients and the employees will benefit from.

Even with the strong effort made by the Board of Supervisors and the Department Heads to reduce County spending, unfortunately, their cost containments are minimal compared to the uncontrolled increases imposed by nine state mandated programs. These nine programs have consumed 100% of the proposed levy and roughly 30% of County generated sales tax revenue.

The 2012 Medicaid expense has been budgeted at \$6,895,900. \$1.5 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 increased only slightly over 2011, the impact on the levy is significant due to the elimination of the Federal Stimulus dollars. Medicaid continues to represent the single most costly mandate consuming approximately 45% of the County's general fund proposed tax levy.

The NYS Pension contribution is a mandated expense. In 2012, the amount budgeted based on the NYS State Comptroller estimated rates totals \$6,945,635, an increase over last year's estimate by roughly \$963,000. The average rate is calculated at 18.6% of payroll with an increase projected for upcoming years, as the fund is still recovering from the economic slump.

The following chart illustrates the breakdown of the 2012 tentative budget by fund:

FUND	EXPENDITURE	%
General Fund	55,321,178.74	45.65%
Hospital Fund	50,673,524.60	41.82%
Machinery Fund	1,031,146.32	0.85%
Highway Fund	11,171,029.53	9.22%
Workers Compensation Fund	2,606,695.00	2.15%
Job Training Fund	377,740.00	0.31%
Building Equipment Capital Reserve	0.00	0.00%
Total Budgeted Expenditures	121,181,314.19	100.00%

The following chart illustrates the breakdown of the major components of the General Fund 2012 tentative budget:

GENERAL FUND	EXPENDITURE	%
Social Services	10,380,446.25	18.76%
Medicaid*	6,895,900.00	12.47%
Public / Mental Health	7,399,436.09	13.38%
Public Safety	9,716,416.80	17.56%
Education	3,535,617.64	6.39%
County Roads & Bridges	4,796,504.53	8.67%
Wyo. Co. Comm. Hospital*	.00	0.00%
All Other	12,596,857.43	22.77%
Total Budgeted Expenditures	55,321,178.74	100.00%

Revenues:

Next to Property Taxes, which are now capped by New York State, sales tax is the next largest revenue in the County's General Fund. Fortunately, sales tax proceeds are on an upswing and the amount received in 2011 shows every

indication that it will exceed the amount budgeted. However, in the 2012 proposed budget, \$14.5 million has been estimated, roughly \$400,000 less than what was received in 2008. The struggling economy has significantly impacted this major source of revenue that the County has come to rely on.

In addition to the limited revenue above, State reimbursements continue to be reduced. The County has budgeted almost \$145,000 less to be received from NYS to deliver the same amount of services. Not only does the reimbursement continue to be reduced, the State continues to delay upward of a year.

Indebtedness:

The total indebtedness for Wyoming County as of November 13th, 2011 is in the amount of \$24,203,000. This is roughly \$7,000,000 more than the 2010 amount of \$17,191,000. This debt reflects the commitment made by the Board of Supervisors to improve the infrastructure of Wyoming County. The capital investment made to the Department of Social Services Building was an enormous undertaking and has proven to be a successful project. The change 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.

It is clear that ultimately, without mandate relief, local initiatives and services will suffer. If this is not accomplished by 2013, the County will be forced to make decisions regarding entire departments as opposed to positions. The Board of Supervisors continues to communicate with senators, assemblyman and other officials in Albany regarding the unsustainable path that has been laid out for not only Wyoming County, but all the counties across the state.

The fiscal health of Wyoming County depends greatly on the actions of our elected officials. It is not an option but a necessity to demand mandate relief.

The Finance Committee, Chairman of the Board of Supervisors, Deputy Budget Officer and I extend our thanks to all who helped in putting this 2012 Tentative County Budget together and it has been my privilege to present it to you for your consideration. 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.

Public Comment:

- *Frank Moffatt (Maxon Rd., Varysburg) ~ spoke in opposition to cutting the library funding and the importance of maintaining a public library. Requested restoration of library funding to the 2012 Budget.*
- *Supervisor Brick, T/Perry and LDC member questioned restoring this funding if the Sales Tax revenue was up.*
- *Supervisor Kushner, T/Eagle and County Finance Committee Vice Chair thanked Budget Officer Cook for all of her hard work in putting together the 2012 County Budget. He further stated that in order for the County to consider restoration of the library funding a position would have to be cut and if there was a substantial enough increase in sales tax revenue the Board of Supervisors would first consider the restoration of a Deputy Sheriff position prior to restoration of library funding. Supervisor Kushner said that next year will be even worse if counties don't see any mandate relief from the State of New York as entire departments not just positions will have to be eliminated...*
- *Supervisor May, T/Orangeville and County Finance Committee Chair also thanked Budget Officer Cook, D. Budget Officer Pond and Supervisor Kushner for their*

efforts in preparing the 2012 County Budget. During these preparations everyone did their best to not have to eliminate positions.

- *Supervisor Rogers, T/Pike stated that it is important to pressure our State Representatives on mandate relief!!*
- *Supervisor Gozelski, T/Castile asked for clarification on libraries having the ability to levy taxes through the school district taxes. Supervisor Kushner confirmed this ability, however he stated that many of the libraries confessed to not wanting to go that route.*
- *Chairman Berwanger, T/Arcade shared excerpts from an article on Medicaid in New York State saying that Medicaid costs annually are \$53 billion serving 19 million residents of which 5 million are Medicaid recipients. The average New Yorker may visit the doctor 4 or 5 times a year while Medicaid recipients, on average, log 43 visits. New York State government needs to provide mandate relief immediately!! New York State government has spent us into unsustainability!!! A good example of this spending is the enhancement of benefits this year and the HAVA act. These costs are all being born by the counties.*

Motion made by Supervisor Gozelski, T/Castile to close the public hearing. The motion was seconded by Supervisor Brick, T/Perry.

Public Hearing Closed:

**RESOLUTION NO. 11- 347
(November 29, 2011)**

By Mr. Davis, Chairman of the Finance Committee:

**TENTATIVE 2012 BUDGET FOR WYOMING COUNTY
ADOPTED**

BE IT RESOLVED, That the tentative budget for the year 2012, as filed with the Clerk of this Board, is hereby adopted as the county budget for the year 2012, which requires the raising by tax levy in the amount of fifteen million one hundred eighty-four thousand six hundred ninety-five dollars and twenty-seven cents (\$15,184,695.27); and be it

FURTHER RESOLVED, That the said sum of fifteen million one hundred eighty-four thousand six hundred ninety-five dollars and twenty-seven cents (\$15,184,695.27) be hereby levied against the taxable property within the County, as equalized by this Board, and the Chairman and/or Clerk of the Board is hereby directed to apportion and spread said sum against the properties within the County, which are subject to taxation; and be it

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, 2012.

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

*There being no further business to come before this Board,
Senior Supervisor Bush, T/Gainesville, adjourned the meeting at
12:05 PM with a rap on his desk.*

Respectfully submitted,
Cheryl J. Ketchum
Cheryl J. Ketchum, Board Clerk

REGULAR SESSION
(December 13, 2011)
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 Asst. County Attorney Jim Wujcik, Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Brenda Ferrell.

At 2:41 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance for this month's meeting is:

ROBERT R. SHADBOLT

Mr. Shadbolt's service to his country comes while serving during the Korean War. He was attending the University of Buffalo when he answered the call to serve his country. He enlisted in the United States Air Force on October 3, 1950 and completed his Basic Training at Lackland Air Force Base in Texas.

Mr. Shadbolt was assigned duties at Westover, Massachusetts and spent a year working as a Navigation Specialist. He was then assigned duties in Iceland and worked for the Commanding General as an Admin. Specialist. A year later, he was transferred to Ft. Meyers and worked as an Admin. Specialist for his final year of service. Mr. Shadbolt was honorably discharged on October 27, 1953 at the rank of Airman 1st Class.

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

December 13, 2011

**The National Defense Service Medal
The Air Force Good Conduct Medal**

Following his service to his country, Mr. Shadbolt returned to this area and went back to college at the University of Buffalo and completed his degree in Business Management. He then went to work for Bennett Manufacturing and worked as a Foreman from 1953 – 1959. In 1959, he worked in accounting for Potter Dewitt Corp for a year and then in the business office for McCormick Tractor in Buffalo as Assistant Office Manager.

In the summer of 1961, Mr. Shadbolt worked for the Erie Lackawanna Railroad and the New York State Department of Corrections.

In 1962 he became the business manager for Attica School District and worked there until 1966, when he became the Business Manager for the Newfane School District and held this position until his retirement in 1989.

Mr. Shadbolt enjoys playing golf, going to baseball and football games, and boating on the Erie Canal. He and his wife Gail have been married for 56 years and they live in the Village of Attica.

The pledge was said by all.

Chairman Berwanger invited Town of Attica Supervisor, Mr. Patti to join him in the presentation of the certificate of appreciation to Mr. Shadbolt and an opportunity to address the Board. At which time, Mr. Shadbolt declined because he said that he knew to many of the Board Members...

There was a brief interruption of the meeting as the press took pictures.

Chairman Berwanger, T/Arcade announced that today is a very special day and suspended the communications by Clerk Ketchum for the time being in order to recognize an elite group of young men, present today, who have achieved a significant milestone not only in the history in their lives but in the history of Letchworth Central School and Wyoming County who have brought the first team statewide championship to Wyoming County.

(round of applause)

#1

**RESOLUTION NO. 11-348
(December 13, 2011)**

By Mrs. May, Chairman of Finance Committee:

**LETCHWORTH CENTRAL SCHOOL VARSITY
FOOTBALL TEAM RECOGNIZED FOR 2011 NEW YORK
STATE SECTIONALS WIN**

Call it a big red wave!!!

WHEREAS, On November 25, 2011 the Letchworth Central Indians shut out previously-undefeated Chester 27-0 in the state Class D championship, at the Carrier Dome in Syracuse; and

WHEREAS, This win marked the end of a herculean season that saw the Indians finish 12-1 and make school history by winning the New York State Public High School Athletic Association Class D sectional title; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby commends the accomplishments of the Letchworth Central School Varsity Football team and is proud to commemorate such occasion by official resolution of the Board.

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

December 13, 2011

After presentation of Resolution Number 1 and the passage by roll call vote of resolution number 1 Chairman Berwanger arranged for a brief 5 min. "You Tube" video clip of the teams return from winning the championship.

At the conclusion of the video Chairman Berwanger turned the presentation of Certificates of Recognition over to Supervisor Kushner, T/Eagle. Supervisor Kushner invited each of his fellow Supervisors from the Towns representing the Letchworth Central School District, Supervisor Copeland, T/Wethersfield; Supervisor Rogers, T/Pike; Supervisor Totstline, T/Genesee Falls; Supervisor Bush, T/Gainesville; Supervisor Gozelski, T/Castile including himself from the Town of Eagle.

Each of the players was asked to come forward to accept a certificate. The coaches each received a Certificate of Recognition and the Board of Supervisors provided a framed resolution and framed certificate to be displayed prominently in the school.

After the presentation several of the Supervisors read letters prepared on behalf of their Towns.

Chairman Berwanger thanked the coaches and the players for their attendance and offered to excuse them from the balance of today's meeting.

Chairman Berwanger also thanked the Supervisors representing the Letchworth School District.

Communications:

8. Senator Gallivan ~ Letter dated October 31, 2011 ~ in support of Wyoming County Resolution #11-301 opposing the Power NY Act of 2011.

#2

RESOLUTION NO. 11-349
(December 13, 2011)

By Mrs. May, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2011 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2011 accounts as follows:

Wyoming County Community Hospital			
From: 02.56.4510.8.81001 Retirement	\$208,151.45		
To: 02.56.9730.7.70001 Interest Payment		\$208,151.45	
Reason: To cover the WCCH Serial Bond interest payment for 2011.			
WCCH Total			\$208,151.45
Office for the Aging			
From: 01.44.6772.1.10101 FT CSEA	\$30,000.00		
01.44.6772.1.10103 OFA Nutrition	\$3,500.00		
To: 01.44.6772.4.40924 Homemaker Svc.		\$33,500.00	
Reason: To transfer funds to reflect anticipated costs for in home care.			
Office for the Aging Total			\$33,500.00
Department of Social Services			
From: 01.40.6140.4.42267 Safety Net	\$100,000.00		
01.40.6141.4.42268 HEAP	\$215,000.00		
To: 01.40.6119.4.42253 Child Care		\$315,000.00	
Reason: Transfer necessary to cover 2011.			
Department of Social Services Total			\$315,000.00
District Attorney			
From: 01.32.1167.4.40402 Conf/Conv.	\$600.00		
01.32.1167.4.40401 Train./Educ.	1,659.75		
To: 01.32.1167.1.10101 Salaries		\$26.99	
01.32.1167.8.81001 Retirement		389.76	
01.32.1167.4.41010 Misc Ofc. Eq.		1,843.00	
Reason: Transfer funds to match amendment of grant with DCJS.			
District Attorney Total			\$2,259.75

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

#3

December 13, 2011

RESOLUTION NO. 11-350
(December 13, 2011)

By Mrs. May, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2011 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2011 accounts as follows:

Worker's Compensation			
To: 05.58.1720.4.41601 Medical Benefits w/05.04.1720.2222 Participant Restitution 05.05.1710.2401 Interest/Earnings 05.08.1720.2680 Recovery-Special Funds Reason: To cover 2011 line items overdrawn	\$209,067.10	714.30 21,000.02 187,352.78	
Worker's Compensation Total			\$209,067.10
Treasurer			
To: 01.36.2490.4.41505 Community Colleges <i>From any funds available</i> Reason: To cover expense of Community Colleges	\$150,000.00	\$150,000.00	
To: 06.57.6290.4.42449 Wyoming County Community Action w/06.12.6290.4790 JTPA Reason: To cover expense of pass-through program	\$75,000.00	\$75,000.00	
Treasurer Total			\$225,000.00
Interfund Transfer			
To: 01.52.9950.9.99008 Interfund Transfer to Hosp <i>From any funds available</i> Reason: To appropriate funding from General Fund to cover the cost of the WCCH contract with the Bonadio Group.	\$140,000.00	\$140,000.00	
Interfund Transfer Total			\$140,000.00

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Wyoming County Community Hospital			
To: 02.56.4510.4.42501 Hospital Contractual w/02.13.4510.5031 Interfund Transfer Reason: To appropriate funding to cover the cost of the WCCH contract with the Bonadio Group.	\$140,000.00	\$140,000.00	
WCCH Total			\$140,000.00
Unallocated Insurance			
To: 01.35.1910.4.40301 Professional Serv. <i>From any funds available</i> Reason: To cover cost of annual fee to assist with testing compliance with the non- discrimination eligibility requirements of Section 105(h) IRC	\$650.00	\$650.00	
Unallocated Insurance Total			\$650.00
Sheriff			
To: 01.37.3110.1.10001 Salaries S/D/I w/01.03.3110.128901 Stop DWI Reason: To cover the cost of the DWI Coordinator and DWI Secretary stipends	\$4,500.00	\$4,500.00	
Sheriff Total			\$4,500.00
Youth Bureau			
To: 01.36.2960.4.41502 Preschool Transp. <i>From any funds available</i> Reason: Funds needed to cover remaining 2011 Preschool Transportation expense – state mandated.	\$50,000.00	\$50,000.00	
To: 01.45.7310.4.42434 Stars of Tomorrow w/01.03.7310.1289 Other Dept Income Reason: Funds will be used for the Hidden Valley Animal Adventure Program (Partner's for Prevention Microgrant) which will incorporate a drug/alcohol awareness message to families.	\$ 250.00	\$ 250.00	
Youth Bureau Total			\$50,250.00

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Mental Health			
To: 01.38.4325.4.42407 Mental Health Clinic w/01.11.4325.3490 Grant Programs (State) w/01.12.4325.4490 Grant Programs (Federal) Reason: To increase funding from a 2010 revised allocation approved by NYS OMH	\$15,087.00	3,087.00 12,000.00	
Mental Health Total			\$15,087.00
Office for the Aging			
To: 01.44.6772.4.42401 OTEO Contracts w/01.12.6772.477205 Title V Reason: Funds appropriated to cover year end expenses. Funds are 100% grant related.	\$7,500.00	\$7,500.00	
Office for the Aging Total			\$7,500.00
Sheriff			
To: 01.37.3110.4.40507 Highway Dept Repair w/01.07.3110.2626 Seized Property Reason: repairs done to drug task force vehicles	\$ 925.35	\$ 925.35	
Sheriff Total			\$ 925.35
Highway			
To: 03.54.5130.4.40503 Gas 03.54.5130.4.40504 Diesel <i>From any funds available</i> Reason: Due to the increase in prices compared to when budgeted in 2010.	\$64,000.00 46,000.00	\$110,000.00	
Highway Total			\$110,000.00

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

**RESOLUTION NO. 11-351
(December 13, 2011)**

By Mrs. Meeder, Chairman of Human Resource Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH EDUCATIONAL RESOURCE ASSOCIATES ON
BEHALF OF THE HUMAN RESOURCE DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with **Educational Resource Associates**, 216 E. Main Street, Batavia, NY 14020 on behalf of the Human Resource Department. Said contract is for an Employee Assistance program in an amount not to exceed twelve thousand eight hundred fifty-seven dollars (\$12,857.00) per year; *effective January 1, 2012 through December 31, 2012.*

Contingent upon the availability of funds.

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

Mr. Bush, T/Gainesville, Chairman of the Audit Committee, presented bills totaling **\$2,905,085.51** for the month of **November 2011.**

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

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

**RESOLUTION NO. 11-352
(December 13, 2011)**

By Mrs. Totline, Chairman of Human Services Committee:

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

BE IT RESOLVED, That the following members be hereby appointed/reappointed to the Wyoming County Office for the Aging Advisory Council for a term of *three (3) years; effective January 1, 2012 through December 31, 2014* as follows:

County Representative

- Anthony Santoro (Emergency Services) 151 N. Main Street, Warsaw, NY 14569
- Farris Heimann (Sheriff’s Dept) 151 N. Main Street, Warsaw, NY 14569
- Laura Paolucci (Health Dept) 5362 Mungers Mill Road, Silver Springs 14550
- Beth Schafer (DSS) 466 N. Main Street, Warsaw, NY 14569

Town Representative

- Marilyn Pirdy (Arcade) 8819 Youngers Road, Bliss, NY 14024
- Ruth Kensinger (Orangeville) 3336 Skyler Road, Varysburg, NY 14167
- Robert Yunker (Perry) 165 Lake Street, Apt A4, Perry, NY 14530

Community Representative

Three (3) year term effective January 1, 2012 through December 31, 2013

- Bonnie Turner, 18 West Buffalo Street, Warsaw, NY 14569 *(to fill a vacant unexpired term, previously held by Barb Sceusa)*

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

RESOLUTION NO. 11-353
(December 13, 2011)

By Mrs. Totsline, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS
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 is hereby authorized and directed to sign various contracts on behalf of the Office for the Aging; *effective January 01, 2012 through December 31, 2012*:

- **Catholic Charities of the Diocese of Rochester, d.b.a. Catholic Family Center**, 30 North Clinton Street, Rochester, NY 14604 for the provision of legal services to residents 60+ in Wyoming County in a maximum amount of nine thousand dollars (\$9,000.00).
- **WCJW**, 3258 Merchant Road, Warsaw, NY 14569 for the provision of information and outreach to Caregivers in Wyoming County to be provided in an approximate amount of five thousand two hundred eighty dollars \$5,280.00.
- **The Pine Lounge**, 164 Clinton Street, Cowlesville, NY 14037 for the provision of Congregate Meals for seniors 60+ – variable depending on use. Not to exceed 2012 budget.
- **Nancy M. Reding**, 69 High Street, Attica, NY 14011 for the provision of dietician services to OFA as required by NYSOFA and the Older Americans Act in an amount not to exceed fifteen thousand dollars (\$15,000.00).

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- **The Cloister**, 171 North Maple Street, Warsaw, NY 14569 for the provision of Respite Services to caregivers in Wyoming County as part of the Title III-E grant– variable depending on use. Not to exceed 2012 budget.
- **Eagle Inn**, 3129 Route 39, Bliss, NY 14024 for the provision of Congregate Meals for seniors 60+ – variable depending on use. Not to exceed 2012 budget.
- **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.

Contingent upon the availability of funds

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#7

RESOLUTION NO. 11-354
(December 13, 2011)

By Mrs. Totslie, 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

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Plaza, Albany, NY 12223 on behalf of the Wyoming County Office for the Aging. Said grant is for funding Title's IIIB, C1, C2, D, E, EISEP, CSE, CSI, SNAP, HIICAP, WRAP and Transportation in an approximate amount of six hundred fifteen thousand four hundred seventeen dollars (\$615,417.00); *effective January 01, 2012 through December 31, 2013 and/or April 01, 2012 through March 31, 2013.*

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

RESOLUTION NO. 11-355
(December 13, 2011)

By Mrs. Totline, Chairman of Human Services Committee:

**MEMBERS APPOINTED/REAPPOINTED TO THE
WYOMING COUNTY YOUTH BOARD**

BE IT RESOLVED, That the following members are hereby appointed/reappointed to the Wyoming County Youth Board as follows:

Community Members

Three (3) year term effective January 1, 2012 through December 31, 2014

- Staci Casseri, (Five Star Bank), 55 N. Main Street, Warsaw, NY 14569
- Jim Swatt, 83 N. Main Street, Castile, NY 14427
- Amy Fialkowski, 4165 Route 98, North Java, NY 14113

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Agency Members

Two (2) year term effective January 1, 2012 through December 31, 2013

- Patricia Baron- Mills (Wyoming County Mental Health Department), 460 North Main Street, Warsaw, NY 14569
- Amanda Daniel (Wyoming County Probation Department), 143 N. Main Street, Warsaw, NY 14569
- Ivan Carrasquillo (Wyoming County Sheriff’s Department), 151 N. Main Street, Warsaw, NY 14569 (replacing Colin Reagan)

Youth Members

One (1) year term effective January 1, 2012 through December 31, 2012

- Kara George, 1656 Burroughs Road, Cowlesville, NY 14037
- Nevada Schoonover, 8863 Exchange Street, Bliss, NY 14024

Carried: XXX Ayes: 1596 Noes: Absent: Abstain: #9

RESOLUTION NO. 11-356
(December 13, 2011)

By Mrs. Totslin, Chairman of Human Services Committee:

**CHAIRMAN/COMMISSIONER OF SOCIAL SERVICES
AUTHORIZED TO SIGN VARIOUS CONTRACTS ON
BEHALF OF THE DEPARTMENT OF SOCIAL SERVICES**

RESOLUTION NO. 11-356
December 13, 2011
Page 2

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 various contracts on behalf of the Department of Social Services; *effective January 01, 2012 through December 31, 2012*:

- **Spectrum Human Services**, 227 Thorn Avenue, PO Box 631, Orchard Park, NY 14127-0631 for provision of court ordered mental health evaluations, DV intervention and anger management programs, drug and alcohol assessments in an amount not to exceed thirteen thousand six hundred thirty dollars (\$13,630.00);
- **Allegany Rehabilitation Associates, Inc.**, 4222 Bolivar Road, Wellsville, NY 14895, for the provision of court ordered mental health evaluations, DV intervention and anger management programs, drug and alcohol assessments in an amount not to exceed six thousand eight hundred fifteen dollars (\$6,815.00).
- **David Nelson**, 11 Exchange Street, Attica, NY 14011, for the provision of resource recovery for the Department of Social Services at \$70.00 per hour, as needed.

Contingent upon the availability of funds.

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

There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #10 through #13. A voice vote was taken and all voted aye.

**RESOLUTION NO. 11-357
(December 13, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

RESOLUTION NUMBER 11-163 AMENDED

WHEREAS, Resolution Number 11-163 entitled **“CHAIRMAN AUTHORIZED TO SIGN VARIOUS GRANT APPLICATIONS AND ACCEPTANCE AWARDS ON BEHALF OF THE COUNTY HEALTH DEPARTMENT,”** passed by this Board of Supervisors on May 10, 2011 and provides for several grant applications and acceptance awards on behalf of the County Health department; now therefore

BE IT RESOLVED, That Resolution Number 11-163 be hereby amended to decrease the grant acceptance award with the **Governor’s Traffic Safety Committee**, 6 Empire Plaza, Albany, NY 12228 for the provision of the Child Passenger Safety Program by one thousand dollars (\$1,000.00) (from \$8,000.00 to \$7,000.00); *effective October 01, 2011 through September 30, 2012*, all other terms and conditions remain the same.

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

**RESOLUTION NO. 11-358
(December 13, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

RESOLUTION NO. 11-358**December 13, 2011****Page 2****DR. GREGORY COLLINS, DO MPH, REAPPOINTED
MEDICAL DIRECTOR OF WYOMING COUNTY**

BE IT RESOLVED, That **Dr. Gregory Collins, DO MPH**, 4820 Darby Road, Avon, NY 14414 is hereby reappointed **Medical Director of Wyoming County** for a term of 3 months; *effective January 01, 2012 through March 31, 2012.*

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

**RESOLUTION NO. 11-359
(December 13, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

**EDWARD HULME REAPPOINTED TO THE WYOMING
COUNTY HEALTH DEPARTMENT BOARD OF HEALTH**

BE IT RESOLVED, That **Edward Hulme**, 3133 Royce Road, Varysburg, NY 14167 be hereby reappointed to the **Wyoming County Health Department Board of Health** for a term of *six (6) years; effective January 01, 2012 through December 31, 2017.*

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

#13

**RESOLUTION NO. 11-360
(December 13, 2011)**

By Mr. Kushner, Chairman of Public Health Committee:

**PETER A. COGGIOLA REAPPOINTED TO THE
COMMUNITY SERVICES BOARD AND MENTAL
HEALTH SUBCOMMITTEE**

BE IT RESOLVED, That **Peter A. Coggiola**, 4470 Jordan Road, Silver Springs, NY 14550 be hereby reappointed to the **Community Services Board Subcommittee** and **Mental Health Subcommittee** for a *term of four (4) years; effective January 1, 2012 through December 31, 2015.*

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

There was a motion by Mr. Gozelski T/Castile, to combine resolutions #14 and #15. A voice vote was taken and all voted aye.
#14

**RESOLUTION NO. 11-361
(December 13, 2011)**

By Mr. Gozelski, Chairman of Agriculture Committee:

**RONALD BARVIAN AND JOHN GILLIAN REAPPOINTED
TO THE REGION 9 FISH AND WILDLIFE
MANAGEMENT BOARD**

RESOLUTION NO. 11-361
December 13, 2011
Page 2

BE IT RESOLVED, That **Ronald Barvian**, 360 Big Tree Road, Strykersville, NY 14145 be hereby reappointed to the **Fish & Wildlife Management Board** as the Sportsman Representative for a term of *two (2) years; effective January 1, 2012 through December 31, 2013*; and be it

FURTHER RESOLVED, That **John Gillen**, 161 W. Court St., Warsaw, NY 14569 be hereby reappointed to the **Fish & Wildlife Management Board** as the Sportsman Rep. Alternate for a term of *two (2) years; effective January 1, 2012 through December 31, 2013*.

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

RESOLUTION NO. 11-362
(December 13, 2011)

By Mr. Gozelski, Chairman of Agriculture Committee:

MEMBERS APPOINTED/REAPPOINTED TO THE
REGION 9 FOREST PRACTICE BOARD

BE IT RESOLVED, That the following members are hereby reappointed to the **Forest Practice Board** for a term of *three (3) years; effective January 01, 2012 through December 31, 2014*:

- **Doug Wolcott**, 1247 Dale Road, Dale, NY 14039
- **Corey Ketchum**, 6578 Pearl Street, Bliss, NY 14024
- **Ronald Smith**, 4553 Route 20A, Warsaw, NY 14569

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
December 13, 2011

There was a motion by Mr. Fleischman T/Java, to combine resolutions #16 through #19. A voice vote was taken and all voted aye.

#16

**RESOLUTION NO. 11-363
(December 13, 2011)**

By Mr. Fleischman, Chairman of Planning Committee:

**DAVID BECK AND LEE FRETTE
APPOINTED TO THE COUNTY PLANNING BOARD**

BE IT RESOLVED, That the following members are hereby appointed to the County Planning Board:

Voting Member

Term of three (3) years; effective January 1, 2012 through December 31, 2014

- David Beck (T/Pike), 4370 Safford Road, Gainesville, NY 14066 (replacing Thomas Ayers)

Alternate Member # 1

Term of one (1) year; effective January 1, 2012 through December 31, 2012

- Lee Frette (T/Perry), 3692 Shearman Road, Perry, NY 14530 (replacing Frank Moffat)

**Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#17**

**RESOLUTION NO. 11-364
(December 13, 2011)**

By Mr. Fleischman, Chairman of Planning Committee:

**MEMBERS APPOINTED/REAPPOINTED TO THE
AGRICULTURAL AND FARMLAND PROTECTION
BOARD**

BE IT RESOLVED, That the following members are hereby appointed/reappointed to the Agricultural and Farmland Protection Board:

Farm Members

Term of four (4) years; effective January 1, 2012 through December 31, 2015

- Russell Miller (Plato Brook Farm), 6009 Curriers Road, Arcade, NY

Board of Supervisors Member

Term of one (1) year; effective January 1, 2012 through December 31, 2012

- E. Joseph Gozelski (Representing the Board of Supervisors), 6175 East Lake Road, P. O. Box 331, Silver Springs, NY 14550

**Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#18**

**RESOLUTION NO. 11-365
(December 13, 2011)**

By Mr. Fleischman, Chairman of Planning Committee:

**STUART HEMPEL AND LISA LEE
APPOINTED/REAPPOINTED TO THE GENESEE,
LIVINGSTON, ORLEANS, WYOMING (GLOW)
WORKFORCE INVESTMENT BOARD (WIB)**

December 13, 2011

RESOLUTION NO. 11-365
December 13, 2011
Page 2

BE IT RESOLVED, That the following individuals are hereby appointed/reappointed to the **GLOW Workforce Investment Board (WIB)** as a Private Sector Representative for an *indefinite term*:

- Stuart Hempel (Markin Tubing), 1338 Werner Road, Warsaw, NY 14569; *effective January 01, 2011*
- Lisa Lee (Literacy West NY, Inc.), 29 N. Main Street, Warsaw, NY 14569; *effective December 13, 2011* (replacing Jane Munro)

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#19

RESOLUTION NO. 11-366
(December 13, 2011)

By Mr. Fleischman, Chairman of Planning Committee:

**ARTHUR BUCKLEY AND JOAN PETZEN REAPPOINTED
TO VARIOUS GENESEE, LIVINGSTON, ORLEANS,
WYOMING (GLOW) COMMITTEES**

BE IT RESOLVED, That **Art Buckley** (County Planner) 6470 Route 20A, Suite 4, Perry, NY 14530 be hereby reappointed to the following GLOW Committees as the Planning Department Representative for a term of *one (1) year; effective January 1, 2012 through December 31, 2012*:

- **GLOW Solid Waste Planning Committee**
- **GLOW Regional Solid Waste Management Committee**
- **GLOW Solid Waste Advisory Committee**; and be it

Regular Session

RESOLUTION NO. 11-366**December 13, 2011****Page 2**

FURTHER RESOLVED, That **Joan Petzen** (Cornell Cooperative Extension), 401 N. Main Street, Warsaw, NY 14569 be hereby reappointed as the Agency Representative to the **GLOW Solid Waste Advisory Committee** for a term of *one (1) year; effective January 1, 2012 through December 31, 2012.*

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

There was a motion by Mr. Rogers T/Pike, to combine resolutions #20 through #23. A voice vote was taken and all voted aye.

#20**RESOLUTION NO. 11-367****(December 13, 2011)**

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 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 a grant application and acceptance award with **New York State Office of Homeland Security**, State Office Building Campus, 1220 Washington Avenue, Bldg 7A, 6th Floor, Albany NY 12242-1800 on behalf of the Sheriff's Office. Said grant funding is to support law enforcement initiatives in the minimum amount of thirty-nine thousand five hundred forty-six dollars (\$39,546.00); *effective September 01, 2011 through August 31, 2014.*

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

#21

**RESOLUTION NO. 11-368
(December 13, 2011)**

By Mr. Rogers, Chairman of Public Safety Committee:

**FARRIS HEIMANN REAPPOINTED AS THE STOP DWI
COORDINATOR, PT**

BE IT RESOLVED, That **Farris S. Heimann**, 19 Buffalo Street, Attica, NY 14011 be hereby reappointed as the **Stop-DWI Coordinator, PT** for a term of *one (1) year; effective January 1, 2012 through December 31, 2011.*

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

**RESOLUTION NO. 11-369
(December 13, 2011)**

By Mr. Rogers, Chairman of Public Safety Committee:

**RESOLUTION CALLING FOR THE ALLOCATION OF
REVENUES FROM THE NEW YORK STATE PUBLIC
SAFETY SURCHARGE TO COUNTIES TO SUPPORT
9-1-1 AND PUBLIC SAFETY COMMUNICATIONS**

WHEREAS, The State of New York imposes a \$1.20 surcharge on all wireless telephones, which in 2010 raised over \$200 million, and for which these funds were intended to be spent on 9-1-1 operations to help first responders to communicate and respond to emergencies; and

WHEREAS, The \$1.20 surcharge should be imposed on any communications device capable of connecting to 9-1-1; and

RESOLUTION NO. 11-369
December 13, 2011
Page 2

WHEREAS, The State of New York has historically allocated only 6 percent of these funds to counties who are responsible for the operations of 9-1-1 centers; and

WHEREAS, The 2010-2011 New York State Budget designated an additional \$20 million in grants from the cellular surcharge to fund county regional communication projects, and \$45 million in the 2011-12 Budget, however this amount is still a meager percentage of the total amount collected in this fund; and

WHEREAS, Wyoming County is in dire need of this funding, and urge the Office of Interoperable and Emergency Communications to award these funds as soon as possible; and

WHEREAS, Counties and other municipalities are the actual providers of 9-1-1 services to the people of New York State and incur substantial costs to upgrade and maintain communications systems, as well as keep up to date with technological changes such as Next Generation 9-1-1 (NG 911), which is estimated to take 10 years to implement at a cost of approximately \$22 billion in New York State; and

WHEREAS, Counties have demonstrated their ability to work together to form regional partnerships and collaborate in the development and expansion of their public safety systems; and

WHEREAS, New York State's practice of raiding these funds makes counties ineligible for federal funding, including \$42 million in wireless Next Generation 9-1-1 funding, and \$58 million from the Department of Transportation; and

WHEREAS, The collection of the cell phone surcharges; past, present, and future, are solely intended for maintenance and operations of the 60 plus county 9-1-1 centers in New York State; now, therefore, be it

RESOLVED, That the Wyoming County Board of Supervisors urges the State of New York to allocate the fullest amount of these funds permissible under law to counties so that 9-1-1 centers and emergency

RESOLUTION NO. 11-369
December 13, 2011
Page 3

service personal can make the necessary investments in their systems to support the emergency communications needs in their communities; and further

RESOLVED, That the Wyoming County Board of Supervisors commends the Office of Interoperable and Emergency Communications and urges the swift and thoughtful dispersal of funds allocated to the counties; and further

RESOLVED, That the Wyoming County Board of Supervisors requests that New York State Attorney General Eric Schneiderman investigates this improper distribution of monies intended for 9-1-1 centers; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to Governor Cuomo, Senators Charles E. Schumer and Kirsten E. Gillibrand, New York State Association of Counties, Senate President Pro Tempore Dean G. Skelos, Assembly Speaker Sheldon Silver, Attorney General Eric Schneiderman, and all local New York State Representatives.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#23

RESOLUTION NO. 11-370
(December 13, 2011)

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 11-277 AMENDED

RESOLUTION NO. 11-370**December 13, 2011****Page 2**

WHEREAS, Resolution Number 11-277 entitled “**CHAIRMAN AUTHORIZED TO SIGN A LEASE AGREEMENT WITH WELLS FARGO FINANCIAL LEASING, INC. ON BEHALF OF THE DISTRICT ATTORNEY’S OFFICE,**” passed by this Board of Supervisors on September 13, 2011 and provides for a lease agreement with **Wells Fargo**

Financial Leasing, Inc., 800 Walnut Street, Des Moines, Iowa 50309 on behalf of the District Attorney’s Office. Said lease is for department copiers in an amount not to exceed nine thousand six hundred dollars (\$9,600.00); effective December 01, 2011 through November 30, 2014. Contingent upon the availability of funds; now therefore

BE IT RESOLVED, That Resolution Number 11-277 be hereby amended to reflect an *expiration date of November 30, 2015*, all other terms and conditions remain the same.

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

There was a motion by Mr. Patti T/Attica, to combine resolutions #24 and #25. A voice vote was taken and all voted aye.

#24**RESOLUTION NO. 11-371****(December 13, 2011)**

By Mr. Patti, Chairman of Public Works Committee:

**WYOMING COUNTY COMMUNITY HOSPITAL
RENOVATIONS PROJECT AMENDED**

December 13, 2011

RESOLUTION NO. 11-371
December 13, 2011
Page 2

WHEREAS, on March 09, 2010 the Wyoming County Board of Supervisors passed resolution number 10-138 entitled, **“WYOMING COUNTY COMMUNITY HOSPITAL RENOVATIONS CAPITAL IMPROVEMENT PROJECT ESTABLISHED,”** which provides for \$24 million worth of renovations and additions to the current 1953 health facility structure; and

WHEREAS, In relation to the establishment of the improvements project the Board of Supervisors entered into several contracts with Clark Patterson Lee having offices at 205 St. Paul Street, Suite 500, Rochester, NY 14064 to provide engineering and architectural services as follows:

- **Resolution #10-137 (March 09, 2010)**

○ Conceptual Design	\$120,000.00
○ Schematic Design	180,000.00
○ Design Development	300,000.00
○ Construction Documents	650,000.00
○ Bidding Services	<u>50,000.00</u>

Total **\$1,300,000.00**

- **Resolution #10-353 (October 12, 2010)**

- Contract #1:

Professional Architect Services for Wyoming County
Community Hospital Capital

Project – expansion at 400 N. Main Street in an amount not to
exceed one million three hundred thousand dollars

(\$1,300,000.00); effective September 30, 2010 through

Completion of the Project.

○ Construction Administration	\$470,000.00
○ Construction Observation	<u>830,000.00</u>

\$1,300,000.00

***contingent upon County Attorney verification of percentage clause.**

- Contract #2:

Professional Services for Wyoming County Community Hospital

Capital Project – expansion at 400 N. Main Street for Medical
Equipment and Signage Services related to the Wyoming County

RESOLUTION NO. 11-371
December 13, 2011
Page 3

Community Hospital Capital Project in an amount not to exceed one hundred forty-four thousand two hundred twenty-eight dollars (\$144,228.00); effective September 30, 2010 through Completion of the Project.

○ Needs Analysis/Budget	\$48,313.00
○ Major Equipment Specifications	38,500.00
○ Minor Equipment Specifications	<u>19,250.00</u>
Sub-Total	\$106,063.00

○ Plus Signage, Way finding, and Environmental Graphic Design	<u>38,165.00</u>
---------------------------------------------------------------	------------------

Grand Total \$144,228.00

***contingent upon County Attorney verification of percentage clause.**

• ***Resolution #11-138 (April 12, 2011)***

- Architectural services on Roof Replacement at the WCCHS/SNF building in an amount not to exceed seventy thousand dollars (\$70,000.00); effective March 24, 2011 through the completion of the project.

• ***Resolution #11-172 (May 10, 2011)***

- Engineering and architectural Services relating to the Skilled Nursing Facility Capital Project in an amount not to exceed nine hundred forty thousand dollars (\$940,000.00); effective April 01, 2011 through the completion of the project; now therefore

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to execute whatever documentation necessary to amend the above mentioned resolutions along with their corresponding contracts as follows:

• ***Reduce Resolution #10-137 (March 09, 2010)***

- Bidding Services \$(32,500.00)

• ***Reduce Resolution #10-353 (October 12, 2010)***

- Contract #1
 - Construction Administration \$(188,000.00)
 - Construction Observation (589,300.00)

RESOLUTION NO. 11-371
December 13, 2011
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- Contract #2
 - Needs Analysis/Budget
 - Major Equipment Specifications
 - Minor Equipment Specifications

Sub-Total \$(61,017.00)

 - Plus Signage, Way finding, and Env. Graphic Design (8,450.00)

Total reduction \$(846,767.00)

- ***Reduce Resolution #11-172 (May 10, 2011)***

- Construction observation \$(300,000.00)

And be it further

RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a new contract with Clark Patterson Lee for the provision of engineering services on the new addition in the amount of one million dollars (\$1,000,000.00); effective October 18, 2011 through the completion of the project; and be it further

RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a new contract with **Clark Patterson Lee**, 205 St. Paul Street, Suite 500, Rochester, NY 14064 for Skilled Nursing Facility Sprinkler and HVAC engineering services in an amount not to exceed one hundred sixty thousand dollars (\$160,000.00) and consolidated construction observation for the entire Wyoming County Community Hospital Renovations Capital Improvement Project in an amount not to exceed four hundred eighty-six thousand dollars (\$486,000.00); ***effective October 19, 2011 through the completion of the project.***

Contingent upon the availability of funds

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#25

**RESOLUTION NO. 11-372
(December 13, 2011)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT
WITH LABELLA 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 agreement with **LaBella Associates**, 300 State Street, Suite 201, Rochester, NY 14614 on behalf of County Highway. Said agreement is for engineering and design for Preventative Maintenance #1 on 5 bridges in Wyoming County. PIN #4755.31 in an amount not to exceed fifty-two thousand dollars (\$52,000.00); *effective December 13, 2011 through December 31, 2013.*

Contingent upon the availability of funds.

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

There was a motion by Mrs. May, T/Orangeville, to combine resolutions #26 through #36. A voice vote was taken and all voted aye.

#26

**RESOLUTION NO. 11-373
(December 13, 2011)**

By Mrs. May, Chairman of Finance Committee:

2012 WORKERS' COMPENSATION COSTS APPROVED

RESOLUTION NO. 11-373
December 13, 2011
Page 2

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 2012 budget of \$2,596,843 (total budget of \$2,606,695.00 minus a \$9,852.00 interfund transfer) are as follows:

TOWNS

Arcade	33,846
Attica	35,195
Bennington	45,860
Castile	30,141
Covington	21,323
Eagle	26,518
Gainesville	28,146
Genesee Falls	15,987
Java	27,837
Middlebury	30,629
Orangeville	24,522
Perry	29,351
Pike	24,261
Sheldon	35,288
Warsaw	35,304
Wethersfield	22,280
Total	466,488

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.

RESOLUTION NO. 11-373**December 13, 2011****Page 3****COUNTY & OUTSIDE AGENCIES**

County Government	239,340
County Highway Department	153,855
Wyom. Co Community Hospital	579,928
Community Action	32,712
Wyom. Co. Volunteer Fire Depts	340,214
Soil & Water Conservation	3,511
Total	1,349,560

VILLAGES

Arcade	75,942
Attica	56,203
Castile	7,223
Gainesville	28
Perry	61,895
Silver Springs	7,099
Warsaw	92,825
Wyoming	6,600
Total	307,815

SCHOOL DISTRICTS

Attica Central School	143,480
Perry Central School	88,055
Pioneer Central School	205,120
Warsaw Central School	7,947
Wyoming Central School	28,378
Total	472,980

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

RESOLUTION NO. 11-374
(December 13, 2011)

By Mrs. May, 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, 2011 through September 30, 2011 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 thirty-three thousand one hundred forty-eight dollars and five cents (\$33,148.05) 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	\$4,115.68
Attica	\$2,811.33
Bennington	\$5,725.94
Castile	\$2,663.28
Covington	\$901.91
Eagle	\$394.89
Gainesville	\$1,240.93
Genesee Falls	\$584.40
Java	\$2,414.12
Middlebury	\$1,019.49
Orangeville	\$1,402.67
Perry	\$2,960.25
Pike	\$685.27
Sheldon	\$1,920.40
Warsaw	\$3,502.43
Wethersfield	\$805.06
Grand Totals:	\$33,148.05

RESOLUTION NO. 11-374**December 13, 2011****Page 2**

Let this be your Warrant for Such Payment: **\$33,148.05** (thirty-three thousand one hundred forty-eight dollars and five cents) IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Board of Supervisors this 13th day of December, 2011.

s/ Cheryl J. Ketchum, Clerk
Board of Supervisors

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

RESOLUTION NO. 11-375**(December 13, 2011)**

By Mrs. May, 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, 2012*.

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

December 13, 2011

**RESOLUTION NO. 11-376
(December 13, 2011)**

By Mrs. May, 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 Organizational Meeting** of the Wyoming County Board of Supervisors will be set for *Tuesday, January 3, 2012, at 2:00 PM*, in the Supervisors' Chambers located in the Wyoming County Government Center, 2nd Floor, at 143 North Main Street, Town of Warsaw, Warsaw, New York 14569.

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

RESOLUTION NO. 11-377
(December 13, 2011)

By Mrs. May, Chairman of Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN LETTERS OF
UNDERSTANDING WITH CONTRACT AGENCIES FOR
2012**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign Letters of Understanding with the following Contract Agencies for 2012:

<i>Contract Agency</i>	<i>2012 Expenditures</i>
Wyoming County Soil & Water	\$152,823.96
Wyoming County Fair Association	22,500.00
Arts Council for Wyoming County	14,290.00
Erie Wyoming County Soil & Water	2,262.60
Wyoming County Tourist Promotion Agency	61,230.00
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)	58,050.00
Totals	\$325,786.96

Contingent upon the availability of funds.

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

December 13, 2011

**RESOLUTION NO. 11-378
(December 13, 2011)**

By Mrs. May, Chairman of Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A MEMORANDUM
OF AGREEMENT WITH CORNELL COOPERATIVE
EXTENSION OF WYOMING COUNTY FOR THE YEAR
2012**

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**, 401 N. Main Street, Warsaw, NY 14569 for the payment of County Appropriations in the amount of three hundred twenty-four thousand three hundred ninety-five dollars and twenty-five cents (\$324,395.25) to be allocated as follows:

- **\$138,899.45** to partially fund the Agricultural Dept.
- **185,495.80** to fully fund the 4-H Dept.
\$324,395.25

and

- **\$9,000.00** to partially fund the Wyoming County Dairy Institute

Effective January 01, 2012 through December 31, 2012;

Contingent upon the availability of funds.

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

**RESOLUTION NO. 11-379
(December 13, 2011)**

By Mrs. May, Chairman of Finance Committee:

DATE OF JANUARY 2012 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 January 2012 Regular Session of the Wyoming County Board of Supervisors will be held on *Friday, January 13th, 2012 at 2:30 PM* in the Supervisors' Chambers located in the Wyoming County Government Center, 2nd Floor, at 143 North Main Street, Town of Warsaw, Warsaw, New York 14569.

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

**RESOLUTION NO. 11-380
(December 13, 2011)**

By Mrs. May, Chairman of Finance Committee:

**CHAIRMAN AUTHORIZED TO AWARD BID AND SIGN
CONTRACTS WITH PRINTER COMPONENTS, INC. ON
BEHALF OF ALL COUNTY DEPARTMENTS**

RESOLUTION NO. 11-380

December 13, 2011

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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 award a bid and sign contracts with **Printer Components, Inc.**, 155 Perinton Parkway, Fairport, NY 14450 on behalf of all County Departments. Said bid is to provide toner and toner supplies for all Wyoming County Departments, as per bid opening December 05, 2011 in an amount not to exceed awarded bid pricing; *effective December 13, 2011 through December 12, 2012.*

Contingent upon the availability of funds

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#34

RESOLUTION NO. 11-381
(December 13, 2011)

By Mrs. May, 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 2012 as indicated in the amount of \$1,389,375.00 (one million three hundred eighty-nine thousand three hundred seventy-five dollars):

RESOLUTION NO. 11-381
December 13, 2011
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MUNICIPALITY	RECYCLE	UNIT	TOTAL
Castile	Seasonal	137	\$ 13,357.50
	Year Round	1152	\$ 224,640.00
Gainesville	Seasonal	19	\$ 1,852.50
	Year Round	818	\$ 159,510.00
Genesee Falls	Seasonal	15	\$ 1,462.50
	Year Round	189	\$ 36,855.00
Middlebury	Seasonal	9	\$ 877.50
	Year Round	593	\$ 115,635.00
Orangeville	Seasonal	22	\$ 2,145.00
	Year Round	471	\$ 91,845.00
Perry	Seasonal	6	\$ 585.00
	Year Round	1866	\$ 363,870.00
Pike	Seasonal	18	\$ 1,755.00
	Year Round	420	\$ 81,900.00
Sheldon	Seasonal	11	\$ 1,072.50
	Year Round	890	\$ 173,550.00
Warsaw	Seasonal	3	\$ 292.50
	Year Round	606	\$ 118,170.00
GRAND TOTAL			\$1,389,375.00

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#35

RESOLUTION NO. 11-382
(December 13, 2011)

By Mrs. May, 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, 2012; now therefore,

BE IT RESOLVED, That there shall be and hereby is assessed and levied upon and collected from the taxable real property situated in the following named Towns outside of the incorporated Villages, wholly or partially located therein, the amounts indicated below for Highway Outside Village, for purposes included with General Outside Village or to be spread with Highway Outside, as specified in the budgets of the respective Towns as follows:

NAME OF TOWN	GENERAL FUND	HIGHWAY OUTSIDE	TOTAL
ARCADE	\$ 34,953.00	\$ 335,708.36	\$ 370,661.36
ATTICA	\$ -	\$ 240,399.00	\$ 240,399.00
BENNINGTON	\$ -	\$ -	\$ -
CASTILE	\$ 24,580.00	\$ 227,512.00	\$ 252,092.00
COVINGTON	\$ -	\$ -	\$ -
EAGLE	\$ -	\$ -	\$ -
GAINESVILLE	\$ 10,030.00	\$ 146,668.00	\$ 156,698.00
GENESEE FALLS	\$ -	\$ -	\$ -
JAVA	\$ -	\$ -	\$ -
MIDDLEBURY	\$ 3,600.00	\$ 243,050.00	\$ 246,650.00
ORANGEVILLE	\$ -	\$ -	\$ -
PERRY	\$ 17,489.34	\$ 192,382.72	\$ 209,872.06
PIKE	\$ -	\$ -	\$ -
SHELDON	\$ -	\$ -	\$ -
WARSAW	\$ 11,344.00	\$ 306,622.00	\$ 317,966.00
WETHERSFIELD	\$ -	\$ -	\$ -
TOTALS:	\$ 101,996.34	\$ 1,692,342.08	\$ 1,794,338.42

Regular Session

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December 13, 2011
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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:

NAME OF TOWN	FIRE DISTRICT	FIRE PROTECTION	LIGHT & Sidewalk	WATER/SEWER & RECYCLE FEE	RELEIVED WATER/SEWER & RECYCLE FEE	TOTAL
ARCADE		\$ 74,000.00		*** \$ 120,000.00		\$ 194,000.00
ATTICA		\$ 74,000.00				\$ 74,000.00
BENNINGTON		B \$ 90,000.00 C \$ 75,000.00 HC \$ 28,070.00 V \$ 7,768.25	\$ 2,100.00	* \$ 40,640.00		\$ 243,578.25
CASTLE		\$ 65,300.00	\$ 5,200.00	** \$ 215,534.00	* \$ 1,375.07	\$ 287,409.07
COVINGTON		PA \$ 59,000.00 WY \$ 10,400.00 PE \$ 4,500.00		* \$ 350.00		\$ 74,250.00
EAGLE		\$ 170,831.00	\$ 6,000.00	* \$ 6,850.00	* \$ -	\$ 183,681.00
GAINESVILLE		G \$ 40,000.00 SS \$ 12,500.00 C \$ 1,300.00				\$ 53,800.00
GENESEE FALLS		\$ 15,000.00	\$ 8,000.00			\$ 23,000.00
JAVA	NJ \$ 2,893.78	NJ \$ 30,855.94 S \$ 62,335.71	NJ \$ 2,500.00 JC \$ 300.00	* \$ 13,138.75	* \$ 2,207.20	\$ 114,231.38
MIDDLEBURY		F1 \$ 60,050.00 F2 \$ 12,721.00				\$ 72,771.00
ORANGEVILLE		V \$ 43,462.00 O \$ 15,656.00	L3 \$ 650.00			\$ 59,768.00
PERRY	F3 \$ 867.58	F4 \$ 37,000.00	PC \$ 1,400.00	* \$ 16,620.00 ** \$ 18,520.00		\$ 74,407.58
PIKE		F1 \$ 36,950.00	L1 \$ 6,000.00 S1 \$ 4,000.00			\$ 46,950.00
SHELDON	V \$ 8,602.25	ST \$ 35,517.00 NJ \$ 6,312.00 V \$ 30,567.25 SH \$ 100,000.00 HC \$ 28,052.40	L1 \$ 3,600.00 L2 \$ 2,400.00 L3 \$ 600.00 L9 \$ 1,200.00		* \$ 523.32	\$ 217,374.22
WARSAW		\$ 52,938.00		* \$ 5,209.00		\$ 58,147.00
WETHERSFIELD		G \$ 23,156.00 NJ \$ 16,400.00 B \$ 11,000.00				\$ 50,556.00
TOTALS:	\$ 12,363.61	\$ 1,330,642.55	\$ 43,950.00	\$ 436,861.75	\$ 4,105.59	\$ 1,827,923.50

and be it

December 13, 2011

RESOLUTION NO. 11-382
December 13, 2011
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FURTHER RESOLVED, That the amounts to be raised by tax for all other purposes, as specified in the said several budgets are presented to this Board and which are on file in the office of the Clerk hereof, shall be and hereby are assessed and levied upon and collected from all the taxable property in the Towns as indicated below, except otherwise provided by Law, namely:

NAME OF TOWN	GENERAL FUND TOWN WIDE	HIGHWAY FUND TOWN WIDE	TOTAL
ARCADE	\$ 191,616.08	\$ 283,558.60	\$ 475,174.68
ATTICA	\$ 169,741.00	\$ 222,989.00	\$ 392,730.00
BENNINGTON	\$ 157,461.00	\$ 625,600.00	\$ 783,061.00
CASTILE	\$ 215,152.00	\$ 180,352.00	\$ 395,504.00
COVINGTON	\$ 145,093.00	\$ 264,301.00	\$ 409,394.00
EAGLE	\$ -	\$ -	\$ -
GAINESVILLE	\$ 144,157.00	\$ 112,428.00	\$ 256,585.00
GENESEE FALLS	\$ 125,221.00	\$ 191,601.00	\$ 316,822.00
JAVA	\$ 120,624.00	\$ 317,732.00	\$ 438,356.00
MIDDLEBURY	\$ 145,209.00	\$ 95,100.00	\$ 240,309.00
ORANGEVILLE	\$ 104,658.00	\$ 212,017.00	\$ 316,675.00
PERRY	\$ 180,724.13	\$ 271,086.20	\$ 451,810.33
PIKE	\$ 176,811.00	\$ 255,213.00	\$ 432,024.00
SHELDON	\$ -	\$ -	\$ -
WARSAW	\$ 344,058.00	\$ 320,923.00	\$ 664,981.00
WETHERSFIELD	\$ 25,331.00	\$ 49,000.00	\$ 74,331.00
TOTALS:	\$ 2,245,856.21	\$ 3,401,900.80	\$ 5,647,757.01

Carried: XXX Ayes: 1596 Noes: Absent: Abstain:
#36

**RESOLUTION NO. 11-383
(December 13, 2011)**

By Mrs. May, Chairman of Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH
THE BRENNAN GROUP, PATRICK BRENNAN
ON BEHALF 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 **The Brennan Group**, Patrick Brennan, 7705 Sally Road, Waterville, NY 13480 on behalf of the Board of Supervisors. Said contract is for strategic advice on current state/federal financing opportunities, as they relate to Wyoming County's interests in the amount of \$2,500/month not to exceed twelve thousand dollars (\$12,000.00); *effective January 1, 2012 until expended.*

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

Chairman Berwanger asked if there was any Supervisor who objected to the presentation of unanimous consent resolution #37 and #38. Hearing none, the Chairman asked Board Clerk Ketchum to read unanimous consent resolution #37 prior to the roll call vote.

UC#37

**RESOLUTION NO. 11-384
(December 13, 2011)**

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

RESOLUTION NO. 11-384
December 13, 2011
Page 2

**RESOLUTION BY THE WYOMING COUNTY
BOARD OF SUPERVISORS ACKNOWLEDGING
THE OUTSTANDING WORK DONE BY WYOMING
COUNTY COMMUNITY HOSPITAL EMPLOYEES FOR
\$1.26M IN “MEANINGFUL USE” FUNDING**

WHEREAS, The Wyoming County Board of Supervisors along with the Wyoming County Community Health System’s (WCCHS) Board of Managers are pleased to announce that hospital employees have successfully met the standards for achieving the 1st Stage of “Meaningful Use,” a phrase commonly used in the health care industry to describe the implementation of a certified Electronic Health Records (EHR) system for all patients; and

WHEREAS, WCCHS was awarded \$1.26 million for meeting these standards prior to the 2013 deadline. WCCHS is one of only 300 hospitals in the nation to complete Stage 1 requirements and receive incentive payments for meeting the federally mandated standards for EHR implementation; and

WHEREAS, Electronic Health Records (EHRs) are meant to improve patient care, reduce costs, enhance provider decision-making, and optimize data for research and reporting. Stage 1 included activities to electronically capture health information in a coded format across the entire health system. There are 14 core objectives to meet during this phase, which include (but are not limited to), the following:

- **Computerized Physician Order Entry (CPOE)**: an electronic method of ordering and verifying medications for patients;
- **Medication Lists**: a tracking method for listing all medications a patient is currently taking to reduce drug interactions and/or potential allergy interactions; and

RESOLUTION NO. 11-384**December 13, 2011****Page 3**

- **Interoperability:** the ability for WCCHS to securely and rapidly transfer patient information from one location to another for patient care and safety, especially in emergency situations; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby commends and applauds *all* WCCHS employees for their contribution, large or small, to obtaining “Meaningful Use” status, and encourages this attention to quality services provided to Wyoming County residents and beyond, as you prepare to achieve standards for stages 2 and 3.

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

After the passage of UC Res. #37, Chairman Berwanger invited Board of Supervisors representative to the Board of Managers, Supervisor Kushner, T/Eagle to make a presentation. As Supervisor Kushner was making his way to the podium, Chairman Berwanger acknowledged many members present of the Wyoming County Community Hospital Board of Managers, incoming President, Dave Almeter; incoming Vice President, Janet Miller; Mike Medden from Arcade; and Anne Humphrey, former Supervisor from the Town of Perry.

Before asking Hospital COO, Lori Roche to step forward, Supervisor Kushner explained the many triumphs and tribulations of the “Meaningful Use” process. He also explained that the retaining wall in the very front of the property was necessary to bring the entry way up to grade for better access to the facility.

Supervisor Kushner also recognized the new Nursing Facility Administrator, Martin Mackenzie.

WCCH COO Roche accepted the framed Certificate of Recognition and explained a few of the scheduling facets of accomplishing “Meaningful Use.”

UC#38

**RESOLUTION NO. 11-385
(December 13, 2011)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT
WITH DRESCHER & MALECKI, LLP ON BEHALF OF
THE 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 award a request for proposal and sign a contract with **Drescher & Malecki, LLP**, 3083 William Street, Suite 5, Cheektowaga, NY 14227 on behalf of the Treasurer’s Office. Said contract is for independent auditing services for the year 2011 and 2012 for all Wyoming County departments excluding WCCH in an amount not to exceed thirty-seven thousand five hundred dollars (\$37,500.00) for 2012 and in an amount not to exceed thirty-eight thousand dollars (\$38,000.00) for 2013; *effective January 1, 2012 through December 31, 2013* with a two (2) year extension option.

Contingent upon the availability of funds.

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

Prior to the adjournment of the meeting Chairman Berwanger called upon County Attorney Dadd to make an introduction of Asst. County Attorney Jim Wujcik, who will be responding to the day to day County Attorney’s business. Dadd, Nelson, and Wilkinson will provide general municipal legal guidance.

Welcome to Mr. Wujcik!!

Regular Session

In closing, Chairman Berwanger announced that today is a bitter sweet day for the Board of Supervisors in that it is the last official meeting for four members of the Board. Susan May, who has served for 6 years, Sally Meeder, who has served for 10 years, Joe Gozelski, for 12 years and Hank Bush, who served for 18 years.

Some of the things that have occurred during Supervisor Bush's tenure have been ~

Changes in the County since 1994 (last 18 years)

- New Jail;
- New Courthouse;
- Renovation of the Government Center;
- Better Pavement Program;
- County-wide Solid Waster Pick-up;
- Purchase of Kaplan Building –DMV, OFA, Youth Bureau, & Board of Elections;
- Public Health moved from 338 N. Main St. (Thomson Hall) to South Warsaw;
- Records Retention moved from Gainesville to the new Records Retention Building in South Warsaw;
- Purchase of 408 N. Main Street Building;
- Renovation of DSS Building;
- Renovation of Hospital;
- Deputies – take home cars;
- Mental Health Department moved from 338 N. Main Street (Thomson Hall) to 460 N. Main Street;
- County-wide HR Department – Human Resources now located at 338 N. Main Street (Thomson Hall) along with Civil Service (consolidating into one location);
- County-wide Maintenance Department (Capital Improvements & County Buildings)
- County-wide IT Department (Information Technology); and
- White House (old Civil Service/Personnel Office) building renovated & Public Defender moved into the building (previously in Attica)

Chairman Berwanger stated that this list is not necessarily everything, but it certainly hits the highlights. He then stepped away from his desk and with the assistance of Clerk Ketchum presented each of the outgoing Supervisors with a Certificate of Recognition and a recount of some of the finer memories during their service together...

There being no further business to come before this Board, Senior Supervisor Bush, T/Gainesville, adjourned the meeting for the very last time at 3:53 PM with a rap on his desk.

Respectfully submitted,
Cheryl J. Ketchum
Cheryl J. Ketchum, Board Clerk

A

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