

PROCEEDINGS
OF THE
BOARD OF
SUPERVISORS

WYOMING COUNTY
NEW YORK

2012

A. Douglas Berwanger, Chairman

Cheryl Ketchum, Clerk
Brenda 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 2012.

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

s/ Cheryl J. Ketchum
Clerk, Board of Supervisors

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2012 Supervisors for Wyoming County

TOWN	SUPERVISOR	PHONE
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	STEPHEN TARBELL 3795 Club Rd., PO Box 215, Silver Springs, NY 14549	356-2517 T/Ofc. 493-2440
Covington	JERRY DAVIS 7414 Court Rd., 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	THOMAS DIXON 83 Orchard St., PO Box 185, Silver Springs, NY 14550	493-2238 T/Ofc. 493-2809
Genesee Falls	JEAN TOTSLINE 6940 River Rd., Portageville, NY 14536	468-2748 T/Ofc. 468-5015
Java	JAMES FLEISCHMAN 5824 Java Lake Rd., Arcade, NY 14009	492-4560 T/Ofc. 457-3233
Middlebury	DANIEL LEUER 712 Transit Rd., Wyoming, NY 14591	495-6804 T/Ofc. 495-6300
Orangeville	GERALD STOUT 2838 Orangeville Ctr. Rd., Warsaw, NY 14569	786-0467 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

2012 Standing Committees

***Effective January 03, 2012**

FINANCE COMMITTEE

Kushner, Ryan, Patti, Davis, Totsline, Fleischman, Brick, Rogers, Knab

AGRICULTURE COMMITTEE

Brick, Rogers, Grant, Dixon, Stout, Knab, Copeland

AUDIT COMMITTEE

Knab, Davis, Tarbell, Kushner, Dixon, Fleischman, Leuer, Stout

GREEN ENERGY COMMITTEE

Copeland, Knab, Grant, Tarbell, Stout, Brick

HUMAN RESOURCE COMMITTEE

Davis, Copeland, Patti, Grant, Kushner, Totsline, Fleischman, Leuer, Stout

HUMAN SERVICES COMMITTEE

Totsline, Ryan, Kushner, Dixon, Fleischman, Leuer, Stout, Knab

PLANNING COMMITTEE

Fleischman, Davis, Grant, Tarbell, Leuer, Stout, Brick, Rogers, Ryan, Copeland

PUBLIC HEALTH COMMITTEE

Ryan, Totsline, Patti, Tarbell, Davis, Kushner, Dixon, Leuer, Rogers

PUBLIC SAFETY COMMITTEE

Rogers, Copeland, Patti, Tarbell, Davis, Fleischman, Brick, Ryan

PUBLIC WORKS COMMITTEE

Patti, Grant, Kushner, Dixon, Totsline, Leuer, Brick, Knab

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

Officers for Wyoming County - 2012

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	Denise Morley	Geneseo
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/CEO	Donald T. Eichenauer	Rochester

Human Resource Dir. & Civil Service Admin.	Denise Morley	Geneseo
Mental Health Director	Stephen C. Snell, LCSW	Rochester
Mental Health Director, Acting	Elizabeth Hodgdon	Warsaw
Office for the Aging Director	Andrea Aldinger	Attica
Planning Board Chairman, County	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 3, 2012)

Tuesday

2:00 PM

The annual organizational 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 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.

Clerk Ketchum called the meeting to order at 2:00 pm and introduced Wyoming County Veteran, Mr. Robert L. Goff to lead in the Pledge of Allegiance to the Flag:

NORBERT S. MIKOLL

Mr. Mikoll's service to his country comes while serving during World War II and the Korean War.

Mr. Mikoll enlisted in the Army Air Corp in 1944 at the age of 17. He completed Basic Training at Kessler Field, Mississippi and was assigned duties there as a supply specialist. Mr. Mikoll spent a year at Kessler Field until the end of the War and was then transferred to the Air Corp Reserves.

Mr. Mikoll returned to New York and enrolled in Union College at Schenectady, majoring in Electrical Engineering. In August of 1950, he was called back to Active Duty in the United States Air Force and was assigned duties at Ellington Air Field in Houston, Texas. Mr. Mikoll spent the next year in the Unit Supply until his Discharge in August of 1951. He was honorably discharged at Newburg Air Field on August 26, 1950 at the rank of Corporal.

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

The Air Force Sharpshooter Badge
The Air Force Good Conduct Medal

Following the Korean War, Mr. Mikoll returned to this area and went to work for Westinghouse. He worked as a Magnetic Control tester for the next seven years. In 1958, Mr. Mikoll and his wife opened their own business in West Seneca, where they owned and operated a food Deli for 25 years.

In 1984, Mr. Mikoll and his wife relocated to Arcade, where he worked as a real estate and freelance photographer for the next 12 years until retiring in 1996. Mr. Mikoll and his wife then started a small internet business that they operate from their home.

Mr. Mikoll is very active with the Men's Ministry of the Pioneer Christian Fellowship Church. He has been married to his wife Lorraine for 61 years and they live in the Town of Arcade.

The pledge was said by all.

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

Mr. Mikoll shared a few gracious words with the Supervisors and the attendees.

Before the swearing in of the Board of Supervisors, Clerk Ketchum asked that the newly elected Supervisors from the Towns of Castile, Gainesville, Orangeville and Middlebury be escorted to their desks then asked County Judge Mark Dadd to issue the oath of office.

Clerk Ketchum next called for nominations for the Temporary Chairman. Supervisor Ryan, T/Warsaw nominated Supervisor Rogers, T/Pike. Seconded by Supervisor Copeland, T/Wethersfield. As there were no other nominations Supervisor Grant, T/Bennington moved that the nominations be closed, the motion was seconded by Supervisor Davis, T/Covington. 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 2012 Annual Organizational Meeting of the Wyoming County Board of Supervisors. He extended a thank you to the Board for their continued confidence in his ability to conduct the meeting in the Temporary Chairman's capacity.

Temporary Chairman Rogers then called for nominations for Permanent Chairman of the Board. Supervisor Kushner, T/Eagle nominated Supervisor Berwanger, T/Arcade; seconded by Supervisor Patti, T/Attica. As there were no further nominations Supervisor Knab, T/Sheldon moved that the nominations be closed, the motion was seconded by Supervisor Totsline, T/Genesee Falls. 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 in his twelfth term as Permanent Chairman of the Board for the year 2012.

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

Before taking his seat, Chairman Berwanger thanked Supervisor Rogers, T/Pike for the excellent job he does as Temporary Chairman then called for nominations for Vice Chairman. Supervisor Brick nominated Supervisor Patti, T/Attica. Seconded by Supervisor Davis, T/Covington. As there were no other nominations, Supervisor Tarbell, T/Castile 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 2012.

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

Chairman Berwanger called for nominations for Clerk to the Board. Supervisor Totsline, T/Genesee Falls nominated Cheryl J. Ketchum. Seconded by Supervisor Kushner, T/Eagle. As there were no further nominations, Supervisor Leuer, T/Middlebury moved that nominations be closed. The motion was seconded by Supervisor Dixon, T/Gainesville. A roll call vote was taken with the following results: **Ayes: (1596); Noes: (0); Absent: (0) Abstain: (0)**. Cheryl Ketchum was declared Clerk to the Board for the year 2012.

Chairman Berwanger then invited re-elected Sheriff, Farris Heimann to please come forward and take the oath of office.

Judge Mark Dadd administered the oath of Office to the County Sheriff.

Chairman Berwanger announced that the Board was scheduled to invite re-elected County Judge, Michael Griffith to be sworn in today but he was unable to attend due to a severe cold...

Introduction of Guests:

- US Congresswomen for the 26th Congressional District, Kathy Hochul;
- Senator Gallivan District Rep., Mark Rieman;
- Wyoming County District Attorney, Don O'Geen;
- Wyoming Count Clerk, Rhonda Pierce
- County Treasurer, Cheryl Mayer; and
- Through the work of the Wyoming County Business Education Council, four (4) students joining us today representing student government, Perry Central School/Mike Cippola (President of the Student Government);

Warsaw Central School/Mallory Murdie & Dalton Bissitt; Attica Central School/Emily Zigler.

Chairman Berwanger asked the Clerk and D. Clerk to pass out the Standing Committee assignments for 2012.

Chairmen Berwanger called for a short recess for a brief meeting of the Public Health Committee, Public Safety Committee and Finance Committee at 2:31 PM.

Judge Dadd was asked to remain in chambers in order to swear in the newly appointed Public Defender once the resolution is presented and passed.

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

2/3 Majority
#1

RESOLUTION NO. 12-01
(January 3, 2012)

By Mr. Kushner, 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, as amended.

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

#2

RESOLUTION NO. 12-02
(January 3, 2012)

By Mr. Kushner, 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:

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 2012:

<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 2012.

s/ <u>A.D. Berwanger</u>	s/ <u>Jean Totsline</u>
s/ <u>Douglas Patti</u>	s/ <u>James Brick</u>
s/ <u>Ellen Grant</u>	s/ <u>Larry Rogers</u>
s/ <u>Stephen Tarbell</u>	s/ <u>Rebecca Ryan</u>
s/ <u>Jerry Davis</u>	s/ <u>John Copeland</u>
s/ <u>Joseph Kushner</u>	s/ <u>Daniel Leuer</u>
s/ <u>Thomas Dixon</u>	

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 2012:

January 3, 2012

<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 2012:

s/ James Fleischman

s/ John Knab

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

#3

**RESOLUTION NO. 12-03
(January 3, 2012)**

By Mr. Kushner, 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, 2012 through December 31, 2012*.

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

Chairman Berwanger asked Ms. Pond to step forward as he congratulated her on being reappointed County Auditor. Ms. Pond stated that she has been with the county over 40 years!! Congratulations!!!

RESOLUTION NO. 12-04
(January 3, 2012)

By Mrs. Ryan, Chairman of the Public Health Committee:

**RESOLUTION REQUESTING A WAIVER FOR THE COUNTY OF
WYOMING TO REMAIN THE SOLE PROVIDER OF CERTIFIED
HOME HEALTHCARE SERVICES**

WHEREAS, The Wyoming County Board of Supervisors strongly opposes the recent adoption of amendments to Section 760.5 of Title 10 NYCRR by the New York State Public Health & Health Planning Council on December 8, 2011. This Board of Supervisors strongly believes that the adoption of these amendments to allow other entities to establish Certified Home Health Agencies in counties with fewer than two existing CHHA's was unnecessary and irrational. Furthermore, these amendments pose an additional threat to the stability of the home care system in a time when there are already a profound number of changes affecting the industry; and

WHEREAS, In Wyoming County, the County Health Department operates the sole provider of CHHA services for the benefit of the residents in our rural communities. The Wyoming County Health Department CHHA provides the highest level of care to patients in their homes. The nurses, professional therapists and support staff have expertise in their fields and a deep commitment to their profession. That commitment extends beyond professional duty and includes a genuine regard for the residents of Wyoming County that are their neighbors; and

WHEREAS, Over the last several years, the Wyoming County Health Department CHHA has had many noteworthy accomplishments in addition to the everyday success stories of care provided to their clients. The CHHA has been financially responsible, providing care to approximately 1,000 patients annually during a time when other county-owned CHHA's were unable to do so without County tax levy. The CHHA is a past recipient of the IPRO Quality Award among all home care agencies statewide. The Administrative staff of the CHHA were called upon to make a presentation to the New York State Association of Counties, highlighting best practices of our successful agency; and

WHEREAS, Suddenly to the State of New York, this professional excellence means nothing given the recent action of the State Public Health & Health Planning Council on December 8, 2011. Although public need is being met and patients are being served in Wyoming County by our CHHA, new

agencies will be permitted to enter the market. These will be agencies that seek to establish their own CHHA's – not with the basic goal of caring for residents of Wyoming County – but rather to improve their profit margins; now therefore

BE IT RESOLVED, The Wyoming County Board of Supervisors is seeking an immediate exemption from the amendments to Section 760.5 of Title 10 NYCRR for Wyoming County. Further, we call upon other rural Counties in New York State to join Wyoming County in our strong objection to this regressive, highly unfair and unsound policy amendment. We are willing and prepared to join in meaningful discussions of sensible reforms that will serve the residents of Wyoming County and New York State; and be it

FURTHER RESOLVED, That the Clerk of this Board is hereby directed to send certified copies of this resolution to Governor Andrew Cuomo, Senator Patrick Gallivan, Assemblyman Daniel Burling, Public Health & Health Planning Council/William Streck, M.D., Chairman; Public Health & Health Planning Council/Angel Alfonso Gutierrez, M.D., Chairman Committee on Codes, Regulations and Legislation; Home Care Association of New York State, Inc./Joanne Cunningham, President; New York State Department of Health/Nirav R. Shah, M.D., M.P.H., Commissioner, Inter-County of Western New York and the New York State Association of Counties.

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

Chairman Berwanger stated that resolution number 4 carries special significance because it has a lot to do with the success of the Wyoming County Public Health Department. He continued by stating he would next read a letter prepared by Public Health Administrator Laura Paolucci and Public Health Commissioner, Dr. Collins on behalf of the Board of Supervisors that will be forwarded on to:

- *William Streck, M.D., Chairman/Public Health & Health Planning Council;*
- *Angel Alfonso Gutierrez, M.D., Chairman/Public Health & Health Planning Council Committee on Codes, Regulations and Legislation;*
- *Joanne Cunningham, President/Home Care Association of New York State, Inc.; and*
- *Nirav R. Shah, M.D., M.P.H., Commissioner/New York State Department of Health*

and reads as follows:

To Whom it May Concern:

The Wyoming County Board of Supervisors strongly opposes the recent adoption of amendments to Section 760.5 of Title 10 NYCRR by the Public Health & Health Planning Council on December 8, 2011. The adoption of these amendments to allow other entities to establish Certified Home Health Agencies in counties with fewer than two existing CHHA's was unnecessary and irrational. These amendments pose an additional threat to the stability of the home care system in a time when there are already a profound number of changes affecting the industry.

In Wyoming County, the County Health Department operates the sole provider of CHHA services for the benefit of the residents in our rural communities. The Wyoming County Health Department CHHA provides the highest level of care to patients in their homes. The nurses, professional therapists and support staff have expertise in their fields and a deep commitment to their profession. That commitment extends beyond professional duty and includes a genuine regard for the residents of Wyoming County that are their neighbors.

Over the last several years, the Wyoming County Health Department CHHA has had many noteworthy accomplishments in addition to the everyday success stories of care provided to their clients. The CHHA has been financially responsible, providing care to approximately 1,000 patients annually during a time when other county-owned CHHA's were unable to do so without County tax levy. The CHHA is a past recipient of the IPRO Quality Award among all home care agencies statewide. The Administrative staff of the CHHA were called upon to make a presentation to the New York State Association of Counties, highlighting best practices of our successful agency.

Suddenly though, this professional excellence means nothing given the recent action of the Public Health & Health Planning Council on December 8, 2011. Although public need is being met and patients are being served in Wyoming County by our CHHA, new agencies will be permitted to enter the market. These will be agencies that seek to establish their own CHHA's – not with the basic goal of caring for residents of Wyoming County – but rather to improve their profit margins.

As such, the Wyoming County Board of Supervisors is seeking an immediate exemption from the amendments to Section 760.5 of Title 10 NYCRR for Wyoming County. Further, we call upon other rural Counties in New York State to join Wyoming County in our strong objection to this regressive, highly unfair and unsound policy amendment. We are willing and prepared to join in meaningful discussions of sensible reforms that will serve the residents of Wyoming County and New York State. With copies going to: Governor

*Andrew Cuomo, Senator Patrick Gallivan, Assemblyman Daniel Burling,
InterCounty of Western New York, NYS Assoc. of Counties.*

#5

**RESOLUTION NO. 12-05
(January 03, 2012)**

By Mr. Rogers, Chairman of Public Safety Committee:

NORMAN EFFMAN REAPPOINTED PUBLIC DEFENDER

BE IT RESOLVED, That *Norman Effman*, 18 Linwood Avenue, Warsaw, New York 14569 is hereby reappointed as Wyoming County Public Defender for a *term of two (2) years; effective January 01, 2012 through December 31, 2013*.

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

Chairman Berwanger congratulated reappointed Public Defender Norman Effman and invited him to come forward and take the oath of office.

Judge Mark Dadd administered the oath of Office to the County Sheriff.
Public Defender Effman thanked the Board of Supervisors for their continued support and several members of the Wyoming County Judicial System.

Comments by:

- Newly elected Congresswoman Hochul.

2012 Chairman's State of the County Address
January 03, 2012

Fellow Supervisors, Judge Dadd, Congresswoman Hochul, 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 recognizing the newly elected Supervisors who are joining the Board today, Supervisor Tarbell from the Town of Castile, Supervisor Dixon from the Town of Gainesville, Supervisor Leuer from the Town of Middlebury and Supervisor Stout from the Town of Orangeville, congratulations and welcome!!

Also, congratulations to Judge Griffith upon his election to a 3rd ten year term, Sheriff Heimann upon election to his 3rd 4 year term and Norm Effman upon his reappointment as Public Defender.

As I was thinking about preparing an address for today several issues come to mind, but I think this Board of Supervisors must focus first on the hand the county has been dealt by the State of New York. In 2011, with the promise and expectation of change, and with the election of a new Governor, Andrew Cuomo, counties across New York State awaited the results of the Governor's legislative agenda hoping for mandate relief. In Wyoming County, this would mean lifting the 128% of the county property tax levy collected to cover the costs of operating Wyoming County, that is now used to pay for 9 unfunded State mandates totaling \$19.5 mill. dollars.

Unfortunately, that mandate relief did not happen. Instead all municipalities and school districts in New York State were given a 2% property tax limit, which could be over rode by a 60% majority vote of the governing board. This 2% tax cap was deeply disappointing to this Board of Supervisors because we were encouraged by the promise of mandate relief in concert with the tax cap. One should definitely go with the other...

Realizing what we were facing, some very difficult decisions were going to have to be made in 2011, in preparation for the 2012 budget. This past year, in an effort to continue to provide the services county residents and tax payers have come to expect, and to comply with the additional 2% restriction on our budget, the Board has not filled several positions though attrition. There was a danger of losing three road deputies until the Sheriff and the Chairman and Vice Chairman of the Finance Committee were able to work together and make some adjustments to the Sheriff's budget, allowing that unit to continue to operate fully staffed and provide much needed Public Safety to Wyoming County.

The suspension of the Better Pavement Program by the Public Works committee was due to the fact that implementation of this program depends on funding through bonding, but because of the continued cost increases in mandated programs and no relief in sight, our Finance Committee decided not to fund the program until finances allow resumption.

Other reductions included substantial cuts to contract agencies such as the Local Development Agency, Cornell Cooperative Extension, County Wide Libraries, Tourism and Wyoming County Soil and Water.

One of the greatest travesties, which have been offered by the State Department of Public Health, is the new deregulation of Certificate of Need for the Wyoming County Certified Home Health Agency (CHHA). In Wyoming County, our Public Health Department, after years of dysfunctional management prior to 2003, has been recognized and the CHHA after becoming wildly successful has been recognized as a model for operation throughout New York State. However, through the State Health Department's intercession, our CON has been devalued and the door is now open for other providers from outside of Wyoming County to also acquire a CON and begin providing services to our residents. Some may say, "a little competition is good," and in most circumstances I would tend to agree but, let me remind everyone, that Wyoming

County CHHA nurses live and serve in our county. Their dedication, skill and compassion, which they so willingly share with our residents has not only provided the highest level of care for those in need but the statewide recognition they enjoy speaks to their success.

Today, the Board of Supervisors has passed a resolution which includes a letter to Governor Cuomo, Senator Gallivan and Assemblyman Burling indicating our opposition to the lifting of the moratorium on our CHHA CON's and asking for a waiver by the New York State Department of Health exempting Wyoming County from being included in this deregulation. Friends, the fear of the Board of Supervisors is that more is not necessarily better. Our concern is the health, comfort and well being of our citizens, our neighbors and families. We feel this new regulation is not in the best interest of Wyoming County residents...

Another area of concern in 2012 is the financial sustainability of the Wyoming County Community Health System. After a year of many changes in management, staff and programs the hospital continues to be in a state of transition. The numbers have improved with a new Chief Operating Officer (COO), Chief Fiscal Officer (CFO), Director of Nursing, Nursing Home Administrator, Human Resource Director and a newly hired Budget Director, we have very experienced, committed, and competent people in the key management positions. Wyoming County has a loyal, committed team of nurses and aides, along with a group of physicians who are committed to providing the highest level of care not only to the residents of the county but to the entire area. However, there continues to be concerns, such as, in November, for several days of the month the census for the acute, 46 bed unit, served three patients (later corrected to 6 not 3). I believe the average for the month to be ten patients, in a 46 bed unit with a historical average of 30 patients per day. That is quite simply unsustainable. Construction will continue in the renovation and the new addition. A new roof, new HVAC, new front parking and entrance, and new ER along with OR suite renovations with other interior cosmetic improvements, the hospital and Nursing Home will have a brand new appearance and will be ready to serve the healthcare needs of all.

Also, at this time the Executive Committee of the hospital Board of Managers is working on forming partnerships with other healthcare systems to provide an even higher level of services which have not been available at the Wyoming County Community Healthcare system. Because of the sensitivity of negotiations details are unavailable at this time. However, rest assured that this is a priority of the Wyoming County Board of Supervisors and the Wyoming County Community Hospital Board of Managers.

I want to mention the fact that because of the Hospital Foundation's commitment and ability to raise \$5 mill. dollars in donations in the Capital One Campaign, in the darkest hour last year and the fact that so many gave so much for the continuation of Hospital healthcare in Wyoming County, this Board of Supervisors decided to continue with the renovations and operation of one of

three remaining county owned hospitals in New York State. Congresswoman Hochul, as reductions in reimbursement rates for Medicaid and Medicare decline making it more difficult everyday to operate this facility we look to you to do everything you can to help the continued operation of this facility.

I believe that I have spoken long enough about the problems we are faced with. What about the good things? What about the successes? What about the positives?

This year marked the completion and the ribbon cutting of the new Department of Social Services Building. The \$4.5 mill. dollar building combines all units of the Department under one roof in one building for the first time in decades.

Congratulations to Commissioner Rumsey and his staff and thank you for the cooperation and input in making every phase of the project successful!!

The Better Pavement Program has been suspended until better financial times appear. Liberty Street, Castile Center, Dewitt and Telegraph Roads were all prepped for total reconstruction. However, that will not happen until the county is in a better financial position. Also, working with the Wyoming County Industrial Development Agency, County Highway was able to bring to reality a dream of the Wyoming County Fair Association. A 2nd bridge over the Wiscoy Creek, which is a huge improvement for Wyoming County's #1 Tourist Attraction bringing 100,000 visitors every year.

In 2011 another first occurred, the establishment of a combined Human Resource department. Lead by Director, Denise Morley, both the hospital and General County HR functions along with Civil Service operations are located in one office with all staff cross trained to offer competent service.

2011 also marked the 1st year in the term of District Attorney, Don O'Geen who succeeds retired District Attorney, Jerry Stout. The Office for the Aging has a huge hit in restaurant meal site dining for our Senior Citizens. The Pine Lounge in the Town of Bennington, Hamlet of Cowlesville, is the #1 location as it attracts nearly 80 diners to the site once a month. The Eagle Inn in the Town of Eagle, in its first year of operation is attracting 45 people, as well. Thank you to Director Aldinger and her staff for coming up with such a great idea and program, which provides another opportunity for good food and socialization for our seniors.

Economic Development, Agriculture and a County Wide Water District are all intertwined.

As the last 16 years has passed, four terms as Supervisor of the Town of Arcade, 11 years as the Chairman of the Board, one factor continues to be constant, the growth of agriculture in Wyoming County.

These farmers, producers and growers here in Wyoming County are the most progressive in the State of New York and the Nation, our ranking as the top dairy producing county in the state reflects that. The thousands of acres of corn, wheat, potatoes, alfalfa, and oats provides an economic engine that feeds our high producing dairy herds providing food for the tables of hundreds of

thousands and employment for hundreds. For every dollar earned by a farmer it is multiplied several times over in the local economy in the form of supporting businesses, property taxes and direct employment.

It is time that we recognize who we are, what we do well and capitalize on that. Look at the support we have in place! In Wyoming County, we have an outstanding Soil and Water District Agency, an innovative, comprehensive, educated, and dedicated Cooperative Extension, which has been able to do more with less, in the face of funding reduction from both the county and the state. The programs and service Extension offers are exceptional. Not forgetting what many consider the best youth program in America, Wyoming County 4-H is essential to exposing youth to agriculture, the school districts which offer Ag. development curriculum and their support of the nationally recognized Future Farmers of America, FFA Clubs.

Another program I must mention is the Food to Schools program, administered by Linda Leblond, Executive Director of the Wyoming County Business Education Council. This program not only encourages schools to buy local produce and dairy products for student lunches and snacks but also carries an educational component teaching students about the importance of eating good fresh locally produced food, further promoting agriculture in Wyoming County.

With the opportunities of myself, Supervisor Brick and retired Supervisor Gozelski have experienced by participating on the New York State Association of Counties (NYSAC), Blue Ribbon Task Force on the future of farming meeting with US Senators Schumer and Gillibrand of which Senator Gillibrand holds a seat on the Senate Ag. Committee and Congresswoman Hochul who has taken a keen interest in Wyoming County Agriculture, as well as, Senator Gallivan who hosted Senator Patty Ritchie, Chairman of the State Senate Ag. Committee in Wyoming County on a visit to the VanSlyke Farm in Pike after conducting a hearing on Agriculture in Livingston County of which 3 people from Wyoming county were panelists. What does that mean?? It means our representatives recognize the importance of Agriculture not only in our County but in the State and Nationally.

How does this tie to Economic Development? This is the idea we have production, but no processing in our county. How do we attract processing, manufacturing and commerce? By developing infrastructure. What is infrastructure? How about roads, low cost energy, a competent hard working work force and the most important resource of all, water!! That is why the Board is working with all municipalities in Wyoming County and has formed the Wyoming County Water District Research Subcommittee two years ago. This committee, working with County Consultants Patrick Brennan of the Brennan Group and Jeff Smith of Municipal Solutions, has secured federal funding and recently completed a feasibility study which is the first step in securing funding for step 2 which is design, development and oversight. Step 3 will involve construction and implementation. We are a ways off from laying pipe in the ground, but are moving ahead under the watchful eye of retired

Supervisor Joe Gozelski, who will continue to Chair this committee. We have made significant progress in getting everyone to the table and in gaining consensus and cooperation. We need to move forward and if not now, when? The Economic Development's future success hinges on the development of our infrastructure.

In closing, I want to express my deepest gratitude to the 15 Supervisors seated here today and to the past Supervisors whom I have had the honor of serving along side by exhibiting their unwavering support for me, it is truly humbling. Together we have faced many a crisis and hopefully have made the right decisions for Wyoming County. Together we are facing yet another year of uncertainty in many areas and so much of what we do and the services the County provides now relies on the delivery of the promise of mandate relief by the State of New York. The residents who look to us for support depend upon our State and Federal Leaders as well, we hope that they too recognize who we are and what we do for the good of all.

Thank you and God Bless Wyoming County...

There being no further business to come before this Board, Senior Supervisor Davis, T/Covington, adjourned the meeting at 3:20 PM with a rap on his desk.

Respectfully submitted,



Cheryl J. Ketchum, Board Clerk

**REGULAR SESSION
(January 13, 2012)**

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 2:30 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance for this month's meeting is:

FRED B. WILLIS

Mr. Willis's service to his country comes while serving during the Vietnam War. Mr. Willis enlisted in the United States Navy on April 12, 1962. He completed Basic Training at Great Lakes Naval Station in Illinois. He completed Advanced Individual Training at Port Hueneme, California and became qualified in light construction.

Mr. Willis spent his first year with the Mobile Construction Battalion 9 under the 3rd Marine Division. He worked in the construction and renovation of hospitals. Mr. Willis was then shipped to Okinawa where he spent the next 2 years doing light frame construction.

In 1965, Mr. Willis was reassigned to Vietnam and spent a year in DaNang helping to construct the hospital there. While in DaNang, he incurred injuries from hostile fire, which earned him a purple heart. Following his tour in Vietnam, Mr. Willis returned to the United States and was honorable discharged on July 11, 1966 at the rank of Builder 3rd Class.

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

The National Defense Service Medal
The Vietnam Service Medal
The Navy Unit Citation Ribbon
The Purple Heart

Following the war, Mr. Willis returned to this area and worked for Mallory Timers as a stock handler for 8 years. In 1974, Mr. Willis went to work for

Mucher Erectors and spent the next 3 years in framing construction. After that he worked for 6 years at Perry Central School in Building and Custodial Maintenance. In 1986, Mr. Willis changed vocations and went to work at the Glen Iris Inn as a cook's helper until 1990. In 1990 he went to work for the New York State O.M.R.D.D. for the Disabled and remained there until his retirement in 2002.

Mr. Willis has also been very active in his community. He is a member of the American Legion McKelton Post 350, the Perry VFW Post 5009, and an active member of the Perry Vet's Club and the VVA. He also enjoys volunteering at the Food Pantry and the "Clothes Closet". Mr. Willis enjoys mowing lawns and his volunteer work. He and his wife Sharon have been married 44 years and they live in the Town of Perry.

The pledge was said by all.

Chairman Berwanger invited Town of Perry Supervisor, Mr. Brick to join him in the presentation of the certificate of appreciation to Mr. Willis and an opportunity to address the Board. At which time, Mr. Willis thanked the Board and shared some of his current involvements with the American Legion and upcoming events...

There was a brief interruption of the meeting as the press took pictures.

Communications:

- *Assemblyman Burling ~ Letter dated December 22, 2011 ~ in support of Wyoming County Resolution #11-369 calling for allocation of revenues from the New York Public Safety surcharge to counties to support 911 and public safety communications (attached to the agenda).*

#1

**RESOLUTION NO. 12-06
(January 13, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2011 ACCOUNTS

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

January 13, 2012

Social Services			
To: 01.39.6015.4.42306 Other Point of Entry w/01.11.6015.3615 State Aid Reason: Point of Entry 5 Grant \$46,484.00 ended 9/30/11. Previously Re-appropriated \$37,389.24 for POE 4 and expended \$19,685.90 leaving a balance of \$17,703.34. Expenditures for POE 5 total \$24,010.58 requiring an appropriation of \$6,307.24.	\$6,307.24	\$6,307.24	
To: 01.39.6010.4.42306 Misc Other w/01.08.6010.2665 Sale of Equipment <i>From any funds available</i> Reason: Cost incurred to transport excess furniture to auction in Fillmore. Auction of furniture netted \$759.60 after Commission.	\$945.00	\$759.60 \$185.40	
Social Services Total			\$7,252.24
Jail			
To: 01.37.3150.4.40301 Prof Svc Contract w/01.12.3150.4389 SCAAP-Justice Benefits Reason: bill from JBI for 2011 SCAAP award (award amount \$1724.00; fee is 22% of award)	\$379.28	\$379.28	
Jail Total			\$379.28
Tourism			
To: 01.42.6420.4.40901 Bed Tax Allowance w/01.02.1000.1113 Bed Tax – Hotel Room Occupancy Reason: Bed Tax-Tourism expenditure	\$13,942.09	\$13,942.09	
Tourism Total			\$13,942.09
Wyoming County Community Action			
To: 06.57.6290.4.42449 Wyo. Co. Community Action Grants w/ 06.12.6290.4790 JTPA Fed. Aid Reason: To cover expense of pass-through JTPA program	\$12,208.03	\$12,208.03	
Wyoming County Community Action Total			\$12,208.03

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

#2

RESOLUTION NO. 12-07
(January 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2012 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2012 accounts as follows:

Regular Session

Unallocated Insurance			
To: 01.35.1910.4.40301 Professional Services Contracts w/ any funds available	\$925.00	\$925.00	
Reason: To appropriate funds to cover the cost of annual compliance fee (\$275) and annual fee to assist with testing compliance with the non-discrimination eligibility requirements of Section 105(h) IRC (\$650) w/any funds available in the amount of \$925.00			
Unallocated Insurance Total			\$925.00
Treasurer			
To: 01.33.1325.4.42306 Other w/01.11.1325.3089 Other State Grant Reason: 2009 Collaborative Tax Collection Study residual grant proceeds to 2012.	\$12,045.27	\$12,045.27	
Treasurer Total			\$12,045.27

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

Mr. Knab, T/Sheldon, Chairman of the Audit Committee, presented bills totaling \$1,284,071.96 for the month of December 2011.

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

#3

RESOLUTION NO. 12-08
(January 13, 2012)

By Mr. Davis Chairman of Human Resource Committee:

COUNTY CLERK ANNUAL MORTGAGE TAX RETENTION FEE

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

WHEREAS, The County Clerk 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

January 13, 2012

Clerk the sum of one hundred fifty-seven thousand one hundred ninety-five dollars (\$157,195.00) annually, April 2012 through March 2013, for necessary expenses in carrying out the provisions of Article 11 of the New York State Tax Law.

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

There was a motion by Mrs. Totsline, T/Genesee Falls, to combine resolutions #4 through #7. A voice vote was taken and all voted aye.

After the reading of the resolutions yet prior to the roll call vote, Supervisor Brick, T/Perry questioned why Senator Gallivan is sponsoring a bill that designates only a portion of Wyoming County Rt. 20A as the "Wyoming County Veterans Memorial Highway," and not the entire stretch of 20A through Wyoming County on resolution office number 6. Chairman Berwanger offered to pull resolution office number 6 because an explanation was not available. Supervisor Brick, T/Perry instructed the Chairman to present the resolution in its current form and pose the same question to Senator Gallivan's office for further clarification and possible addition of the entire stretch through Wyoming County on the State Legislation.

#4

**RESOLUTION NO. 12-09
(January 13, 2012)**

By Mrs. Totsline, Chairman of Human Services Committee:

RESOLUTION NUMBER 11-40 AMENDED

WHEREAS, Resolution Number 11-40 entitled "CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE OFFICE FOR THE AGING," passed by this Board of Supervisors on February 15, 2011 and provides for various contracts on behalf of the Office for the Aging; now therefore

BE IT RESOLVED, That Resolution Number 11-40 be hereby amended to extend the original VNA Lifeline, 2100 Wehrle Drive, Williamsville, NY 14221 contract to allow for the conversion of PERS Services to the new provider; in an amount not to exceed an additional one thousand two hundred dollars (\$1,200.00), total contract amount not to exceed sixteen thousand two hundred dollars (\$16,200.00); effective January 01, 2012 through February 29, 2012, all other terms and conditions remain the same.

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

Regular Session

RESOLUTION NO. 12-10
(January 13, 2012)

By Mrs. Totsline, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH
DOYLE MEDICAL MONITORING 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 Doyle Medical Monitoring, 792 Calkins Road, Rochester, NY 14623 on behalf of the Office for the Aging. Said contract is for PERS services to seniors 60+ in Wyoming County in an amount not to exceed fifteen thousand five hundred dollars (\$15,000.00); effective January 1, 2012 through December 31, 2012.

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

#6

RESOLUTION NO. 12-11
(January 13, 2012)

By Mrs. Totsline, Chairman of Human Services Committee:

**WYOMING COUNTY BOARD OF SUPERVISORS SUPPORTS
LEGISLATION SPONSORED BY NEW YORK STATE SENATOR
PATRICK GALLIVAN AND NEW YORK STATE ASSEMBLYMAN
BURLING DESIGNATING A PORTION OF STATE ROUTE 20A AS
THE "WYOMING COUNTY VETERANS' MEMORIAL HIGHWAY"**

WHEREAS, The Wyoming County Board of Supervisors hereby applauds the efforts of New York State Senator Patrick Gallivan and New York State Assemblyman Burling and supports their efforts in sponsoring New York State Legislation, Senate Bill S.6061 and Assembly Bill A.8918, entitled, *An act to amend the highway law, in relation to designating a certain portion of state route 20A the "Wyoming County Veterans Memorial Highway;"* and

WHEREAS, This legislation would amend Highway Law by adding a new section 342-xxx to create a "Wyoming County Veterans Memorial Highway;" and

WHEREAS, This legislation further states that, “*Wyoming County has a rich history of its residents serving the United States in our nation’s armed conflicts at home or abroad. This legislation is a tribute to their selfless contribution to the past and current struggles; it is one small way of expressing a special thanks for Wyoming County veterans’ courage, camaraderie, patriotism, and unfailing martial spirit;*” now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors supports and encourages passage of this very special legislation designating a certain portion of state route 20A the “*Wyoming County Veterans Memorial Highway;*” and be it

FURTHER RESOLVED, That the Clerk of this Board is hereby instructed to forward certified copies of this resolution to New York State Governor Andrew Cuomo, New York State Senator Patrick Gallivan, and New York State Assemblyman Daniel Burling.

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

#7

**RESOLUTION NO. 12-12
(January 13, 2012)**

By Mrs. Totsline, Chairman of Human Services Committee:

MEMBERS REAPPOINTED TO THE 211 ADVISORY BOARD

BE IT RESOLVED, That the following members are hereby reappointed to the 211 Advisory Board for a term of one (1) year; effective January 1, 2012 through December 31, 2012 as follows:

- **Marty Mucher**, (Wyoming County Community Action), 6470 Route 20A, Suite 1, Perry, NY 14530-9799
- **David Rumsey** (Department of Social Services), 466 North Main Street, P. O. Box 231, Warsaw, NY 14569
- **James Fleischman** (Board of Supervisors), 5824 Java Lake Road, Arcade, NY 14009

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

There was a motion by Mrs. Ryan, T/Warsaw, to combine resolutions #8 through #10. A voice vote was taken and all voted aye.

**RESOLUTION NO. 12-13
(January 13, 2012)**

By Mrs. Ryan, Chairman of Public Health Committee:

**CHAIRMAN / COMMISSIONER OF HEALTH AUTHORIZED TO SIGN
VARIOUS CONTRACTS AND AGREEMENTS ON BEHALF OF THE
HEALTH DEPARTMENT AND CERTIFIED HOME HEALTH AGENCY
FOR THE YEAR 2012**

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 Contracts and Agreements for the year 2012 on behalf of the Health Department and the Certified Home Health Agency. All amounts reflect amounts not to exceed:

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

Clearpath Diagnostics	Per Price List
Clinical Laboratory testing services (MWHS)	TBD based on usage
January 1 – December 31, 2012	Not to exceed amount budgeted

Quest Diagnostics	Per Price List
Clinical Laboratory testing services (MWSH & CSP)	TBD based on usage
January 1 – December 31, 2012	Not to exceed amount budgeted

Benchmark Analytics, Inc.	Per Price List
Environmental laboratory (water testing services)	TBD based on usage
January 1 – December 31, 2012	Not to exceed amount budgeted

Monroe County Department of Health	\$35,553
2012 Medical Examiner Services	\$36,442
2013 Multi-year agreement 1/1/11 – 12/31/13	

Susan Schell, RD	\$40.00/hr PH & \$45.00/visit CHHA
Registered Dietician Services (CHHA & Public Health)	TBD based on usage
January 1 – December 31, 2012	Not to exceed amount budgeted
	EXTENSION

Scott Treutlein, MD	\$ 6,000 / year
Medical Director Services MWHS	
January 1 – December 31, 2012	EXTENSION

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United Church of Christ Building Use Agreement WIC January 1 – December 31, 2012	\$450 / month EXTENSION
Buffalo Hospital Supply Medical Supplies CHHA April 1, 2011 – March 31, 2012	Per Price List TBD based on usage Not to exceed amount budgeted
Community Care of WNY dba Homecare & Hospice Home Health Aide Services January 1 – December 31, 2012	\$28.00 one hr visit \$23.00/hr (>1hr visit) Not to exceed amount budgeted
Denise Goodberlet MWHS Mid-Level Practitioner Services January 1 – December 31, 2012	\$45.00 / hr. TBD based on usage Not to exceed amount budgeted EXTENSION
Step-by-Step Physical Therapy Physical Therapy Services January 1 – December 31, 2012	\$66.20 / visit TBD based on usage Not to exceed amount budgeted

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

#9

**RESOLUTION NO. 12-14
(January 13, 2012)**

By Mrs. Ryan, Chairman of Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN 2012 RENEWAL
CONTRACTS ON BEHALF OF MENTAL HEALTH**

BE IT RESOLVED, that the Chairman of this Board, with the approval of the County Attorney and on behalf of the Department of Mental Health, is hereby authorized and directed to sign the following contracts for FY 2012:

- 1) **Livingston/Wyoming Arc**, 18 Main Street, Mt. Morris, NY 14510, renewal contract for Sheltered Workshop Program for the mentally ill population for the period January 1, 2012 through December 31, 2012 for \$44,447.00.

2) **Suburban Adult Services, Inc.**, 960 West Maple Court, Elma, NY 14059, renewal contract for the period of January 1, 2012 through December 31, 2012 for \$39,955.00 for sheltered work.

3) **Wyoming County Community Hospital**, 400 North Main Street, Warsaw, NY 14569, renewal contract for the period of January 1, 2012 through December 31, 2012 for \$171,217.00.

- A. PAO Screenings ~ \$22,505.00
- B. Forensic Case Management ~ \$31,698.00
- C. Jail based Chemical Dependency services in the jail ~ \$3,000.00
- D. MICA/Homeless - Case Management ~ \$11,364.00
- E. Crisis Outreach Program ~ \$66,227.00
- F. Mobile Treatment Team ~ \$16,813.00
- G. Case Management AOT ~ \$19,610.00

4) **Mental Health Association of Rochester/Monroe County, Inc.**, 320 North Goodman Street, Rochester, NY 14607, renewal contract for the period of January 1, 2012 through December 31, 2012 for \$218,986.00:

- A. Consumer Run Thrift Store ~ \$32,257.00
- B. Drop-in Center ~ \$90,988.00
- C. Transportation Program ~ \$48,336.00
- D. MICA & Social Club ~ \$25,734.00
- E. Peer Advocacy ~ \$11,546.00
- F. Temporary Housing ~ \$10,125.00

5) **Hillside Children's Center**, 1183 Monroe Ave., Rochester, NY 14620-1699, renewal contract for the period of January 1, 2012 through December 31, 2012 for \$88,825.00:

- A. Crisis respite for children ~ \$17,802.00
- B. GLOW Family Support ~ \$31,683.00
- C. Home Based Crisis Intervention ~ \$14,340.00
- D. Coordinated Children's Services ~ \$25,000.00

5a) **Hillside Children's Center** renewal MOU for the period of January 1, 2012 - December 31, 2012 for Customized Services for \$3,500.00.

6) **Spectrum Human Services, Inc.**, 227 Thorn Ave., Orchard Park, NY 14127 contract for the period of January 1, 2012 through December 31, 2012 for \$757,729.00:

- A. Mental Health Clinic, Crisis ~ \$22,408.00
- B. Adult ICM/SCM/SPOA ~ \$59,466.00
- C. Child & Youth ICM/SPOA ~ \$52,010.00
- D. RIV-POEMS ~ CSP
- E. Co-Occurring Disorders Coordinator and Case Management ~ \$18,179.00
- F. Forensic/Uncompensated Care ~ \$25,088.00
- G. PROS ~ \$280,474.00
- H. Alcohol and Substance Abuse Treatment ~ \$300,104.00

7) **Living Opportunities of DePaul**, 2240 Old Union Road, Cheektowaga, NY 14227-2728, renewal contract for the period of January 1, 2012 through December 31, 2012 for \$173,346.00.

A. Four-bed treatment apartments ~ \$ 4,821.00

B. Supported Housing (20 SLOTS) ~ \$168,525.00

8) **Coordinated Care Services, Inc. of Rochester**, 1099 Jay Street, Building J, Rochester, NY 14611-1153, contract renewal for the period of January 1, 2012 through December 31, 2012 for \$544,694.00.

A. Service Coordination ~ \$140,249.00

B. Dual Diagnosis Coordination ~ \$68,995.00

C. Performance Measurements ~ \$8,488.00

D. Substance Abuse Prevention ~ \$319,262.00

E. NY Care Coord. Local Advisory Group ~ \$2,700.00

F. Technical Assistance ~ \$5,000.00

9) **Camp Get-A-Way, Western Region New York State**, 18 West Buffalo Street, Warsaw, NY 14569, contract period for January 1, 2012 through December 31, 2012 for \$25,000.00.

Contingent upon the availability of funds.

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

#10

RESOLUTION NO. 12-15
(January 13, 2012)

By Mrs. Ryan, Chairman of Public Health Committee:

**MEMBERS APPOINTED TO VARIOUS
MENTAL HEALTH COMMITTEES AND SUBCOMMITTEES**

BE IT RESOLVED, That the following members are hereby appointed to the Community Services Board and the MR/DD Subcommittees for a term of *four (4) years; effective January 1, 2012 through December 31, 2015 as follows:*

Community Services Board

Member

➤ **Keirsten A. Shaffer**, P.O. Box 185, Perry, NY 14530
(replacing Susan Knapp)

Community at Large Member

➤ **James Rutowski**, 2071 Crittenden Road, Alden, NY 14004 (replacing Martin Mucher)

MR/DD SubcommitteeMember

- **Keirsten A. Shaffer**, P.O. Box 185, Perry, NY 14530
(replacing Dr. Gregory Collins)

Community at Large Member

- **James Rutowski**, 2017 Crittenden Road, Alden, NY 14004 (replacing Martin Mucher)

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

Before the roll call vote was taken Chairman Berwanger explained that this particular contract has been in existence for a number of years and has worked out very well for Wyoming County. He also confirmed with Greg McKurth, Soil & Water Conservation District Manager that the Agriculture District reviews were all up to date which Mr. McKurth confirmed.

#11

RESOLUTION NO. 12-16
(January 13, 2012)

By Mr. Brick, Chairman of Agriculture Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH SOIL AND
WATER CONSERVATION DISTRICT FOR AGRICULTURE
DISTRICT REVIEW**

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 Wyoming County Agricultural Districts. Said contract is to provide agricultural district reviews for the County of Wyoming in an amount not to exceed fifteen thousand dollars (\$15,000.00); effective January 01, 2012 through December 31, 2012.

Contingent upon the availability of funds.

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

There was a motion by Mr. Fleischman, T/Java, to combine resolutions #12 and #13. A voice vote was taken and all voted aye.

RESOLUTION NO. 12-17
(January 13, 2012)

By Mr. Fleischman, Chairman of Planning Committee:

**MARYANN ALMETER AND MICHEAL DUEPPENGIESSER
APPOINTED TO THE AG AND FARMLAND PROTECTION BOARD**

BE IT RESOLVED, That Maryann Almeter, 7508 Hiram Road, Arcade, NY 14009 (replacing James Richards) and Michael Dueppengiesser, 5124 Bryan Road., Perry, NY 14530 (replacing Steve Sondricker) are hereby appointed to the Ag & Farmland Protection Board as Farm Members for a term of four (4) years; effective January 1, 2012 through December 31, 2015.

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

RESOLUTION NO. 12-18
(January 13, 2012)

By Mr. Fleischman, Chairman of Planning Committee:

**ROGER WEISS APPOINTED TO THE WYOMING COUNTY
PLANNING BOARD**

BE IT RESOLVED, That Roger Weiss (T/Eagle), 3917 Route 39, Bliss NY 14024 (replacing Tom Jacobs who resigned as of December 1, 2011) be hereby appointed to the Wyoming County Planning Board as a Voting Member to fill the unexpired vacant three (3) year term; 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 #14 and #15. A voice vote was taken and all voted aye.

RESOLUTION NO. 12-19
(January 13, 2012)

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT
APPLICATION AND ACCEPTANCE AWARD WITH THE**

Regular Session

**DEPARTMENT OF CRIMINAL JUSTICE SERVICES
ON BEHALF OF THE DISTRICT ATTORNEY'S OFFICE**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant acceptance award with Department of Criminal Justice Services, 4 Tower Place, Albany, New York on behalf of the District Attorney's Office. Said grant is for funding of the Domestic Violence Prosecution (VAWA Grant) program in a minimum amount of thirty-five thousand three hundred forty-three dollars (\$35,343.00); effective January 1, 2012 through December 31, 2012.

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

#15

RESOLUTION NO. 12-20

(January 13, 2012)

By Mr. Rogers, Chairman of Public Safety Committee:

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

BE IT RESOLVED, That the Chairman to sign a contract with Attica Legal Aid, 18 Linwood Ave., Warsaw NY 14569 on behalf of the Public Defender's Office. Said contract is to provide funding for the Indigent Parolee program in an amount not to exceed one hundred eighty thousand dollars (\$180,000.00); effective January 1, 2012 through December 31, 2012.

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.

#16

RESOLUTION NO. 12-21

(January 13, 2012)

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO AWARD A BID
TO PIONEER FORD ON BEHALF OF COUNTY HIGHWAY**

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

January 13, 2012

bid for one (1) 2012 Ford F350 4x2 chassis/cab truck in an amount not to exceed thirty-two thousand three hundred three dollars and fifty-two cents (\$32,303.52) to *Pioneer Ford*, 566 Main Street, Arcade, NY 14009.

Contingent upon approval of a 2012 Equipment BAN.

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

#17

RESOLUTION NO. 12-22

(January 13, 2012)

By Mr. Patti, Chairman of Public Works Committee:

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

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign an agreement with Bryant Associates, 108 W. Jefferson St, Suite 400, Syracuse, NY 13202 on behalf of County Highway. Said agreement is for engineering and design for Preventative Maintenance #3 on 29 bridges in Wyoming County. PIN #4755.61 for an amount not to exceed eighty-nine thousand seven hundred seven dollars (\$89,707.00); effective January 31, 2012 through January 31, 2014.

Contingent upon the availability of funds.

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

#18

RESOLUTION NO. 12-23

(January 13, 2012)

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH
ED HULME, INC. ON BEHALF OF BUILDINGS AND GROUNDS**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Ed Hulme Inc., 17 East Buffalo St., Warsaw, NY 14569 on behalf of Buildings and Grounds. Said contract is for providing, installing and compacting gravel to fill the cellar of the raised Department of Social Services

building, in an amount not to exceed nine thousand five hundred seventy dollars (\$9,570.00); effective 12/19/2011 through completion. Contingent upon the availability of funds.

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

#19

**RESOLUTION NO. 12-24
(January 13, 2012)**

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 and provides for various contracts on behalf of Wyoming County Community Health System Capital improvement renovations; and

WHEREAS, Resolution Number 11-289, entitled "RESOLUTION NUMBER 11-255 AMENDED," passed by this Board of Supervisors on September 13, 2011 and provides for an amendment 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 five hundred dollars (\$45,500.00) 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 five hundred dollars (\$45,500.00) for a total of three hundred eighty-nine thousand dollars (\$389,000.00); all else remains the same; now therefore

BE IT RESOLVED, That Resolution Number 11-255, as amended by Resolution Number 11-289 be hereby further amended to increase the amount of the Leo J. Roth Corp, 841 Holt Road Webster NY 14580 Base Bid by forty thousand five hundred eighty-two dollars and forty-seven cents (\$40,582.47) for removal of the wet and deteriorated gypsum fill and polyethylene vapor barrier from the concrete roof deck at roof #4 Wyoming County Community Health System, for a total contract amount not to exceed one million two hundred seventy-eight thousand eighty-two dollars and forty-seven cents (\$1,278,082.47) for the WCCH renovation project, all else remains the same; and be it

FURTHER RESOLVED, That Resolution Number 11-255, as amended by Resolution Number 11-289 be hereby further amended to increase the amount of the Leo J. Roth Corp, 841 Holt Road Webster NY 14580 580 Mechanical Award for the WCCH renovation project by seventeen thousand ninety-seven dollars and seventy-four cents (\$17,097.74) extra bracing for the duct support on the highest roof of health system for a total contract award not to exceed four hundred six thousand ninety-seven dollars and seventy-four cents (\$406,097.74), all else remains the same.

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

There was a motion by Mr. Kushner, T/Eagle to combine resolutions #20 through #33. A voice vote was taken and all voted aye.

#20

**RESOLUTION NO. 12-25
(January 13, 2012)**

By Mr. Kushner, 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:

- **CSEA Supervisory**; effective Jan. 1, 2012 - December 31, 2012
 - \$2.49/male/month; \$5.08/female/month

Contingent upon the availability of funds.

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

#21

**RESOLUTION NO. 12-26
(January 13, 2012)**

By Mr. Kushner, Chairman of Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS
ON BEHALF OF WYOMING COUNTY COMMUNITY HOSPITAL**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney and as directed by this Board of Supervisors by Resolution Number 11-209 passed by this Board of Supervisors on June 14, 2011, entitled, "AMENDING RESOLUTION 91-159, AUTHORITY OF THE BOARD OF MANAGERS OF THE HOSPITAL" is hereby authorized to sign various contracts on behalf of Wyoming County Community Hospital as follows:

- **Dr. James Joseph Lanigan**, 400 Girdle Road, East Aurora, NY 14052 for the provision of necessary community services for cardiology patient needs as well as Medical Director Services for the Cardiology Lab and the Rehabilitation program in an amount not to exceed two hundred seventy-one thousand two hundred fifty dollars (\$271,250.00) annually; effective January 01, 2012 through December 31, 2012.
- **M. S. Hall Associated, Inc.**, P. O. Box 564, Syracuse, NY 13205 for the provision of cost report completion services relating to all institutional reports; assist with inquiries for appropriate agencies, assist as needed with related training for appropriate staff in data tracking as related to cost and ICR information in an amount not to exceed seventy-four thousand two hundred fifty dollars (\$74,250.00) annually; effective January 01, 2012 through December 31, 2014.
- **FrontRunner Network Systems**, 412 Linden Avenue, Rochester, NY 14625 for the provision of wireless network equipment on state contract #OGS64441 in an amount not to exceed fifty thousand six hundred eighty-two dollars and twenty-four cents (\$50,682.24) annually; effective December 20, 2011 through completion.

Contingent upon the availability of funds.

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

#22

**RESOLUTION NO. 12-27
(January 13, 2012)**

By Mr. Kushner, Chairman of Finance Committee:

POSITION CREATION APPROVED

January 13, 2012

BE IT RESOLVED, That the following positions be hereby created as stated within the various county departments listed:

Sheriff

- One (1) full time position of Civil Clerk, (Temp.), to be paid in accordance with the Sheriff's Employee Association (SEA) agreement grade 1 (\$15.30 - \$19.58/hr); effective January 14, 2012 through March 1, 2012 to cover a medical leave of absence of a current employee.

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

#23

RESOLUTION NO. 12-28

(January 13, 2012)

By Mr. Kushner, 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":

- **Human Resource**
 - Transfer the following position from Worker's Compensation to Human Resource: Secretary I, (position code 007.350) salary \$29,455.00 annually; effective January 1, 2012;
 - Transfer the position of Civil Service Administrator from the Dept. of Civil Service to the Human Resource Dept. Set the salary of the Civil Service Administrator at \$20,000.00; effective January 1, 2012 through March 31, 2012.
- **Department of Social Services**
 - Set the salary of the Secretary II at \$29,500.00 annually; effective December 24, 2011.
- **Public Defender**
 - Set the salary of the Asst. Public Defender (3rd) \$22,295.00 annually; effective September 06, 2011.
- **Civil Service**
 - Transfer the \$5,000.00 stipend for the Secretary to the Civil Service Commission to the Clerk to the Board's annual salary

of \$46,933.00 on Salary Schedule “D;” effective January 01, 2012.

Salary Schedule “D”:

• **Buildings and Grounds**

- Extend the stipend of the *Superintendent of Buildings and Grounds (County Buildings)/oversight of WCCH buildings* to \$10,000.00/semi-annually; effective January 01, 2012 through June 30, 2012.
-

• **Board of Supervisors**

- Set the salary of the Clerk to the Board at \$51,933.00 annually; effective January 01, 2012.
-

• **Information Technology**

- Extend the stipend of the *Director of Information Technology/oversight of WCCH IT* to \$10,000.00/semi-annually; effective January 01, 2012 through June 30, 2012.

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

#24

**RESOLUTION NO. 12-29
(January 13, 2012)**

By Mr. Kushner, Chairman of Finance Committee:

RESOLUTION NUMBER 11-292 AMENDED

WHEREAS, Resolution Number 11-292 entitled “SALARY SCHEDULES “S,” “F,” AND “G” AMENDED,” passed by this Board of Supervisors on September 13, 2011 and provides for various salary schedule amendments to various county employees; now therefore

BE IT RESOLVED, That Resolution Number 11-292, is hereby amended to reflect the following revisions to the 2012 Aid to Prosecution Grant stipends in the office of the District Attorney:

1 st Assist DA	\$10,000.00	\$10,500.00
2 nd Assist DA	\$3,000.00	
Administrative Assist. DA	\$2,000.00	\$2,500.00
Secretary to the District Attorney	\$1,000.00	eliminate
Crime Victim Coordinator	<u>\$1,000.00</u>	

January 13, 2012

\$17,000.00
all else remains the same.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain: #25

**RESOLUTION NO. 12-30
(January 13, 2012)**

By Mr. Kushner, Chairman of Finance Committee:

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

BE IT RESOLVED, That in accordance with Chapter 515 of Laws of 1997, the Wyoming County Board of Supervisors amends the Correction of Errors procedure (RPTL 550-559) by authorizing the Director of Real Property Tax Services to approve the correction of the tax roll and tax bill, in an amount not to exceed one thousand dollars (\$1,000.00) (RPTL § 554 (9)) during the year 2012; 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 2012.

Carried: XXX Ayes: 1596 Noes: Absent: Abstain: #26

**RESOLUTION NO. 12-31
(January 13, 2012)**

By Mr. Kushner, Chairman of Finance Committee:

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

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

INVESTMENT POLICY FOR WYOMING COUNTY

I. SCOPE

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

II. OBJECTIVES

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

- * to conform with all applicable federal, state, and other legal requirements (legal);
- * to adequately safeguard principal (safety);
- * to provide sufficient liquidity to meet all operating requirements (liquidity); and
- * to obtain a reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

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

IV. PRUDENCE

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

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investments, considering the safety of the principal as well as the probable income to be derived.

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

V. DIVERSIFICATION

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

VI. INTERNAL CONTROLS

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

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

VII. DESIGNATION OF DEPOSITARIES

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

<u>Depository Name</u>	<u>Maximum Amount</u>	<u>Officer</u>
<u>Five Star Bank</u>	<u>\$20,000,000.00</u>	
<u>Bank of Castile</u>	<u>\$20,000,000.00</u>	
<u>M & T Bank</u>	<u>\$20,000,000.00</u>	
<u>HSBC</u>	<u>\$20,000,000.00</u>	
<u>JP Morgan Chase</u>	<u>\$10,000,000.00</u>	

VIII. COLLATERALIZING OF DEPOSITS

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

1. By a pledge of "eligible securities" with an aggregate "market value" as provided by GML Sec. 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount

of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organizations or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

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

IX. SAFEKEEPING AND COLLATERALIZATION

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

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

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

X. PERMITTED INVESTMENTS

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

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

All investment obligations shall be payable or redeemable at the option of the County of Wyoming within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the County of Wyoming within two years of the date of purchase.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

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

XII. PURCHASE OF INVESTMENTS

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

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

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the County of Wyoming by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, Sec. 10.

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

XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

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

APPENDIX A

Schedule of Eligible Securities

- ___ (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
- ___ (ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank, and the African Development Bank.
- ___ (iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market Value of the obligation that represents the amount of the insurance or guaranty.
- ___ (iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation, which under a specific State statute may be accepted as security for deposit of public moneys.
- ___ (v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- ___ (vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- ___ (vii) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- ___ (viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- ___ (ix) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.
- ___ (x) Commercial paper and banker's acceptances issued by a bank, other than the Bank, rated in the highest short term category by at least one nationally

recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.

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

and be it

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

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

#27

**RESOLUTION NO. 12-32
(January 13, 2012)**

By Mr. Kushner, Chairman of Finance Committee:

PURCHASING CARD USER GUIDELINES APPROVED

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby approves the Purchasing Card User Guidelines, annexed hereto, for Wyoming County Employees effective immediately.

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

**WYOMING COUNTY PURCHASING CARD USER'S GUIDELINES
For CARDHOLDERS And DEPARTMENT HEADS 2012**

Introduction

Welcome to the Purchasing Card Program for Wyoming County. The Purchasing Card is a simplified and cost-effective method of purchasing and remitting payment for approved expenditures. The Purchasing Card can be used for retail purchases, mailed, telephoned, Internet or faxed orders.

The Purchasing Card is not intended to avoid or bypass appropriate purchasing procedures, but is to be used in accordance with the guidelines established by the Wyoming County Board of Supervisors as detailed in this manual. You are asked to treat this program with the same sense of responsibility and security you would use with your personal credit card.

All Purchasing Cards are issued at the request of your Department Head and card usage will be audited and can be restricted and/or rescinded at any time. You are the only person authorized to use your card and it is only to be used for authorized county purchases.

This manual provides the guidelines under which you may utilize your Purchasing Card. Please read it carefully. Your signature on the Cardholder Authorization Form indicates that you understand the intent of the program and agree to adhere to the guidelines established for the program.

Critical elements of this program are the retention of all receipts and prompt reconciliation of statements to these receipts.

The County of Wyoming is a tax-exempt organization. Therefore, DO NOT pay sales tax on purchases made with the Purchasing Card.

Cardholder Responsibilities

The Purchasing Card is intended for purchases such as services, supplies, materials, lodging and conference registration. The Purchasing Card will not be used for any of the items on the list of prohibited transactions and should be used in conformity with current purchasing guidelines. Individual authorizations for dollar limits and types of transactions will vary by department.

- ❖ ONLY AUTHORIZED PURCHASES FOR WYOMING COUNTY ARE ALLOWABLE. Use of the Purchasing Card for personal purchases is not permitted at any time.
- ❖ Misuse of the Purchasing Card will result in revocation of the Card and if necessary, appropriate disciplinary action.

Violations may include:

- ❖ Purchasing items for personal use.
- ❖ Failure to reconcile expenses, attach receipts and forward to
- ❖ Audit by the deadline established.
- ❖ Using the Card for items clearly defined as “Not for Card Use”.
- ❖ Allowing someone else to use your card.
- ❖ The Purchasing Card may be used in person, via telephone, mail, Internet or fax.
- ❖ Cardholders are responsible for informing the vendors that Wyoming County is exempt from sales tax. The County’s tax-exempt information is printed on the card. When using your card in person if a vendor will not process the transaction as tax exempt DO NOT complete the transaction. If you are assessed sales tax on phone, Internet or mail orders the tax is to be adjusted by you on your statement before processing for approvals.

- ❖ Refunds and exchanges must be credited directly back to the Purchasing Card account. Under no circumstances shall cash be received for refunds or exchanges.
- ❖ If the purchase is for a service, the necessary insurance information must be on file with Purchasing before the transaction can be processed. Purchases of products only do not require insurance.
- ❖ If your purchase is software or computer related you must first receive approval from the Information Technology Department.
- ❖ A transaction report is provided on-line for each account. It is a Monthly Statement printed with detail available after the first day of each month. The Cardholder will reconcile all receipts with the monthly detailed statement, attach all receipts to the statement and forward it to the department head for approval. After approval all documentation must be forwarded to the Audit Unit for payment by the 7th day of each month.
- ❖ The Purchasing Card should be treated with the same level of security as cardholders treat their own personal credit cards. Lost or stolen cards must be immediately reported to your Department Head and the County Treasurer (see page 14). Replacement of the Purchasing Card must be authorized by the Department Head and the Treasurer's Office.

Purchasing Card Controls

Each card issued will have certain controls/restrictions placed on them. The types of controls consist of:

Card Limits:

- ❖ Each card will have a maximum amount that can be spent per transaction. The County Treasurer in consultation with the Board of Supervisors and Budget Office will set the maximum dollar limit per transaction and it will be determined
- ❖ on a card-by-card basis. Generally the limit will be set at \$500, but will vary depending upon department needs.

Exclusions by Merchant Category Code (MCC):

Specific vendors are excluded from use on all the County Purchasing Cards. Any attempt to use these vendors will cause the card to be declined and will be reported to the County Treasurer. Examples of excluded vendors include:

- ❖ Banks, ATM's, and Financial Institutions
- ❖ Liquor Stores
- ❖ Medical Services
- ❖ Restaurants
- ❖ Utility Companies

- ❖ Insurance Agencies
- ❖ Personal Service Providers (Dry cleaners, beauty salons, spas, etc.)
- ❖ Amusement & Entertainment (golf courses, theaters, country clubs)
- ❖ Phone Services

How to obtain a Purchasing Card

In order to obtain a Purchasing Card, the Department Head must request the Card on behalf of the employee. The request must be in writing using the "Purchasing Card Request" form (page 11) in this manual and must be signed by the Employee and Department Head, and forwarded to the County Treasurer for approval by the Board of Supervisors or designee.

At that time a Purchasing Card application form will be sent to the employee for completion, it will then be returned to the County Treasurer for processing. When the County Treasurer receives your card you will be required to sign the cardholders' agreement and receive training at the office of the County Treasurer.

How the Process Works

Step 1 – Make a Purchase

Purchases can be made in person, over the telephone, by fax, or by mail by completing an order form or via the Internet. Documentation/receipts will be required for all purchases.

- ❖ Make sure the vendor accepts Visa
- ❖ Identify yourself as an Wyoming County Employee
- ❖ Inform the vendor that you are making a tax-exempt purchase prior to completing the transaction
- ❖ Each card will have the Wyoming County tax-exempt information on the front of the card
- ❖ If you have prior approval to make a purchase over \$500, the purchasing policy requires 3 quotes, attach a copy of the telephone quotes or other documentation to the back of your statement when submitting it to Audit
- ❖ Make sure that the proper insurance is on file with Purchasing if you are charging a service

Step 2 – Receive the Goods

Upon pick up or delivery of your goods, it is important to retain the receipt or packing list (if one is not provided you need to contact the vendor immediately for this documentation). Every purchase made on your Purchasing Card must be documented with a receipt, which could be in the form of a sales receipt, packing slip, and order form or registration application. You need to keep all receipts and charge slips for reconciliation of your statement.

All receipts must contain the following information:

- ❖ Merchant name
- ❖ Purchase date
- ❖ A description of each item purchased, including quantity
- ❖ Per item cost
- ❖ Total cost
- ❖ Cardholder name

If this information is not on the receipt the Cardholder is to handwrite it on the receipt prior to attaching it to the statement. If a receipt is lost and cannot be replaced by the vendor a copy can be secured by M&T Bank for a fee, the Cardholder is personally responsible for payment of this fee.

If an item has been ordered by mail that has not yet arrived (therefore no receipt), this should be noted on the statement and a copy of the order form included if available, and the receipt forwarded to Audit as soon as it is received.

Step 3 – Verification of Goods Received

The Cardholder is responsible for working with the vendor to correct any problems, exchanges or credits. Your statement of account is available on line for you to review 24/7. You are responsible for locating any errors and reporting them to the Purchasing Card Customer Service available 24-hours at 1-800-443-8671. Audit will request complete details of the dispute in writing on county department letterhead in order to research the item in question.

If you believe the supplier has charged you incorrectly or there are outstanding quality or service issues, you must first contact the supplier and try to resolve the matter directly with the vendor. If a credit or adjustment is due be sure to highlight the line item on your copy of your monthly statement to verify receipt on your next monthly statement.

The Treasurer's Office must receive any charge dispute within 60 days of your statement date. While pending resolution, the Purchasing Card vendor will credit your account for the amount of the disputed transaction. Although the vendor acts as the arbitrator in any dispute, you should never assume that a dispute will be resolved in your favor.

If the dispute is not resolved to your satisfaction, and you believe you have been unfairly treated by the supplier, please notify the Treasurer's Office or Audit with the relevant details.

Any fraudulent charges must be reported immediately to the 24-hour Customer Service Center, the Treasurer's Office and home department. Prompt reporting of any such charges will help to prevent the county from being held responsible.

Step 4 – Reallocate the Charges

All charges made against the purchasing card shall be assigned an account number by the cardholder by the 1st day of each month, to allow time to download a report of transactions. This is done online monthly prior to printing the statement copy being sent to Audit. The Department Head is responsible for the review and verification that all transactions are charged to the correct account.

The Department Head shall confirm that all purchases are reasonable, authorized for departmental business, and that the transactions were not in violation of the Purchasing Card policies. The Department Head shall review and approve the Cardholder statements by signing and dating it and forwarding it to Audit. Once approved by Audit, charges will be forwarded to the Treasurer's Office for interface with the GFS system of ACS and charges will appear in your expenditure lines.

- ❖ The vendor number will be the same as the expenditure item and recorded automatically by the computer system providing transaction type. (40503 M&T Bank PC-Gasoline)
- ❖ The check number will appear as the last 4 digits of the purchasing card completing the transaction or user.
- ❖ The description will show where and when the transaction occurred.
- ❖ The invoice will be recorded from transaction receipt.

Approved statements with the attached receipts are due in Audit by the 7th of each month. Card billings will be closed on the last day of each month. On the first working day of each month the cardholders should reconcile their account on line, print the statement, attach all receipts and secure Department Head approval.

If this information is not submitted on time your card will be cancelled.

Separation of Employment

When a Cardholder leaves County employment, he/she must return their Purchasing Card to their Department Head. The Department Head is responsible for ensuring the card is reconciled and returned to the Treasurer's Office to be cancelled prior to the separation of employment or actual ending date. The Purchasing Card shall be cut in half and returned to the County Treasurer. The Department Head is responsible for submitting the final statement to Audit with all receipts attached.

If an employee is on extended leave or disability, the Department Head should contact the County Treasurer to have the card "suspended" until the Cardholder returns to work.

Audits of the Program

All card purchases will be audited to confirm the Purchasing Cards are being utilized responsibly, receipts are being retained and the Cardholder's statements are being reconciled on a timely basis.

Conferences & Lodging

For lodging within New York State you will still need to secure a lodging tax exemption ST-129 form and a sales tax exemption ST-121 form from the Public Directory to be presented upon check in. If traveling out of state you should also present these forms, some vendors do accept it and not charge lodging tax or sales tax.

Meals will continue to be paid by employees and reimbursed per the Purchasing Policy and will be processed with appropriate receipts directly reimbursing the employee. Restaurants will be blocked from use on all cards.

Phone charges are not allowable applied to lodging receipts. If charges occur, a reimbursement check must be made out to "Wyoming County Treasurer" and will have to accompany your monthly statement.

A Conference & Training Over-Night Travel form must be completed and approved by the Department Head prior to booking and charging to the Purchasing Card.

Wyoming County Purchasing Card Request

Please fill in all information as requested.

Employee Name (as it will appear on card): _____

Employee Department: _____

Requested Maximum Single Transaction Limit: \$ _____

_____ Employee Signature _____ Date

_____ Department Head _____ Date

_____ County Treasurer _____ Date

This section for County Treasurer use

Date card received and forwarded to employee: _____

Card Number: _____

Transaction Credit Limit Assigned: _____

January 13, 2012

Wyoming County Purchasing Card Acknowledgment
of Card Receipt And Card Holder Agreement

Please read and sign page two of this form.

Employee Name: _____ Department: _____

Card Number: _____

Transaction limits are: Each \$ _____

You are being entrusted with a Wyoming County Purchasing Card issued by Visa through M&T Bank. The card is provided to you to take care of your need to purchase materials for the County. The card may be revoked at any time without your permission. Your signature below indicates that you have read the Purchasing Card Policy manual and will comply with the manual and the terms of this user agreement.

I understand that I will be making financial commitments on behalf of the County and will strive to obtain the best value for the County when making purchases.

This purchasing card is issued in my name. I will not allow any other person to use my assigned card.

I have read the Wyoming County Purchasing Card Policy Manual as well as this cardholder agreement, understand them, and I will comply with both. Failure to do so may be considered misappropriation of funds, and may subject me to revocation of card privileges and disciplinary action.

I understand that the policies and procedures related to the Purchasing Card Program may be updated or changed at any time. The Card Administrator will notify me of these changes. I agree to and will be responsible for the execution of any program changes.

I will review and approve transactions on a regular basis via the Internet and reconcile my monthly statement.

I will use the card only for authorized purchases.

I will obtain a hard copy receipt from the vendor each time the card is used. When ordering by phone or via the Internet, I will request the vendor provide me with a receipt. If the receipt is lost and cannot be replaced by the vendor, any charges for a copy through M&T Bank will be paid at my expense.

I understand that my card account is subject to internal control reviews and audits to protect the interests of Wyoming County and I agree to comply with these reviews and audits.

I am responsible for immediately notifying M&T Bank, my supervisor and the County Treasurer if the card is lost or stolen. I will complete the Lost or Stolen Card form and submit it to the County Treasurer.

Upon resignation/separation, or the request of my Department Head or the County Treasurer, I will turn in the card to the Department Head.

As I am responsible for all charges on the card, I will reconcile the statement and resolve any discrepancies by either contacting the vendor or M&T Bank.

Employee Signature: _____
 County Treasurer: _____

Date _____
 Date _____

**Wyoming County – Purchasing Card Bank - Visa
 Lost/Stolen Card Notification Form**

Name of Cardholder: _____
 Cardholder Account Number: _____

I certify that my Visa card has been lost/stolen. I first noticed it was missing on _____ (Date). I have called M&T Bank at 1-800-443-8671 and have also spoken with my Department Head to notify them that the card is lost/stolen so that no more charges may be made on it.

Cardholder Signature _____
 Department Head Signature _____

Upon completion of this form please fax it directly to the County Treasurer @ 585-786-0466 or email as attachment to cdmayer@wyomingco.net.

#28

**RESOLUTION NO. 12-33
 (January 13, 2012)**

By Mr. Kushner, Chairman of Finance Committee:

3 COPIES OF ANNUAL REPORTS REQUESTED

BE IT RESOLVED, That the Public Officials of this County present at least three (3) copies of their annual report, in writing, to the Clerk of this Board not later than March 31, 2012, 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:

January 13, 2012

RESOLUTION NO. 12-34
(January 13, 2012)

By Mr. Kushner, Chairman of Finance Committee:

**MEMBERS APPOINTMED/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, 2012 through December 31, 2012

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

Alternate Member

One (1) year term; effective January 01, 2012 through December 31, 2012

- Jean Totsline, 6940 River Road, Portageville, NY 14536
- Cheryl Ketchum, 6578 Pearl Street, Bliss, NY 14024

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

#30

RESOLUTION NO. 12-35
(January 13, 2012)

By Mr. Kushner, Chairman of Finance Committee:

HIPAA OFFICERS REAPPOINTED

BE IT RESOLVED, That the following persons are hereby reappointed to the following HIPAA Officer Positions, for a term of one (1) year, said term to expire December 31, 2012:

- **Joan Kibler** (Probation Director) – *Privacy Officer*
- **Todd MacConnell** (Information Technology Director) – *IT Security Officer*
- **Jerry Davis** (T/Covington Supervisor) - *Corporate Compliance Officer*

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

Regular Session

RESOLUTION NO. 12-36
(January 13, 2012)

By Mr. Kushner, 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 1, 2012 through December 31, 2012.*

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

#32

RESOLUTION NO. 12-37
(January 13, 2012)

By Mr. Kushner, Chairman of Finance Committee:

**A. DOUGLAS BERWANGER REAPPOINTED
COUNTY PURCHASING AGENT**

BE IT RESOLVED, That *A. Douglas Berwanger* (T/Arcade Supervisor) 6608 East Arcade Rd., Arcade NY 14009 is hereby reappointed County Purchasing Agent *for a term of two (2) years; effective January 01, 2012 through December 31, 2013.*

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

Chairman Berwanger asked County Attorney Jim Wujcik to explain the purpose of a 2/3 majority vote. County Attorney Wujcik stated simply that according to County Finance Law matters of the Board involving borrowing are subject to a 2/3 majority vote.

2/3 majority
#33

RESOLUTION NO. 12-38
(January 13, 2012)

By Mr. Kushner, Chairman of Finance Committee:

January 13, 2012

A RESOLUTION AUTHORIZING THE PURCHASE OF HIGHWAY EQUIPMENT AT THE WYOMING COUNTY HIGHWAY DEPARTMENT IN AND FOR THE COUNTY OF WYOMING, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$300,000, AND AUTHORIZING THE ISSUANCE OF \$300,000 BONDS OF SAID COUNTY TO PAY THE COST THEREOF

WHEREAS, All conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and
WHEREAS, It is now desired to authorize the financing of such capital equipment; now therefore

BE IT RESOLVED, By the affirmative vote of not less than two-thirds of the total voting strength of the Board of Supervisors of the County of Wyoming, New York, as follows:

Section 1. The purchase of various hospital equipment in and for the County of Wyoming, New York, Wyoming County Highway Department is hereby authorized at a maximum estimated cost of \$300,000.00.

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 \$300,000.00 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 eight years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. The faith and credit of said County of Wyoming, New York, are hereby irrevocably pledged to the payment of the principal of

and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the County Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the County Treasurer shall deem best for the interests of the County.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the County Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the County Treasurer. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the County Treasurer shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
 - 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Clerk of the Board of Supervisors in substantially the form provided in Section 81.00 of the Local Finance Law.

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

**2/3 majority
#34**

**RESOLUTION NO. 12-39
(January 13, 2012)**

By Mr. Kushner, Chairman of Finance Committee:

A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.10 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE COUNTY OF WYOMING, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BONDS", AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.

WHEREAS, Wyoming County, New York (hereinafter, the "County") heretofore issued \$4,545,000 Public Improvement (Serial) Bonds, 2002 pursuant to a bond determination certificate executed by the County Treasurer (the "Bond Certificate"), to finance the cost of the renovation of real property and the reconstruction of Curriers Road in and for said County as further described in the Bond Certificate, such bonds being dated April 15, 2002 with remaining maturities on April 15 in the years 2012 through 2017, both inclusive (the "Refunded Bonds"); and

WHEREAS, it would be in the public interest to refund all or a portion of the outstanding principal balance of the Refunded Bonds by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will only be undertaken if it results in present value savings in debt service as required by Section 90.10 of the Local Finance Law; NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Wyoming County, New York, as follows:

Section 1. For the object or purpose of refunding the outstanding principal balance of the Refunded Bonds as more fully set forth in the Refunding Financial Plan (hereinafter defined), including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of such Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on such Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, (iv) the redemption premium to be paid on such Refunded Bonds which are to be called prior to their respective maturities, and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$710,000 refunding serial bonds of the County pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$708,000, as provided in Section 4 hereof. The Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-12 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the County Treasurer

pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph a of Section 57.00 of the Local Finance Law pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the County Treasurer shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the County by lot in any customary manner of selection as determined by the County Treasurer. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30) days prior to such date. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the County shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to DTC, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the County Treasurer as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the County maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or first business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the County Treasurer providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the County Treasurer as fiscal agent of the County for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount. Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The County Treasurer, as chief fiscal officer of the County, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said County, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the County, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form.

The County Treasurer is hereby further delegated all powers of this Board of Supervisors with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto. The Refunding Bonds shall be executed in the name of the County by the manual or facsimile signature of the County Treasurer, and its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and 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 51.00 of the Local Finance Law, as the County Treasurer shall determine. It is hereby determined that it is to the financial advantage of the

County not to impose and collect from registered owners of the Refunding 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.

Section 3. It is hereby determined that:

1. the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;
2. the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for the object or purpose for which such Refunded Bonds were issued is fifteen years;
3. the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of the object or purpose for which said Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law;
4. the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to the Refunded Bonds is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit A attached hereto and made a part of this resolution. This Board of Supervisors recognizes that the Refunding Bonds may be issued in one or more series, and for only portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the County will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The County Treasurer is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities,

whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the County Treasurer; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The County Treasurer shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Clerk of the Board of Supervisors not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The County Treasurer is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said County Treasurer shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said Wyoming County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall be annually levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the County to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow

Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and

binding as against all parties having claims of any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the County shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the County hereby elects to call in and redeem each Refunded Bond which the County Treasurer shall determine to be refunded at the earliest call date available. The sum to be paid therefore on such redemption date shall be the par value thereof plus the redemption premium, as provided in the Refunded Bond Certificate, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the County in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private sale to Jefferies & Company, Inc. for purchase prices to be determined by the County Treasurer, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the County Treasurer, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the County providing the terms and conditions for the sale and delivery of the Refunding Bonds.

Section 11. The County Treasurer and all other officers, employees and agents of the County are hereby authorized and directed for and on behalf of the County to execute and deliver all certificates and other

documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the County Treasurer and all powers in connection therewith are hereby delegated to the County Treasurer.

Section 13. The validity of the Refunding Bonds 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,
3. and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
4. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspaper of said County, 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:

There being no further business to come before this Board, Senior Supervisor Kushner, T/Eagle, adjourned the meeting at 3:00 PM with a rap on his desk.

Respectfully submitted,



Cheryl J. Ketchum, Board Clerk

**REGULAR SESSION
(February 14, 2012)**

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

The Veteran leading the Pledge of Allegiance for this month's meeting is:

THOMAS N. WILSON

Mr. Wilson's service to his country comes while serving during the Vietnam War. Mr. Wilson enlisted in the United States Navy on March 11, 1958. He completed both his Basic and Advanced Individual Training at the Great Lakes Naval Station and became qualified as a "Gunnery."

Mr. Wilson was then assigned duties and training in the Florida Everglades and became qualified as a Navy Seal. He was assigned duties aboard the USS Camp (DER-251), a destroyer escort radar vessel and spent the next 3 years in and around the waters of Vietnam. His duties were as a "Gunnery" on the 3" 50 RS guns of the USS Camp and as a Navy Seal that was part of a Negotiating Team that was in Vietnam between 1959 & 1961. Many of his missions and duties during his period were highly classified.

After 3 years on the USS Camp, Mr. Wilson returned stateside and was assigned duties on the USS Arcadia out of Boston, MA where his duties included being on a "Fire Control Team". He completed his enlistment and was Honorably Discharged on January 5, 1962 at the rank of Seaman 1st Class.

Mr. Wilson returned to this area and worked for about 2 years, first at the Gunlock Furniture Company in Wayland as a "finisher" and then as the "head cutter" at the Livonia Knitting Mill. He was then recalled to Active Duty and was a "Trainer" of Navy Seals in California for about 1 1/2 years. Mr. Wilson again returned to this area and went to work for the Leroy Industries of Ford Motors as an inspector. He worked and held this position for the next 37 years until his retirement in 2003.

Mr. Wilson has also been active and supportive of his community. He has

been an active member of the Pavilion Fire Department for over 32 years and 30 years with the Pavilion Fire Police. He is presently serving as the President of the Genesee County Fire Police Association. He has also been a longtime active member of the United Methodist Church of Covington, especially in Music Ministries, where his is an avid electric base player. He also is a member of the American Legion Post #350 of Perry.

Mr. Wilson enjoys hunting and fishing. He and his wife Marian live in the Town of Covington.

The pledge was said by all.

Chairman Berwanger presentation of the certificate of appreciation to Mr. Wilson and an opportunity to address the Board. At which time, Mr. Wilson thanked the Board...

There was a brief interruption of the meeting as attending press took pictures.

Communications:

1. **NYSAC Exec. Director, Stephen Acquario** ~ Letter dated November 04, 2011 ~ *regarding efforts to allocate a greater share of the Public Safety Surcharge revenues to county 911 centers.*
2. **Senator Gallivan** ~ Letter dated January 19, 2012 ~ *receipt of resolution dated December 13, 2011 (11-369) regarding raiding of New York's 911 Wireless Communications Surcharge fund.*
3. **Senator Gallivan** ~ Letter dated January 20, 2012 ~ *receipt of resolution dated January 13, 2012 supporting legislation designating a portion of State Route 20A as the Wyoming County Veterans Memorial Highway.*

Supervisor Brick, T/Perry was asked by the Chairman if he found an answer to the partial designation of Route 20A as the Wyoming County Veterans' Memorial Highway. Supervisor Brick responded that he had and that the NYS DOT prefers to reserve sections for other such significant designations. With that being said Chairman Berwanger, T/Arcade called upon Finance Chair, Supervisor Kushner, T/Eagle to present his first resolution.

#1

**RESOLUTION NO. 12-40
(February 14, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2011 ACCOUNTS

February 14, 2012

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

WCCH/CIP Renovations			
To: 08.56.4510.4.42491 Wendt Grant w/08.03.4510.128901 Wendt Grant Reason: To appropriate Wendt Grant funds	\$250,000.00	\$250,000.00	
From: 08.56.4510.4.42306 Misc. Other w/08.09.4510.27701 Other Revenue – Foundation Reason: To REDUCE appropriation of anticipated revenue to be received by the Capital Campaign.	(\$525,470.00)	(\$525,470.00)	
WCCH/CIP Renovations Total			(\$275,470.00)
Wyo. Co. Industrial Development Agency (IDA)			
To: 01.42.6460.4.40950 Wyoming County IDA <i>With any funds available</i> Reason: In support of the Wyoming County Rail Initiative project as approved by Resolution 09-339 dated 8/18/2009	\$150,000.00	\$150,000.00	
Wyo. Co. Industrial Development Agency (IDA) Total			\$150,000.00

Carried: XXX Ayes: 1539 Noes. Absent: 57 (Covington) Abstain:

#2

**RESOLUTION NO. 12-41
(February 14, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2012 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2012 accounts as follows:

Information Technology			
To: 01.34.1681.4.41410 software <i>With any funds available</i> Reason: PO # 035874 to Dell For Microsoft Software License never got physically order in 2011 would like to place order in 2012 with new PO.	\$5,007.20	\$5,007.20	
Information Technology Total			\$5,007.20

Probation			
To: 01.37.3140.4.40401 Training <i>With any funds available</i> Reason: To cover the cost of registration for J. Kibler to attend the 2012 Leadership Wyoming program.	\$900.00	\$900.00	
Probation Total			\$900.00
Wyo. Co. Industrial Development Agency (IDA)			
To: 01.42.6421.4.42477 Small Cities Grant w/01.12.6421.408916 Small Cities Grant Reason: For Small Cities (CDBG) Grant project, various project roll over amounts. (Rolling over of funds)	\$119,796.00	\$119,796.00	
Wyo. Co. Industrial Development Agency (IDA)Total			\$119,796.00

Carried: XXX Ayes: 1539 Noes. Absent: 57 (Covington) Abstain:

Mr. Knab, T/Sheldon, Chairman of the Audit Committee, presented bills totaling **\$2,758,546.52** for the month of **January 2012**.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

#3

RESOLUTION NO. 12-42
(February 14, 2012)

By Mrs. Totsline, Chairman of Human Services Committee:

**CHAIRMAN 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**

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Social Services with the approval of the County Attorney are hereby authorized and directed to sign a Grant Application and Acceptance Award with New York State Office of Children and Family Services, (Cheri Dolittle, Contract Manager), 52 Washington Street, Renssalaer, NY 12144 on behalf of the Department of Social Services. Said grant funding is for all agencies operating an approved and certified residential and/or non-residential Domestic Violence program/reimbursement for Domestic Violence staff in a minimum amount of thirty-five thousand three hundred nineteen dollars (\$35,319.00); *NO LOCAL MATCH REQUIRED THIS YEAR!*; effective March 31, 2012 through March 30 2013.

Carried: XXX Ayes: 1539 Noes. Absent: 57 (Covington) Abstain:

February 14, 2012

There was a motion by Mrs. Ryan, T/Warsaw, to combine resolutions #4 through #10. A voice vote was taken and all voted aye.

#4

**RESOLUTION NO. 12-43
(February 14, 2012)**

By Mrs. Ryan, Chairman of Public Health Committee:

**JEAN TOTSLINE (T/GENESEE FALLS) REAPPOINTED TO THE
WYOMING COUNTY BOARD OF HEALTH**

BE IT RESOLVED, That Jean Totsline (T/Genesee Falls) 6940 River Road, Portageville, NY 14536 be hereby reappointed to the Wyoming County Board of Health as the Supervisor Member for a term of one (1) year; effective January 1, 2012 through December 31, 2012.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

#5

**RESOLUTION NO. 12-44
(February 14, 2012)**

By Mrs. Ryan, Chairman of Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND
ACCEPTANCE AWARD WITH NEW YORK STATE DEPARTMENT
OF HEALTH, BUREAU OF EARLY INTERVENTION 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 Dept. of Health, Bureau of Early Intervention, ESP Corning Tower, Albany, NY 12237 on behalf of the County Health Department. Said funding is for Early Intervention Administration Services in a minimum amount of thirty-one thousand eight hundred seventy-three dollars (\$31,873.00); effective October 1, 2011 through September 30, 2012.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

RESOLUTION NO. 12-45
(February 14, 2012)

By Mrs. Ryan, Chairman of Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND
ACCEPTANCE AWARD WITH SUBSTANCE ABUSE AND MENTAL
HEALTH ADMINISTRATION ON BEHALF OF MENTAL
HEALTH/PARTNERS FOR PREVENTION**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant application and acceptance award with Substance Abuse and Mental Health Administration, 1 Choke Cherry Road, Rockville, MD 20857 on behalf of Wyoming County Mental Health Department/Partners For Prevention. Said grant is for the Drug Free Communities Continuation Grant in a minimum amount of one hundred twenty-five thousand dollars (\$125,000.00)/Federal Funding; effective September 30, 2012 through September 29, 2013.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

#7

RESOLUTION NO. 12-46
(February 14, 2012)

By Mrs. Ryan, Chairman of Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN AN AGREEMENT WITH
SUBSTANCE ABUSE AND MENTAL HEALTH ADMINISTRATION ON
BEHALF OF MENTAL HEALTH/PARTNERS FOR PREVENTION**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign an agreement with Substance Abuse and Mental Health Administration, 1 Choke Cherry Road, Rockville, MD 20857 on behalf of Mental Health/Partners For Prevention to apply for a \$500.00 stipend to host a Town Hall Meeting on underage drinking prevention to be hosted in April or May. 100% Federal aid. No County Levy.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

February 14, 2012

RESOLUTION NO. 12-47

(February 14, 2012)

By Mrs. Ryan, Chairman of Public Health Committee:

RESOLUTION NUMBER 12-15 AMENDED

WHEREAS, Resolution Number 12-15 entitled, “**MEMBERS APPOINTED TO VARIOUS MENTAL HEALTH COMMITTEES AND SUBCOMMITTEES**,” passed by this Board of Supervisors on January 13, 2012 and provides for appointments to the various Mental Health Subcommittees on behalf of Mental Health; now therefore

BE IT RESOLVED, That Resolution Number 12-15 be hereby amended to reflect the following revisions to the appointments made on January 13, 2012 via resolution number 12-15 as follows:

- **MR/DD Subcommittee**

- Member
 - *Vacant Unexpired Four (4) year term; effective February 14, 2012 through December 31, 2015 (to replace Keirsten A. Shaffer)*
 - Kay Kilburn, Pioneer School, P.O. Box 639, County Line Road, Yorkshire, NY 14173-0639

- **Mental Health Subcommittee**

- Member
 - *Vacant Unexpired four (4) year term; term February 14, 2012 through December 31, 2013 (to replace Kay Kilburn)*
 - Keirsten Shaffer, P.O. Box 185, Perry, NY 14530; and be it

FURTHER RESOLVED, That *Ivan Carrasquillo (Wyoming County Sheriff Department)*, 151 North Main Street, Warsaw, NY 14569 be hereby appointed to the Alcohol & Substance Abuse Subcommittee to replace Aaron Anderson as a member for a four (4) year term; effective January 1, 2012 through December 31, 2015; all other terms and conditions remain the same.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

Regular Session

RESOLUTION NO. 12-48
(February 14, 2012)

By Mrs. Ryan, Chairman of Public Health Committee:

**JEAN TOTSLINE (T/GENESEE FALLS) REAPPOINTED TO THE
MENTAL HEATLH COMMUNITY SERVICES BOARD**

BE IT RESOLVED, That Jean Totsline (T/Genesee Falls), 6940 River Road, Portageville, NY 14536 be hereby reappointed to the Mental Health Community Services Board as the Supervisor Member for a term of one (1) year; effective January 01, 2012 through December 31, 2012

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

#10

RESOLUTION NO. 12-49
(February 14, 2012)

By Mrs. Ryan, Chairman of Public Health Committee:

**JEAN TOTSLINE (T/GENESEE FALLS) REAPPOINTED TO
THE MENTAL HEALTH SUBCOMMITTEE**

BE IT RESOLVED, That Jean Totsline (T/Genesee Falls), 6940 River Road, Portageville, NY 14536 be hereby reappointed to the Mental Health Subcommittee as the Supervisor Member for a term of one (1) year; effective January 01, 2012 through December 31, 2012.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:
There was a motion by Mr. Brick, T/Perry, to combine resolutions #11 through #16. A voice vote was taken and all voted aye.

Prior to the roll call vote, Supervisor Brick, T/Perry stated that the Board has significant income from the sale of county woodlands and he asked that consideration be given to directing some of that revenue towards contract agencies such as Cooperative Extension and Soil & Water for next year's budget. Chairman Berwanger, T/Arcade directed his request to Budget Officer Cook, who in turn noted the request for consideration while preparing the 2013 budget...

February 14, 2012

RESOLUTION NO. 12-50
(February 14, 2012)

By Mr. Brick, Chairman of Agriculture Committee:

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

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

Supervisor Members

One (1) year term effective January 01, 2012 through December 31, 2012

- James Brick (T/Perry), 7618 Route 20A, Perry NY 14530
- John Knab (T/Sheldon), 2246 Thomson Road, Varysburg, NY 14167

Pomona Grange Member

Three (3) year term; effective January 01, 2012 through December 31, 2014

- E. Joseph Gozelski, 6175 E. Lake Road, P.O. Box 331, Silver Springs, NY 14550

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

#12

RESOLUTION NO. 12-51
(February 14, 2012)

By Mr. Brick, Chairman of Agriculture Committee:

**CHAIRMAN AUTHORIZED TO AWARD BID AND SIGN CONTRACTS
WITH GUTCHESS LUMBER COMPANY FOR THE PURCHASE OF
STANDING TIMBER ON COUNTY FORESTLANDS LOCATED ON
POPLAR TREE ROAD IN THE TOWN OF WETHERSFIELD**

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 **Gutchess Lumber Company**, PO Box 5478 McLean Road, Cortland, NY 13045 on behalf of the County of Wyoming. Said bid result is for Gutchess Lumber to purchase marked standing timber on the County Forestlands located on Poplar Tree Road, Wethersfield, NY in a minimum amount of ninety-two thousand four hundred thirty-five dollars

Regular Session

(\$92,435.00); effective February 14, 2012 through January 31, 2014, as outlined in the purchase agreement.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

#13

**RESOLUTION NO. 12-52
(February 14, 2012)**

By Mr. Brick, Chairman of Agriculture Committee:

**JAMES BRICK (T/PERRY) REAPPOINTED TO THE
COOPERATIVE EXTENSION BOARD OF DIRECTORS**

BE IT RESOLVED, That James Brick (T/Perry), 7618 Route 20A, Perry, NY 14530 be hereby reappointed to the Cooperative Extension's Board of Directors as the Supervisor Member for a term of one (1) year; effective January 01, 2012 through December 31, 2012.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

#14

**RESOLUTION NO. 12-53
(February 14, 2012)**

By Mr. Brick, Chairman of Agriculture Committee:

**JOHN COPELAND (T/WETHERSFIELD) AND LARRY ROGERS
(T/PIKE) REAPPOINTED TO THE NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
ADVISORY COMMITTEE**

BE IT RESOLVED, That John Copeland (T/Wethersfield), 5888 Sheppard Road, Bliss NY 14024 be hereby reappointed to the New York State Department of Environmental Conservation Advisory Committee as the Supervisor Member for a term of one (1) year; effective January 01, 2012 through December 31, 2012; and be it

FURTHER RESOLVED, That Larry Rogers (T/Pike), PO Box 82, Pike, NY 14130-0082 be hereby appointed to the New York State Department of Environmental Conservation Advisory Committee as the Supervisor Member/Alternate for a term of one (1) year; effective January 01, 2012 through December 31, 2012.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

February 14, 2012

RESOLUTION NO. 12-54
(February 14, 2012)

By Mr. Brick, Chairman of Agriculture Committee:

**JERRY DAVIS (T/COVINGTON) AND ELLEN GRANT (T/BENNINGTON)
REAPPOINTED TO THE REGION 9 - FISH & WILDLIFE
MANAGEMENT BOARD**

BE IT RESOLVED, That Jerry Davis (T/Covington), 7414 Court Road, P.O. Box 445, Pavilion, NY 14525 be hereby reappointed to the Region 9 - Fish & Wildlife Management Board as the Supervisor Member for a term of one (1) year; effective January 01, 2012 through December 31, 2012; and be it

FURTHER RESOLVED, That Ellen Grant (T/Bennington), 134 Clinton Street, Alden, NY 14004 be hereby reappointed to the Region 9 - Fish & Wildlife Management Board as the Supervisor Member/Alternate for a term of one (1) year; effective January 01, 2012 through December 31, 2012.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

RESOLUTION NO. 12-55
(February 14, 2012)

By Mr. Brick, Chairman of Agriculture Committee:

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

BE IT RESOLVED, That E. Joseph Gozelski, 6175 E. Lake Road, P.O. Box 331, Silver Springs, NY 14550 be hereby reappointed to the Seneca Trail Resource Conservation and Development Council as a Board of Supervisors' Representative for a term of one (1) year; effective January 01, 2012 through December 31, 2012.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

There was a motion by Mr. Fleischman, T/Java, to combine resolutions #17 through #23. A voice vote was taken and all voted aye.

**RESOLUTION NO. 12-56
(February 14, 2012)**

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 2012 operating funds of the Genesee/Finger Lakes Regional Planning Council; and

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

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

WHEREAS, The Genesee/Finger Lakes Regional Planning Council has secured a Public Employees Fidelity (Blanket) Bond, issued by National Grange Mutual Insurance Company, providing faithful performance blanket bond coverage for officers and employees of the Council in the amount of 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: 1539 Noes: Absent: 57 (Covington) Abstain:

#18

**RESOLUTION NO. 12-57
(February 14, 2012)**

By Mr. Fleischman, Chairman of Planning Committee:

**R. Z. LAMPLEY APPOINTED TO THE GLOW WORKFORCE
INVESTMENT BOARD**

February 14, 2012

BE IT RESOLVED, That **R. Z. Lampley** (Shift Steward/Group Leader of 16-E CWA Local 81495 Lapp Insulator), 291 Tremont Street, Rochester, NY 14608 (replacing David Guile who retired from the position) be hereby appointed to the GLOW Workforce Investment Board (WIB) as a Private Sector (Organized Labor) representative for an indefinite term effective February 14, 2012.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

#19

**RESOLUTION NO. 12-58
(February 14, 2012)**

By Mr. Fleischman, Chairman of Planning Committee:

**DANIEL LEUER (T/MIDDLEBURY) APPOINTED
TO THE ARTS COUNCIL BOARD OF DIRECTORS**

BE IT RESOLVED, That Daniel Leuer (T/Middlebury), 712 Transit Road, Wyoming, NY 14591 be hereby appointed to the Arts Council Board of Directors as a Supervisor Member for a term of one (1) year; effective January 1, 2012, through December 31, 2012.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

#20

**RESOLUTION NO. 12-59
(February 14, 2012)**

By Mr. Fleischman, Chairman of Planning Committee:

**DOUGLAS PATTI (T/ATTICA) AND STEPHEN TARBELL (T/CASTILE)
APPOINTED/REAPPOINTED TO THE BUSINESS EDUCATION
COUNCIL**

BE IT RESOLVED, That the following members are hereby appointed/reappointed to the Business Education Council for a term of one (1) year; effective January 1, 2012 through December 31, 2012:

Supervisor Member

- Douglas Patti (T/Attica) 333 E. Main Street, Attica, NY 14011

Supervisor Member/Alternate

- Stephen Tarbell (T/Castile), 4270 Fairview Road, P. O. Box 178, Castile, NY 14427

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

#21

RESOLUTION NO. 12-60
(February 14, 2012)

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, 2012 through December 31, 2012:

Chairman Member

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

Chairman Member/Alternate

- Gerald Stout (T/Orangeville), 2838 Orangeville Center Road, Warsaw, NY 14569

Supervisor Member

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

Executive Committee

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

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

#22

RESOLUTION NO. 12-61
(February 14, 2012)

By Mr. Fleischman, Chairman of Planning Committee:

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

February 14, 2012

BE IT RESOLVED, That Larry Rogers (T/Pike), P.O. Box 82, 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, 2012 through December 31, 2012.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

#23

**RESOLUTION NO. 12-62
(February 14, 2012)**

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, 2012 through December 31, 2012:

Supervisor Member

- Larry Rogers (T/Pike), P.O. Box 82, Pike, NY 14130
- Steve Tarbell (T/Castile), 4270 Fairview Rd., P. O. Box 178, Castile, NY 14427

Alternate:

- Gerald Stout (T/Orangeville), 2838 Orangeville Center Rd., Warsaw, NY 14569

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

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

#24

**RESOLUTION NO. 12-63
(February 14, 2012)**

By Mr. Rogers, Chairman of Public Safety Committee:

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

Regular Session

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with United Uniform Co., Inc, 495 N French Road, Buffalo, NY 14228 on behalf of the County Jail and Sheriff's Department. Said contract is for uniforms for Sheriff and Jail personnel in amounts not to exceed bid list; this is the 1st of 2 extensions of the original contract; effective March 1, 2012 through February 28, 2013.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

#25

**RESOLUTION NO. 12-64
(February 14, 2012)**

By Mr. Rogers, Chairman of Public Safety Committee:

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

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a Letter of Understanding with Attica Legal Aid Bureau, Inc., 18 Linwood Avenue, Warsaw, NY 14569 on behalf of the Public Defender's office. Said Letter of Understanding is to provide for the Alternatives to Incarceration program services in an amount not to exceed sixteen thousand three hundred fifty-six dollars (\$16,356.00); effective January 1, 2012 through December 31, 2012. Contingent upon the availability of funds.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

#26

**RESOLUTION NO. 12-65
(February 14, 2012)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND
ACCEPTANCE AWARD FOR THE IGNITION INTERLOCK DEVICE
MONITORING PROGRAM 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 February 14, 2012

grant application and acceptance award with 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 funding is for the Ignition Interlock Device Monitoring program in a minimum amount of twelve thousand four hundred ninety-seven dollars (\$12,497.00); \$114.66 per case ordered to have Ignition Interlock Device installed, regardless of whether the device is installed; effective October 1, 2011 through September 30, 2012.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

#27

**RESOLUTION NO. 12-66
(February 14, 2012)**

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 11-61 AMENDED

WHEREAS, Resolution Number 11-61 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 and provides 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; now therefore

BE IT RESOLVED, That Resolution Number 11-61 be hereby amended to reflect an increase of sixteen thousand four hundred thirty-five dollars (\$16,435.00) for a revised total contract amount of eighty-two thousand six hundred forty-seven dollars (\$82,647.00); effective March 31, 2012 through June 30, 2012. This is an extension of the current contract for one quarter.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

#28

**RESOLUTION NO. 12-67
(February 14, 2012)**

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 11-60 AMENDED
Regular Session

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 (\$21,526.00) effective January 1, 2011 to December 31, 2011; and

WHEREAS, Resolution Number 11-60, was amended by the Board of Supervisors on September 13, 2011 by Resolution Number 11-280 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; now therefore

BE IT RESOLVED, That Resolution Number 11-60, as amended by Resolution Number 11-280 be hereby further amended to reflect increases to the following programs:

- Alternatives to Incarceration Programs
 - Community Service ~ from \$5,531.00 + \$2,840.00 to \$8,371.00
 - Pre-Trial Release ~ from \$5,531.00 + \$2,800.00 to \$8,331.00
 - Data Day Programs ~ from \$6,777.00 + \$3,480.00 to \$10,257.00

Effective January 1, 2012 through June 30, 2012. This is an extension of the current contract for 6 months.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

#29

**RESOLUTION NO. 12-68
(February 14, 2012)**

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 11-60 AMENDED

February 14, 2012

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 (\$21,526.00) effective January 1, 2011 to December 31, 2011; and

WHEREAS, Resolution Number 11-60, was amended by the Board of Supervisors on September 13, 2011 by Resolution Number 11-280 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; now therefore

BE IT RESOLVED, That Resolution Number 11-60, as amended by Resolution Number 11-280 be hereby further amended to reflect an increase in funding of the Probation Eligible Diversion program in an additional minimum amount of two thousand four hundred sixteen dollars (\$2,416.00) for a total revised contract amount of \$12,080.00, and extend the ending date from December 31, 2011 to March 31, 2012. This is an extension of the current contract for one quarter.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

#30

**RESOLUTION NO. 12-69
(February 14, 2012)**

By Mr. Rogers, Chairman of Public Safety Committee:

RESCIND RESOLUTION NUMBER 11-306

BE IT RESOLVED, That Resolution Number 11-306, dated October 11, 2011, entitled, "CHAIRMAN AUTHORIZED TO SIGN A GRANT

Regular Session

APPLICATION AND ACCEPTANCE AWARD WITH THE NEW YORK STATE DEPARTMENT OF CRIMINAL JUSTICE SERVICES ON BEHALF OF THE DISTRICT ATTORNEY'S OFFICE," be hereby rescinded as it was replaced with Resolution Number 12-19, entitled, **"CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND ACCEPTANCE AWARD WITH THE DEPARTMENT OF CRIMINAL JUSTICE SERVICES ON BEHALF OF THE DISTRICT ATTORNEY'S OFFICE,"** for an amended award amount on January 13, 2012.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

#31

**RESOLUTION NO. 12-70
(February 14, 2012)**

By Mr. Rogers, Chairman of Public Safety Committee:

LARRY ROGERS (T/PIKE) REAPPOINTED TO THE MERCY FLIGHT CITIZENS ADVISORY COMMITTEE

BE IT RESOLVED, That Larry Rogers (T/Pike), PO Box 82, Pike, NY 14130-0082 be hereby reappointed to the Mercy Flight Citizens Advisory Committee as the Supervisor Member for a term of one (1) year; effective January 1, 2012 through December 31, 2012.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

There was a motion by Mr. Patti, T/Attica, to combine resolutions #32 and #33. A voice vote was taken and all voted aye.

#32

**RESOLUTION NO. 12-71
(February 14, 2012)**

By Mr. Patti, Chairman of Public Works Committee:

CHAIRMAN AUTHORIZED TO AWARD BID FOR PURCHASE OF 2012 BOBCAT SKID STEER LOADER FROM KELLY'S GARAGE THROUGH CLARK EQUIPMENT COMPANY ON BEHALF OF COUNTY HIGHWAY

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

February 14, 2012

bid for one (1) 2012 Bobcat Skid Steer Loader w/attachments from Kelly's Garage (dealer) with purchase through Clark Equipment Company, 250 East Beaton Drive, PO Box 6000, West Fargo, ND 58078 in an amount not to exceed thirty-five thousand one hundred seventy-eight dollars (\$35,178.00). Contingent upon the availability of funds.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain

#33

**RESOLUTION NO. 12-72
(February 14, 2012)**

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 SUPPLEMENT #1 TO
THE MASTER AGREEMENT AND APPROPRIATING FUNDS
THEREFORE.**

WHEREAS, A Project for the **Replacement of West Street Bridge over Cattaraugus Creek, Town of Arcade, Wyoming County, P.I.N. 4754.06; BIN 3319440** (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, The County of Wyoming desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of **Construction and Construction Inspection 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 **\$2,816,656.00** is hereby appropriated from Board of Supervisors and made available to cover the cost of participation in the above phase of the Project; and it is further

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

RESOLVED, That the Chairman of the Board of Supervisors be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Board of Supervisors with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

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

RESOLVED, This Resolution shall take effect immediately.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

Mr. Kushner, T/Eagle instructed the Clerk to withdraw resolution #34. Mr. Kushner, T/Eagle, then made a motion to combine resolutions #35 through #41. A voice vote was taken and all voted aye.

Chairman Berwanger, T/Arcade asked that resolutions #35 and 37-41 be voted on separately as he would be abstaining from voting on resolution #36.

**Withdrawn
#34**

**RESOLUTION NO. 12-
(February 14, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

**TAMI TREUTLEIN APPOINTED TO THE WYOMING
COUNTY COMMUNITY HOSPITAL BOARD OF MANAGERS**

February 14, 2012

BE IT RESOLVED, That Tami Treutlein (T/Warsaw), 44 Brooklyn Street, Warsaw, NY 14569 be hereby appointed to the Wyoming County Community Hospital Board of Managers as the Wyoming Community Hospital Foundation, President designee for a term of five (5) years; effective through December 31, 2016.

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

RESOLUTION NO. 12-73
(February 14, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS
 ON BEHALF OF THE COUNTY HOSPITAL.**

BE IT RESOLVED, In accordance with Resolution Number 11-209 passed by the Wyoming County Board of Supervisors, on June 14, 2011 entitled, **“AMENDING RESOLUTION 91-159, AUTHORITY OF THE BOARD OF MANAGERS OF THE HOSPITAL,”** the Chairman of this Board with the approval of Hodgson Russ legal council is hereby authorized and directed to sign the following contracts:

- **Western New York Physicians, PLLC**, 2261 Route 19 North, Warsaw, NY 14569, for the provision of hospital services in an amount not to exceed four hundred thirty-five thousand dollars (\$435,000.00) annually; effective February 2, 2012 through January 31, 2013.
- **Wyoming OB-GYN, PLLC**, 121 South Main Street, Warsaw, NY 14569, for the provision of medical director services in an amount not to exceed \$65,000 annually; effective February 12, 2012 through February 11, 2013.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

#36

RESOLUTION NO. 12-74
(February 14, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

SALARY SCHEDULE “I” AMENDED

Regular Session

BE IT RESOLVED, That the Wyoming County Salary Plan which became effective January 01, 1967, as amended, is hereby amended as follows:

Salary Schedule "T":

Include a separate stipend for the Chairman of the Board in the amount of \$20,000/annually for additional responsibilities during exploration of WCCH affiliations with other Healthcare Systems; effective January 01, 2012 until further notice.

Carried: XXX Ayes: 1372 Noes: Absent: 57 (Covington) Abstain: 167 (Arcade)

#37

**RESOLUTION NO. 12-75
(February 14, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

RESOLUTION NUMBER 11-232 AMENDED

WHEREAS, Resolution Number 11-232 entitled, “**APPROVES PROPERTY SALE**,” passed by this Board of Supervisors on July 12, 2011, and provides for the right to transfer property pursuant to a Judgment of Foreclosure under Article 11 of the Real Property Tax Law; now therefore

BE IT RESOLVED, That Resolution number 11-232 be hereby amended to read as follows:

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 of Supervisors has obtained an offer to purchase the parcel of real property known as **Tax Map #179.14-1-14**, 64 Main Street, Pike, NY 14130, having been declared surplus property and having no value to the County of Wyoming, and of nominal value to others, and in the interests of both the public good and the taxpayers of the County, shall be sold to the **Pike Volunteer Fire Department, Inc.**, 67 Main Street, Pike, NY 14130 for minimal consideration; 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: 1539 Noes: Absent: 57 (Covington) Abstain:

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RESOLUTION NO. 12-76
(February 14, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

**RESOLUTION CALLING UPON NEW YORK STATE ASSOCIATION
OF COUNTIES' EXECUTIVE COMMITTEE TO PREPARE AND
DISSEMINATE AN ACTION PLAN TO BRING MANDATE RELIEF TO
NEW YORK STATE COUNTIES**

WHEREAS, The New York State Association of Counties (NYSAC) is a membership organization whose mission is to represent, educate and advocate for the 62 counties in New York State; and

WHEREAS, At the 2011 NYSAC Fall Seminar, NYSAC adopted 15 separate and distinct Resolutions concerning State funding, thereby seeking specific mandate relief; and

WHEREAS, NYSAC member Counties have decided that relief from State mandates, which are ultimately paid for by County Taxpayers, be their number one priority; and

WHEREAS, There is a need for a specific and detailed action plan to address the State Legislature and Governor Cuomo's promise to the County Taxpayers of mandate relief; and

WHEREAS, The State Legislature and Governor Cuomo have ignored individual calls from Counties, School Districts and Towns for mandate relief; now therefore

BE IT RESOLVED, as follows:

Section 1. That the Board of Supervisors of Wyoming County hereby requests the NYSAC Executive Board direct its staff to create a specific and detailed action plan, for NYSAC and/or individual Counties, to implement to bring about the promised mandate relief. Such plan should address options available to Counties to use in protest of Governor Cuomo's and the State Legislature's failure to act on meaningful mandate relief.

Section 2. That each and every County Board in New York State that favors preparation of a detailed action plan, is hereby urged to timely adopt and forward a similar Resolution to NYSAC for consideration of said action.

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Section 3. That the Clerk of this Board is hereby directed to forward a certified copy of this Resolution to each County Board in New York State.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

#39

RESOLUTION NO. 12-77
(February 14, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

URGING PASSAGE OF SENATE BILL S.5889-B AND ASSEMBLY BILL A.8644 THAT WOULD IMPLEMENT A MULTI-YEAR STATE TAKEOVER OF THE LOCAL SHARE OF MEDICAID

WHEREAS, When State lawmakers, including Senator Gallivan, enacted a property tax cap, they pledged to also enact mandate relief that would enable and empower local leaders to implement that tax cap, but that mandate relief has not materialized; and

WHEREAS, At a local state-wide cost of \$7.3 billion, Medicaid is the number one mandate facing counties; and

WHEREAS, Wyoming County property taxpayers will pay approximately \$6.8 million in State Medicaid costs in 2012; and

WHEREAS, If a State takeover of Medicaid is enacted, County property taxes could be reduced by over 45 % percent; and

WHEREAS, Senate Bill S.5889-B and Assembly Bill A.8644 would require State legislators to take full fiscal responsibility for New York's largest-in-the-nation Medicaid program, by implementing an eight-year (8) gradual takeover of county Medicaid costs; and

WHEREAS, State lawmakers can fund the takeover with a combination of Medicaid program reforms, state-derived savings, and other spending controls, including applying the State's Medicaid Redesign Team reform savings to mandate relief and pursuing a Federal Medicaid waiver to leverage State cost-containment initiatives that can be applied to obtain property tax relief; now therefore

BE IT RESOLVED, The Wyoming County Board of Supervisors hereby calls on State lawmakers to keep their promise, by enacting Senate Bill S.5889-B and Assembly Bill A.8644 into law to provide property tax relief for

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citizens of New York State, in the form of an eight-year State takeover of county Medicaid costs; and be it further

RESOLVED, That the Clerk of this Board is hereby directed to send certified copies of this motion to Governor Andrew Cuomo, Senate Majority Leader Dean Skelos, Assembly Speaker Sheldon Silver, Senator Patrick Gallivan, Assemblyman Daniel

Burling, all New York State Counties, the New York State Association of Counties, and InterCounty Association of Western New York.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

#40

**RESOLUTION NO. 12-78
(February 14, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT EXTENSION
WITH SOUTER & SONS 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 & Sons Printing Co., 56 Park Street, 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, 2012 through March 10, 2013 (year 3 of 3 extension).

Contingent upon the availability of funds.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

#41

**RESOLUTION NO. 12-79
(February 14, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

POSITION CREATION(S) APPROVED

BE IT RESOLVED, That the following position(s) be hereby reclassified as stated within the various county department(s) listed:

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Health Department

- One (1) position of Senior Account Clerk, full time, CSEA agreement, sch. A, grade 6 (\$15.37 - \$17.14/hr), effective January 14, 2012; and be it

FURTHER RESOLVED, That one (1) position of Keyboard Specialist II will be abolished following permanent appointment to the above Senior Account Clerk.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:
Chairman Berwanger asked if there was any Supervisor who objects to the presentation of unanimous consent resolution #42-44. Hearing none, the Chairman asked Board Clerk Ketchum to read unanimous consent resolution #42-44 prior to the roll call vote.

UC#42

RESOLUTION NO. 12-80 (February 14, 2012)

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

RIGHT OF WAYS FOR DUTCH HOLLOW ROAD BRIDGE PROJECT APPROVED

WHEREAS, That the real property below located in the Town of Sheldon, Wyoming County, New York is needed to be acquired by the County of Wyoming for the replacement of Sheldon Bridge #08, BIN #3320170 Dutch Hollow Road over Glade 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.	Acreage
Leo P. Lefort	90.00-1-59	PE Map # 1, Parcel # 1	.088 ±
Marion G. Lefort			
Stephanie Valento			
Melissa Kehl			
3629 Dutch Hollow Road			
Strykersville, NY 14145			
Leo P. Lefort	90.00-1-60	PE Map #2, Parcel # 2	.110 ±
Marion G. Lefort		# 3	.014 ±
Baron Lefort			
3639 Dutch Hollow Road			
Strykersville, NY 14145			
Jimm Crow	90.00-1-22.112	PE Map #3, Parcel # 4	.127 ±
Judge Crow			
3638 Dutch Hollow Road			
Strykersville, NY 14145			

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Peter G. Schiltz 90.00-1-22.2 PE Map #4, Parcel # 5.106 ±
3600 Dutch Hollow Road
Strykersville, NY 14145

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: 1539 Noes: Absent: 57 (Covington) Abstain:

UC#43

**RESOLUTION NO. 12-81
(February 14, 2012)**

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

**SUPPORTING REQUEST FOR STATE LEGISLATION
REGARDING THE TAKING OF DEER BY CROSSBOW**

WHEREAS, The New York State Environmental Conservation law allows the establishment and regulation of “Bowhunting” (NYS DEC Hunting and Trapping guide) seasons for deer hunting; and

WHEREAS, The current law restricts the use of a crossbow during the Bowhunting season except for those individuals that are so physically disabled that they can only release a crossbow via “discharge of breath” (per subdivision 15 of section 11-901 of the NYS Conservation Law); and

WHEREAS, The current law allows for the taking of big and small game by the use of a vertical longbow (not crossbow) equipped with a

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mechanical device for holding and releasing the bowstring for sportsmen who are temporarily or permanently incapable of drawing and/or holding a bow because of a physical disability and obtain a signed statement by their licensed physician certifying the nature, extent, and term of physical disability; and

WHEREAS, This is extremely limiting as some seniors (age 55 or older) and physically disabled persons still may not be able to hold or release a “longbow” equipped with these mechanical devices; and

WHEREAS, The New York State Department of Environmental Conservation 2012 Deer Management Plan states “*DEC supports the use of crossbows for hunting during all seasons in which other Bowhunting equipment is allowed. The crossbow hunting law enacted in 2010 does not address deer management needs, nor is it consistent with hunter preferences. Deer populations in some portions of the state, particularly where access or firearm use is restricted, may cause serious impacts on forest regeneration, biodiversity protection, and public health. Crossbows are one additional tool to help DEC manage deer populations. Further, allowing crossbows to be used by hunters with physical disabilities – as well as family members with whom they enjoy spending their outdoor experience – will allow them to continue hunting. This is consistent with DEC's interests in connecting New Yorkers with nature;*” and

WHEREAS, Senior (age 55 or older) and physically disabled persons (which includes those wounded in the military) should have the equal opportunity to hunt during the regulated Bowhunting season with an implement that meets the basic standard of a “longbow” i.e., has limbs, strings and shoots an arrow; and

WHEREAS, A crossbow consists of limbs, strings and shoots a bolt (arrow) and by definition is an archery implement; and

WHEREAS, Both the IRS and the US Fish and Wildlife Service recognize the crossbow and related accessories as archery equipment.

WHEREAS, A crossbow can be drawn and held mechanically and the forearm can be rested on some from of shooting rest or stick to accommodate those that may not be able to otherwise hold a “bow” upright; and

WHEREAS, A crossbow like the longbow is a legal shooting implement during the “regular” deer season; now therefore

BE IT RESOLVED, The New York State Conservation Law be amended to allow seniors (age 55 or older) and physically disabled person that hunt in Wyoming County to hunt with a crossbow during seasons that allow the

use of a "longbow," including the Bowhunting only seasons, effective October 01, 2012; and be it

FURTHER RESOLVED, That the Clerk to this Board is hereby directed to send certified copies of this resolution to Governor Andrew Cuomo, Senator Patrick Gallivan, Assemblyman Daniel Burling.

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

UC#44

**RESOLUTION NO. 12-82
(February 14, 2012)**

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

FUND BALANCE POLICY APPROVED

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby approved the Wyoming County Fund Balance Policy as annexed hereto; effective immediately:

WYOMING COUNTY FUND BALANCE POLICY

DEFINITION:

Fund Balance: Fund balance is the difference between the assets and liabilities reported in a governmental fund. Fund balance is not necessarily the cash balance of the County the fund balance consists of other assets as well such as money due from the state and federal governments, and accounts receivable. Fund balances are classified into various components depending on the limitations placed on the use of the funds. The hierarchy indicates the extent to which a government is bound to observe spending constraints that govern how it can use amounts reported in the governmental fund's balance sheet.

BACKGROUND:

The Governmental Account Standards Board (GASB) has issued Statement 54, *Fund Balance and Governmental Fund Type Definitions*; which will first affect the County's financial statements for the year ending December 31, 2011.

Additionally, the Government Finance Officers Association (GFOA) recommends that governments establish a policy on the level of unassigned fund balance that should be maintained in the general fund.

POLICY:

1. The County will strive to maintain an adequate fund balance in its general fund to provide flexibility and to mitigate current and future risks (e.g., revenue shortfalls and unanticipated expenditures), to ensure stable tax rates, to provide for one-time opportunities and to retain favorable credit ratings. The County will endeavor to maintain an unassigned fund balance in its general fund of 15% of regular general fund operating expenditures.
2. The County will adhere to the guidelines of GASB Statement 54 in accordance with the required implementation date. GASB Statement 54 established the following classifications depicting how specific amounts can be spent:
 - **Nonspendable** fund balance consists of amounts that are not in a spendable form in the current period either because of their form or because they must be maintained intact, including prepaid items, inventories, long-term portions of loans receivable, and financial assets held for resale.
 - **Restricted** fund balance consists of amounts that are subject to externally enforceable legal purpose restrictions imposed by grantors, bondholders or laws and regulations of higher levels of governments; or through constitutional provisions or enabling legislation.
 - **Committed** fund balance consists of amounts constrained to specific purposes by a government itself using its highest level of decision-making authority; to be reported as committed, amounts cannot be used for any other purpose unless the government takes the same highest-level action to remove or change the constraint.
 - **Assigned** fund balance consists of amounts a government intends to use for a specific purpose; intent can be expressed by the governing body or by an official or body to which the governing body delegates the authority.
 - **Unassigned** fund balance consists of amounts that are available for any purpose; these amounts are reported only in the General Fund.

The County will spend, as allowed and available, the most restricted dollars before less restricted in the following order:

- a) Nonspendable (if funds become spendable)
- b) Restricted
- c) Committed
- d) Assigned
- e) Unassigned

3. The actual level of unassigned fund balance in the County's general fund is determined in its annual financial statement, several months after the end of the fiscal year. The County's budgeting process, which culminates both in the establishment of the following year's tax rate and the use of any appropriated fund balance, begins approximately five years in advance of the financial statement that will show that budget's results. Because of this time lag and because of the uncertainties of the budgeting process (such as the amounts of appropriated fund balance actually used each year), it is not possible to guarantee in advance a specific level of unassigned fund balance at the close of any fiscal year. Therefore, the County will use the following procedure to adjust the levels of unrestricted fund balance, as necessary.

PROCEDURE:

1. Once the external auditor has compiled a "draft" of the County's financial statements for the prior year including the unassigned fund balance of the general fund, the County Budget Officer and County Treasurer will recommend to the Finance Committee of the Board of Supervisors certain amounts and classifications of fund balance. The Finance Committee of the Board will review these recommendations and accept or modify such recommendations prior to submission of the completed financial statements to the full Board.
2. The County Budget Officer shall make recommendations regarding the use of unassigned fund balance to be appropriated in the following year's budget based on this policy; specifically, he/she shall recommend an amount that will in his/her estimation retain the level of unassigned fund balance established in this policy.

This policy may be updated as deemed necessary by Resolution of the Wyoming County Board of Supervisors.

REFERENCE:

1. County Law Sections 354-360
2. GASB Statement 54 (<http://www.gasb.org.st.summary/gstsm54.html>)
3. GFOA Best Practice, Appropriate Level of Unrestricted Fund Balance in the General Fund, 2009.
(http://www.gfoa.org/downloads/AppropriateLevelUnrestrictedFundBalanceGeneralFund_GestPractice.pdf)
4. NYS Comptroller Multi Year Financial Planning Tutorial
(<http://www.osc.state.ny.us.localgov.training/modules/myfp/reserves.htm>)

Carried: XXX Ayes: 1539 Noes: Absent: 57 (Covington) Abstain:

*****Recognition of the NYSAC Pelletier Graduates, by Finance Committee Chair Kushner***

The Dennis A. Pelletier County Government Institute, Inc is a non-profit organization that offers a comprehensive educational program for county officials. The Institute is designed to assist county officials to more effectively serve the public. The purpose of the institute is to enhance the knowledge, skills and abilities of county officials to allow them to engage in informed, constructive and civil discussions on the challenges they face as public servants.

The Pelletier County Government Institute is co-sponsored through a partnership with NYSAC and Cornell University and the Community and Regional Development Institute (CaRDI). With the guidance of the Pelletier Board of Directors, as well as Cornell/CaRDI's Directors Dr. John Sipple and Rod Howe, NYSAC has worked to shape a strong curriculum to enhance the public service knowledge

Supervisor Kushner, T/Eagle continued by thanking the graduating members of the Wyoming County contingency noting the time and dedication required to complete the course. Supervisor Kushner also stated that as this year's graduating class Wyoming County has more graduates than any other New York State County. Something to be very proud of...

Those graduates are:

- *Jerry Davis Winter Conf. 2009*
- *A. D. Berwanger Fall Conf. 2009*
- *Cheryl Ketchum Fall Conf. 2009*
- *Dixie Perkins Fall Conf. 2010*
- *Cheryl Mayer Fall Conf. 2011*
- *Daryl Rogers Fall Conf. 2011*
- *Doug Patti Fall Conf. 2011*
- *Larry Rogers Winter Conf. 2012*
- *Jean Totsline Winter Conf. 2012*

Certificates of Recognition were given to each graduate.

Superintendent of County Highways, Todd Gadd was asked to present an update on the Federal Transportation Reauthorization Legislation and what it means to Wyoming County's Regional MPO. Chairman Berwanger explained that basically this legislation eliminates our seat at the table. At this past Winter NYSAC conference was able to pass a resolution in opposition to this legislation.

There being no further business to come before this Board, Senior Supervisor Fleischman, T/Java, adjourned the meeting at 3:20 PM with a rap on his desk.

Respectfully submitted,

Cheryl Ketchum

Cheryl J. Ketchum, Board Clerk

**REGULAR SESSION
(March 13, 2012)**

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 2:35 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance for this month's meeting is:

FREDERICK J. MARCHESON

Mr. Marcheson's service to his country comes while serving during World War II when he enlisted in the United States Army on January 1, 1945 at the age of 19. He completed Basic Training at Camp Bland, Florida and became qualified as an infantryman.

Mr. Marcheson was shipped overseas to Bazancourt, France and assigned to a Military Police Unit. He worked as a security guard watching "prisoners of war" with the MP Unit for about a year and then returned to the United States where he was honorably discharged at Ft. Dix, New Jersey on November 1, 1946 at the rank of Sgt.

Mr. Marcheson returned to this area and went back to work at Curtis Wright Industry working in the riveting department on the assembly of C-46 cargo planes for about 2 years. He then changed vocation and worked for several years in construction, including running his own roofing business.

In 1966, Mr. Marcheson went to work for Chevrolet in Buffalo, where he worked as a machinist for the next 22 years until his retirement in 1988.

Mr. Marcheson has been a longtime member of both the American Legion and the VFW. He enjoys building model airplanes and playing bingo. He has been married to his wife, Elaine, for 65 years and they live in the town of South Wales.

The pledge was said by all.

Chairman Berwanger presented a certificate of appreciation to Mr. Marcheson and an opportunity to address the Board. At which time, Mr. Marcheson thanked the Board for being asked to lead the pledge and shared a brief story of his travels during his service during WWII...

There was a brief interruption of the meeting as attending press took pictures.

Communications:

1. **Assemblyman Burling** ~ Letter dated February 21, 2012 to VA Western New York Healthcare System, Chief of Staff, Miguel A. Rainstein, MD, FACS ~ *requesting review of decision to close the Warsaw Community Outpatient Clinic.*
2. **Larry Becker/Wyoming County Wildlife Federation** ~ Letter dated February 27, 2012 ~ *thanking the Board for their support in changing state legislation to allow senior citizens (55 and older) and those with physical disabilities to hunt with a crossbow .*
3. **Assemblyman Burling** ~ Letter dated March 06, 2012 ~ *receipt of resolution dated February 14, 2014 (12-77) regarding the passage of Senate Bill S.5889-B and Assembly Bill A.8644 that would implement a multi-year state takeover of local share of Medicaid.*

#1

RESOLUTION NO. 12-83
(March 13, 2012)

By Mr. Kushner, 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: 01.12.3110.438903 Homeland Security	\$36,902.0		
To: 01.12.3112.43890D Homeland Security	0	\$36,902.0	
Reason: To transfer 2009 Homeland Security Grant 09838892 to New 3112 Cost Center		0	
Sheriff Total			\$36,902.00

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

RESOLUTION NO. 12-84
(March 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2012 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2012 accounts as follows:

Buildings and Grounds/Co. Bldgs.			
From: 01.34.1620.4.40001 Gas	\$10,000.0		
01.34.1620.4.40002 Electric	0		
To: 01.34.1620.2.23001 Motor Vehicles	10 000.00	\$20,000.0	
Reason: For purchase of new pickup truck		0	
Buildings and Grounds/Co. Bldgs. Total			\$20,000.00
Sheriff			
From: 01.12.3110.438903 Homeland Security	\$23,715.7		
To: 01.12.3112.43890D Homeland Sec	4	\$23,715.7	
Reason: To transfer 2009 Homeland Security Grant		4	
09838892 to New 3112 Cost Center			
Sheriff Total			\$23,715.74

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

#3

RESOLUTION NO. 12-85
(March 13, 2012)

By Mr. Kushner, 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:

Sheriff			
To: 01.37.3110.1.10301 Overtime	\$4,514.54		
01.37.3110.4.40009 Cellular Phone	4,100.00		
01.37.3110.4.40016 Internet	5,805.46		
01.37.3110.4.40301 Professional Svc	9,690.00		
w/01.12.3110.438903 Homeland Security			
T09838892			
Reason: To appropriate Homeland Security Grant			
Sheriff Total		\$24,110.00	
			\$24,110.00

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

March 13, 2012

RESOLUTION NO. 12-86
(March 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2012 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2012 accounts as follows:

County Reforestation			
To: 01.49.8710.4.40301 Prof. Srv. Contracts w/01.08.8710.2652 Sale of Property Reason: To cover 10% commission to Pioneer Forestry for Poplar Tree Rd. property timber sale.	\$9,243.50	\$9,243.50	
County Reforestation Total			\$9,243.50
CIP/WCCH Renovations			
To: 08.56.4510.4.40301 Professional Svc w/08.11.4510.349702 Energy Grant Reason: To appropriate Energy Grant funds to cover the cost of the WCCH HVAC System	\$100,000.00	\$100,000.00	
CIP/WCCH Renovations Total			\$100,000.00
Mental Health			
To: 01.38.4220.4.42306 Miscellaneous Other w/01.12.4220.4490 Federal Revenue Reason: To appropriate funds to cover the cost of a Town Hall Meeting (SAMHSA grant funds) w/01.12.4220.4490 Federal Revenue iao \$500.00	\$500.00	\$500.00	
Mental Health Total			\$500.00
Sheriff			
To: 01.37.3110.4.40009 Cellular Phone 01.37.3110.4.40301 Professional Svc w/01.12.3110.438903 Homeland Security Reason: To appropriate Homeland Security Grant T09838892	\$1,533.74 9,690.00	\$11,223.74	
Sheriff Total			\$11,223.74
Emergency Services			
To: 01.37.3112.2.20201E Computer Equip 01.37.3112.4.40016E Internet w/01.12.3112.43890E Homeland Security Reason: Homeland Security Grant T838802	\$1,589.06 4,800.00	\$6,389.06	
Emergency Services Total			\$6,389.06
Office for the Aging			
To: 01.44.6772.4.42463 WRAP w/01.12.6772.477213 WRAP Reason: Carryover Funds from NYSOFA WRAP PY's 10/11 & 11/12	\$11,432.00	\$11,432.00	
Office for the Aging Total			\$11,432.00
County Jail			
To: 01.37.3150.4.41803 Pymts to Cty's & Munic./Inmate Boarding w/01.04.3150.1525 Prisoner Charges Reason: Inmate boarding has exceeded the budgeted amount	\$35,000.00	\$35,000.00	
County Jail Total			\$35,000.00

Carried: XXX Ayes: 1596 Noses: Absent: Abstain:

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Mr. Knab, T/Sheldon, Chairman of the Audit Committee, presented bills totaling **\$6,658,507.71** for the month of **February 2012**.

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

#5

RESOLUTION NO. 12-87
(March 13, 2012)

By Mr. Davis, Chairman of Human Resource Committee:

**CHAIRMAN AUTHORIZED TO SIGN GRANT APPLICATIONS AND
ACCEPTANCE AWARDS WITH 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 grant applications and acceptance awards with **New York State Board of Elections, 40 Steuben Street, Albany, NY 12207** on behalf of the Board of Elections as follows:

- Voting Access for Individuals with Disabilities grant contract #T003312 in a minimum amount of one thousand six hundred eighty-five dollars (\$1,685.00); effective January 01, 2012 through September 30, 2016.
- Voter Education and Poll Worker Training- grant contract #T002582 in a minimum amount of twenty-four thousand two hundred thirteen dollars (\$24,213.00); effective April 01, 2012 through March 31, 2013.

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

There was a motion by Mrs. Totsline T/Genesee Falls, to combine resolutions #6 through #8. A voice vote was taken and all voted aye.

#6

RESOLUTION NO. 12-88
(March 13, 2012)

By Mrs. Totsline, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON
BEHALF OF THE WYOMING COUNTY YOUTH BUREAU**

March 13, 2012

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 County Youth Bureau:

- **PeerPlace Networks, LLC**, 300 Main Street, Suite 2-214, East Rochester, NY 14445 for the provision of User Subscription Fee Services for current data management software in an amount not to exceed five thousand two hundred seventy-three dollars and forty cents (\$5,273.40); effective March 1, 2012 through February 28, 2013
- **Rachel Harmon**, 17 Colony Run, Attica, NY 14011 for the provision of Pre-School Related Services in an amount not to exceed 2012 budgeted amounts; effective March 1, 2012 through June 30, 2015
- **Step by Step Physical Therapy**, 2333 North Main Street, P.O. Box 412, Warsaw, NY 14569 for the provision of Pre-School Related Services-Physical Therapy variable in an amount not to exceed 2012 budgeted amounts; effective March 1, 2012 through June 30, 2015

Contingent upon the availability of funds.

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

#7

**RESOLUTION NO. 12-89
(March 13, 2012)**

By Mrs. Totsline, Chairman of Human Services Committee:

**AC CASSERI AND BRANDY SWAIN APPOINTED
TO THE WYOMING COUNTY YOUTH BOARD**

BE IT RESOLVED, That **AC Casseri**, 3721 Krotz Road, Warsaw, NY 14569 (Replacing Nevada Schoonover) be hereby appointed as a Youth Member for a term of one (1) year; effective January 1, 2012 through December 31, 2012; and be it

FURTHER RESOLVED, That **Brandy Swain**, P.O. Box 34, Pike, NY 14130 be hereby appointed to a vacant unexpired term of three (3) years; effective through December 31, 2012 as a Community Member.

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

RESOLUTION NO. 12-90
(March 13, 2012)

By Mrs. Totsline, Chairman of Human Services Committee:

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

BE IT RESOLVED, That Jean Totsline (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, 2012 through December 31, 2012.

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

There was a motion by Mrs. Ryan T/Warsaw, to combine resolutions #9 through #12. A voice vote was taken and all voted aye.

Prior to the roll call vote, Chairman Berwanger expressed his personal opposition to state funding cuts to the Roswell Cancer Institute. He expressed the importance of having such a facility in the community and he also spoke to the Board of Supervisors' continued support of the facility with state funding. In closing he said that If we're going to spend money anyplace this would be one of the places to do so...

#9

RESOLUTION NO. 12-91
(March 13, 2012)

By Mrs. Ryan, Chairman of Public Health Committee:

COLORECTAL CANCER AWARENESS MONTH PROCLAIMED

WHEREAS, colorectal cancer is the third most commonly diagnosed cancer and the second most common cause of cancer deaths for men and women in the United States;

WHEREAS, colorectal cancer affects men and women equally;

WHEREAS, the vast majority of colorectal cancer deaths can be prevented through proper screening and early detection;

March 13, 2012

WHEREAS, the survival rate of individuals who have colorectal cancer is 91% when detected in early stages versus only a 10% survival rate when colorectal cancer is diagnosed after it has spread to other organs;

WHEREAS, uninsured Americans are more likely to be diagnosed with late stage colorectal cancer than patients with private insurance;

WHEREAS, 64% of men and women without health insurance need to be screened;

WHEREAS, at least 6 out of every 10 deaths could be prevented if every adult 50 or older got tested regularly;

WHEREAS, colorectal cancer is preventable, treatable, and beatable in most cases; and

WHEREAS, observing a Colorectal Cancer Awareness Month during the month of March would provide a special opportunity to offer education on the importance of early detection and screening:

NOW THEREFORE, be it Resolved by the Wyoming County Board of Supervisors:

- (1) Supports the observance of Colorectal Cancer Awareness Month to offer education on the importance of early detection and screening; and
- (2) Recognizes the Livingston Wyoming Cancer Services Program and the Wyoming County Health Department for providing information about the importance of prevention and early detection through regular screening, and facilitating access to care for uninsured residents of Wyoming County; and
- (3) Urges residents of Wyoming County to be screened regularly for colorectal cancer, and to participate and support colorectal cancer awareness efforts by the Cancer Services Program, and hereby recognize March as “Colorectal Cancer Awareness Month” in Wyoming County.

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

RESOLUTION NO. 12-92
(March 13, 2012)

By Mrs. Ryan, Chairman of Public Health Committee:

**CHAIRMAN/COMMISSIONER OF HEALTH AUTHORIZED TO
AWARD BID AND SIGN A LEASE ON BEHALF OF THE COUNTY
HEALTH DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney be hereby authorized and directed to award a bid for one (1) 2012 Chevrolet Sonic 2LS not to exceed fifteen thousand eight hundred seventeen dollars (\$15,817.00) to Joe Basil Chevrolet, 5111 Transit Road, Depew, NY 14043 on behalf of the County Health Department; and be it

FURTHER RESOLVED, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney are hereby authorized and directed to sign a lease agreement with Ally, PO Box 618, Minneapolis, MN 55440 for the above 2012 Chevrolet Sonic 2LS for a term of twenty-four months consisting of two (2) annual payments of eight thousand one hundred thirty-one dollars and one cent (\$8,131.01) and a \$1.00 buyout. Funds budgeted. Expense fully reimbursed by NYSDOH approved ATUPA grant, vehicle must be received by Wyoming County Health Department no later than March 31, 2012.

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

#11

RESOLUTION NO. 12-93
(March 13, 2012)

By Mrs. Ryan, Chairman of Public Health Committee:

**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

March 13, 2012

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 2012 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: 1596 Noes: Absent: Abstain:

#12

**RESOLUTION NO. 12-94
(March 13, 2012)**

By Mrs. Ryan, Chairman of Public Health Committee:

**RESOLUTION IN OPPOSITION TO GOVERNOR CUOMO'S
PROPOSED BUDGET RECOMMENDATION TO CURTAIL CURRENT
NYS FUNDING TO THE ROSWELL PARK CANCER INSTITUTE AND
TO ELIMINATE NYS FUNDING ENTIRELY BY MARCH 2014,
CEASING NECESSARY STATE FUNDING STREAMS**

WHEREAS, Roswell Park Cancer Institute (RPCI) is America's first cancer center founded in 1898 by Dr. Roswell Park with a revolutionary model of "multidisciplinary approach" to cancer with scientists and clinicians working in concert and in consult has become the standard by which all modern-day comprehensive cancer centers are measured; and

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WHEREAS, RPCI is a treasured world class hospital with outpatient and research operations saving lives of New Yorkers; and

WHEREAS, RPCI is a beacon of help, hope, and cure to the residents of upstate New York; and

WHEREAS, RPCI has been funded by the New York State as a cutting edge research center and clinical care facility for over 100 years; and

WHEREAS, RPCI is America's First Comprehensive Cancer Center and is nationally recognized for its first class cancer treatment and cutting edge research; and

WHEREAS, RPCI has made fundamental contributions to reducing the cancer burden and has successfully maintained an exemplary leadership role in setting the national standards for cancer care, research, and education; and

WHEREAS, RPCI returns to New York State \$5 for every \$1 invested, created 1,000 new jobs, designated as one of only 40 National Cancer Institute comprehensive cancer centers in the United States and the only one operating upstate; and

WHEREAS, RPCI is a founding member of and the heart of the Buffalo Niagara Medical Campus; and

WHEREAS, RPCI trains 294 clinical residents/oncology fellows annually as well as 75 postdoctoral research fellows, 112 predoctoral graduate students and hosts 54 high school and college summer research students; and

WHEREAS, RPCI has been recognized by US News & World Report as one of the Best Hospitals for Cancer, ranked 27th in the nation in 2011; and

WHEREAS, RPCI research and innovation has produced 9 spin-off companies in the last 10 years; and

WHEREAS, RPCI has been designated Leapfrog Top Hospital for Patient Safety and Quality Care 1 of 65 from a field of nearly 1,200 nationwide for 2 consecutive years; and

WHEREAS, RPCI pioneered Photodynamic therapy (PDT) which uses a light sensitive drug and lasers to treat various cancers; now therefore
BE IT RESOLVED, That the withdrawal of New York State funding to Roswell Park Cancer Institute could seriously impact the world class patient care along with devastating the ground breaking, internationally recognized research and

innovation that is saving lives, advancing medical science and contributing significantly to the economy of New York State this body hereby requests that New York State in its fiscal year 2012 budget provide the \$118 million annual funding for Roswell Park Cancer Institute; and be it

FURTHER RESOLVED, That certified copies of this resolution be sent to Governor Andrew Cuomo, Lieutenant Governor Robert Duffy, Members of the Western New York State Legislature delegation, Members of the Western New York Federal Delegation, the Commissioner of the New York State Department of Health Dr. Nirav Shah and President and CEO of RPCI Dr. Donald Trump.

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

After the passage of the above resolutions, Chairman Berwanger invited Supervisor Ryan to the podium to present the Colorectal Cancer Awareness Month and Developmental Disabilities Awareness Month proclamations. In doing so, Supervisor Ryan also invited Dr. Collins to the podium to join her for the presentation of the Colorectal Cancer Awareness Month proclamation. Dr. Collins brought everyone's attention to all of the blue ribbons posted around the county and Chairman Berwanger added that the flood lights illuminating the government center building are blue, too. Next, Supervisor Ryan invited Director Snell for the Developmental Disabilities Awareness Month proclamation.

Chairman Berwanger invited D. Almeter, President of the Wyoming County Community Hospital Board of Managers to join him in the presentation of a plaque depicting Wyoming County's appreciation to Leon Kuczmarski for 19 years of dedicated service to the Wyoming County Community Health System upon the announcement of his retirement. Dr. Kuczmarski very graciously thanked the Board of Supervisors, Board of Managers and most especially the staff of the Wyoming County Community Health System!!!

There was a motion by Mr. Brick T/Perry, to combine resolutions #13 and #14. A voice vote was taken and all voted aye.

#13

**RESOLUTION NO. 12-95
(March 13, 2012)**

By Mr. Brick, Chairman of Agriculture Committee:

RESOLUTION NUMBER 11-275 AMENDED

Regular Session

WHEREAS, Resolution Number 11-275 entitled, “**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH PIONEER FORESTRY ON BEHALF OF COUNTY REFORESTATION**,” passed by this Board of Supervisors on September 13, 2011 and provides for work depicted in the updated 10 year County Forest Management plan provided by Pioneer Forestry for 2011; now therefore

BE IT RESOLVED, That Resolution Number 11-275 be hereby amended to include the previously negotiated 10% commission associated with the Selection / Salvage Harvest in Stand 3 (108 acres) on the Poplar Tree Road, Wethersfield County Forest Lands.

Contingent upon the availability of funds from the sale of the Timber.

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

#14

**RESOLUTION NO. 12-96
(March 13, 2012)**

By Mr. Brick, Chairman of Agriculture Committee:

**REISDORF BROTHERS FARM STORE AND FEED MILL
CELEBRATES 100TH YEAR ANNIVERSARY**

WHEREAS, The Wyoming County Board of Supervisors do hereby acknowledge that Reisdorf Brothers Farm Store and Feed Mill did establish their business, located at 1830 Perry Road, North Java, New York 14113 in 1912, and that same business has operated for one hundred (100) continuous years, and

WHEREAS, Reisdorf Brothers Farm and Feed Mill has continuously supported numerous organizations within the Town of Sheldon, 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 Reisdorf Brothers Farm Store and Feed Mill on maintaining a successful business for one hundred years!

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

Chairman Berwanger invited Supervisor Knab, T/Sheldon and Dick Reisdorf to the podium to accept the proclamation commemorating Reisdorf Brothers' 100 year anniversary.

Chairman Berwanger then presented Mr. Reisdorf with a joint NYS Senate and Assembly resolution from Senator Gallivan and Assemblyman Burling.

The annual 4-H presentations were introduced by Holly Harwood, Cooperative Extension 4-H Educator. This year's presenters were:

- *Joe Fisher, T/Warsaw (Age: 12) "Keep Johnny Popping"*
- *Danielle Herrick, T/Eagle (Age: 9) "Penguin Eggs"*

There was a motion by Mr. Fleischman, T/Java, to combine resolutions #15 through #18. A voice vote was taken and all voted aye.

#15

RESOLUTION NO. 12-97
(March 13, 2012)

By Mr. Fleischman, Chairman of Planning Committee:

**BOARD OF SUPERVISORS TO PARTNER WITH KEY
 STAKEHOLDER GROUPS THROUGHOUT THE COUNTY IN
 UPDATING TARGET TOMORROW, COUNTY STRATEGIC PLAN**

WHEREAS, The Wyoming County Board of Supervisor's initiated a strategic development planning process in January 2000 with financial assistance from the United States Department of Commerce, Economic Development Administration; and

WHEREAS, The Strategic Development Plan was prepared with extensive public participation including the following:

- A county resident's survey in 1999 identified key issues and asked participants to evaluate how Wyoming County rated in certain areas. Seven-hundred fifty surveys were returned from a random sample of 2,000.
- A 22 member steering committee met frequently to provide direction and leadership for the project.
- Six focus groups of 10 to 15 members met twice to provide input and direction to the consulting team.
- Five public workshops were attended by a total of over 100 county residents in Perry, Arcade, Attica, and Warsaw.
- A workshop was held in January, 2001 with 83 municipal officials.

- All of the above participants received a copy of a Draft final report for their review and comment. In addition, 127 county residents received a copy of the Draft final report by calling county Planning and Development Department.

and with the assistance of a consulting team headed by Thomas Point Associates; and

WHEREAS, The Strategic Development Plan contains a number of recommendations that will help make Wyoming County a world class rural county that provides its residents with a good quality of life; and

WHEREAS, In 2011, the Wyoming County Board of Supervisors continues to recognize the importance of planning and positioning the county for the future and New York State's Smart Growth initiative by taking steps to update the 2001 Strategic Development Plan known as Target Tomorrow by partnering with key stakeholder groups that also support and recognize the importance of a countywide comprehensive planning effort; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors resolves to lead a countywide comprehensive planning process in partnership with the key stakeholder groups who commit and avail themselves to being a resource in the updating process.

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

#16

RESOLUTION NO. 12-98
(March 13, 2012)

By Mr. Fleischman, Chairman of Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN AGREEMENT WITH
ENVIRONMENTAL ENTERPRISES FOR GLOW REGION 2012
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 2012 Household Hazardous Waste Collection Program; and

WHEREAS, The GLOW Committee has recommended that a contract with Environmental Enterprises Inc., 4650 Spring Grove Avenue, Cincinnati,

March 13, 2012

OH 45232 be extended to provide collection services for the September 15, 2012 Household Hazardous Waste Collection Program; now therefore

BE IT RESOLVED, That upon the approval of the County Attorney, the Chairman of the Wyoming County Board of Supervisors is authorized and directed to sign a contract with the GLOW Counties and Environmental Enterprises Inc. for the 2012 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:

#17

**RESOLUTION NO. 12-99
(March 13, 2012)**

By Mr. Fleischman, Chairman of Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH
WYOMING COUNTY COMMUNITY ACTION ON BEHALF OF
WYOMING COUNTY**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Wyoming County Community Action, Inc., 6470 Route 20, Perry, NY 14530, to administer &otherwise act on behalf of the County of Wyoming in the operation & administration of the Workforce Investment Act of 1998 at no cost to the county, effective July 01, 2012 - June 30, 2017, renewable annually.

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

#18

**RESOLUTION NO. 12-100
(March 13, 2012)**

By Mr. Fleischman, Chairman of Planning Committee:

**LYLE MERLE APPOINTED TO THE GENESEE VALLEY
REGIONAL MARKET AUTHORITY BOARD**

BE IT RESOLVED, That *Lyle Merle*, 1884 Route 98, Attica, NY 14011 be hereby appointed to the Genesee Valley Regional Market Authority Board of Directors to replace the late Cynthia Sage (who replaced her husband, the late Roger Sage); *effective March 13, 2012*.

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

#19

RESOLUTION NO. 12-101
(March 13, 2012)

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 as follows:

- **Town of Covington**, 7083 Court Road, PO Box 128, Pavilion, NY 14525 for the provision of additional enforcement of the Vehicle and Traffic Laws for Route 63 in the amount of \$27.84-\$41.895/hr plus fringes and any negotiated salary increases; effective January 1, 2012 through December 31, 2012.
- **Livingston County Sheriff**, 4 Court Street, Geneseo, NY 14454 for the provision of prisoner housing in an amount not to exceed \$85.00 a day per prisoner; effective January 1, 2012 through December 31, 2012.
- **Genesee County Sheriff**, 165 Park Road, Batavia NY 14020 for the provision of prisoner housing in an amount not to exceed \$85.00 a day per prisoner; effective January 1, 2012 through December 31, 2012.

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 #20 through #25. A voice vote was taken and all voted aye.

Prior to the roll call vote, Chairman asked to have resolution office number 23 withdrawn.

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RESOLUTION NO. 12-102
(March 13, 2012)

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT ACCEPTANCE
AWARD WITH THE UNIFIED PLANNING WORK
PROGRAM/GENESEE TRANSPORTATION COUNCIL ON BEHALF
OF COUNTY HIGHWAY**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant application and acceptance award with the Unified Planning Work Program/Genesee Transportation Council, 50 West Main Street, Suite 8112, Rochester, NY 14614 on behalf of County Highway. Said grant funding is for a ***Horizontal Curve Study*** in a minimum amount of forty-five thousand dollars (\$45,000.00) with four thousand dollars (\$4,000.00) of in kind services included; effective April 08, 2012 through completion of the project.

Carried: XXX Ayes: 1596 Noses: Absent: Abstain:

#21

RESOLUTION NO. 12-103
(March 13, 2012)

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO AWARD A BID FOR
THE PURCHASE OF HIGHWAY EQUIPMENT**

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 Highway equipment to replace truck number #65, a 2000 International Dump Truck, 4x2 VIN #1HTSCABLXYH264212 with 125,017 miles as follows:

- **Cab & Chassis:**
 - One (1) 2013 International, Model 4300M7
 - **Regional International**, 1007 Lehigh Station Road, Henrietta, NY 14467 in an amount not to exceed sixty-three thousand three hundred sixty-six dollars (\$63,366.00);

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- **Body:**

- One (1) Galion-Godwin Model 130USD-10'
 - *Valley Fab Equipment*, 9776 Trevett Road, PO Box 380, Boston, NY 14025 in an amount not to exceed twelve thousand three hundred eighty-five dollars (\$12,385.00)

Carried: XXX

Ayes: 1596

Noes:

Absent:

Abstain:

#22

RESOLUTION NO. 12-104
(March 13, 2012)

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
 RENOVATIONS 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

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney, Project Manager 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:

- **General Construction – FT Tower** **\$908,613.00**
Building Innovation Group, 107 Lincoln Parkway, East Rochester, NY 14445
- **Mechanical -** **\$978,000.00**
Parise Mechanical Inc., 1106 Sheridan Drive, Tonawanda, NY 14150
- **Plumbing/Fire Protection -** **\$288,672.00**
Ackerman Plumbing Inc., 678 Sheridan Drive, Tonawanda, NY 14150

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• Electrical -	\$419,000.00
<i>Concord Electric</i> , 706 Maple Street, Rochester, NY 14611	
• Asbestos Abatement/Demolition -	<u>\$550,000.00</u>
<i>Penns Contracting Inc.</i> , 270 Sparta Ave., Ste. 104 Pmb 332, Sparta, NJ 07871	

Total of bids: \$3,144,285.00

Contingent upon the availability of funds.

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

**Withdrawn
#23**

**RESOLUTION NO. 12-
(March 13, 2012)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN ASBESTOS ABATEMENT
CONTRACTS IN CONNECTION WITH THE WYOMING COUNTY
COMMUNITY HEALTH SYSTEM RENOVATIONS PROJECT ON
BEHALF OF THE COUNTY OF WYOMING**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney, Project Manager and Project Engineer is hereby authorized and directed to sign the following contracts on behalf of the Wyoming County Community Health System renovations project:

Envoy Environmental Consultants, Inc. 1815 Love Road, Grand Island, NY 14072 for: Asbestos Air Monitoring/Project Monitor and Visual Inspections at WCCH 4th floor – Floor Tile and Mastic, in an amount no to exceed \$25,000.00; effective 02/21/12 through completion of the project

Metro Environmental, 2939 Lockport Road, Niagara Falls, NY 14305 for: Asbestos Tile Abatement on an as needed basis throughout 2012, in an amount not to exceed \$9.89 per sq. ft., effective 02/07/2012 through completion of the project

Contingent upon the availability of funds.

Carried: Ayes: Noes: Absent: Abstain:

RESOLUTION NO. 12-105
(March 13, 2012)

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO AWARD A BID FOR THE PURCHASE
OF BUILDINGS AND GROUNDS (CO. BUILDINGS) EQUIPMENT**

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 one (1) 2012 Ford F150 PU truck on behalf of Buildings and Grounds (Co. Bldgs.) in an amount not to exceed nineteen thousand one hundred sixteen dollars (\$19,116.00) to Conroy Motors Corp., 1457 Main Street, Java Center, NY 14082.

Contingent upon the availability of funds.

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

#25

RESOLUTION NO. 12-106
(March 13, 2012)

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN CONTRACTS WITH WASTE
MANAGEMENT ON BEHALF OF BUILDINGS AND GROUNDS (CO.
BUILDINGS)**

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 Waste Management of New York, LLC for waste removal on behalf of Buildings and Grounds (Co. Bldgs.); effective June 01, 2012 through May 31, 2015 as follows:

- Department of Social Services, 466 North Main Street, Warsaw, NY in an amount not to exceed four thousand eight hundred seventy-three dollars and sixty-eight cents (\$4,873.68)
- County Health Department, 5362 Mungers Mill Road, Bldg. A, Silver Springs NY in an amount not to exceed four thousand nine hundred

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twenty-three dollars and thirty-six cents (\$4,923.36)

- Public Safety, 151 North Main Street, Warsaw, NY in an amount not to exceed eight thousand eight hundred sixty-one dollars and four cents (\$8,861.04)

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 #26 through #34. A voice vote was taken and all voted aye.

Prior to the roll call vote, Supervisor Kushner offered a comment on resolution office number 30, stating that the County does not have the authority on its own to offer such local legislation without state legislation allowing the county to do so...

#26

**RESOLUTION NO. 12-107
(March 13, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

**CHAIRMAN/DIRECTOR OF INFORMATION TECHNOLOGY
AUTHORIZED TO SIGN MAINTENANCE AGREEMENTS 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 is hereby authorized and directed to sign a Maintenance agreement with ESRI, Inc., 380 New York Street, Redlands, CA 92373 on behalf of the Information Technology. Said agreement is for the provision of an Annual Support Contract for GIS Software in an amount not to exceed five thousand six hundred dollars (\$5,600.00); effective June 15, 2012 through June 14, 2013. PER NYS Contract #PT63832.

Contingent upon the availability of funds.

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

RESOLUTION NO. 12-108
(March 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS
ON BEHALF OF THE COUNTY HOSPITAL**

BE IT RESOLVED, In accordance with Resolution Number 11-209 passed by the Wyoming County Board of Supervisors, on June 14, 2011 entitled, **“AMENDING RESOLUTION 91-159, AUTHORITY OF THE BOARD OF MANAGERS OF THE HOSPITAL,”** the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign the following contracts:

- **Schindler Elevator Corporation**, 80 Curtwright Drive, Suite 3, Williamsville, NY 14221-7055, for the preventive maintenance program, examine, lubricate, adjust, and replace/repair covered components (hydraulic and traction elevators), cleaning and testing of safety devices in an amount not to exceed one hundred forty-three thousand five hundred thirty-seven dollars and seventy-eight cents (\$143,537.78) for the five year contract (annual rates approximately \$27-30K); effective May 1, 2012 through April 30, 2017.
- **Bonadio & Co. LLP (Donald T. Eichenauer, CPA, Partner)**, 171 Sully’s Trail, Pittsford, NY 14534 for WCCH Management services in an amount not to exceed twenty-four thousand dollars (\$24,000) per month plus reasonable reimbursements.

Contingent upon the availability of funds.

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

#28

RESOLUTION NO. 12-109
(March 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH THE BRENNAN GROUP (PATRICK BRENNAN) ON BEHALF OF THE COUNTYWIDE WATER DISTRICT RESEARCH SUBCOMMITTEE

March 13, 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 contract with The Brennan Group Consulting (Patrick Brennan), 7705 Sally Road, Waterville, NY 13480 for consulting services relating to the implementation of a Countywide Water District and next steps in the actual creation of a Water Resources Agency and what that Agency structure will look like in addition to securing implementation grant funding already identified of up to \$200,000.00 in the amount of \$2,500/mo. plus mileage, tolls, and reasonable expense reimbursements as approved by the Chairman of the Board, not to exceed seventeen thousand five hundred dollars (\$17,500.00); effective June 01, 2012 through December 31, 2012. These services should be covered by the grant.

Contingent upon the availability of funds.

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

#29

**RESOLUTION NO. 12-110
(March 13, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

**WYOMING COUNTY BOARD OF SUPERVISORS RESOLUTION TO
SUPPORT FULL CASINO GAMING
AT THE NINE EXISTING RACINOS IN NEW YORK STATE**

WHEREAS, In September 1973, eleven western New York counties and 2 cities 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 sharing 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 have joined them in the local control of such gaming activities that has since 1973 generated over \$209 Million in operating and surcharge revenues to the taxpayers of those participating municipalities; and

WHEREAS, Now, the Governor and State Legislature are considering a Constitutional Amendment to allow casino gaming in the State of New York; and

WHEREAS, The participating municipalities of Western OTB 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, Batavia Downs Casino has proven to be a successful Public Benefit Corporation to Wyoming County, with enhanced casino gaming allowed at Batavia Downs Casino it will provide over \$86 million dollars in capital construction spending resulting in 552 direct construction jobs, increases in impact of the first full year of operation will result in over 449 jobs at an output of over \$20.5 million dollars; and

WHEREAS, The nine New York State Racino's have proven to be a successful business partner with New York State and have provided gaming in a socially responsible and economically sensible manner; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby supports Batavia Downs Casino and the eight racino facilities presently licensed for video gaming to be authorized for full Casino gaming; and be it

FURTHER RESOLVED, That each member of the New York State Legislature and Governor be urged to join this Board in support for full casino gaming at Batavia Downs and further support the other New York State Video Gaming Licensees.

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

#30

**RESOLUTION NO. 12-111
(March 13, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

March 13, 2012

RESOLUTION OF THE BOARD OF SUPERVISORS ASKING NEW YORK STATE SENATOR GALLIVAN AND NEW YORK STATE ASSEMBLYMAN BURLING TO SPONSOR LEGISLATION AMENDING THE NEW YORK STATE REAL PROPERTY TAX LAW TO EXTEND VETERAN REAL PROPERTY TAX EXEMPTIONS TO ACTIVE DUTY PERSONNEL WHO HAVE NOT YET BEEN HONORABLY DISCHARGED AND RECEIVED A FORM DD214.

WHEREAS, The Wyoming County Board of Supervisors passed Local Law 1, of the year 2008, entitled “**Exemption from Real Property Taxes for Real Property owned by Veterans who rendered Military Service to the United States during the Cold War;**” and Local Law 2, of the year 2008, entitled, “**A Local Law Amending Local Law No. 1, Year 1985 Entitled, Reducing the Amount of Exemption Provided by 458-a of the Real Property Tax Law,**” further reducing the already reduced Amount of Exemption provided by 458-a of the Real Property Tax Law; and

WHEREAS, Veterans are defined very specifically by NYS Real Property Tax Law section 458-a (1)(e) as, *“a person (i) who served in the active military, naval, or air service during a period of war, or who was a recipient of the armed forces expeditionary medal, navy expeditionary medal, marine corps expeditionary medal, or global war on terrorism expeditionary medal, and who was discharged or released there from under honorable conditions...,”* now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby respectfully calls upon New York State Representatives, Senator Patrick Gallivan and Assemblyman Burling to partner with them in their belief of offering tax exemptions to Active Duty military personnel and sponsor legislation amending the New York State Real Property Tax Law to extend Veteran Real Property Tax exemptions to Active Duty personnel who have not yet been honorably discharged and received a form DD214.

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

#31

**RESOLUTION NO. 12-112
(March 13, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

SALARY SCHEDULE “D” AMENDED

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BE IT RESOLVED, That the Wyoming County Salary Plan which became effective January 01, 1967, as amended, is hereby amended as follows:

Health Department

• ***Medical Director (Wyoming County), pt***

- \$21,000 per year effective 2/19/12 through 3/31/12
- \$39,000 per year effective 4/1/12

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

#32

RESOLUTION NO. 12-113
(March 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

POSITION CREATION(S) APPROVED

BE IT RESOLVED, That one (1) position of **LPN II (CHHA)** be hereby created in the **Health Department Certified Home Health Agency** and placed on the appropriate step and grade of the current Collective Bargaining Unit's Salary Schedule; effective March 13, 2012; and be it

FURTHER RESOLVED, That one (1) position of **RPN (CHHA)** position code #118.209 on be hereby abolished in the **Health Department Certified Home Health Agency**; effective March 07, 2012;

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

#33

RESOLUTION NO. 12-114
(March 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

RESOLUTION NUMBER 12-27 AMENDED

WHEREAS, Resolution Number 12-27 entitled, "**POSITION CREATION APPROVED**," passed by this Board of Supervisors on January 13, 2012 and provides for the creation of one (1) full time position of Civil Clerk, (Temp.) in the Sheriff's Department, to be paid in accordance with the Sheriff's Employee Association (SEA) agreement grade 1 (\$15.30 - \$19.58/hr);

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effective January 14, 2012 through March 1, 2012 to cover a medical leave of absence of a current employee; now therefore

BE IT RESOLVED, That Resolution Number 12-27 be hereby amended to omit the (Temp.) from the end of the Civil Clerk (Temp.) title and amend the expiration date through April 01, 2012. All else remains the same.

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

#34

**RESOLUTION NO. 12-115
(March 13, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND
ACCEPTANCE AWARD WITH THE NEW YORK STATE POWER
AUTHORITY IN CONNECTION WITH THE WYOMING COUNTY
COMMUNITY HEALTH SYSTEM RENOVATIONS PROJECT ON
BEHALF OF THE COUNTY OF WYOMING**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant application and acceptance award secured by New York State Senator Patrick Gallivan with the New York Power Authority, 123 Main Street, Mail Stop 10, White Plains, NY 10601 on behalf of the Wyoming County Community Health System Renovations Project. Said grant is for funding the implementation of energy efficiency upgrades in connection with the renovations project in a minimum amount of one hundred thousand dollars (\$100,000.00)

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

Chairman Berwanger asked if there was any Supervisor who objects to the presentation of unanimous consent resolutions #35 through 38. Hearing none, the Chairman asked Board Clerk Ketchum to read unanimous consent resolutions #35 through 38 prior to the roll call vote.

Prior to the roll call vote, Supervisor Rogers asked for a correction to Unanimous Consent Resolution number 38, adding the purchase of two (2) 4WD vehicles and some misc. equipment.

Chairman Berwanger explained the process for appointments to the GLOW WIB. Any appointment to the GLOW WIB needs a resolution from all GLOW member counties.

UC#35

**RESOLUTION NO. 12-116
(March 13, 2012)**

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

**FEBRUARY 2012 WYOMING COUNTY
COUNTYWIDE WATER FEASIBILITY STUDY ADOPTED**

WHEREAS, Unlike some of its neighboring counties, Wyoming County does not have a central water agency responsible for the treatment, distribution, and maintenance of potable water for residents and businesses. Fifteen individual public water systems exist throughout the County to provide water to approximately 40 percent of the population; the remaining population relies on individual private systems. In 1970, the County hired a consultant to analyze the various community systems and develop a strategic plan for providing potable water to meet public demands through 2020. Unfortunately, very few of the recommendations were implemented; and

WHEREAS, A renewed, cooperative effort was enacted by the County and the individual communities in 2010 to investigate the incorporation and integration of all the existing and newly formed systems since the 1970 report. The development of a Countywide delivery system was seen as a critical issue as the demographics and population projections for the County have changed significantly since the previous report and most of the established systems have aging facilities that are in need of upgrades. In addition, many of the individual community water operators are approaching retirement age and the overall concern for replacement of the various employees has been a mutual concern among the municipalities and the County; and

WHEREAS, The purpose of this study is to discuss the feasibility and identify specific recommendations for the development of a County water resources agency, which would provide a cooperative, economical approach to delivering and maintaining potable water. With the creation of the agency, it is anticipated that immediate and long-term cost and operational savings through enhanced management and planning to both present and future users in the County. The agency will also help to alleviate concerns regarding public health and water quality, provide needed investment for upgrades and the replacement of aging infrastructure, and stimulate economic growth in areas

that have been designated for future development by the individual communities; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby approves the adoption of the *February 2012 Wyoming County Countywide Water Feasibility Study* as presented to the Committee of the Whole on this day, in order to begin the implementation of establishing a Water Resources Agency in Wyoming County, NY. The countywide water agency will provide manpower, services and specialized equipment, or other activities, on an as needed basis to all the water providers in the County. The Wyoming County Water Resources Agency will utilize funds from a New York State Department of State Local Government Efficiency Implementation Grant with a 10% local match to be provided by Wyoming County; and be it

FURTHER RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to enter into a Memorandum of Understanding with the 16 Towns and 8 Villages of Wyoming County as stakeholders in the implementation of a Wyoming County Water Resources Agency.

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

UC#36

**RESOLUTION NO. 12-117
(March 13, 2012)**

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

A RESOLUTION REQUESTING THE NEW YORK STATE LEGISLATURE TO ADOPT APPROPRIATE LEGISLATION TO ENABLE THE COUNTY OF WYOMING TO CONTINUE TO IMPOSE AND COLLECT TAXES ON MORTGAGES IN WYOMING COUNTY

WHEREAS, It is deemed desirable and necessary that the County of Wyoming be authorized and empowered to adopt and amend local laws imposing in such county a tax in addition to any tax authorized and imposed pursuant to Article 11 of the Tax Law on mortgages on real property in Wyoming County; and

WHEREAS, It is proposed that the rate of such tax shall be twenty-five cents (\$.25) per 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

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thereafter by such mortgage, which tax shall be dedicated to funding any general capital projects and/or the debt service for any capital projects for Wyoming County; and

WHEREAS, It is necessary that the New York State Legislature pass and adopt appropriate legislation to enable the County of Wyoming to continue to enact such local law for the imposition of such tax for a term of 5 years; and

WHEREAS, It is the understanding of this Board of Supervisors that prior to the enactment of the Home Rule Request preparatory to the enactment of such state legislation, it is necessary that such proposed legislation be reviewed and assigned the appropriate Senate and Assembly Introductory bill numbers, and that thereafter an appropriate Home Rule Request or Home Rule Message, be adopted and transmitted by this Board of Supervisors to the New York State Legislature; now therefore

BE IT RESOLVED, That this Board of Supervisors of Wyoming County do hereby respectfully requests the New York State Legislature to consider enactment of appropriate legislation to enable the County of Wyoming to impose and collect taxes on mortgages on real property in Wyoming County in addition to any tax authorized and imposed pursuant to Article 11 of the Tax Law, such legislation to authorize that the rate of such tax shall be twenty-five cents (\$.25) per 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 such mortgage, which tax shall be dedicated to funding any general capital projects and/or the debt service for any capital projects for Wyoming County; and be it

FURTHER RESOLVED, That following review and introduction of said legislation in the Senate and Assembly of the State of New York, this County Board of Supervisors respectfully requests that the necessary information and forms be forwarded to this Board of Supervisors in order that an appropriate Home Rule Request can be acted upon by this body; and be it

FURTHER RESOLVED, that certified copies of the Resolution be forwarded by the Clerk of this Board of Supervisors to Senator Patrick Gallivan, Assemblyman Daniel Burling, Assembly Speaker Sheldon Silver, the Clerk of the Assembly and the Clerk of the Senate, with a request that those representatives in the State legislature take the appropriate and necessary steps to process the legislation as requested herein; now therefore

BE IT RESOLVED, That this Resolution shall take effect immediately.

March 13, 2012

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

UC#37

**RESOLUTION NO. 12-118
(March 13, 2012)**

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

**MARTHA COSTELLO APPOINTED TO
THE GLOW WORKFORCE INVESTMENT BOARD**

BE IT RESOLVED, That Martha Costello, NYS Dept. of Labor Regional Manager, 587 East Main Street, Suite 100, Batavia, New York 14020 be hereby appointed to the GLOW Workforce Investment Board as an At Large member (replacing Kathy Marnell); effective March 13, 2012.

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

UC#38

**RESOLUTION NO. 12-119
(March 13, 2012)**

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

**CHAIRMAN AUTHORIZED TO AWARD A BID FOR
THE PURCHASE OF SHERIFF DEPARTMENT CARS**

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 three (3) cars in the amount of nineteen thousand three hundred fifty-three dollars and eighty cents (\$19,353.80) each, in an amount not to exceed fifty-eight thousand sixty-one dollars and forty cents (\$58,061.40) and two (2) 4WD vehicles to Hoselton Chevrolet in the amount of twenty-six thousand five hundred six dollars and forty-one cents (\$26,506.41) each, not to exceed fifty-three thousand twelve dollars and eighty-two cents (\$53,012.82) (NYS Contract #PC64892) to Hoselton Chevrolet, 909 Fairport Road, Rochester, NY 14445; and be it

FURTHER RESOLVED, That the following equipment is hereby approved for purchase in connection with the above vehicle purchases:

<u>Qty</u>	<u>Description</u>	<u>Cost</u>
2	wire cages	\$200.00
5	lightbars	4,500.00
5	Brush guards	1,000.00
5	graphic striping	3,750.00
5	console mounting brackets	500.00
	<i>Total equipment</i>	\$9,950.00
	<i>Total car purchase</i>	\$111,074.22
	<i>Total vehicles & equipment</i>	\$121,024.22

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 Rogers, T/Pike, adjourned the meeting at 4:00 PM with a rap on his desk.

Respectfully submitted,

Cheryl Ketchum

Cheryl J. Ketchum, Board Clerk

REGULAR SESSION
(April 10, 2012)

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 2:35 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. CONROY

Mr. Conroy's service to his country comes following the Korean War. He was called to active duty to serve in the United States Army in January of 1957 and took Basic Training at Ft. Dix, New Jersey. Mr. Conroy took Advanced Training at Ft. McPherson and Ft Benning, Georgia and became qualified as an Ordnance Mechanic.

Mr. Conroy was assigned to an Ordnance Unit at Ft. Benning and repaired tanks and trucks. He also was trained and worked as an Admin. Specialist. Mr. Conroy had a background in music and was asked to join and play with the 3rd Army Band for the remaining portion of his tour.

Mr. Conroy was honorably discharged in January of 1959 at the rank of SP4.

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

The Good Conduct Medal

Following his service, Mr. Conroy returned to this area and went back to work as a mechanic at Conroy Motors in Java Center. In his 65-year career at Conroy, he has worked his way up through the ranks, from mechanic to Service Manager and now the President and owner of Conroy Motors.

Mr. Conroy is a Life Member of the AmVets post in Strykersville. He enjoys golf, music, and reading. He has been married for 53 years to his wife Mary Jane and they live in the town of Java.

The pledge was said by all.

Regular Session

Chairman Berwanger invited Town of Java Supervisor, J. Fleischman to join him in the presentation of the customary certificate of appreciation to Mr. Conroy and an opportunity to address the Board. At which time, Mr. Conroy thanked the Board for their hard work and in being asked to lead the pledge...

There was a brief interruption of the meeting as attending press took pictures.

Communications:

1. Senator Gallivan will be holding a conference call in the Thomson Hall Conference Room for the Supervisors on April 18th at 10:30 AM to discuss the recently passed state budget and Medicaid Reform.
2. **Assemblyman Burling** ~ Letter dated March 27, 2012 regarding receipt of several resolutions of the Board of Supervisors relative to the taking of deer by crossbow, opposition to Governor Cuomo's proposed budget recommendation to curtail current New York State funding to the Roswell Park Cancer Institute, support of full casino gaming, adoption of the Wyoming County Countywide Water Feasibility Study, and the request for New York State Legislation to enable the County of Wyoming to continue to impose and collect taxes on mortgages in Wyoming County.
3. **Senator Gallivan** ~ Letter dated March 30, 2012 regarding receipt of Wyoming County Board of Supervisors resolution 12-110 in support of full casino gaming at Batavia Downs.

#1

RESOLUTION NO. 12-120
(April 10, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2012 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2012 accounts as follows:

District Attorney			
From: 01.32.1168.4.40402 Conf./Convention 01.32.1168.8.81001 Retirement	\$538.42 194.51		
To: 01.32.1168.4.41010 Misc. Office Supplies		\$732.93	
Reason: So that money can be spend down before the end of the grant period.			
District Attorney Total			\$732.93

Sheriff			
From: 01.37.3112.4.40301D Prof Svc 01.37.3112.1.10301D Overtime To: 01.37.3112.2.20201D Computer Equipment Reason: reallocation of Y2009 T838892 grant funds	\$9,690.00 5,200.00	\$14,890.00	
Sheriff Total			\$14,890.00
Wyoming County Community Hospital			
From: 01.35.1990.4.42110 Contingent/WCCH To: 01.52.9950.9.99002 Transfer to Hospital Reason: To cover the cost of Principal & Interest for USDA Loan (\$92,787.50) and the net Principal & Interest for the WCCH Phase I Loan (\$633,991.03).	\$726,778.53	\$726,778.53	
Wyoming County Community Hospital Total			\$726,778.53

Carried: XXX Ayes: 1596 Noses: Absent: Abstain:

#2

RESOLUTION NO. 12-121
(April 10, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2012 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2012 accounts as follows:

Public Health			
To: 01.38.4060.1.10001 Salaries – SDI 01.38.4060.1.10101 FT CSEA 01.38.4060.1.10202 Temporary 01.38.4060.1.10301 OT FT/PT 01.38.4060.1.10401 Longevity of Benefits 01.38.4060.1.10502 On Call 01.38.4060.1.10601 Unused Benefit Time 01.38.4060.1.10602 Ins Repudiation 01.38.4060.8.80001 Workers Comp 01.38.4060.8.81001 Retirement 01.38.4060.8.82001 Disability 01.38.4060.8.82002 CSEA Disability 01.38.4060.8.83001 FICA 01.38.4060.8.85001 Medicare – FICA 01.38.4060.8.86001 EAP 01.38.4060.8.89001 Med/Hosp Ins 01.38.4060.8.89002 HRA – Employee 01.38.4060.8.89003 HRA – Admin Exp w/01.03.4060.1289 Other Departmental Income Reason: salary & fringe expense in connection with the Jail Medical Program.	\$15,770.16 42,916.68 4,554.00 551.49 270.00 3,737.56 2,267.20 500.00 2,023.72 11,573.07 17.68 95.70 4,324.23 1,011.30 31.76 5,806.60 3,601.45 <u>37.40</u>	\$99,090.00	
Public Health Total			\$99,090.00

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Sheriff			
To: 01.37.3110.4.40508 Private Auto Repair w/01.08.3110.102680 Insurance Recovery Reason: collision repair to car 13	\$1,702.12	\$1,702.12	
To: 01.37.3110.1.10301 Overtime 01.37.3110.2.20501 Law Enf Equipment w/01.12.3110.438902 Federal Grant/Aid Reason: appropriation is for the STEP grant award	\$7,500.00 <u>1,500.00</u>	\$9,000.00	
To: 01.37.3110.2.23001 Cars w/01.13.3110.5031 Interfund Revenue Reason: To allow for CIP funds to be transferred to purchase new patrol cars.	\$121,024. 22	\$121,024.2 2	
Sheriff Total			\$131,726.34
Emergency Services			
To: 01.37.3645.2.20401A Misc. Equipment 01.37.3645.2.23001A Motor Vehicles w/01.12.3645.43890A Federal Aid Reason: To rollover unspent grant funds for WM09838890 from 2009 budget year.	\$662.92 <u>1,605.73</u>	\$2,268.65	
Emergency Services Total			\$2,268.65
Public Defender			
To: 01.32.1170.4.41410 Software Purchase <i>With any funds available</i> Reason: To pay for 1/3 of the PDCMS (Public Defense Case Management System) in the Public Defender's Office	\$5,624.00	\$5,624.00	
Public Defender Total			\$5,624.00
Machinery			
To: 13.62.5130.2.23001 Mach. Equip Purchased w/13.13.1930.5031 Interfund Revenue (from Machinery) Reason: Funds for Machinery BAN 12-38	\$300,000. 00	\$300,000.0 0	
Machinery Total			\$300,000.00
Weights and Measures			
To: 01.43.6610.4.41414 Misc. Repair <i>With any funds available</i> Reason: To cover the cost of 5 year recertification of test equipment used in the field, including the 50# weights. These were tested at County Highway by State personnel at a charge of \$225	\$225.00	\$225.00	
Weights and Measures Total			\$225.00

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

Mr. Knab, T/Sheldon, Chairman of the Audit Committee, presented bills totaling **\$2,161,391.35** for the month of **March 2012**.

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

There was a motion by Mrs. Totsline T/Genesee Falls, to combine resolutions #3 through #6. A voice vote was taken and all voted aye.

April 10, 2012

**RESOLUTION NO. 12-122
(April 10, 2012)**

By Mrs. Totsline, Chairman of Human Services Committee:

RESOLUTION NUMBER 10-410 AMENDED

WHEREAS, Resolution Number 10-410 entitled, **“CHAIRMAN/DIRECTOR OF AGING AND YOUTH 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 December 14, 2010 and provides funding for Title's IIIB, C1, C2, D, E, EISEP, CSE, CSI, SNAP, HIICAP, WRAP and Transportation in a minimum amount of six hundred forty-three thousand one hundred seventy-nine dollars (\$643,179.00); effective January 01, 2011 through December 31, 2011 or April 01, 2011 through March 31, 2012; now therefore

BE IT RESOLVED, That Resolution Number 10-410 be hereby amended to extend the expiration date of the WRAP grant funding through March 31, 2013, all else remains unchanged.

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

#4

**RESOLUTION NO. 12-123
(April 10, 2012)**

By Mrs. Totsline, 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 for Weatherization Referral and Assistance Program (WRAP) services in an amount not to exceed thirty thousand dollars (\$30,000.00); effective April 01, 2012 - December 31, 2012. Contingent upon the availability of funds.

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

Regular Session

**RESOLUTION NO. 12-124
(April 10, 2012)**

By Mrs. Totsline, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN EARLY INTERVENTION
CONTRACTS WITH VARIOUS PROVIDERS 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 several contracts with the following agencies and individuals for the provision of the **Early Intervention Program** services not to exceed 2012-2015 budget, variable depending on number of services rendered; *effective July 1, 2012 through June 30, 2015*:

ALL COUNTY EDUCATIONAL SERVICES 6 BRIGHAM CIRCLE, HONEOEYE FALLS, NEW YORK 14472	585-314-0051
ASPIRE OF WESTERN NEW YORK 4635 UNION ROAD, CHEEKTOWAGA, NEW YORK 14225	716-505-5700
AURORA AUDIOLOGY 97 HAMBURG STREET, EAST AURORA, NEW YORK 14052	716-652-6464
BUILDING BLOCKS COMPREHENSIVE SERVICES, INC. 275 PARRISH STREET, SUITE A, CANANDAIGUA, NEW YORK 14424	585-393-0554
CHILDREN FIRST OF WESTERN NEW YORK 4 LANCASTER LANE, ORCHARD PARK, NEW YORK 14127	716-310-0670
CHILDREN'S REHAB SERVICES OF WNY 2900 DELAWARE AVENUE, KENMORE, NEW YORK 14217	716-380-0985
COX, LARISSA 4133 CENTERLINE ROAD, WARSAW, NEW YORK 14569	585-356-3676
DEVOE, SANDRA 10725 MOLASSES HILL ROAD, ALEXANDER, NEW YORK 14005	585-343-5158
FOX, MARY 5732 DACOLA SHORES ROAD, CONESUS, NEW YORK 14435	585-346-7329
FRAZIER, CANDY 8049 HIGGINS CREEK ROAD, FILLMORE, NEW YORK 14735	585-567-4316
HUMBERSTONE, TERRI 7064 STANDPIPE ROAD, PERRY, NEW YORK 14530	585-237-2139

INTEGRATED THERAPY SERVICES OF WNY, OT/PT/SLP, PLLC 25 LIBERTY STREET, BATAVIA, NEW YORK 14020	585-343-1840
KIDSTART 18 MAIN STREET, MT. MORRIS, NEW YORK 14510	585-658-2825
KLOC, KELLY 504 MILL ROAD, EAST AURORA, NEW YORK 14052	716-655-2606
KUROWSKI, LAURA 2851 MAXON ROAD, VARYSBURG, NEW YORK 14167	716-655-2606
LEARNING LADDER THERAPEUTIC ASSOC., INC. 10495 MANCHESTER ROAD, BOSTON, NEW YORK 14025	716-941-6654
NELSON, KAREN 4588 CONWAY ROAD, EAST BETHANY, NEW YORK 14054	585-409-7549
PRESCHOOL LEARNING CENTER 393 NORTH STREET, SPRINGVILLE, NEW YORK 14141	716-592-0331
RAINBOW PRESCHOOL, THE ARC OF ORLEANS COUNTY 243 SOUTH MAIN STREET, SUITE 220, ALBION, NEW YORK 14411	716-505-5700
SCHEIDT, JESSICA 5957 BAUER ROAD, WARSAW, NEW YORK 14569	585-786-8781
SEEDLING DEVELOPMENTAL, INC. 679 MAIN STREET, EAST AURORA, NEW YORK 14052	716-805-0755
SMALL, NANCY 10455 GREINER ROAD, CLARENCE, NEW YORK 14024	716-759-8365
SOUTHTOWNS CHILDREN'S ASSOCIATES 43 EAST MAIN STREET, SPRINGVILLE, NEW YORK 14141	716-794-3535
SPEECH LANGUAGE & COMMUNICATION ASSOC., SLP, OT, PT, PLLC 5544 MAIN STREET, 2 ND FL, WILLIAMSVILLE, NEW YORK 14221	716-580-3976
THERAPEUTIC LINK FOR CHILDREN 6167 WEST QUAKER STREET, ORCHARD PARK, NEW YORK 14127	716-662-4800
WASCAK, ELIZABETH 3820 EUCLID AVENUE, PERRY, NEW YORK 14530	585-237-5155
WEE CAN PRESCHOOL AND CHILD CARE 40 CENTRE DRIVE, ORCHARD PARK, NEW YORK 14127	716-667-2294

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

RESOLUTION NO. 12-125
(April 10, 2012)

By Mrs. Totsline, 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

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 Board of Supervisors do hereby proclaim the Month of April 2012 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:

April 10, 2012

After the roll call vote was taken, Chairman Berwanger invited Supervisor Totsline to the podium to present the Child Abuse and Neglect Prevention Month proclamation. Supervisor Totsline invited Social Services Commissioner Rumsey to join her. Commissioner Rumsey read the proclamation and thanked the Board for their constant support of services provided by the Child Support unit.

There was a motion by Mrs. Ryan T/Warsaw, to combine resolutions #7 through #10. A voice vote was taken and all voted aye.

#7

RESOLUTION NO. 12-126
(April 10, 2012)

By Mrs. Ryan, 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
IMMUNIZATION, ESP 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 is hereby authorized and directed to sign a grant application and acceptance award with New York State Department of Health, Bureau of Immunization, ESP, Corning Tower Building, Room 649, Albany, NY 12237-0627 on behalf of the County Health Department. Said grant funding is for the Immunization Program in a minimum amount of thirty thousand dollars (\$30,000.00); effective April 1, 2012 through March 31, 2013.

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

#8

RESOLUTION NO. 12-127
(April 10, 2012)

By Mrs. Ryan, Chairman of Public Health Committee:

**GREGORY J. COLLINS, DO, MPH REAPPOINTED MEDICAL
DIRECTOR, PT**

BE IT RESOLVED, That Gregory J. Collins, DO, MPH, 4820 Darby Road, Avon, NY 14414 be hereby reappointed as **Medical Director, PT**; effective April 1, 2012 through December 31, 2012.

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

#9

RESOLUTION NO. 12-128
(April 10, 2012)

By Mrs. Ryan, 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

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, 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 2012 as:

ALCOHOL AWARENESS MONTH

And be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors 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.

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

#10

RESOLUTION NO. 12-129
(April 10, 2012)

By Mrs. Ryan, Chairman of Public Health Committee:

**MEMBERS APPOINTED/REAPPOINTED TO THE
 VARIOUS MENTAL HEALTH SUBCOMMITTEES**

BE IT RESOLVED, That the following members are hereby appointed/reappointed to the following Mental Health Subcommittees:

Mental Health Subcommittee

At Large Member

Two (2) year term effective January 1, 2012 through December 31, 2013

- Frank Kamysz, 814 Clinton Street, Cowlesville, NY 14037

MR-DD Subcommittee

Member

Four (4) year term effective January 1, 2012 through December 31, 2015

- Gretchen Jackson, 181 West Buffalo Street, Warsaw, NY 14569

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

Regular Session

After the roll call vote was taken, Chairman Berwanger invited Supervisor Ryan to the Podium to present the Alcohol Awareness Month proclamation and to make a special presentation. Supervisor Ryan invited Community Services Director, S. Snell to join her. The 1st presentation was the proclamation, the special presentation was a Certificate of Appreciation to Director Snell for the 8 plus years of dedicated and quality service he has provided to Wyoming County upon the announcement of his retirement. Supervisor Kushner, as the most recent past Chairman of the Director's Home Committee, was also invited to the podium to jointly present the Certificate with Supervisor Ryan...

Supervisor Brick, T/Perry was invited to the podium to present a Certificate of Recognition to Sharon Boyd, Wyoming County Soil & Water Conservation District Secretary for recently receiving the NYS Soil & Water Conservation District Merit Award for excellent service and promoting Soil & Water Conservation District activities....

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

#11

**RESOLUTION NO. 12-130
(April 10, 2012)**

By Mr. Fleischman, Chairman of Planning Committee:

**JAMES MOREY AND MARK MERRILL REAPPOINTED TO THE
WYOMING COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

BE IT RESOLVED, That James Morey, 1061 Tower Road, Wyoming, NY 14591 is hereby reappointed to the Wyoming County Industrial Development Agency for a term of three (3) years; effective April 12, 2012 through April 11, 2015; and be it

FURTHER RESOLVED, That Mark Merrill, 5442 Sheppard Rd, Town of Eagle, Bliss, NY 14024 be hereby reappointed to the Wyoming County Industrial Development Agency for a term of three (3) years; effective June 14, 2012 through June 13, 2015.

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

RESOLUTION NO. 12-131
(April 10, 2012)

By Mr. Fleischman, Chairman of Planning Committee:

**JOHN HIGGINS APPOINTED TO THE WYOMING COUNTY
PLANNING BOARD**

BE IT RESOLVED, That John Higgins, 189 Main Street, Attica, NY 14011 (to fill a vacant position) be hereby appointed to the Wyoming County Planning Board for a term of three (3) years; effective April 10, 2012 through December 31, 2014.

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

RESOLUTION NO. 12-132
(April 10, 2012)

By Mr. Fleischman, Chairman of Planning Committee:

**RESOLUTION OF THE BOARD OF SUPERVISORS IN
SUPPORT OF CLEANER GREENER COMMUNITIES**

WHEREAS, The Cleaner, Greener Communities Program was announced by Governor Cuomo in his 2011 State of the State address as a \$96 million competitive grant program to encourage communities to develop regional sustainable growth strategies; and

WHEREAS, Sustainability Planning can be defined as meeting our own needs while protecting the ability of future generations to meet theirs through:

- Harvesting renewable resources at a rate that allows time for regeneration
- Replacing use of non-renewable resources with equivalent renewable substitutes
- Generating no more waste than our environment can assimilate without harm; and

WHEREAS, The plans that result from this program will:

- Establish a statewide sustainability planning framework that will aid in statewide infrastructure investment decision making
- Outline specific and tangible actions to reduce greenhouse gas emissions consistent with a goal of 80% carbon reductions by the year 2050
- Inform municipal land use policies
- Serve as a basis for local government infrastructure decision making
- Help guide infrastructure investment of both public and private resources
- Enable regions to strategically identify and prioritize the projects they submit for consideration to the Implementation Grant stage of the program (Phase II)
- The sustainability plans will outline tangible actions for greenhouse gas emissions reduction, energy efficiency improvements and deployment of renewable energy sources. Actions may be related to any of the follow sectors:
 - Energy supply, transportation, water and waste management, land use, open space, agriculture, housing, and economic development
- The plans will guide and inform funding decisions for specific sustainability projects and open up funding opportunities within the approximately \$87 million Phase II Sustainability Plan Implementation grants
- Projects identified by this planning process should improve energy efficiency through the community, promote renewable energy and result in reduced emissions of carbon; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors supports an application by Monroe Count, as lead agency, on behalf of the Genesee Finger Lakes Region.

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

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

#14

**RESOLUTION NO. 12-133
(April 10, 2012)**

By Mr. Rogers, Chairman of Public Safety Committee:

April 10, 2012

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION
AND ACCEPTANCE AWARD WITH THE NEW YORK STATE
GOVERNOR'S TRAFFIC SAFETY COUNCIL ON BEHALF OF THE
SHERIFF'S DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant application and a grant acceptance award with the NYS Governors Traffic Safety Council, 6 Empire State Plaza, Room 414, Albany NY 12228 on behalf of the Sheriff's Department. Said grant funding is for the Selective Traffic Enforcement Program (STEP) in a minimum amount of nine thousand dollars (\$9,000.00); effective October 1, 2011 through September 30, 2012.

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

#15

**RESOLUTION NO. 12-134
(April 10, 2012)**

By Mr. Rogers, Chairman of Public Safety Committee:

**WYOMING COUNTY CRIME VICTIMS' RIGHTS WEEK
PROCLAIMED**

WHEREAS, Each year in America, 21 million people suffer the indignity of crimes that affect them emotionally, physically, financially, and spiritually. Crime victims' rights and services are integral to our nation's commitment to justice for all Americans; and

WHEREAS, Since its inception in 1981, National Crime Victims' Rights Week (NCVRW) has challenged the nation to reshape the future of crime victims by seeking rights, resources, and protections needed to rebuild their lives. Every year, we also honor the past by celebrating decades of hard-earned progress and renewing our commitment to overcome the harm caused by crime; and

WHEREAS, The theme of 2012 National Crime Victims' Rights Week is "*Extending the Vision, Reaching Every Victim.*" which provides an opportunity for Wyoming County to raise awareness of the millions of crime victims who have summoned the strength to rebuild their shattered lives, families, and communities. At the same time, extending the vision requires meeting present and emerging challenges for all people involved in helping victims; and

WHEREAS, We must work to ensure fair treatment of crime victims by providing protection for child and sexual assault victims, ordering and enforcing victim restitution from offenders, and notifying victims of their right to notification and other services, thereby giving hope to victims that the system and society will work to restore dignity and respect their needs and rights; and

WHEREAS, Support for crime victims is reinforced by providing access to the New York Sheriffs' Victim Hotline (VINE) system, which provides critical offender information when victims need it most; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby proclaim the week of April 22 - 28, 2012:

Wyoming County Crime Victims' Rights Week

to honor crime victims and survivors, those who serve them; and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors is joining forces with victim service programs, criminal justice officials, and concerned citizens throughout the State of New York and communities across the United States to raise awareness of victims' rights and observe National Crime Victims' Rights Week; and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors reaffirms its commitment to respect and enforce victims' rights and address their needs during Crime Victims' Rights Week and throughout the year; and be it

FURTHER RESOLVED, That a suitably prepared copy of this proclamation be presented to Wyoming County Sheriff, Farris Heimann and Wyoming County District Attorney, Donald O'Geen.

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

#16

**RESOLUTION NO. 12-135
(April 10, 2012)**

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 11-58 AMENDED

April 10, 2012

WHEREAS, Resolution Number 11-58 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE SHERIFF’S DEPARTMENT AND COUNTY JAIL**,” passed by this Board of Supervisors on February 15, 2011 and provides various contracts on behalf of the Sheriff’s Department and the County Jail ; now therefore

BE IT RESOLVED, That Resolution Number 11-58 be hereby amended to extend the County Jail’s Workplace Health Services contract; effective January 01, 2011 through December 31, 2011 to cover current charges on a month to month basis at current rates until the Public Health Contract is in place. All else remains the same.

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

#17

RESOLUTION NO. 12-136
(April 10, 2012)

By Mr. Rogers, Chairman of Public Safety Committee:

CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH THE NEW YORK STATE DEFENDERS’ ASSOCIATION ON BEHALF OF THE WYOMING COUNTY PUBLIC DEFENDERS’ OFFICE

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with the New York State Defender Association, Inc., 194 Washington Avenue, Suite 500, Albany, NY 12210-2314 on behalf of the Public Defender’s office. Said contract is for the purchase, installation, training, and support services of a computerized public defense case management system in an amount not to exceed twenty-two thousand five hundred thirty dollars (\$22,530.00); effective March 28, 2012 through completion of the project.

Contingent upon the availability of funds.

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

#18

RESOLUTION NO. 12-137
(April 10, 2012)

By Mr. Rogers, Chairman of Public Safety Committee:

Regular Session

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH
AUTOMON, LLC ON BEHALF OF WYOMING COUNTY 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 four hundred thirty-seven dollars (\$5,437.00) This is a yearly contract that shows an increase of \$264.00; effective June 19, 2012 through June 18, 2013.

Contingent upon the availability of funds.

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

#19

**RESOLUTION NO. 12-138
(April 10, 2012)**

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 11-61 AMENDED

WHEREAS, Resolution Number 11-61 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 and provides 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 - March 31, 2012; and

WHEREAS, Resolution Number 11-61 was amended by this Board of Supervisors on February 14, 2012 by Resolution Number 12-66 to reflect an increase of sixteen thousand four hundred thirty-five dollars (\$16,435.00) for a total revised contract amount of eighty-two thousand six hundred forty-seven dollars (\$82,647.00); effective March 31, 2012 through June 30, 2012. This is an extension of the current contract for one quarter; now therefore

BE IT RESOLVED, That Resolution Number 11-61 as amended by Resolution Number 12-66 be hereby further amended to correct resolution number 11-61 to reflect an original award amount of sixty-five thousand seven hundred forty dollars (\$65,740.00) for a total award after Resolution Number

April 10, 2012

12-66 amendment of eighty-two thousand one hundred seventy five dollars (\$82,175.00) which is a decrease of four hundred seventy-two dollars (\$472.00) dollars. All else remains the same.

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

After the roll call vote of the Public Safety Committee meeting minutes, Chairman Berwanger invited Supervisor Rogers to the podium to present Sheriff Heimann and District Attorney O'Geen with the Wyoming County Crime Victims' Rights Week proclamation. District Attorney was unavailable at the time of this meeting so Supervisor Rogers volunteered to deliver the proclamation to him at a later date. Sheriff Heimann thanked the Board for raising the awareness of Crime Victims' rights...

There was a motion by Mr. Patti T/Attica, to combine resolutions #20 through #26. A voice vote was taken and all voted aye.

#20

**RESOLUTION NO. 12-139
(April 10, 2012)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH LEND
LEASE (US) CONSTRUCTION, INC. ON BEHALF OF THE WYOMING
COUNTY COMMUNITY HEALTH SYSTEM CAPITAL
IMPROVEMENT RENOVATIONS PROJECT**

BE IT RESOLVED, That the Authorize Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Lend Lease (US) Construction Inc., a Florida corporation, having its office at 360 West Jefferson Street, Suite A, Syracuse, NY 13202, for the provision of Construction Management services for the Wyoming County Skilled Nursing Facility and Community Hospital Addition and Select Interior Renovations in the amount of thirty-seven thousand one hundred eighty-seven dollars (\$37,187.00) for fifteen (15) consecutive months, commencing on April 1, 2012, and one final payment of thirty-seven thousand one hundred ninety-five dollars (\$37,195.00) due on July 1, 2013 for a total contract amount not to exceed five hundred ninety-five thousand dollars (\$595,000.00).

Contingent upon the availability of funds.

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

RESOLUTION NO. 12-140
(April 10, 2012)

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, 2012 through April 01, 2013, all ties were awarded by lot at the March 29, 2012 Public Works Committee, 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

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

#22

RESOLUTION NO. 12-141
(April 10, 2012)

By Mr. Patti, Chairman of Public Works Committee:

CHAIRMAN AUTHORIZED TO AWARD BID AND SIGN A CONTRACT WITH NICHOLS LONG & MOORE CONSTRUCTION CORP. ON BEHALF OF COUNTY HIGHWAY

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney Superintendent of County Highways and Project Engineers is hereby authorized and directed to award a bid and sign a contract for the replacement of Griffith Road Bridge over East Koy Creek, Town of Pike; BIN 3320120; PIN 4755.02 to Nichols Long & Moore Construction Corp., 149 Gunnville Road, Lancaster, NY 14086 as the lowest and responsible bidder in an amount not to exceed seven hundred ninety-six thousand fifty-three dollars and ten cents (\$796,053.10); effective April 10, 2012 through the completion of the project.

Contingent upon the availability of funds.

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

April 10, 2012

RESOLUTION NO. 12-142
(April 10, 2012)

By Mr. Patti, Chairman of Public Works Committee:

CHAIRMAN AUTHORIZED TO SIGN PURCHASE CONTRACT
RE: RIGHT OF WAY FOR PEORIA ROAD PROJECT

WHEREAS, That the real property purchase contracts in the Town of Covington needed for the intersection reconstruction for the Peoria Road, County Road No. 16 at Big Tree Road (formally NY State Route 63), as described on maps on file in the Office of the Wyoming County Superintendent of Highways is hereby ratified and accepted as follows:

<u>Property Owner</u>	<u>Tax Map No.</u>	<u>Surveyor Map, Parcel No. & Footage</u>	<u>Fee</u>
Timothy Milligan 708 Silver Lake Rd. Pavilion, NY 14525	Map #1	Parcel #1 Fee Acquisition +/-855 sf	\$ 0.00

and

WHEREAS, Said real property owner has agreed to graciously donate said real property so that said replacement may be completed; and

WHEREAS, It is necessary for the County to indemnify said property owner in connection with said improvement; now therefore

WHEREAS, That the County of Wyoming shall indemnify and hold harmless the property owner 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 Easement given to the County of Wyoming by the property owner; and be it

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 contract regarding the aforementioned acquisition of lands and land improvement projects; and be it

FURTHER RESOLVED That the County of Wyoming is authorized to accept the donation of said real property; 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. 12-143
(April 10, 2012)

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN CONTRACTS ON BEHALF OF
THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM
CAPITAL IMPROVEMENT RENOVATIONS PROJECT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney, Project Manager and Project Engineer is hereby authorized and directed to sign the following contracts on behalf of the Wyoming County Community Health System renovations project:

- **Metro Environmental**, 2939 Lockport Road, Niagara Falls, NY 14305 for Asbestos Tile Abatement – for a one time use, in an amount not to exceed \$9.89 per sq. ft., (any further work will be completed by the SNF contractor); effective 2/7/12 through project completion.
- **Envoy Environmental Consultants, Inc.**, 1815 Love Road, Grand Island, NY 14072 for Asbestos Air Monitoring/Project Monitor and Visual Inspections at WCCH 4th floor – Floor Tile and Mastic, in an amount not to exceed twenty-five thousand dollars (\$25,000.00); effective February 21, 2012 through project completion.
- **Penns Contracting, Inc.**, 270 Sparta Ave., PMB 332, Ste. 104, Sparta, NJ 07871 for Asbestos Tile Abatement – 4th floor, in an amount not to exceed twenty-five thousand six hundred dollars (\$25,600.00); effective March 20, 2012 through project completion.
- **Meridian Associates Inc.**, 900 Jefferson Road, Ste. 304, Rochester, NY 14623 for Flooring and Installation – 4th floor WCCH, in an amount not to exceed twenty-three thousand dollars seven hundred dollars (\$23,700.00); effective March 26, 2012 through project completion.

Contingent upon the availability of funds.

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

RESOLUTION NO. 12-144
(April 10, 2012)

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 and provides for various Roof Reconstruction Project and Chilled Water System Improvement contracts on behalf of the WCCH Renovations project; and

WHEREAS, Resolution Number 11-255 was amended by this Board of Supervisors on September 13, 2011 by Resolution Number 11-289 to reflect a change order to the Leo J. Roth Corp., 841 Holt Road, Webster, New York 14580, WCCH roofing (base bid) contract increasing the amount by forty-five thousand five hundred dollars (\$45,500.00) 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 (\$45,500.00) for a total of three hundred eighty-nine thousand dollars (\$389,000.00); all else remains the same; and

WHEREAS, Resolution Number 11-255, as amended by Resolution number 11-289, was further amended by this Board of Supervisors on January 13, 2012 by Resolution Number 12-24 to reflect a change order to the Leo J. Roth Corp., 841 Holt Road, Webster, New York 14580, WCCH roofing (base bid) increasing the contract by forty thousand five hundred eighty-two dollars and forty-seven cents (\$40,582.47) for removal of the wet and deteriorated gypsum fill and polyethylene vapor barrier from the concrete roof deck at roof #4 Wyoming County Community Health System, for a total contract amount not to exceed one million two hundred seventy-eight thousand eighty-two dollars and forty-seven cents (\$1,278,082.47) for the WCCH renovation project, all else remains the same; now therefore

BE IT RESOLVED, That Resolution Number 11-255, as amended by Resolution Numbers 11-289 and 12-24 be hereby further amended to reflect a change order to the Leo J. Roth Corp, 841 Holt Road Webster NY 14580 WCCH roofing (base bid) increasing the amount by ninety two thousand three hundred twenty-seven dollars and ninety-six cents (\$92,327.96) to cover

materials and installation of roof railing and screen, including guardrail as requested, for a total contract not to exceed one million three hundred seventy thousand four hundred ten dollars and forty-three cents (\$1,370,410.43) all else remains the same; and be it

FURTHER RESOLVED, That Resolution Number 11-255, as amended by Resolution Numbers 11-289 and 12-24 be hereby further amended to reflect an increase to the Kenneth R. Lawrence Electric Inc., 167 Hook Road, Farmington, NY 14425 electrical contract for relocation of the chilled water system transformer in an amount not to exceed one thousand three hundred seventy-five dollars (\$1,375.00), installation of grounding on the new Boiler Room Distribution Panel in an amount not to exceed four thousand three hundred one dollars and sixty-three cents (\$4,301.63) and for additional power conductors to the new cooling tower in an amount not to exceed three hundred forty-seven dollars and seventy-seven cents (\$347.77) for a total change order amount of six thousand twenty-four dollars and forty cents (\$6,024.40) bringing the contract amount not to exceed a total of one hundred eight thousand three hundred ninety-two dollars and forty cents (\$108,392.40), all else remains the same.

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

#26

RESOLUTION NO. 12-145
(April 10, 2012)

By Mr. Patti, Chairman of Public Works Committee:

CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH NOMAD ENTERPRISES, INC. 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 renewal contract with NOMAD Enterprises, Inc., 6270 Abbott Road, Silver Springs, NY 14550 on behalf of Buildings and Grounds (County Buildings). Said contract for lawn maintenance services at various County buildings for one (1) year in an amount not to exceed five thousand nine hundred ten dollars (\$5,910.00); effective April 01, 2012 through November 30, 2012.

Contingent upon the availability of funds.

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

April 10, 2012

RESOLUTION NO. 12-146
(April 10, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

**DEFERRED COMPENSATION COMMITTEE RESOLUTION
TO AMEND AND RESTATE THE MODEL PLAN**

WHEREAS, The New York State Deferred Compensation Board (the "Board"), pursuant to Section 5 of the New York State Finance Law ("Section 5") and the Regulations of the New York State Deferred Compensation Board (the "Regulations"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of the **County of Wyoming** (the "Model Plan") and offers the Model Plan for adoption by local employers;

WHEREAS, The **County of Wyoming**, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the **County of Wyoming**;

WHEREAS, Effective August 26, 2011 the Board amended the Model Plan to adopt provisions

- Reorganizing and updating sections to improve the overall readability and eliminate unnecessary numerical references (annual limits) from the Model Plan document.
- Including employer elections within the plan document including: suspension of deferrals following an unforeseeable emergency withdrawal, automatic distributions from small and inactive accounts, loan design parameters and Roth deferrals and in-plan conversions are permissive. The Model Plan document includes a Schedule A where the employer may indicate the election of one or more of these provisions.
- Clarifying the first date a participant may make deferrals in compliance with Code Section 457(b) and timing requirements for any subsequent changes to deferral rates or allocations between pre-tax and after-tax deferrals.
- Clarifying compensation available for deferral for purposes of calculating contributions and recognizes that employers use various methods in determining the order of deductions taken before a deferral percentage is applied.
- Including provisions related to HEART Act of 2008 regarding treatment of differential pay and qualifying distributions for active military service in compliance with the HEART Act, including suspension of deferrals for six

months following distribution.

- Making technical recognition of the waiver of RMDs for 2009.
- Clarifying that a beneficiary form must be received in good order to be considered valid.
- Clarifying that the Model Plan will only accept rollovers from Eligible Retirement Plans comprised of pre-tax amounts and amounts may be rolled in by participants, beneficiaries (other than inherited accounts) and alternate payees. Model Plans may roll account balances out to Eligible Retirement Plans that include post-tax amounts if the receiving plan separately accounts for them.
- Clarifying that a beneficiary of a deceased participant may roll a distribution directly to a Roth IRA, in addition to plan participants.
- Including language allowing for future delivery of participant communications through electronic means, where appropriate.
- Codifying that periodic and lump sum payments must be a minimum of \$100 per payment, unless the Committee selects a different minimum, and sets a maximum annual number of partial distributions.
- Clarifying that the \$50,000 loan limit includes the highest loan value in the last twelve months from the Model Plan and other employer plans. Regarding participants who have defaulted on a Plan loan, subsequent loans would not be allowed until defaulted loan is repaid. Removes requirement that a participant must wait until the term of the original loan expires before applying for a new loan, assuming the defaulted loan is repaid.
- Providing guidance on the handling of the receipt of special proceeds such as SEC settlements payable to former participants.
- Allowing a surviving spouse beneficiary to name a beneficiary on their account.
- Including the 5 year option for non-spousal beneficiaries to receive distributions and makes distribution rules consistent for pre- and post-age 70½ deaths.
- Allowing earlier distributions due to severance of employment as long as a balance of \$500 remains in the account for 45 days after a severance from employment.
- Providing that outstanding loans from another New York State 457(b) plan may be allowed to be transferred or rolled in with a full account transfer.
- Removing the Power of Attorney Language since the acceptance of a power of attorney is governed by State law and not required in the Model Plan document.
- Clarifying the requirement that Committee actions must be taken at a public meeting in accordance with Article 7 of the Public Officers Law.
- Limiting indemnification to Committee Members only.

WHEREAS, The Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

April 10, 2012

WHEREAS, Upon due deliberation, the **County of Wyoming** has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the **County of Wyoming** by adopting the amended Model Plan; now therefore

BE IT RESOLVED, That the **County of Wyoming** hereby amends the Deferred Compensation Plan for Employees of the **County of Wyoming** by adopting the amended Model Plan effective August 26, 2011, including the optional provisions in Schedule A, in the form attached hereto as Exhibit A.

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

#28

RESOLUTION NO. 12-147
(April 10, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

**AUTHORIZE HOME RULE REQUEST IN SUPPORT OF
LEGISLATION S06788 AND A09697, AN ACT TO AMEND CHAPTER
185 OF THE LAWS OF 2005, AMENDING THE TAX LAW RELATING
TO AUTHORIZING THE COUNTY OF WYOMING TO IMPOSE A
COUNTY RECORDING TAX ON OBLIGATIONS SECURED BY A
MORTGAGE ON REAL PROPERTY, IN RELATION TO THE
EXPIRATION THEREOF**

WHEREAS, On November 08, 2005 Wyoming County adopted Local Law #5, of the year 2005, entitled, "**A LOCAL LAW IMPOSING A
COUNTY RECORDING TAX ON OBLIGATIONS SECURED BY A
MORTGAGE ON REAL PROPERTY**," and

WHEREAS, A precedent has been set in previous legislation, which was signed into law that includes a specific date when the law expires. This bill specifically states that Chapter 185 of the Laws of 2005 shall expire December 01, 2008, as amended; and

WHEREAS, Senate Bill S06788 and Assembly Bill A09697 have been introduced into the New York State Senate and Assembly respectively to amend the tax law in relation to the expiration thereof, and

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

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby approves and encourages the adoption and passage of said Senate Bill S06788 and Assembly Bill A09697 entitled “**An Act to amend chapter 185 of the laws of 2005, amending the tax law relating to authorizing the County of Wyoming to impose a county recording tax on obligations secured by a mortgage on real property, in relation to the expiration thereof**,” and hereby declares that a necessity exists for the passage of such bills in that the local legislative body of the County of Wyoming does not have the power to enact such legislation by local law, and

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

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

#29

RESOLUTION NO. 12-148
(April 10, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

**SET PUBLIC HEARING – INTRODUCTORY LOCAL LAW NO. A
YEAR 2012**

WHEREAS, *There has been duly presented and introduced at a meeting of this Board of Supervisors of Wyoming County on this 10th day of April, 2012, a proposed local law entitled, “Local Law Introductory No. A Year 2012, “A LOCAL LAW AMENDING LOCAL LAW NO. 7 FOR THE YEAR 1976, COUNTY OF WYOMING, NEW YORK, MODIFYING THE WYOMING COUNTY PLAN OF APPORTIONMENT” 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 8th day of May, 2012 at 2:30 PM in the Supervisors’ Chambers, 2nd Floor of the Wyoming County Government Center, 143 North Main Street, Warsaw, New York.

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

April 10, 2012

RESOLUTION NO. 12-149
(April 10, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

POSITION ABOLISHED

BE IT RESOLVED, That one position of Medical Director for Pre-Hospital Care Agencies position code #102.402 on Salary Schedule D under Emergency Services be hereby abolished; effective April 01, 2012. The current Civil Service Job Specification for Medical Director (currently at \$99,000/per year) is being modified by Civil Service to remove the WCCH Acute/SNF Medical Director responsibilities (figured at \$78,000/per year) and add the Medical Director for Pre-Hospital Care Agencies (figured at \$12,000/per year) and Workplace Health & Jail Medical Program (figured at \$21,000/per year). Also, Dr. Collins has agreed to provide Jail Medical Practitioner services (figured at \$6,000/per year).

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

#31

RESOLUTION NO. 12-150
(April 10, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

POSITION CREATION(S)

BE IT RESOLVED, That the following positions are hereby created in the County Health Department for the purpose of providing Jail Medical Services to the County Jail:

- One (1) position of ***Public Health Nurse - per diem***, effective April 1, 2012 on Schedule A, Grade 18 plus 10% with only those benefits mandated by law; paid from MOU between the Health Department & Sheriff's Department; and
- One (1) position of ***Public Health Nurse*** (1.00 FTE) to provide Jail Medical services, effective June 1, 2012. CSEA Schedule A, Grade 18; paid from MOU between Health Department & Sheriff's Department; and be it

FUTHER RESOLVED, That one (1) position of **RPN**, (1.00 FTE) (position code 03.605.209) be reassigned from the Wyoming County Community Health System RN Clinical Ladder III, Step 7 at \$28.33/hr to the Health Department, effective April 1, 2012 through June 23, 2012 to accommodate transition of Jail Medical Services contract between the County Jail and the Health Department.

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

#32

RESOLUTION NO. 12-151
(April 10, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

**RESOLUTION OF THE BOARD OF SUPERVISORS IN SUPPORT OF
WYOMING COUNTY YOUTH BUREAU
ANTI-BULLYING PROGRAM**

WHEREAS, The Wyoming County Youth Bureau has always been very active with its youth on harassment interventions at school. One year ago, a Wyoming County Bullying Task force was formed to discuss bullying and options for bullying interventions with Wyoming County School Districts; and

WHEREAS, To date, there is no evidence locally or nationwide that addresses bullying in a Youth Court setting only Bullying Courts within a school district whereby administration varies school district by school district; and

WHEREAS, In October of 2011, Wyoming County Youth Bureau Director Andrea Aldinger applied for a \$10,000 New York State Bar Foundation grant hoping to receive enough funding to pay for training for Wyoming County Youth Bureau Staff and participating School Districts by Nationwide, renowned bullying expert, Dr. Susan M. Swearer, a Professor of School Psychology at the University of Nebraska – Lincoln. She is the principal investigator on the Target Bullying: Ecologically-Based Prevention and Intervention project and has a long-standing track record working with schools and districts nationwide to reduce bullying behaviors. She is the co-author of the recently published book, Bullying Prevention and Intervention: Realistic Strategies for Schools (Swearer, Espelage, & Napolitano, 2009). Dr. Swearer has authored over 100 book chapters and articles on the topics of bullying, depression, and anxiety in school-aged youth. As a licensed psychologist, Dr. Swearer is the co-director of the Nebraska Internship Consortium in Professional Psychology and is a supervising psychologist in the Child and Adolescent Therapy Clinic at UNL; and

WHEREAS, Wyoming County was awarded \$2,500.00 by the New York State Bar Foundation, a mere \$1,000.00 shy of meeting her goal of \$3,500.00 towards the cost of this program; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors applauds Director Aldinger's efforts in bringing meaningful Anti-Bullying training to the people of Wyoming and Genesee Counties; and be it

FURTHER RESOLVED, That this Board of Supervisors wishes to extend its heartfelt appreciation to Mr. Michael Mohun, Esq., a Cowlesville Attorney, for recognizing the value in this programming and in his challenge to the Wyoming County Bar Association to donate \$500.00 to make up half of the shortfall and in challenging the Genesee County Bar Association to make up the difference.

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

#33

**RESOLUTION NO. 12-152
(April 10, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

SALARY SCHEDULE "I" AMENDED

BE IT RESOLVED, That the Wyoming County Salary Plan which became effective January 01, 1967, as amended, is hereby amended as follows:

District Attorney

- Set the salary of the ***District Attorney*** to comply with the Laws of New York, 2010, Chapter 567, the Report of the Special Commission of August 29, 2011, and Judiciary Law section 183-a at \$140,300.00 annually; effective April 1, 2012.

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

Chairman Berwanger asked if there was any Supervisor who objects to the presentation of unanimous consent resolution #34. Hearing none, the Chairman asked Board Clerk Ketchum to read unanimous consent resolution #34 prior to the roll call vote.

UC#34

RESOLUTION NO. 12-153

Regular Session

(April 10, 2012)

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

2012 UNITED WAY CAMPAIGN SUPPORTED

BE IT RESOLVED, That the United Way of Wyoming County has raised much needed funding for vital services provided by a number of human services agencies to residents of Wyoming County; and

WHEREAS, The United Way has a 2012 campaign goal of one hundred eighty-two thousand twelve dollars (\$182,012.00) 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 2012 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 Noses: Absent: Abstain:

OFA and Youth Director Aldinger was asked to come forward on behalf of this year's United Way cabinet to accept the 2012 United Way proclamation. The Director shared a lovely personal experience with United Way as a plead for pledges by Wyoming County Employees. Linda Nash, Secretary I in the Human Services Office and an Employee United Way Volunteer, presented this year's video and further instructions on the campaign..

~2012 United Way Presentation~

There being no further business to come before this Board, Senior Supervisor Totsline, T/Genesee Falls, adjourned the meeting at 3:22 PM with a rap on her desk.

Respectfully submitted,

Cheryl Ketchum

Cheryl J. Ketchum, Board Clerk

REGULAR SESSION
(May 08, 2012)

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 2:30 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance for this month's meeting is:

Arthur P. Scheuneman

Mr. Scheuneman's service to his country comes while serving during the Vietnam War. He was attending Buffalo State College and driving for Buffalo City Schools when he joined the United States Navy Reserves in 1970. Upon completing Basic Training at Great Lakes Naval Station he returned to drill with his Reserve Unit in Buffalo. In 1971, Mr. Scheuneman went on active duty and was assigned duties on the USS Newport News, a heavy cruiser and worked as a commissary man. He spent 2 years aboard the USS Newport News and it included a tour in Vietnam. After completing his active duty time, Mr. Scheuneman returned to this area and also returned to his Naval Reserve Unit. He enrolled in and attended Alfred Ag & Tech for the next 2 years and was honorably discharged from the United States Navy in December of 1976.

For his service to his country Scheuneman was awarded:

The National Defense Service Medal
The Vietnam Service Medal
The Vietnam Campaign Medal
The Combat Action Ribbon

In 1973, Mr. Scheuneman became a bus driver for the Bluebird Bus Line. Mr. Scheuneman spent the next 27 years driving bus for Bluebird, Niagara Phoenix, and Coach USA until his retirement in 2000.

Mr. Scheuneman is a member of VFW Post 374 of Arcade where he serves as Quartermaster. He also is a lifetime member of the Disabled American Veterans, and a member of the Arcade Overseas Veterans Club. He has been married to his wife, Karen, for 39 years and they live in the town of Arcade.

The pledge was said by all.

Chairman Berwanger presented the customary certificate of appreciation to Mr. Scheuneman and an opportunity to address the Board. At which time, Mr. Scheuneman thanked the Board to lead the pledge...

There was a brief interruption of the meeting as attending press took pictures.

Voice of Democracy Presentation ~introduced by M. Mark Relyea of the VFW Henndershott Mannes Post 374 of Arcade (a copy of Mr. Relyea's introduction is attached).

"It is my honor to introduce Miss Rebecca Zielinsk i- the Voice of Democracy Audio Essay winner from the Hendershott Mannes Post 374 Arcade, NY. Rebecca is a Junior at Pioneer High School and the daughter of Frank and Debbie Zielinski.

Becca has been active at Pioneer in the National Honor Society, Pioneer PRO (Panthers Reaching Out) and FBLA as well as having participated in Soccer and Track. She is active in Pioneer's Academy of Finance and has served as secretary for the 4-1-I Jolly Ranchers. She is currently employed at McDonalds in Arcade and will join the staff at Yogi Bear Park this summer. In her "spare time", Becca enjoys reading, biking, playing golf and spending time with her family.

As a high school Junior, her career plans are uncertain, but she is looking at possibilities in Business and Finance, or Education.

Not only is Rebecca our local VFW winner, but she also is the VFW District 7 winner and was selected as the 2nd place winner in the New York State.

Ladies and Gentleman: Miss Rebecca Zielinski."

An older gentleman sits silently in a hospital waiting room. A young man approaches and sits beside him. They speak of a world that only they know. They spend the next few hours sharing stories of their service in Vietnam and in Iraq. The older gentleman is called away, he rises, shakes the hand of the younger man and says "Samper fi." The younger man rises and in response and respect says "Ooh-rah." Different generations but the same sense of duty, responsibility and pride transcends the decades.

I wanted to know what this exchange meant. So I googled "Ooh-rah" and acquired 302,000 results. My favorite explanation quoted GSgt.

Glenn Holloway, a combat correspondent stated "Ooh-rah" comes from the place in our hearts that only Marines understand. It is conceived in sweat and nurtured with drill. It is raw determination and gut-wrenching courage in the face of adversity. It is a concern for fellow Marines embodied by selfless acts of heroism. It cannot be administrated. It is not planned. It cannot be manufactured. "Ooh-rah must be earned." "Ooh-rah is a Marine." This message connects all marines who throughout history have served with pride. Every branch of the military has its own message but together they share a common rationale, a common purpose; pride in service.

First let me affirm that pride is pleasure or satisfaction taken in something done by or belonging to oneself. In today's world, most military pride is shown simply by the fact that they volunteer for military service. Their pride is defined by men like Yeoman, Bryan Holtz who reenlisted after his tour in Iraq because as a civilian he felt as if he were sitting on the side lines. Rarely does one enter the military and know the full effect it will have upon him. He can do research and he can listen to stories but the reality of it all comes full force once he becomes a soldier.

A friend once informed me that we are continuously reminded of the men whose pride is shown through "wearing a uniform that few get to wear". Earning and wearing stripes on their sleeves that they fought for. That pride is shown through camaraderie amongst shipmates and battle buddies and knowing that the people surrounding them would proudly fight for them. Pride is, and always will be, echoed throughout the lives of our servicemen.

When does one first consider a career in the military? Does he wake up one day wanting to defend the rights and freedoms we have in the U.S. or does he plan to help others worldwide gain those same privileges? Did a member of his family influence him in his decision to become a sailor, a pilot, a marine, a soldier? That was the case in my family. Three of my father's uncles were in the service, two fought in World War II...my grandfather fought in the Korean War. So, it came as no surprise when my father's brother decided to join the Marines. How many times have we heard a similar story? Military pride passed on through generations. Perhaps a novel or a movie generated interest in military service and a future soldier longed to be part of the excitement- he dreamt of new challenges or traveling to new places. Perchance he only joined because his future plans were unclear or it seemed like the right thing to do. Story after story, quote after quote, would fill volumes, endless evidence of our Military pride.

That same military pride continues after active duty ends. Everyday we see evidence of that pride and military participation:

- ~ insignias on the back of cars and trucks
- ~ vanity license plates
- ~ POW and American flags flying on neighborhood streets
- ~ dedication to volunteering and improving communities with continuing service in veterans groups and organizations
- ~ even just marching in a parade or serving as an honor guard

Proud Veteran Servicemen.

Children look at servicemen and women in awe. Many service men are uncomfortable with this recognition and find it astonishing to be singled out and called a hero. They never thought what they were doing was heroic. They only hoped to share their stories and pride in service.

Clearly there is significant pride shown by our brave, dedicated service men. As civilians our duty must be- our responsibility must be -no- our promise must be- to show our appreciation and respect, but especially our continuing pride for their military service.

Supervisor Fleischman, T/Java thanked Ms. Zielinski for her presentation and stated, on behalf of the entire Board of Supervisors, that the Board of Supervisors is very proud of her and her presentation. He then presented a Certificate of Recognition to Ms. Zielinski to commemorate the Boards' appreciation in her representation of Wyoming County...

There was a brief interruption of the meeting as attending press took pictures.

Communications:

1. **Senator Gallivan** ~ Letter dated April 02, 2012 regarding receipt of Board of Supervisors' resolution 12-110, entitled, **"Wyoming County Board of Supervisors Resolution to Support Full Casino Gaming at the Nine Existing Racinos in New York State"**
2. **Senator Gallivan** ~ Letter dated April 03, 2012 regarding receipt of Board of Supervisors' resolution 12-94, entitled, **Resolution in Opposition to Governor Cuomo's Proposed Budget Recommendation to Curtail Current NYS Funding to the Roswell Park Cancer Institute and to Eliminate NYS Funding Entirely by March 2014, Ceasing Necessary State Funding Streams**

3. **Ed Conroy** ~ Letter dated April 25, 2012 thanking the Board of Supervisors for the honor of leading the Board in the Pledge to the Flag at the April 10th meeting.

4. **New York Farm Bureau Policy on Safe Natural Gas Drilling Memo** from Neal Cox, President of the Wyoming County Farm Bureau

Open Public Hearing:

Local Law No. 1, Year 2012 (Introductory A, Year 2012) Entitled, "A Local Law Amending Local Law No. 7 for the Year 1976, County of Wyoming, New York, Modifying the Wyoming County Plan of Apportionment"

#1

RESOLUTION NO. 12-154
(May 08, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2012 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2012 accounts as follows:

Stop DWI Program			
From: 01.32.1180.4.40705 Justice/Constable Fees To: 01.37.3315.4.40705 Felony – DWI Fees Reason: Move funds to the DWI cost center to capture the expense against the DWI Reserve.	\$2,100.00	2,100.00	
Stop DWI Program Total			\$2,100.00
District Attorney			
From: 01.32.1167.1.10101 CSEA To: 01.32.1167.8.89002 Health Reimb. 01.32.1167.8.89001 Health Insurance Reason: Transfer funds to cover the cost of health insurance of new employee (change is from single plan to family plan). These are grant funds. State Budget has already been changed.	\$3,920.00	\$1,430.00 \$2,490.00	
From: 01.32.1169.1.10101 CSEA To: 01.32.1169.8.89002 Health Reimb. 01.32.1169.8.89001 Health Insurance Reason: Transfer funds to cover the cost of health insurance of new employee (change is from single plan to family plan). These are grant funds. State budget amendment is pending.	\$3,210.00	\$1,170.00 \$2,040.00	
District Attorney Total			\$7,130.00

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

RESOLUTION NO. 12-155
(May 08, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2012 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2012 accounts as follows:

Board of Supervisors			
To: 01.31.1010.4.40301 Prof. Srv. Contracts 01.31.1010.1.10001 Salaries – Fixed S/D/I 01.31.1010.8.81001 Retirement 01.31.1010.8.83001 FICA 01.31.1010.8.85001 Medicare <i>w/any funds available</i>	\$21,000.00 0 20,000.00 3,660.00 1,240.00 <u>290.00</u>		\$46,190.00
Reason: To cover Reapportionment of Weighted Voting System (\$3,500.00) and The Brennan Group Contract for Water Resource Agency implementation grant deliverables (\$17,500.00) and the Chairman's stipend.			
Board of Supervisors Total			\$46,190.00
Youth Bureau			
To: 01.45.7310.4.42479 ABC's of Parenting w/01.03.7310.1289 – Other Dept. Income	\$2,500.00	\$2,500.00	
Reason: Funds will be used for the Bully Intervention Program – a therapeutic intervention designed to help students who bully others to change their behaviors. This will allow us to accept bully cases in the Youth Court.			
Youth Bureau Total			\$2,500.00
Public Health			
To: 01.38.4046.4.41708 Expenses – PHCP w/01.11.4046.3446 Gen Fund – Phys. Handicapped Children <i>w/any funds available</i>	\$3,626.26	\$1,813.13 1,813.13	
Reason: 2011 PHCP invoice received in 2012. Costs are reimbursed at 50% from NYS PHCP			
Public Health Total			\$3,626.26
District Attorney			
To: 01.32.1165.8.89001 Health Insurance 01.32.1165.8.89002 Health Reimburse 01.32.1165.8.84001 Unemployment Insurance <i>w/any funds available</i>	\$2,715.12 2,600.00 15,975.00		\$21,290.12
Reason: In order to pay unbudgeted unemployment and health insurance.			
To: 01.32.1165.1.10001 Salary 01.32.1165.8.83001 FICA	\$15,769.2 3		

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01.32.1165.8.85001 Medicare	977.69		
01.32.1165.8.81001 Retirement <i>w/any funds available</i>	228.65 2,933.08	19,908.65	
Reason: In order to cover the increase in DA salary.			
District Attorney Total			\$41,198.77
Sheriff			
To: 01.37.3110.4.40508 Private Auto Repair w/01.08.3110.2680 Insurance Recovery	\$306.24	\$306.24	
Reason: windshield repair			
Sheriff Total			\$306.24
Jail			
To: 01.37.3150.4.41803 Payment to Counties & Munici. <i>w/any funds available</i>	\$80,000.00	\$80,000.00	
Reason: Inmate boarding has exceeded the budgeted amount			
Jail Total			\$80,000.00
Emergency Services			
To: 01.37.3640.4.40305 All-Haz Mit Plan Serv w/01.12.3640.438904 All-Haz Mit Plan Grant	\$29,625.00	\$29,625.00	
Reason: Multi-Jurisdictional All-Hazard Mitigation Plan Update			
Emergency Services Total			\$29,625.00
Highway			
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>w/any funds available</i>	\$2,706.79 1.63	\$2,167,751. 59	
Reason: Funds not used in 2011 need to be carried over for the 2012 expenses being incurred for various TIP projects.		348,962.00 190,078.04	
Highway Total			\$2,706,791. 63
Treasurer			
To: 01.51.9748.6.60001 Series 2002 Bond Principal 01.51.9748.4.40301 Professional Service Contract w/01.14.9748.5710 Serial Bond Proceeds	\$703,500. 00 4,300.00	\$707,800.00 0	
Reason: Establish budget for Serial Bond refunding			
Treasurer Total			\$707,800.00

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

Mr. Knab, T/Sheldon, Chairman of the Audit Committee, presented bills totaling **\$2,181,427.31** for the month of **April 2012**.

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

There was a motion by Mr. Davis, T/Covington, to combine resolutions #3 and #4. A voice vote was taken and all voted aye.

#3

RESOLUTION NO. 12-156
(May 08, 2012)

By Mr. Davis, Chairman of Human Resource Committee:

**INCREASE IN COUNTY CLERK'S DEPARTMENT OF
MOTOR VEHICLE PETTY CASH APPROVED**

BE IT RESOLVED, That the Department of Motor Vehicles Petty Cash fund in the County Clerk's Office be hereby increased from \$300.00 to \$450.00; effective immediately.

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

#4

RESOLUTION NO. 12-157
(May 08, 2012)

By Mr. Davis, Chairman of Human Resource Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND
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 application and acceptance award with the New York State Board of Elections, 40 Steuben St, Albany, NY 12207 on behalf of Wyoming County Board of Elections. Said grant will provide HAVA Funds (contract #C003253) Submission of HAVA operations expenses by Boards of Elections (SHOEBOX) in a minimum amount of sixty-five thousand seven hundred forty-seven dollars and sixty-six cents (\$65,747.66); effective April 1, 2004 through March 31, 2014.

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

There was a motion by Mrs. Totsline, T/Genesee Falls, to combine resolutions #5 through #8. A voice vote was taken and all voted aye.

#5

RESOLUTION NO. 12-158

May 08, 2012

(May 08, 2012)

By Mrs. Totsline, Chairman of Human Services Committee:

OLDER AMERICANS MONTH PROCLAIMED
Never Too Old to Play!

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

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 RESOLVED, That the Wyoming County Board of Supervisors do hereby proclaim *May 2012* 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:

#6

RESOLUTION NO. 12-159
(May 08, 2012)

By Mrs. Totsline, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS
EARLY INTERVENTION CONTRACTS ON BEHALF OF
THE COUNTY YOUTH BUREAU**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign various Early Intervention Contracts in an amount not to exceed 2012-2015 budget on behalf of the County Youth Bureau as follows:

- **SKIP of New York**, 601 West 26th Street, New York, NY 10001; effective May 1, 2012 through June 30, 2015
- **Pauline Dufrane**, 11024 Blanchard Road, Holland, NY 14080; effective July 01, 2012 through June 30, 2015
- **Joan Dylag**, 1451 Indian Falls Road, Corfu, NY 14036; effective June 1, 2012 through June 30, 2015.

Contingent upon the availability of funds.

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

#7

RESOLUTION NO. 12-160
(May 08, 2012)

By Mrs. Totsline, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS PRE-SCHOOL
RELATED SERVICES AND/OR PRE-SCHOOL SPECIAL EDUCATION
SERVICES CONTRACTS ON BEHALF OF THE COUNTY YOUTH
BUREAU**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign various contracts with the following individuals and agencies for the provision of Pre-School Related Services and/or Pre-School Special Education Services

May 08, 2012

(as noted) in an amount not to exceed budgeted amounts – variable depending on number of services performed; effective July 01, 2012 - June 30, 2015:

Aurora Audiology ~ RS 97 Hamburg Street, East Aurora, New York 14052	716-652-6464
Buffalo Hearing & Speech ~ RS/SED 50 East North Street, Buffalo, New York 14203	716-885-8871
Building Blocks Comprehensive Services ~ RS/SED 275 Parrish Street, Canandaigua, New York 14424	585-393-0554
Chelsie Callan ~ RS 31 Woodcrest Drive, Batavia, New York 14020	585-219-4082
Catt-Allegany BOCES ~ RS/SED 1845 Windfall Road, Olean, New York 14760	716-376-8216
Trudy Chapman ~ RS 9736 Alexander Road, Alexander, New York 14005	585-343-5935
Larissa Cox ~ RS 4133 Centerline Road, Warsaw, New York 14569	585-786-8705
Sandra DeVoe ~ RS 10725 Molasses Hill Road, Alexander, New York 14005	585-343-5158
Erin Dressel ~ RS 1087 Friedman Road, Attica, New York 14011	585-547-3624
Hearing Impaired Instructional Services, LLC ~ RS 587 Lafayette Avenue, Buffalo, New York 14222	716-310-4532
Terri Humberstone ~ RS 7064 Standpipe Road, Perry, New York 14530	585-237-2139
Integrated Therapy Services of WNY, OT/PT/SLP, PLLC ~ RS 25 Liberty Street, Batavia, New York 14020	585-343-1840
Rochelle Kenny ~ RS 220 Forest Drive, Orchard Park, New York 14127	716-228-5579
Kidstart ~ RS/SED 18 Main Street, Mt. Morris, New York 14510	585-658-2828
Jessica Scheidt ~ RS 5957 Bauer Road, Warsaw, New York 14569	585-786-8783
Kelly Kloc ~ RS 504 Mill Road, East Aurora, New York 14052	716-239-1454
Learning Ladder Therapeutic Assoc., Inc. ~ RS 10495 Manchester Road, Boston, New York 14025	716-941-6654

Letchworth Central School ~ RS 5550 School Road, Gainesville, New York 14066	585-493-5999
Letchworth Little Learners ~ SED 5550 School Road, Gainesville, New York 14066	585-493-5999
Karen Nelson ~ RS 4588 Conway Road, East Bethany, New York 14054	585-409-7549
Preschool Learning Center ~ RS/SED 393 North Street, Springville, New York 14141	716-592-9331
Rainbow Preschool, The ARC of Orleans County ~ RS/SED 243 South Main Street, Suite 220, Albion, New York 14411	585-589-5384
Southtowns Children's Associates ~ RS 43 East Main Street, Springville, New York 14141	716-794-3535
Speech Language and Communication Associates, SLP, OT, PT, PLLC ~ RS 5544 Main Street, 2 nd Floor, Williamsville, New York 14221	716-580-3976
Therapeutic Link for Children ~ RS/SED 6167 West Quaker Street, Orchard Park, New York 14127	716-662-4800
University of Rochester School of Medicine and Dentistry ~ RS 601 Elmwood Avenue, Box 671, Rochester, New York 14642	585-275-6899
Jody VonSanden ~ RS 7063 Court Road, Pavilion, New York 14525	585-584-8537
Elizabeth Wascak ~ RS 3820 Euclid Avenue, Perry, New York 14530	585-237-5155
Carole Casey ~ RS 75-2 Carriage Dr, Orchard Park, NY 14127	716-698-1561

Contingent upon the availability of funds.

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

#8

RESOLUTION NO. 12-161
(May 08, 2012)

By Mrs. Totsline, Chairman of Human Services Committee:

FOSTER CARE MONTH PROCLAIMED

WHEREAS, The family, serving as the primary source of love, identity, self-esteem and support, is the very foundation of our community and our State; and

May 08, 2012

WHEREAS, In Wyoming County there are 37 children and youth in foster care being provided with a safe, secure and stable environments, along with the compassion and nurturing, of 22 foster families from voluntary agencies; and

WHEREAS, Foster families, who open their homes and hearts and offer help to children whose families are in crisis, play a vital role helping children and families heal and reconnect launching children into successful adulthood; and

WHEREAS, Dedicated foster families frequently adopt foster children, resulting in a greater need for more foster families; and

WHEREAS, There are numerous individuals, public and private organizations 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 2012* as

FOSTER CARE MONTH

in Wyoming County; and be it

FURTHER RESOLVED, That the Board of Supervisors urges 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:

At the conclusion of the roll call vote, Chairman Berwanger invited Supervisor Totsline, T/Genesee Falls to the podium to present two proclamations. The first of which was the Older Americans Month Proclamation. Supervisor Totsline, T/Genesee Falls invited Deputy OFA Director A. Proper to the podium to accept the award on behalf of the Office for the Aging. The second proclamation was Foster Care Month. DSS Commissioner D. Rumsey graciously agreed to read and present the proclamation. He also invited members of the Foster Care unit to join him and accept the proclamation.

There was a motion by Mrs. Ryan T/Warsaw, to combine resolutions #9 through #11. A voice vote was taken and all voted aye.

RESOLUTION NO. 12-162
(May 08, 2012)

By Mrs. Ryan, 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 the following grant applications and acceptance awards on behalf of the County Health Department:

- **Governor's Traffic Safety Committee**, 6 Empire State Plaza, Albany, NY 12228 via eGrants for the Child Passenger Safety Program in a minimum amount of seven thousand dollars (\$7,000.00); effective October 01, 2012 through September 30, 2013.
- **New York State Department of Health, Bureau of Water Supply Protection**, 547 River Street, Flanigan Square, Room 400, Troy, NY 12180-2216 for funding 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, 2012 through March 31, 2013.
- **New York State Department of Health, Bureau of Community Environmental Health and Food Protection**, 547 River Street, Flanigan Square, Room 515, Troy, NY 12180-2216 for funding the Tobacco Enforcement Program in a minimum amount of twenty-eight thousand two hundred sixty-three dollars (\$28,263.00); effective April 1, 2012 through March 31, 2013.
- **University of Rochester Center for Community Health**, 46 Prince Street, Rochester, NY 14607
 - **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, 2012 through March 31, 2013.
 - **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); effective April 1, 2012 through March 31, 2013.

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

RESOLUTION NO. 12-163
(May 08, 2012)

By Mrs. Ryan, Chairman of Public Health Committee:

MENTAL HEALTH MONTH PROCLAIMED
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 notion 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, 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

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby proclaim:

May 2012 as Mental Health Month

May 6 through May 12 as Children's Mental Health Week

May 20 through May 26 as Older American's Mental Health Week

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

#11

**RESOLUTION NO. 12-164
(May 08, 2012)**

By Mrs. Ryan, Chairman of Public Health Committee:

RESOLUTION NUMBER 12-14 AMENDED

WHEREAS, Resolution Number 12-14 entitled, “**CHAIRMAN AUTHORIZED TO SIGN 2012 RENEWAL CONTRACTS ON BEHALF OF MENTAL HEALTH**,” passed by this Board of Supervisors on January 13, 2012 and provides for various 2012 Mental Health contracts; now therefore

BE IT RESOLVED, That Resolution Number 12-14 be hereby amended to increase funding to Coordinated Care Services, Inc., 1099 Jay Street, Rochester, NY 14611-1153 by \$1,500 for the provision of two trainers for Trauma Informed Care for a total contract amount of five hundred forty-six thousand one hundred ninety-four dollars (\$546,194.00). No County Levy, all else remains unchanged.

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

Supervisor Ryan, T/Warsaw was invited to the podium by Chairman Berwanger to present the proclamation for May 2012 as Mental Health Month, May 6 through May 12 as Children's Mental Health Week, May 20 through May 26 as Older American's Mental Health Week to retiring Mental Health Director, S. Snell. Director Snell reminded attendees of Mental Health Month activities going on all month and that a calendar of events is available through the department of Mental Health.

#12

**RESOLUTION NO. 12-165
(May 08, 2012)**

By Mr. Fleischman, Chairman of Planning Committee:

RICHARD FISH AND MARK MERRILL REAPPOINTED TO

May 08, 2012

**THE WYOMING COUNTY BUSINESS CENTER LOCAL
DEVELOPMENT CORPORATION BOARD OF DIRECTORS**

BE IT RESOLVED, That *Richard Fish (Chamber of Commerce)*, 7488 Route 39, Perry, NY 14530 and *Mark Merrill (Industrial Development Corporation)*, 5442 Sheppard Road, Bliss, NY 14024 be hereby reappointed to the *Wyoming County Business Center Local Development Board of Directors* for a term of three (3) years; effective May 10, 2012 through May 9, 2015.

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

**RESOLUTION NO. 12-166
(May 08, 2012)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO AWARD VEHICLE BID
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 award a bid for a new 2012 Ford Escape XLT to **Vision Ford**, 4545 Ridge Rd. West, Rochester, NY 14626 on behalf of the District Attorney's Office in an amount not to exceed twenty thousand three hundred sixty-one dollars (\$20,361.00) minus a trade value of sixteen thousand dollars (\$16,000.00) on a seized 2011 Chevy Cruz for a net cost of four thousand three hundred sixty-one dollars (\$4,361.00) to be paid from the seized assets account. No county levy will be used in this transaction.

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 #14 through #20. A voice vote was taken and all voted aye.

#14

**RESOLUTION NO. 12-167
(May 08, 2012)**

By Mr. Patti, Chairman of Public Works Committee:

RESOLUTION NUMBER 11-255 AMENDED

Regular Session

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 and provides for various Roof Reconstruction Project and Chilled Water System Improvement contracts on behalf of the WCCH Renovations project; and

WHEREAS, Resolution Number 11-255 was amended by this Board of Supervisors on September 13, 2011 by Resolution Number 11-289 to reflect a change order to the Leo J. Roth Corp., 841 Holt Road, Webster, New York 14580, WCCH roofing (base bid) contract increasing the amount by forty-five thousand five hundred dollars (\$45,500.00) 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 (\$45,500.00) for a total of three hundred eighty-nine thousand dollars (\$389,000.00), all else remains the same; and

WHEREAS, Resolution Number 11-255, as amended by Resolution number 11-289, was further amended by this Board of Supervisors on January 13, 2012 by Resolution Number 12-24 to reflect a change order to the Leo J. Roth Corp., 841 Holt Road, Webster, New York 14580, WCCH roofing (base bid) increasing the contract by forty thousand five hundred eighty-two dollars and forty-seven cents (\$40,582.47) for removal of the wet and deteriorated gypsum fill and polyethylene vapor barrier from the concrete roof deck at roof #4 Wyoming County Community Health System, for a total contract amount not to exceed one million two hundred seventy-eight thousand eighty-two dollars and forty-seven cents (\$1,278,082.47) for the WCCH renovation project, all else remains the same; and

WHEREAS, Resolution Number 12-144, as amended by Resolution number 11-289 and 12-24, was further amended by this Board of Supervisors on April 10, 2012 by Resolution Number 12-144 to reflect a change order to the Leo J. Roth Corp., 841 Holt Road, Webster NY 14580 WCCH roofing (base bid) increasing the amount by ninety two thousand three hundred twenty-seven dollars and ninety-six cents (\$92,327.96) to cover materials and installation of roof railing and screen, including guardrail as requested, for a total contract not to exceed one million three hundred seventy thousand four hundred ten dollars and forty-three cents (\$1,370,410.43) all else remains the same; and be it

FURTHER RESOLVED, That Resolution Number 11-255, as amended by Resolution Numbers 11-289 and 12-24 was further amended by Resolution Number 12-144 on April 10, 2012 to reflect an increase to the Kenneth R. Lawrence Electric Inc., 167 Hook Road, Farmington, NY 14425

electrical contract for relocation of the chilled water system transformer in an amount not to exceed one thousand three hundred seventy-five dollars (\$1,375.00), installation of grounding on the new Boiler Room Distribution Panel in an amount not to exceed four thousand three hundred one dollars and sixty-three cents (\$4,301.63); now therefore

BE IT RESOLVED, That Resolution Number 11-255, as amended by Resolution Numbers 11-289, 12-24 and 12-144 be hereby further amended to reflect a change order to the Leo J. Roth Corp., 841 Holt Road Webster NY 14580 WCCCH roofing (base bid) increasing the amount by seven thousand four hundred fifty-four dollars (\$7,454.00) to provide overtime to perform Roof #14 abatement & roofing work on night and weekend shift, and for five thousand seven hundred eighty-six dollars and eighty cents (\$5,786.80) to rebuild masonry wall above 4th floor windows. Work is above and beyond original contract agreement, for a total contract amount of one million three hundred eighty-three thousand six hundred fifty-one dollars and twenty-three cents (\$1,383,651.23), all else remains the same.

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

#15

**RESOLUTION NO. 12-168
(May 08, 2012)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN CONTRACTS WITH SCHENNE
& ASSOCIATES ON BEHALF OF THE COUNTY HIGHWAY
MAINTENANCE WORKSHOP RENOVATIONS CAPITAL
IMPROVEMENT PROJECT**

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; and

WHEREAS, The Wyoming County Board of Supervisors, on the recommendation of the above mentioned committees established the Wyoming County Highway Maintenance Workshop Renovations Capital Improvement Project by passage of Resolution Number 11-233, entitled, "**HIGHWAY**

MAINTENANCE WORKSHOP RENOVATIONS CAPITAL IMPROVEMENT PROJECT ESTABLISHED,” on July 12, 2011 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; now therefore

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Schenne & Associates, 967 Luther Road, East Aurora, NY 14052 on behalf of County Highway for contract plans and bid specification for County Highway Garage Renovation, in an amount not to exceed \$7,000.00; effective April 23, 2012 through the completion of project.

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

#16

**RESOLUTION NO. 12-169
(May 08, 2012)**

By Mr. Patti, Chairman of Public Works Committee:

CHAIRMAN AUTHORIZED TO SIGN SUPPLEMENTAL AGREEMENT #1 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 Supplemental Agreement #1 with LaBella Associates, 300 State St., Suite 201, Rochester, NY 14614 on behalf of County Highway. Said agreement is for the Construction Inspection for the replacement of Griffith Road Bridge over East Koy Creek, Town of Pike; BIN 3320120; PIN 4755.02 in an amount not to exceed sixty-eight thousand three hundred twenty-five dollars (\$68,325.00); effective April 6, 2012 through completion of project.

Contingent upon the availability of funds.

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

#17

**RESOLUTION NO. 12-170
(May 08, 2012)**

By Mr. Patti, Chairman of Public Works Committee:

May 08, 2012

**RIGHT OF WAYS FOR ALLEN STREET BRIDGE PROJECT
APPROVED**

WHEREAS, That the real property below located in the Town of Warsaw, Wyoming County, New York is needed to be acquired by the County of Wyoming for the replacement of Warsaw Bridge #14, BIN #3320300 Allen Street over Oatka 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.	Acreage
Montgomery's Building Supplies, Inc. 100 Allen Street 100 Allen Street Warsaw, NY 14569	085.12-1-40	PE Map # 6 , Parcel #1	.008 ±
Donald J. Gott Allen Street Warsaw, NY 14569	085.12-1-37	PE Map # 1, Parcel # 1	.030 ±
Quigley Realty Co. LLC 220 S. Main Street Warsaw, NY 14569	085.12-1-25.11	PE Map # 2, Parcel # 1	.004 ±
Warren D. Meidenbauer 81 Butternut Street Warsaw, NY 14569	085.12-1-1	PE Map #5 , Parcel # 1	.004 ±
Unknown		PE Map #3, Parcel # 1	.018 ±
Unknown		PE Map #4, Parcel # 1	.046 ±

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 Noses: Absent: Abstain:

Regular Session

RESOLUTION NO. 12-171
(May 08, 2012)

By Mr. Patti, Chairman of Public Works Committee:

**2011/2012 SALT BID AWARD EXTENDED THROUGH 2012/2013
SNOW SEASON**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to extend the 2011/2012 road salt contract with American Rock Salt Co., LLC, PO Box 190, Mt. Morris, NY 14510 through the 2012/2013 snow season per current bid specifications at the current price is \$40.49/ton. Contingent upon the availability of funds.

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

#19

RESOLUTION NO. 12-172
(May 08, 2012)

By Mr. Patti, Chairman of Public Works Committee:

**COUNTY HIGHWAY SUPERINTENDENT AUTHORIZED TO
EXTEND THE SNOW AGREEMENT WITH TOWNS AND VILLAGES
FOR 2013/2014**

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

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

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby authorizes the Superintendent of Highways to enter into agreements with the various Towns and Villages for the purpose of removing snow and the control of ice on county roads for the winter season of **2013/2014**. Payment will be made to the Towns and Villages by the County from the County Snow Funds as follows:

May 08, 2012

2013/2014 – increased by \$100.00 per lane mile over the 2012/2013 agreement

Contingent upon the availability of funds.

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

#20

**RESOLUTION NO. 12-173
(May 08, 2012)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND
ACCEPTANCE AWARD WITH THE GOVERNOR'S TRAFFIC
SAFETY COMMITTEE ON BEHALF OF THE 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 a grant application and acceptance award with NYS Governor's Traffic Safety Committee, 6 Empire State Plaza, Room 414, Albany, NY 12228 on behalf of the Traffic Safety Committee. Said grants are for funding of the following programs; effective October 1, 2012 through September 30, 2013. All amounts listed are in a minimum amount of:

- **Wyoming County Health Department:**
 - Child Passenger Safety Program ~ \$7,000.00
- **Arcade Village Police Department:**
 - Buckle Up New York, Click it or Ticket ~ \$4,920.00
 - Child Passenger Safety Program ~ \$6,000.00
 - Promoting Helmets for Safety ~ \$2,160.00
 - Selective Traffic Enforcement Program/STEP ~ \$9,640.00
- **Warsaw Village Police Department:**
 - Electronic Capture and Transmittal of Crash and Ticket Data ~ \$10,084.00

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

There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #21 through #27. A voice vote was taken and all voted aye. In addition to these instructions Clerk Ketchum was directed to read resolution office number 22 in full.

Supervisors Rogers, T/Pike and Davis, T/Covington spoke in support of resolutions office number 21 and 22 and explained the origin of resolution office number 21 through NYSAC as of the last InterCounty of WNY meeting. It was also briefly discussed that possibly only the State Comptroller has the authority to change the methodology by which pension costs are calculated for municipalities and not the state legislature. Continue to pressure state representatives...

Chairman Berwanger shared an encounter with State Comptroller DiNapoli where he had the opportunity to ask for some pension relief. He asked Comptroller DiNapoli to freeze increases and the Comptroller immediately responded that that request was just not possible to grant.

Chairman Berwanger spoke in support of Wyoming County IDA and in support of Resolution Office number 27. Supervisor Fleischman reiterated the Chairman's comments on resolution number 27.

#21

**RESOLUTION NO. 12-174
(May 08, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

**RESOLUTION DECLARING MAY 08, 2012 TO BE “MAYDAY FOR
MANDATE RELIEF” AND URGING THE MANDATE RELIEF
COUNCIL TO TAKE SWIFT ACTION IN SUBMITTING A PACKAGE
OF MANDATE RELIEF PROPOSALS TO GOVERNOR CUOMO AND
THE STATE LEGISLATURE TO BE VOTED ON THIS SESSION**

WHEREAS, The State of New York mandates (requires) the delivery of State programs using local resources, causing some counties to dedicate more than 80 percent of their entire budget toward the funding of State mandated programs and fixed costs; and

WHEREAS, The New York State Association of Counties has identified just 9 state mandates that equal 90 percent of all county property taxes levied in 2010 (outside of New York City), consuming \$4 billion of \$4.4 billion in county property taxes levied. These mandates include: Medicaid, TANF/Public Assistance Safety Net, Child Welfare Protective and Preventive Care, Special Education Pre-School, Early Intervention, Probation, Indigent Defense, Youth Detention, and Pensions; and

WHEREAS, These State mandates are the root cause of high county property and sales taxes in New York and have led to a decline in the delivery of important local services; and

May 08, 2012

WHEREAS, These State imposed mandates continue to contribute to New York's highest in the nation local tax burden for residents and businesses, severely damaging New York's ability to attract, create and maintain good paying jobs, as well as contributing to population losses to other states; and

WHEREAS, When the State enacted a property tax cap in 2011, a Mandate Relief Council was established to review specific mandates and advance legislative proposals to reduce the statutory and regulatory burden on municipalities; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby declares May 08, 2012 to be "Mayday for Mandate Relief" to demonstrate that the decisions made in Albany have a direct impact on the property tax levy and local community services here in Wyoming County; and be it

FURTHER RESOLVED, That the Wyoming County hereby calls on the Mandate Relief Council take swift action in submitting a package of Mandate Relief proposals to Governor Cuomo and the State Legislature to be voted on by our State Representatives during the 2012 State Legislative Session; and be it

FURTHER RESOLVED, That the Clerk to the Board be directed to send certified copies of this resolution to New York State Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman Daniel Burling, New York State Association of Counties and Inter-County of Western New York.

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

#22

**RESOLUTION NO. 12-175
(May 08, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

**RESOLUTION OF THE WYOMING COUNTY BOARD OF
SUPERVISORS IN SUPPORT OF NEW YORK STATE
PENSION REFORM**

WHEREAS, In the fall of 2010, The New York State Association of Counties (NYSAC) embarked on its 9 for 90 Campaign in a grassroots effort to educate New York State representatives and tax payers alike on the impact the

Governor's newly proposed and State Senate passed Tax Cap will have on New York State Counties; and

WHEREAS, NYSAC identified just 9 state mandates that equaled 90 percent of all county property taxes levied in 2010 (outside of New York City), consuming \$4 billion of \$4.4 billion in county property taxes levied. These mandates include: Medicaid, TANF/Public Assistance Safety Net, Child Welfare Protective and Preventive Care, Special Education Pre-School, Early Intervention, Probation, Indigent Defense, Youth Detention, and Pensions; and

WHEREAS, In Wyoming County, in 2010 the 9 state mandated programs identified by NYSAC equaled 112% of county property taxes levied and in 2012 that number has climbed to a staggering 118% of county property taxes levied. Thus leaving sales tax revenues to make up the difference and take away from essential local services such as Deputy Sheriff Road Patrol, County Roads and Bridge maintenance, and services for our aging and youth; and

WHEREAS, In 2001, Wyoming County's Pension costs were \$670,480.00, that number has increased to a mind boggling \$6,772,397.00 for 2013; and

WHEREAS, The Wyoming County Board of Supervisors believes that the present formula by which counties are assessed employee pension contributions is flawed; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors calls upon New York State Governor Andrew Cuomo, as well as the State Legislature to implement a 15 year look back period that more accurately reflects market conditions, ultimately reducing pension costs to counties vs. the current 5 year look back period; and be it

FURTHER RESOLVED, That the Clerk to this Board is hereby instructed to send certified copies of this resolution to New York State Governor Andrew Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman Daniel Burling as well as to the New York State Association of Counties and Inter-County Association of Western New York.

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

#23

**RESOLUTION NO. 12-176
(May 08, 2012)**

May 08, 2012

By Mr. Kushner, Chairman of the Finance Committee:

Mr. Kushner, Chairman of the Finance Committee, presented the **SEMI-ANNUAL MORTGAGE TAX REPORT** for the period of October 01, 2011 through March 31, 2012 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 **\$157,136.63** to the several tax districts of Wyoming County, in accordance with the report filed with the Clerk of the Board of Supervisors, as follows:

TAX DISTRICTS	MORTGAGE TAX DISTRIBUTED	VILLAGE	TOWN
Arcade	\$20,272.36	\$4,574.83	\$15,697.53
Attica	\$14,627.03	\$2,904.71	\$11,722.32
Bennington	\$21,136.19		\$21,136.19
Castile	\$22,808.35	\$1,646.00	\$19,821.57
Perry Village		\$1,340.78	
Covington	\$9,947.02		\$9,947.02
Eagle	\$5,173.90		\$5,173.90
Gainesville	\$5,005.36	\$160.95	\$4,298.40
Silver Springs Village		\$546.01	
Genesee Falls	\$453.85		\$453.85
Java	\$7,250.91		\$7,250.91
Middlebury	\$4,800.52	\$423.41	\$4,377.11

Orangeville	\$2,786.57		\$2,786.57
Perry	\$11,586.13	\$3,103.80	\$8,482.33
Pike	\$4,581.48	\$0.00	\$4,581.48
Sheldon	\$9,352.83		\$9,352.83
Warsaw	\$14,274.74	\$4,367.46	\$9,907.28
Wethersfield	\$3,079.39		\$3,079.39
Total:		\$19,067.95	\$138,068.68
Grand Totals:	\$157,136.63		

Let This Be Your Warrant for Such Payment: **\$157,136.63** IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Board of Supervisors this 8th day of May 2012.

s/Cheryl J. Ketchum, Clerk

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

#24

RESOLUTION NO. 12-177
(May 08, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

**POSITION EXTENSION, POSITION RECLASSIFICATION
AND POSITION CREATION APPROVED**

BE IT RESOLVED, That the following positions are hereby extended, reclassified and/or created in the following Wyoming County Departments:

Sheriff's Office

- Extend one (1) position of **Deputy Sheriff, PT (position code 036.504)** at the appropriate step and grade of the current Deputy Sheriff's Association Bargaining Agreement with only those benefits mandated by law. Permission to fill was approved in Finance Committee on June 7, 2011 yet remained unfilled. It was vacated April 30, 2011.

Treasurer's Office

- Reclassify one (1) position of **Sr. Account Clerk (position code 013.216)** on Civil Service Employees' Association Schedule A, Grade 6 (\$15.37) to that of a **Data Entry Machine Operator, full time**, effective May 9, 2012 on Schedule A, Grade 4 (\$15.25/hr).

Information Technology Office

- Create one (1) position of **Student Aide (Seasonal)**, for 10-12 weeks effective May 9, 2012 at a rate of (\$9.00/hr) to work on county-wide address point for GIS and 911.

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

#25

RESOLUTION NO. 12-178
(May 08, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

May 08, 2012

**SET PUBLIC HEARING – INTRODUCTORY LOCAL LAW NO. B
YEAR 2012**

WHEREAS, There has been duly presented and introduced at a meeting of this Board of Supervisors of Wyoming County on this 8th day of May, 2012, a proposed local law entitled, “Local Law Introductory No. B Year 2012, **“A LOCAL LAW ESTABLISHING REAL PROPERTY TAX EXEMPTION FOR NONRESIDENTIAL REAL PROPERTY CONVERTED TO MIXED-USE PROPERTY IN ACCORDANCE WITH SECTION 485-A OF THE NEW YORK STATE REAL PROPERTY TAX LAW” and**

WHEREAS, Subdivision 5, Section 20 of the Municipal Home Rule Law requires a public hearing to be held on such local law; now therefore

BE IT RESOLVED, That a Public Hearing will be held on the said proposed Local Law by this Wyoming County Board of Supervisors on the 12th day of June, 2012 at 2:30 PM in the Supervisors’ Chambers, 2nd Floor of the Wyoming County Government Center, 143 North Main Street, Warsaw, New York.

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

#26

**RESOLUTION NO. 12-179
(May 08, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH PHILLIPS LYTLE, LLP ON BEHALF OF THE COUNTY TREASURER’S OFFICE

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Phillips Lytle, LLP, 1400 First Federal Plaza, Rochester, NY 14614 on behalf of the County Treasurer’s Office. Said contract is for commencing proceedings for the collection of delinquent real property taxes from 2010 in an amount not to exceed \$390/parcel plus costs associated with mailings, services, publication, recording, filing, and posting of legal notices and documents; effective January 1, 2012 through December 31, 2012. All cost to be assessed to delinquent properties to be redeemed or sold at auction. Contingent upon the availability of funds.

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

Regular Session

**RESOLUTION NO. 12-180
(May 08, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

**RESOLUTION IN OPPOSITION TO ASSEMBLY BILL A.9690
(MAGNARELLI) REGARDING EXTRAORDINARY OVERSIGHT OF
INDUSTRIAL DEVELOPMENT AGENCIES (IDAs) AND EXTENDING
AUDIT AUTHORITY OF LOCAL DEVELOPMENT CORPORATIONS
(LDCs) TO THE OFFICE OF THE STATE COMPTROLLER**

WHEREAS, Assembly Bill A.9690 would create numerous new reporting responsibilities for Industrial Development Agencies that are already required through annual state-level mandated Public Authority Reporting Information System (PARIS) reports; and

WHEREAS, For example, **A.9690** would require IDAs to annually submit “report cards” of their activity on the following factors, all of which are required to be reported in PARIS (The annual state reporting requirement for IDAs) and most of which are required to be posted on agency or municipality web sites.

WHEREAS, Additional requirements contained in **A.9690** include the following:

1. A quorum of agency members must be present for all public hearings. The purpose of public hearings is to gather input from impacted parties. IDA staff attends hearings and are required to report accurately on the proceedings to IDA board members. IDA board members are volunteers. As such, they would have to leave work to attend hearings, which must be held in town where project is located. The requirement that a quorum of board members must be present for each public hearing, the vast majority of which have no public participation, does not apply to state legislative hearings or hearings held by large statewide authorities.
2. A determination by the agency that the applicant or principal(s) have not been found in violation of any state, local, or federal laws or regulations. This is an unreasonable standard and would require an IDA to determine, for example, if a project owner or an executive of a public corporation has been found to be in violation of any local, state, or federal laws anywhere in the country or the world.

3. Requires the project owner to retain all payroll records and give Empire State Development (ESD) and the IDA unlimited access. It is unlikely that any business would grant such sweeping access to payroll and personnel records.
4. Furthermore, granting access to these records would represent a violation of personal privacy rights and could result in abuse and public disclosure of such records; and

WHEREAS, This legislation represents classic regulatory overkill and would further cement the perception that New York's regulatory environment is hostile to private sector investment and job creation. Local economic development agencies are overwhelmed with reporting and other regulatory requirements already; and

WHEREAS, This legislation would do nothing to enhance accountability of IDAs, but would add onerous redundancy and duplication to their already considerable regulatory burdens and thereby prevent them from doing that which they were created to do: expand investment and job opportunities for businesses and residents in the communities they serve; now therefore

BE IT RESOLVED, That the adoption of Assembly Bill A9690 unnecessarily burdens LDCs and would seriously impact the ability of IDAs to provide the services that contribute significantly to the economy of Wyoming County and New York State this body hereby voices its opposition to A9690 and urges its defeat; and be it

FURTHER RESOLVED, That certified copies of this resolution be sent to Governor Andrew Cuomo, Lieutenant Governor Robert Duffy, Members of the Western New York State Legislative delegation and the Executive Members of the Genesee/Finger Lakes Regional Planning Council.

Carried: XXX Ayes: 1596 Noses: Absent: Abstain:

Public Comment: **None heard.**

Supervisor Kushner commented on the local law and its origin. Motion to close the Public Hearing was made by Supervisor Rogers, T/Pike. Seconded by Supervisor Davis, T/Covington. Carried.

**Local Law
#28**

**RESOLUTION NO. 12-181
(May 08, 2012)**

Regular Session

By Mr. Kushner, Chairman of the Finance Committee:

LOCAL LAW NO. 1 (INTRODUCTORY A) - YEAR 2012, "A Local Law Amending Local Law No. 7 for the Year 1976, County of Wyoming, New York, Modifying the Wyoming County Plan of Apportionment," ADOPTED

WHEREAS, There was duly presented and introduced at a meeting of this Board, held on the 10th day of April, 2012, a proposed local law of the County, designated as Local Law Introductory No. A, for the year 2012, entitled, A Local Law Amending Local Law No. 7 for the Year 1976, County of Wyoming, New York, Modifying the Wyoming County Plan of Apportionment; and

WHEREAS, In accordance with the provisions of Resolution No. 12-148, there was a public hearing held by this Board of Supervisors on this 8th day of May, 2012, 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 2012, County of Wyoming, New York, as presented to this Board on the 10th day of April 2012, is hereby adopted, enacted and passed by this Board in its original form as follows:

LOCAL LAW NO. 1 - YEAR 2012
A Local Law Amending Local Law No. 7 for the Year 1976, County of Wyoming, New York, Modifying the Wyoming County Plan of Apportionment

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

SECTION 1. This local law hereby repeals local law number 11 of 2008, entitled, "Amending Local Law #7 for the Year 1976, County of Wyoming, New York, Modifying the Wyoming County Plan Apportionment;"

SECTION 2. Paragraph 3 of Local Law No. 7 of the County of Wyoming, Year 1976, is hereby deleted and the following paragraph 3 is substituted therefore:

The apportionment of the voting strength of the members of the Board of Supervisors shall be determined by the 2010 federal census in the County of Wyoming, until the next decennial federal census. On and after the effective date of this local law and continuing until the next decennial federal census unless an official county census shall be made sooner, each Supervisor elected within the respective towns of Wyoming County shall be entitled to the following number of votes on any resolution, Local Law, motion or proposal to be voted on by the Board of Supervisors, to wit:

Town	Population	Simple Majority	2/3 Majority
		No. of Votes	No. of Votes
Arcade	4205	172	161
Attica	3953	164	151
Bennington	3359	140	128
Castile	2906	123	110
Covington	1232	53	47
Eagle	1192	51	45
Gainesville	2182	93	83
Genesee Falls	438	19	17
Java	2057	88	78
Middlebury	1441	62	55
Orangeville	1355	58	52
Perry	4616	187	179
Pike	1114	48	42
Sheldon	2409	102	92
Warsaw	5017	201	197
Wethersfield	883	38	34
Totals	38359	1599	1471

SECTION 3. This Local Law shall become effective on the day that it is filed in the office of the Secretary of the State of New York.

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

There being no further business to come before this Board, Senior Supervisor Knab, T/Sheldon, adjourned the meeting at 3:20 PM with a rap on his desk.

Respectfully submitted,

Cheryl Ketchum

Cheryl J. Ketchum, Board Clerk

SPECIAL SESSION
(May 15, 2012)

Tuesday

2:30 PM

A special session of the Wyoming County Board of Supervisors was held at the Wyoming County Government Center in the Board of Supervisors' Chambers located at 143 North Main Street, Warsaw, New York with all Supervisors present except Supervisor Tarbell, Town of Castile; Supervisor Leuer, Town of Middlebury, Supervisor Knab, Town of Sheldon; and Supervisor Copeland, Town of Wethersfield. Also present were Clerk to the Board of Supervisors, Cheryl Ketchum and Budget Officer, Janis Cook.

At 12:00 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The pledge was said by all.

Chairman Berwanger asked if there was any Supervisor who objects to the presentation of unanimous consent resolution #01. Hearing none, the Chairman asked Board Clerk Ketchum to read unanimous consent resolution #01 prior to the roll call vote.

#01

RESOLUTION NO. 12-182
(May 15, 2012)

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

RESOLUTION NUMBER 12-117 AMENDED

WHEREAS, The Wyoming County Board of Supervisors are convened in Special Session properly noticed to each member of the Board of Supervisors and to the general public to consider amending a resolution as set forth in this resolution, and

WHEREAS, On March 13, 2012, The Wyoming County Board of Supervisors adopted Resolution Number 12-117, entitled, “**A RESOLUTION REQUESTING THE NEW YORK STATE LEGISLATURE TO ADOPT APPROPRIATE LEGISLATION TO ENABLE THE COUNTY OF WYOMING TO CONTINUE TO IMPOSE AND COLLECT TAXES ON MORTGAGES IN WYOMING COUNTY**,” and

WHEREAS, Senate Bill S06788 and Assembly Bill A09697 have been introduced into the New York State Senate and Assembly respectively to amend

June 12, 2012

the tax law in relation to authorizing the County of Wyoming to impose an additional mortgage tax for 5 years, and

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

WHEREAS, Resolution Number 12-117 specifically asked the New York State Legislature to pass and adopt this legislation to enable the County of Wyoming to continue to enact such local law for the imposition of such tax, now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby approves and encourages the adoption and passage of Amended Senate Bill S06788A and Amended Assembly Bill A09697A entitled "An act to amend chapter 185 of the laws of 2005, amending the tax law relating to authorizing the county of Wyoming to impose a county recording tax on obligations secured by a mortgage on real property, in relation to the expiration thereof," for a term of 2 years and hereby declares that a necessity exists for the passage of such bills in that the local legislative body of the County of Wyoming does not have the power to enact such legislation by local law, and be it

FURTHER RESOLVED, That Resolution Number 12-117 be hereby amended to reflect an amended term of 2 years. All else remains unchanged.

Carried: XXX Ayes: 1272 Noes: Absent: 118 (Castile) Abstain:
63 (Middlebury)
106 (Sheldon)
37 (Wethersfield)
324 Total

There being no further business to come before this Board, Chairman Berwanger adjourned the meeting at 12:20 PM.

Respectfully submitted,



Cheryl J. Ketchum, Board Clerk

**REGULAR SESSION
(June 12, 2012)**

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 2:45 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance for this month's meeting is:

Keith A. Almeter

Mr. Almeter's service to his country comes while serving during the Vietnam War. He was inducted into the United States Army on January 17, 1968 and took his Basic Training at Ft. Dix, New Jersey. Mr. Almeter then went to Ft. Sill, Oklahoma and completed his Advanced Individual Training in Artillery.

Mr. Almeter then went to Ft. Lewis, Washington where he was deployed to Vietnam. Mr. Almeter was assigned to the 2nd Battalion, 3rd Brigade, 9th Artillery Regiment under the 4th Infantry Division and performed duties in Pleiku of the Central Highlands. He spent 14 months in Vietnam and then returned to Ft. Lewis, Washington where he was honorably discharged on August 23, 1969 at the rank of SP 4.

For his service to his country Almeter was awarded:

**The National Defense Service Medal
The Vietnam Service Medal
The Vietnam Campaign Medal
Sharpshooter Badge for the M-14**

Mr. Almeter returned to this area and went to work for Martin Fire-Proofing out of Tonawanda. He worked as a laborer installing fireproof roofs on many schools and hospitals along the east coast.

In November of 1971, Mr. Almeter went to work for the New York State Department of Corrections and was assigned duties at Attica Correctional where he worked as a Correction Officer for 38 years until his retirement in 2010. He

is a long time member of both the American Legion and the VFW. Mr. Almeter has been married to his wife, Ann, and they live in the town of Attica.

The pledge was said by all.

Chairman Berwanger invited Supervisor Patti, T/Attica to join him as he presented the customary certificate of appreciation to Mr. Almeter and offered an opportunity to address the Board. At which time, Mr. Almeter thanked the Board for the opportunity to lead the pledge...

There was a brief interruption of the meeting as attending press took pictures.

UC#32

**RESOLUTION NO. 12-183
(June 12, 2012)**

By Mr. Brick, Chairman of the Agriculture Committee:

JUNE 2012 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 23,700 pounds (or 2,799 gallons) of milk per cow per year, with a total Wyoming County Milk production of 1.1 Billion pounds (or 129.4 Million gallons) with 46,500 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 2012** to be:

**National Dairy Month in
Wyoming County**

and encourages all our citizens to enjoy milk and other dairy foods and do urge civic and business organizations to cooperate in this observance in

public in private in order that we may enjoy improved health and increased prosperity.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

Upon passage of the National Dairy Month in Wyoming County proclamation, Chairman Berwanger introduced this Year's Dairy Princess, Emily Calkins. Emily is the daughter of Douglas and MaryAnn Calkins. She resides and works on her families' 7th generation Holstein dairy farm in Varysburg. Emily has always been proud and enthusiastic to be involved in agriculture and is honored to represent her dedicated local dairy farmers. A junior at Letchworth Central School, she is a member of National Honor Society, Student Council, and is active in the FFA program serving as chapter president. She enjoys showing dairy cattle, dairy cattle judging, and is a 4-H Teen Dairy Leader. Princess Calkins was invited to join Supervisor Brick to receive the proclamation.

Chairman Berwanger invited everyone to help themselves to the milk punch, cheese and crackers reception provided by the Dairy Princess.

In recognition of Dairy Month, Chairman Berwanger next invited Wyoming County Chamber of Commerce, Exec. Director Laura Lane to give an update on the AgriPalooza event that took place last week end. Director Lane stated that this year's AgriPalooza was held at the Sondriker Farm in the Town of Attica and that it was a great example of how the Ag./Farm Community can come together. She stated that roughly 3,000 people were in attendance with over 190 volunteers. \$25,000 raised in sponsorships and in-kind donations, everyone that attended received milk and cheese that was donated. All in all a Great Event!! The search for next year's location has begun, interested Dairy Farms are urged to contact the Chamber office if they'd like to throw their hat in as a potential site for next year...

Communications:

1. Assemblyman Burling ~ Letter dated May 22, 2012 regarding receipt of Board of Supervisors' resolutions from the regular March and May Board Meetings ~

- 12-111, asking NYS Senator Patrick Gallivan and NYS Assemblyman Burling to sponsor legislation amending the NYS Real Property Tax Law to extend veteran real property tax exemptions to active duty personnel who have not yet been honorably discharged and received a form DD214;
- 12-174 declaring May 8, 2012 to be "Mayday for Mandate Relief" and urging the Mandate Relief Council to take swift action in submitting a package of mandate relief proposals to Governor Cuomo and the State Legislature to be voted on this session;

- 12-175 which supports NYS pension reform; and
- 12-180 opposing Assembly Bill A.9690 regarding extraordinary oversight of Industrial Development Agencies and extending audit authority of local development corporations to the Office of the State Comptroller.

Open Public Hearing:

Local Law No. 2, Year 2012 (Introductory B, Year 2012) Entitled, "A Local Law Establishing Real Property Tax Exemption for Nonresidential Real Property Converted to Mixed-Use Property in Accordance with Section 485-A of the New York State Real Property Tax Law"

#1

RESOLUTION NO. 12-184 (June 12, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2012 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2012 accounts as follows:

Public Health			
From: 01.38.4060.1.10601 Unused Benefit Time To: 01.38.4060.4.40301 Prof Svc Contracts 01.38.4060.4.40401 Training/Education Reason: Transfer funds to cover the cost back-up Jail Medical Practitioner and training expenses.	\$800.00	\$750.00 50.00	
Public Health Total			\$800.00
Emergency Services			
From: 01.37.3640.1.10001 Salaries 01.37.3640.8.81001 Retirement 01.37.3640.8.83001 FICA 01.37.3640.8.85001 Medicare To: 01.37.3640.4.40301 Professional Services Reason: For MOU with Wyoming County Health Department for Medical Director – Pre Hospital Care Services	\$4,505.83 824.56 279.37 65.34	\$5,675.10	
Emergency Services Total			\$5,675.10

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#2

RESOLUTION NO. 12-185 (June 12, 2012)

Regular Session

By Mr. Kushner, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2012 ACCOUNTS
BE IT RESOLVED, That funds are hereby appropriated to the various 2012 accounts as follows:

Records Retention			
To: 01.34.1460.4.41010 Misc. Office Supplies w/01.04.1460.2210 Storage Rental Revenue <i>with any funds available</i>		\$810.00 345.00 465.00	
Reason: Much needed permanent box purchase. Currently \$172.50 in 2012 Revenue Account to put towards this \$810.00 purchase.			
Records Retention Total			\$810.00
County Clerk			
To: 01.34.1410.2.20201 Computer Equipment <i>with any funds available</i>	\$19,570.00	\$ 19,570.00	
Reason: To cover costs of the Pistol Permit Cards and Veteran ID Cards.			
County Clerk Total			\$ 19,570.00
Mental Health			
To: 01.38.4220.4.42306 Misc. Other w/01.03.4220.1289 Other Dept. Revenue	\$500.00	\$500.00	
Reason: SAMSHA Town Hall Meeting Grant			
Mental Health Total			\$500.00
District Attorney			
To: 01.32.1168.4.41010 Misc Ofc Sup. 01.32.1168.4.40301 Prof Svc. Contract 01.32.1168.4.40402 Conf/Conventions 01.32.1168.4.40405 Employee Expenses w/01.11.1168.3089 Other State Aid	\$670.00 500.00 2,000.00 500.00		
Reason: For rest of 2012 from monies received under the Aid to Prosecution Grant.		\$3,670.00	
To: 01.32.1163. 4.42306 Seized Assets w/01.07.1163.2626 Fines & Forfeitures	\$4,361.00	\$4,361.00	
Reason: to appropriate funds to cover the cost of the accepted vehicle bid.			
District Attorney Total			\$8,031.00
Sheriff			
To: 01.37.3110.4.40508 Private Auto Repair w/01.08.3110.2680 Insurance Recovery	\$365.05	\$365.05	
Reason: windshield repair			
To: 01.37.3110.4.40508 Private Auto Repair w/01.08.3110.2680 Insurance Recovery	\$4,534.00	\$4,534.00	
Reason: payment from insurance company for totaled car			
Sheriff Total			\$4,899.05

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

Mr. Knab, T/Sheldon, Chairman of the Audit Committee, presented bills totaling **\$1,325,773.85** for the month of **May 2012**.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

June 12, 2012

Chairman Berwanger announced that this is the first meeting after reapportionment to use the newly adopted weighted voting system from the 2010 US Census results.

There was a motion by Mr. Davis, T/Covington, to combine resolutions #3 and #4. A voice vote was taken and all voted aye.

#3

RESOLUTION NO. 12-186
(June 12, 2012)

By Mr. Davis, Chairman of Human Resource Committee:

**SANDRA DOMNISSEY REAPPOINTED CIVIL SERVICE
COMMISSIONER**

BE IT RESOLVED, That *Sandra Domnissey*, 3085 Merchant Road, Warsaw, NY 14569 be hereby reappointed to the *Civil Service Commission* as a *Civil Service Commissioner effective June 01, 2012 through May 31, 2018* according to Civil Service Law §15.1; and

BE IT FURTHER RESOLVED, That the Commissioner will be compensated at the rate of one hundred dollars (\$100.00) per meeting as well as any approved mileage and expenses, with no further benefits.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#4

RESOLUTION NO. 12-187
(June 12, 2012)

By Mr. Davis, Chairman of Human Resource Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH
XEROX/ACS ON BEHALF OF THE COUNTY CLERK'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 XEROX/ACS, 8600 Harry Hines Blvd., Suite 300, Dallas, TX 75235 (New York State Office: East Syracuse, NY) on behalf of the County Clerk's Office. Said contract is to provide for installation of software and hardware to generate pistol permit and Veterans ID cards in an amount not to

exceed nineteen thousand five hundred seventy dollars (\$19,570.00); effective July 1, 2012.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

There was a motion by Mrs. Totsline, T/Genesee Falls, to combine resolutions #5 through #7. A voice vote was taken and all voted aye.

#5

**RESOLUTION NO. 12-188
(June 12, 2012)**

By Mrs. Totsline, Chairman of Human Services Committee:

RESOLUTION NUMBER 10-26 AMENDED

WHEREAS, Resolution Number 10-26 entitled, “**CHAIRMAN/COMMISSIONER OF SOCIAL SERVICES AUTHORIZED TO SIGN A GRANT ACCEPTANCE AWARD WITH NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES DIVISION OF INFORMATION TECHNOLOGY ON BEHALF OF THE DEPARTMENT OF SOCIAL SERVICES**,” passed by this Board of Supervisors on January 12, 2010 and provides for grant funding with the New York State Office of Children and Family Services Division of Information Technology, 52 Washington Street, Rensselaer, NY 12144 on behalf of the Department of Social Services. Said grant provides funding for 8 laptop computers for child welfare workers in the minimum amount of eight thousand four hundred ninety-four dollars and twenty-four cents (\$8,494.24); effective December 01, 2009 through June 30, 2012; now therefore

BE IT RESOLVED, That Resolution Number 10-26 be hereby amended to increase the grant from eight laptops valued at \$8,494.24 to twelve laptops valued at \$12,739.36; effective January 29, 2010 through December 31, 2012, all else remains unchanged.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#6

**RESOLUTION NO. 12-189
(June 12, 2012)**

June 12, 2012

By Mrs. Totsline, Chairman of Human Services Committee:

CHAIRMAN AUTHORIZED TO SIGN PRE-SCHOOL RELATED SERVICES AND PRE-SCHOOL SPECIAL EDUCATION SERVICES CONTRACTS ON BEHALF OF THE WYOMING COUNTY YOUTH BUREAU

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign various Pre-School Related Services and Pre-School Special Education Services Contracts on behalf of the Wyoming County Youth Bureau as follows:

- **Jennifer Callahan**, 2369 Lyndon Road, Franklinville, NY 14737 for Pre-School Related Services and Special Education Services in an amount not to exceed 2012-2015 budget – variable depending on number of services performed; effective July 1, 2012 through June 30, 2015.
- **Kimberly Rowland**, 2369 4252 Humphrey Road, Great Valley, NY 14741 for Pre-School Related Services in an amount not to exceed 2012-2015 budget – variable depending on number of services performed; effective July 1, 2012 through June 30, 2015.
- **Pioneer Central School**, 12145 County Line Road, P.O. Box 579, Yorkshire, NY 14173 for Pre-School related Services and Pre-School Special Education Services in an amount not to exceed 2012-2015 budget – variable depending on number of services performed; effective July 1, 2012 through June 30, 2015.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#7

**RESOLUTION NO. 12-190
(June 12, 2012)**

By Mrs. Totsline, 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 THE WYOMING COUNTY YOUTH BUREAU

Regular Session

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant application and acceptance award with the New York State Office of Children and Family Services, 52 Washington Street, Rensselaer, NY 12444 on behalf of the County Youth Bureau. Said grant is for funding of the annual Resource Allocation Plan (RAP) 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 thirty-five thousand six hundred ten dollars (\$35,610.00); effective January 1, 2012 through December 31, 2012.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

Mary Gilliland was born in Warsaw in 1927 and passed after a brief illness on May 23rd at the age of 84.

Mary Gilliland dedicated her life to providing care for others, working as a licensed practical nurse at the health department from the early 1960s through the mid-1980s. After retirement from the Health Department, she worked until just recently at the East Side Nursing & Rehabilitation Center in Warsaw.

Mary contributed to her community in many ways, serving on the Genesee Falls Town Council and the Board of Directors of the Castile Community Medical Center. She was an active member of the former Church of the Assumption in Portageville. Mary was appointed to the Wyoming County Board of Health in 1994 and served as the President of the Board of Health from 1997, active up to and including their most recent meeting in March of this year.

On behalf of the Board of Supervisors, our condolences to family and friends. Please take a moment of silence to recognize the lifelong service and contributions of Mrs. Mary Gilliland to Wyoming County, she will be missed.

****Moment of Silence as Chairman Berwanger paid tribute to the memory of Mary Gilliland, Wyoming County Board of Health, Immediate Past President.**

There was a motion by Mrs. Ryan, T/Warsaw, to combine resolutions #8 and #9. A voice vote was taken and all voted aye.

#8

**RESOLUTION NO. 12-191
(June 12, 2012)**

By Mrs. Ryan, Chairman of Public Health Committee:

June 12, 2012

**CHAIRMAN/COMMISSIONER OF HEALTH AUTHORIZED TO
SIGN A CONTRACT WITH FREED MAXICK ON BEHALF OF THE
COUNTY HEALTH DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney are hereby authorized and directed to sign a contract with Freed Maxick CPAs, P.C., 424 Main Street, Suite 800, Buffalo, NY 14202 on behalf of the County Health Department. Said contract is for audit and cost reporting services for the Health Department (CHHA & Title X) in an amount not to exceed twenty thousand three hundred dollars (\$20,300.00) plus direct expenses; effective January 1, 2012 through December 31, 2012.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#9

**RESOLUTION NO. 12-192
(June 12, 2012)**

By Mrs. Ryan, Chairman of Public Health Committee:

**AUTHORIZE WYOMING COUNTY HEALTH DEPARTMENT
APPLICATION TO THE NEW YORK STATE DEPARTMENT OF
HEALTH TO BE A LICENSED HOMECARE SERVICE AGENCY**

WHEREAS, The County of Wyoming has authorized an Asset Purchase Agreement with the Visiting Nursing Association of Western New York, Inc. for purchase of the Wyoming County Health Department Certified Home Health Agency; and

WHEREAS, Following completion of the sale, the Wyoming County Health Department must still provide various Public Health services to residents of Wyoming County; and

WHEREAS, The New York State Department of Health requires all local health departments that do not operate a Certified Home Health Agency to be a Licensed Homecare Service Agency, subject to State Public Health Law Sections 3605 and 3611-a and Part 765 of Title 10 NYCRR; now therefore

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health are authorized and directed to sign all necessary

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documents for the Wyoming County Health Department application to the New York State Department of Health to become a Licensed Home Care Services Agency.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

Chairman Berwanger asked if there was any Supervisor who objects to the presentation of unanimous consent resolution #33. Hearing none, the Chairman asked Board Clerk Ketchum to read unanimous consent resolution #33 prior to the roll call vote.

Clerk Ketchum was asked to read the resolution in its entirety. Prior to the roll call vote being taken Chairman Berwanger reminisced about the days when the CHHA was, as he called it, a "Black Hole," as far as funding from the county. He stated that the Board of Supervisors brought in some people through the Public Health Committee, and the efforts of Supervisors Rogers, T/Pike and Knab, T/Sheldon who served on the Public Health Committee at that time. Those people were charged with reorganizing the agency and making it profitable. Key people, such as, Laura Paolucci and Dr. Collins, through their leadership and wisdom the CHHA was able to move from loosing \$300,000 annually to being a cash positive revenue generator for the county.

Fast forwarding to last year, because of the continued assault by the State of New York on reimbursements that the CHHA receives, it became evident that the CHHA would no longer be self sustaining. The decision was made to prepare a Request for Proposal (RFP) to possibly sell the CHHA, and that's where we are today.

Chairman Berwanger continued by saying that he was certain that Supervisors Rogers, T/Pike and Knab, T/Sheldon share in his sorrow because Wyoming County's CHHA was a Statewide award winning agency providing topflight health care. It is with heavy heart that the Board moves forward with the Sale of the CHHA today. In addition Chairman Berwanger takes direct aim at the State of New York for having to do so!!

UC#33

**RESOLUTION NO. 12-193
(June 12, 2012)**

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

APPROVING AN ASSET PURCHASE AGREEMENT AND SERVICE AGREEMENT BETWEEN THE COUNTY OF WYOMING AND THE VISITING NURSING ASSOCIATION OF WESTERN NEW YORK, INC.

June 12, 2012

WHEREAS, Wyoming County issued a Request for Proposals for the sale of the Wyoming County Health Department Certified Home Health Agency (CHHA) Operating Certificate, with responses due on April 30, 2012; and

WHEREAS, A Wyoming County sub-committee did review proposals from interested parties desiring to provide Certified Home Health Services to residents of Wyoming County; and

WHEREAS, The Visiting Nursing Association of Western New York, Inc. submitted the most favorable proposal to provide Certified Home Health Services within Wyoming County; now therefore

BE IT RESOLVED, That the Chairman of the Wyoming County Board of Supervisors is hereby authorized to execute any and all documents to effectuate the sale of the Wyoming County Health Department Certified Home Health Agency to the Visiting Nursing Association of Western New York, Inc., 2100 Wehrle Drive, Williamsville, New York 14221. Final terms and conditions of the Asset Purchase Agreement and accompanying Service Agreement shall be subject to attorney approval and further subject to review and approval by the New York State Department of Health.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

There was a motion by Mr. Rogers, T/Pike, to combine resolutions #10 through #12. A voice vote was taken and all voted aye.

#10

**RESOLUTION NO. 12-194
(June 12, 2012)**

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 THE
DISTRICT ATTORNEY'S OFFICE**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant application and acceptance award with New York State Division of Criminal Justice Services, 4 Tower Place, Albany, NY 12203 on behalf of the District Attorney's Office. Said grant is for funding of the Aid to Prosecution program in a minimum amount of twenty-nine thousand two hundred dollars

(\$29,200.00); effective April 1, 2012 through March 31, 2013.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#11

RESOLUTION NO. 12-195
(June 12, 2012)

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 09-288 AMENDED

WHEREAS, Resolution Number 09-288 entitled, “**CHAIRMAN AUTHORIZED TO SIGN A GRANT ACCEPTANCE AWARD WITH THE NEW YORK STATE CRIME VICTIMS’ BOARD ON BEHALF OF THE DISTRICT ATTORNEY’S OFFICE**,” passed by this Board of Supervisors on July 14, 2009 and provides grant funding for crime victim services in a minimum amount of two hundred fifty thousand seven hundred fifty-seven dollars (\$250,757.00) as follows:

- 2009-2010 - \$79,282.00
- 2010-2011 - \$83,393.00
- 2011-2012 - \$88,082.00;

effective October 01, 2009 through September 30, 2012; now therefore

BE IT RESOLVED, That Resolution Number 09-288 be hereby revised to amend the expiration date effective October 1, 2012 through September 30, 2013 and provide an additional award amount of eighty-six thousand three hundred twenty dollars (\$86,320.00) for a revised grant award of three hundred thirty-seven thousand seventy-seven dollars (\$337,077.00);. Original term was 2009-2012; all else remains unchanged.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#12

RESOLUTION NO. 12-196
(June 12, 2012)

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN/EMERGENCY SERVICES DIRECTOR AUTHORIZED
TO SIGN A MEMORANDUM OF UNDERSTANDING WITH ONTARIO
COUNTY EMERGENCY MANAGEMENT FOR THE CREATION OF
THE FINGER LAKES NEW YORK INTEROPERABLE
COMMUNICATIONS CONSORTIUM (FLNYICC) ON BEHALF OF
WYOMING COUNTY EMERGENCY SERVICES**

BE IT RESOLVED, That the Chairman of this Board/Emergency Services Director with the approval of the County Attorney are hereby authorized and directed to sign a memorandum of understanding for the creation of the Finger Lakes New York Interoperable Communications Consortium (FLNYICC), with Ontario County Emergency Management, 20 Ontario Street, Canandaigua, NY 14424 on behalf of Wyoming County Emergency Services. Said FLNYICC to cooperate and establish an Interoperable Communications network to serve the Finger Lakes New York Region; effective June 1, 2012.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

There was a motion by Mr. Patti, T/Pike, to combine resolutions #13 through #19. A voice vote was taken and all voted aye.

#13

**RESOLUTION NO. 12-197
(June 12, 2012)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN ENERGY CONTRACTS ON
BEHALF OF WYOMING COUNTY 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 Energy Contracts on behalf of Wyoming County Buildings and Grounds (County Buildings):

- **Liberty Power Holdings**, 1901 West Cypress Creek Road, Suite 600, Fort Lauderdale, FL 33309, for the supply of electricity to all county buildings at a fixed rate of .053 per kwh; effective August 1, 2012 - July 31, 2015.
- **Energetix Energy Service Company**, 50 Methodist Hill Drive, Suite 500, Rochester, NY 14623 for the supply of natural gas to all county buildings in an amount not to exceed \$.508/therm; effective July 01, 2012 through July 31, 2014.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#14

**RESOLUTION NO. 12-198
(June 12, 2012)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO AWARD A BID AND SIGN
CONTRACTS WITH MATUSZAK'S BLACKTOPPING ON BEHALF OF
WYOMING COUNTY 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 award a bid and sign a contract with Matuszak's Blacktopping, Inc., 1208 Genesee Road, Arcade, NY 14009 on behalf of Buildings and Grounds (County Buildings). Said contract is for repairing and resurfacing of the parking area for the county building located at 8 Perry Ave., Warsaw NY (about 4,000 sq. ft.) in an amount not to exceed six thousand six hundred fifty dollars (\$6,650.00); effective June 13 2012 through completion of project.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#15

**RESOLUTION NO. 12-199
(June 12, 2012)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS
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 the following bids and sign contracts in connection with those bids on behalf of County Highway:

- **Hunting Valley Construction, Inc.**, 825 Rein Road, Cheektowaga, NY 14225
 - for the Dutch Hollow Road Bridge replacement over Glade Creek, Town of Sheldon; BIN 3320170; PIN 4755.00 in an amount not to exceed one million thirty-two thousand three hundred three dollars and ten cents (\$1,032,303.10); effective June 12, 2012 through the completion of the project.
- **Bergmann Associates**, 28 E. Main St, 200 First Federal Plaza, Rochester, NY 14614
 - Supp #1 Agreement for ROW for HRRR Intersection Improvements PIN 4755.72 in an amount not to exceed nine thousand nine hundred dollars (\$9,900.00); effective June 12, 2012 through completion of project.
 - Supp #1 Agreement for Construction Phase for Dutch Hollow Road Bridge Replacement; BIN #3320170; PIN 4755.00 in an amount not to exceed one hundred fourteen thousand six hundred fifty-four dollars (\$114,654.00); effective June 12, 2012 through the completion of the project.

Carried: XXX

Ayes: 1599

Noes:

Absent:

Abstain:

#16

RESOLUTION NO. 12-200
(June 12, 2012)

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO AWARD BIDS AND
SIGN 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 contracts on behalf of County Highway as follows:

- **Killian Construction Inc.**, 210 Commerce Dr., Rochester, NY 14623 for Highway Shoulder Removal in the amount of \$.55/square yard in an amount not to exceed seventeen thousand dollars (\$17,000.00); effective June 12, 2012 through the completion of project.
- **CVF, Inc.**, 528 Tacoma Ave., Buffalo, NY 14216 for Cast In Place Curb in the amount of \$5.40/linear foot in an amount not to exceed twenty-two thousand dollars (\$22,000.00); effective June 12, 2012 through completion of project.

Contingent upon the availability of funds.

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Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#17

**RESOLUTION NO. 12-201
(June 12, 2012)**

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

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 fifty-nine thousand dollars (**\$59,000.00**) 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

June 12, 2012

immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, That the Chairman of the Board of Supervisors be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Board of Supervisors with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

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

RESOLVED, This Resolution shall take effect immediately.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#18

**RESOLUTION NO. 12-202
(June 12, 2012)**

By Mr. Patti, Chairman of Public Works Committee:

RESOLUTION NUMBER 12-104 AMENDED

WHEREAS, Resolution Number 12-104 entitled, "CHAIRMAN AUTHORIZED TO AWARD FIVE (5) BIDS AND SIGN FIVE (5) SEPARATE CONTRACTS IN CONNECTION WITH THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM RENOVATIONS PROJECT ON BEHALF OF THE COUNTY OF WYOMING," passed by this Board of Supervisors on March 13, 2012 and provides for five (5) bid awards totaling \$3,144,285.00 on behalf of the renovations project; effective through the completion of the project; now therefore

BE IT RESOLVED, That Resolution Number 12-104 be hereby amended to Authorize Chairman to sign contract amendments with the following as described:

- **Ackerman Plumbing Inc.**, 678 Sheridan Drive, Tonawanda, NY 14150

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for: Plumbing/Fire Protection SNF Renovation Project increasing the amount by **\$372,025.27** for plumbing work intended to be done by owner at time of bid. Work is above and beyond original contract agreement, for a total of **\$660,697.27**.

- **Building Innovation Group**, 107 Lincoln Pkwy, E. Rochester, NY 14445 for: Amend. #1 General Construction SNF Renovation Project increasing the amount by **\$182,878.00** for General Construction work intended to be done by owner at time of bid. Amend. #2 General Construction SNF renovation project increasing the amount by **\$8,721.00** for Fire Stopping of tops and bottoms of fire rated partitions in Phase 1A and 1B. Work is above and beyond original contract agreement, for a total of **\$1,100,212.00**.
- **Concord Electric Corp.**, 706 Maple Street, Rochester, NY 14611 for: Electrical SNF Renovation Project increasing the amount by **\$225,666.40** for Electrical Work intended to be done by owner at time of bid. Work is above and beyond original contract agreement, for a total of **\$644,666.40**.

All else remains unchanged.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#19

RESOLUTION NO. 12-203
(June 12, 2012)

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH ENVOY
ENVIRONMENTAL CONSULTANTS, INC. ON BEHALF OF
BUILDINGS AND GROUNDS (CIP)**

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 Envoy Environmental Consultants, Inc., 1815 Love Road, Grand Island, NY 14072 on behalf of the Hospital Renovations project for Asbestos Air Sample Testing and Asbestos Abatement Monitoring for Department of Labor Compliance – Skilled Nursing Facility Renovation, in an amount not to exceed seventy-five thousand dollars (\$75,000.00); effective May 29, 2012 through completion of project.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

June 12, 2012

Finance Committee Chair Kushner, T/Eagle requested that resolution number 20 be withdrawn. There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #21 through #30. A voice vote was taken and all voted aye.

#20 Withdrawn

RESOLUTION NO. 12-
(June 12, 2012)

By Mr. Kushner, Chairman of the 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, CT 06104 for the following employees are hereby approved; effective July 01, 2012 through June 30, 2013:

- Schedule S, D, & WCCH C - \$12.51/employee/month;
- CSEA - \$15.95/employee/month.

Contingent upon the availability of funds.

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

#21

**RESOLUTION NO. 12-204
(June 12, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

SALARY ADJUSTMENT APPROVED

BE IT RESOLVED, That the salary of the one (1) Laborer (Per Diem) (position code 032.144) assigned to Buildings and Grounds (Co. Bldgs.) be hereby set at \$13.00/hr. effective immediately with only those benefits mandated by law.

Carried: XXX **Ayes: 1599** **Noes:** **Absent:** **Abstain:**

#22

**RESOLUTION NO. 12-205
(June 12, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

Regular Session

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

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

INVESTMENT POLICY FOR WYOMING COUNTY

I. SCOPE

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

II. OBJECTIVES

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

- * to conform with all applicable federal, state and other legal requirements (legal);
- * to adequately safeguard principal (safety);
- * to provide sufficient liquidity to meet all operating requirements (liquidity); and
- * to obtain a reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

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

IV. PRUDENCE

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

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investments, considering the safety of the principal as well as the probable income to be derived. All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the

investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

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

VI. INTERNAL CONTROLS

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

The Chief Fiscal Officer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from un-authorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and is 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 Officer</u>
Five Star Bank	\$20,000,000.00
Bank of Castile	\$20,000,000.00
M & T Bank	\$20,000,000.00
Steuben Trust Company	\$20,000,000.00
JP Morgan Chase	\$10,000,000.00
First Niagara Bank	\$10,000,000.00

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 organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by the depository and/or a third party bank or trust company subject to security and custodial agreements. The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events, which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the County of Wyoming or its custodial bank. The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

X. PERMITTED INVESTMENTS

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

* Special time deposit accounts;
* Certificates of deposit;
* Obligations of the United States of America;
* Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United State of America;
* Obligations of the State of New York;
* Obligations issued pursuant to LFL Sec. 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the County of Wyoming;
* Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorize such investments.
* Certificates of Participation (COP's) issued pursuant to GML Sec. 109b.
* Obligations of this local government, but only with any moneys in a reserve fund established pursuant to GML Sec. 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.
All investment obligations shall be payable or redeemable at the option of the County of Wyoming within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the County of Wyoming within two years of the date of purchase.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

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

XII. PURCHASE OF INVESTMENTS

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

1. Directly, including through a repurchase agreement, from an authorized trading partner.

2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.

3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the County of Wyoming by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, Sec. 10.

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

XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

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

APPENDIX A

Schedule of Eligible Securities

- (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
- (ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank, and the African Development Bank.
- (iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market Value of the obligation that represents the amount of the insurance or guaranty.
- (iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation, which under a specific State statute may be accepted as security for deposit of public moneys.
- (v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (vii) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- (ix) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.
- (x) Commercial paper and banker's acceptances issued by a bank, other than the Bank, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.
- (xi) Zero coupon obligations of the United States government marketed as "Treasury strips;" and be it

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

Carried: XXX **Ayes: 1599** **Noes:** **Absent:** **Abstain:**

#23

RESOLUTION NO. 12-206
(June 12, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

RESTRICTED FUNDS ESTABLISHED (DA SEIZED ASSETS)

WHEREAS, The County wishes to restrict funds for DA's Seized Assets, the purpose of the DA's Seized Assets restriction is to accumulate moneys to improve prosecution efforts; and

WHEREAS, Civil Practice Laws and Rules, CPLR 13-A requires the establishment of such reserve; now therefore

BE IT RESOLVED, Effective December 31, 2011, the Board authorizes the establishment of the DA's Seized Asset restricted reserve; & be it

FURTHER RESOLVED, The County Treasurer is hereby directed to deposit and secure the moneys of this Restricted Fund in the manner provided by Section 10 of the General Municipal Law; and be it

FURTHER RESOLVED, The Wyoming County Treasurer may invest the moneys in the Restricted Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the County; and be it

FURTHER RESOLVED, Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Restricted Fund; and be it

FURTHER RESOLVED, The County Treasurer shall account for this Restricted Fund in a manner which maintains the separate identity of the Restricted Fund and, at the end of each fiscal year, render to the Board a report of the operation and condition of the Restricted Fund. Except as otherwise

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provided by law, expenditures from this Restricted Fund shall be made only for the purpose for which the restriction is established; and be it

FURTHER RESOLVED, No expenditure shall be made from this Restricted Fund without the approval of this governing board and such additional actions or proceedings as may be required by General Municipal Law and any other law.

Carried: XXX **Ayes: 1599** **Noes:** **Absent:** **Abstain:**

#24

RESOLUTION NO. 12-207
(June 12, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

RESTRICTED FUNDS ESTABLISHED (SHERIFF'S SEIZED ASSETS)

WHEREAS, The County wishes to restrict funds for the Sheriff's Seized Assets; and

WHEREAS, The purpose of the Sheriff's Seized Assets restriction is to accumulate moneys to improve prosecution efforts; and

WHEREAS, Civil Practice Laws and Rules, CPLR 13-A requires the establishment of such reserve; now therefore

BE IT RESOLVED, Effective December 31, 2011, the Board authorizes the establishment of the Sheriff's Seized Asset restricted reserve; and be it

FURTHER RESOLVED, The County Treasurer is hereby directed to deposit and secure the moneys of this Restricted Fund in the manner provided by Section 10 of the General Municipal Law; and be it

FURTHER RESOLVED, The Wyoming County Treasurer may invest the moneys in the Restricted Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the County; and be it

FURTHER RESOLVED, Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Restricted Fund; and be it

FURTHER RESOLVED, The County Treasurer shall account for this Restricted Fund in a manner which maintains the separate identity of the Restricted Fund and, at the end of each fiscal year, render to the Board a report of the operation and condition of the Restricted Fund. Except as otherwise provided by law, expenditures from this Restricted Fund shall be made only for the purpose for which the restriction is established.

RESOLVED, No expenditure shall be made from this Restricted Fund without the approval of this governing board and such additional actions or proceedings as may be required by General Municipal Law and any other law.

Carried: XXX **Ayes: 1599** **Noes:** **Absent:** **Abstain:**

#25

RESOLUTION NO. 12-208
(June 12, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

COMMITTED FUNDS ESTABLISHED
(PUBLIC SAFETY 911 SERVICE)

WHEREAS, The County wishes to commit funds for PUBLIC SAFETY 911 service; and

WHEREAS, The purpose of the 911 commitment is to accumulate moneys to support and improved 911 communications service for the County of Wyoming; now therefore

BE IT RESOLVED, Effective December 31, 2011 the Board authorizes the establishment of the 911 Communications commitment; and be it

FURTHER RESOLVED, The County Treasurer is hereby directed to deposit and secure the moneys of this Committed Fund in the manner provided by Section 10 of the General Municipal Law; and be it

FURTHER RESOLVED, County Treasurer may invest the moneys in the Committed Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the County; and be it

FURTHER RESOLVED, Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Committed Fund; and be it

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FURTHER RESOLVED, The County Treasurer shall account for this Committed Fund in a manner which maintains the separate identity of the Committed Fund and, at the end of each fiscal year, render to the Board a report of the operation and condition of the Committed Fund. Except as otherwise provided by law, expenditures from this Committed Fund shall be made only for the purpose for which the commitment is established; and be it

FURTHER RESOLVED, No expenditure shall be made from this Committed Fund without the approval of this governing board.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#26

**RESOLUTION NO. 12-209
(June 12, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

**COMMITTED FUNDS ESTABLISHED
(CORRECTIONAL ALTERNATIVE SERVICES)**

WHEREAS, The County wishes to commit funds for Correctional Alternative services; and

WHEREAS, The purpose of the Correctional Alternative commitment is to accumulate moneys to support and improve correctional service for the County of Wyoming; now therefore

BE IT RESOLVED, Effective December 31, 2011 the Board authorizes the establishment of the Correctional Alternative commitment; and be it

FURTHER RESOLVED, The County Treasurer is hereby directed to deposit and secure the moneys of this Committed Fund in the manner provided by Section 10 of the General Municipal Law; and be it

FURTHER RESOLVED, County Treasurer may invest the moneys in the Committed Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the County; and be it

FURTHER RESOLVED, Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Committed Fund.

FURTHER RESOLVED, The County Treasurer shall account for this Committed Fund in a manner which maintains the separate identity of the Committed Fund and, at the end of each fiscal year, render to the Board a report of the operation and condition of the Committed Fund. Except as otherwise provided by law, expenditures from this Committed Fund shall be made only for the purpose for which the commitment is established; and be it

FURTHER RESOLVED, No expenditure shall be made from this Committed Fund without the approval of this governing board.

Carried: XXX **Ayes: 1599** **Noes:** **Absent:** **Abstain:**

#27

RESOLUTION NO. 12-210
(June 12, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

COMMITTED FUNDS ESTABLISHED (DWI PROGRAMS)

WHEREAS, The County wishes to commit funds for DWI programs; and

WHEREAS, The purpose of the DWI commitment is to accumulate moneys to support and improve DWI programs for the County of Wyoming; now therefore

BE IT RESOLVED, Effective December 31, 2011 the Board authorizes the establishment of the DWI commitment; and be it

FURTHER RESOLVED, The County Treasurer is hereby directed to deposit and secure the moneys of this Committed Fund in the manner provided by Section 10 of the General Municipal Law; and be it

FURTHER RESOLVED, County Treasurer may invest the moneys in the Committed Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the County; and be it

FURTHER RESOLVED, Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Committed Fund; and be it

FURTHER RESOLVED, The County Treasurer shall account for this Committed Fund in a manner which maintains the separate identity of the

June 12, 2012

Committed Fund and, at the end of each fiscal year, render to the Board a report of the operation and condition of the Committed Fund. Except as otherwise provided by law, expenditures from this Committed Fund shall be made only for the purpose for which the commitment is established; and be it

FURTHER RESOLVED, No expenditure shall be made from this Committed Fund without the approval of this governing board; and be it

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#28

RESOLUTION NO. 12-211
(June 12, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A RENEWAL TAX BILL
INSERT & PRINTING AGREEMENT WITH APPLIED BUSINESS
SYSTEMS, INC. ON BEHALF OF REAL PROPERTY TAX SERVICES**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a renewal Tax Bill Insert & Printing Agreement with Applied Business Systems, Inc. (ABS), 26 Harvester Avenue, Batavia, NY 14020 on behalf of Real Property Tax Services in an amount not to exceed fifteen thousand two hundred thirteen dollars and thirty cents (\$15,213.30) (same rates as previous year's agreement); effective March 30, 2012 through March 30, 2013 with 1 year additional option (through March 30, 2014) at same cost.

Contingent upon the availability of funds

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#29

RESOLUTION NO. 12-212
(June 12, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH
SPACELABS MEDICAL, INC. ON BEHALF OF THE WYOMING
COUNTY COMMUNITY HEALTH SYSTEM**

Regular Session

BE IT RESOLVED, In accordance with Resolution Number 11-209 passed by the Wyoming County Board of Supervisors, on June 14, 2011 entitled, “**AMENDING RESOLUTION 91-159, AUTHORITY OF THE BOARD OF MANAGERS OF THE HOSPITAL**,” the Chairman of this Board with the approval of the County Attorney and/or Hodgson Russ legal council is hereby authorized and directed to sign a contract with Spacelabs Medical, Inc., PO Box 7018, Issaquah, WA 98027-7018 for the provision of 8 hrs./day, 5 days/wk. on-site support plan for the Entire Facility of patient monitoring equipment— annual maintenance agreement in an amount not to exceed seventy-one thousand four hundred fifty dollars and seventy-two cents (\$71,450.72); effective May 1, 2012 through May 31, 2013.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#30

RESOLUTION NO. 12-213
(June 12, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

SEMI-ANNUAL REVENUE SHARING FOR THE TOWNS

BE IT RESOLVED, That the Chairman of the Finance Committee, presented the Semi-Annual Revenue Sharing Report for the period of October 1, 2011 through March 31, 2012 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 **\$33,094.83** (thirty-three thousand ninety-four dollars and eighty-three cents) to the sixteen towns of Wyoming County, in accordance with the report filed with the Clerk of the Board of Supervisors, as follows:

TOWNS	REVENUE SHARING DISTRIBUTED
Arcade	\$4,269.60
Attica	\$3,080.62
Bennington	\$4,451.54
Castile	\$4,803.71
Covington	\$2,094.96
Eagle	\$1,089.69
Gainesville	\$1,054.19
Genesee Falls	\$95.58

Java	\$1,527.13
Middlebury	\$1,011.04
Orangeville	\$586.89
Perry	\$2,440.18
Pike	\$964.92
Sheldon	\$1,969.81
Warsaw	\$3,006.43
Wethersfield	\$648.54
Grand Totals:	\$33,094.83

Let this be your Warrant for Such Payment: **\$33,094.83** (thirty-three thousand ninety-four dollars and eighty-three cents). IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Board of Supervisors this 12th day of June, 2012.

s/Cheryl J. Ketchum,
Clerk Board of Supervisors

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

Public Comment: None heard

Motion to close the Public Hearing was made by Supervisor Brick, T/Perry. Seconded by Supervisor Ryan, T/Warsaw. Carried.

Local Law
#31

RESOLUTION NO. 12-214
(June 12, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

LOCAL LAW NO. 2 (INTRODUCTORY B) - YEAR 2012,
“A Local Law Establishing Real Property Tax Exemption for Nonresidential Real Property Converted to Mixed-Use Property in Accordance with Section 485-A of the New York State Real Property Tax Law,” ADOPTED

WHEREAS, There was duly presented and introduced at a meeting of this Board, held on the 8th day of May, 2012, a proposed local law of the County, designated as Local Law Introductory No. B, for the year 2012, entitled, *A Local Law Establishing Real Property Tax Exemption for Nonresidential Real Property Converted to Mixed-Use Property in Accordance with Section 485-A of the New York State Real Property Tax Law*; and

WHEREAS, In accordance with the provisions of Resolution No. 12-178, there was a public hearing held by this Board of Supervisors on this 12th

day of June, 2012, 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. B, Year 2012, County of Wyoming, New York, as presented to this Board on the 8th day of May 2012, is hereby adopted, enacted and passed by this Board in its original form as follows:

LOCAL LAW NO. B - YEAR 2012

**A Local Law Establishing Real Property Tax Exemption for
Nonresidential Real Property Converted to Mixed-Use Property in
accordance with Section 485-a of the New York State Real Property tax Law**

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

Section 1. Qualified Mixed Use property, as here and after defined, which is located in a town or village in the County of Wyoming that has adopted a local law approving the Real Property Tax Law Section 485-a shall be exempt from County taxation and County special ad valorem levies in the same manner and to the same extent as provided in the applicable town or village local law.

Section 2. The purposes of this local law, Qualified Mixed Use property is defined as property in which will exist, after completion or residential construction work or a combination of residential construction work and commercial construction work, a building or structure used for both residential and commercial purposes, subsequent to the effective date of this local law.

Section 3.a. Such real property shall be exempt for a period of eight (8) years to the extent of one hundred percent (100%) of the increase in assessed value thereof attributable to such reconstruction, alteration or improvement and for an additional period of four (4) years; provided, however that the extent of such exemption shall be decreased by twenty percent (20%) for each year during such additional period of four (4) years and such exemption shall be computed with respect to the "exemption base" with the exemption base being determined for each year in which there is an increase in assessed value so a attributable form that of the previous year's assessed value.

June 12, 2012

Exemption Table

1 – 8	100% of exemption base
9	80% of exemption base
10	60% of exemption base
11	40% of exemption base
12	20% of exemption base

Section 3.b. No such exemption shall be granted unless such conversion was commenced subsequent to the effective date of this local law; and

Section 3.c. For purposes of this section, the term "conversion" shall not include ordinary maintenance and repairs. (The following shall not be considered conversion except to the extent that they are a part of an addition, remodeling or modernization; exterior painting ; the replacement of exterior siding; interior painting; plastering; paneling or wallpapering; replacement of flooring or floor covering; repairs to electrical or plumbing systems. This is illustrative only and not exhaustive.)

Section 4. Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the New York State Board of Real Property Services, the original of which shall be filed with the Assessor for the Village/Town of Warsaw and/or such other town or village that has approved this exemption. Such application shall be filed on or before the tax status date applicable to the Town of Warsaw and/or such other town or village that has approved this exemption and within one (1) year of the date of completion of such conversion.

Section 5. No such exemption shall be granted concurrent with or subsequent to any other real property tax exemption granted to the same improvements to real property, except, where during the period of such previous exemption, payments in lieu of taxes or other payments were made to the local governmental in an amount that would have been equal to or greater than the amount of real property taxes that would have been paid on such improvements had such property been granted an exemption pursuant to this section. In such case, an exemption shall be granted for a number of years equal to the twelve (12) year exemption granted pursuant to this section less the number of years the property would have been previously exempt from real property taxes.

Section 6. The provision of this section shall only apply to Non-Residential Real Property converted to mixed-use property.

Section 7. This local law shall take effect immediately and shall apply to all assessment rolls prepared on the basis of taxable status dates occurring on or after the effective date of this local law.

Section 8. This local law shall take effect upon filing in the office of the Secretary of the State as provided by Municipal Home Rule Law.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

Supervisor Ryan, T/Warsaw thanked the Board for adopting this local law on behalf of the Town and Village of Warsaw.

There being no further business to come before this Board, Senior Supervisor Davis, T/Covington, adjourned the meeting at 3:20 PM with a rap on his desk.

Respectfully submitted,



Cheryl J. Ketchum, Board Clerk

**REGULAR SESSION
(July 10, 2012)**

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 2:53 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance for this month's meeting is:

Lawrence T. Brennan

Mr. Brennan's service to his country comes while serving following the Korean War. Mr. Brennan enlisted in the United States Air Force on December 12, 1955. He completed his Basic Training at Sampson Air Force Base and became qualified as a Ground Power Mechanic and was then assigned to Griffith Air Force Base in Rome, New York, where he worked as a Ground Power Mechanic on the flight line. While assigned to Griffith Air Force Base, Mr. Brennan attended the "World Rocketry Meet" in Yuma, Arizona.

Mr. Brennan spent 3 years at Griffith Air Force Base and on October 13, 1959 was Honorably Discharged at Niagara Falls Air Force Base at the rank of Airman 2nd Class.

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

The Good Conduct Medal

Mr. Brennan returned to this area after the service and went to work for the Power Authority. He spent 4 years helping to build the tunnel systems. Mr. Brennan then spent the next 10 years driving truck and operating his own refrigeration business. Mr. Brennan then went to work for the City of Buffalo. He spent the next 13 years working for the Sewer Authority and was the President of the local Union for 6 years, until his retirement in 1994.

Mr. Brennan has been a member of the Hunt-Stout Post of the American Legion and lives in the Town of Gainesville.

The pledge was said by all.

Supervisor Dixon, T/Gainesville joined Chairman Berwanger and Mr. Brennan briefly for the presentation of the customary certificate of appreciation to Mr. Brennan and an opportunity to address the Board. At which time, Mr. Brennan thanked the Board for the plaque and in being asked to lead the pledge.... He asked the Supervisors to work in unison and to not recognize party lines to make Wyoming County as great as it has the potential to be.

There was a brief interruption of the meeting as attending press took pictures.

Communications:

1. Senator Gallivan will be holding a conference call in the Thomson Hall Conference Room for the Supervisors on April 18th at 10:30 AM to discuss the recently passed state budget and Medicaid Reform.
2. **Assemblyman Burling** ~ Letter dated March 27, 2012 regarding receipt of several resolutions of the Board of Supervisors relative to the taking of deer by crossbow, opposition to Governor Cuomo's proposed budget recommendation to curtail current New York State funding to the Roswell Park Cancer Institute, support of full casino gaming, adoption of the Wyoming County Countywide Water Feasibility Study, and the request for New York State Legislation to enable the County of Wyoming to continue to impose and collect taxes on mortgages in Wyoming County.
3. **Senator Gallivan** ~ Letter dated March 30, 2012 regarding receipt of Wyoming County Board of Supervisors resolution 12-110 in support of full casino gaming at Batavia Downs.

#1

RESOLUTION NO. 12-215
(July 10, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2012 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2012 accounts as follows:

Sheriff			
From: 01.37.3110.4.40508 Private Auto Repair	\$4,534.00		
To: 01.37.3110.2.23001 Motor Vehicles		\$4,534.00	
Reason: clerical error; revenue amount should have been applied to .2 not .4			
Sheriff Total			\$4,534.00

Carried: XXX Ayes: 1123 Noes: Absent: 88 (Java) Abstain:
187 (Perry)
201 (Warsaw)
476 Total

July 10, 2012

RESOLUTION NO. 12-216
(July 10, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2012 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2012 accounts as follows:

Board of Elections			
TO: 01.34.1450.2.20201 Computer Equipment 01.34.1450.4.42483 HAVA Shoebox Grant w/01.12.1450.4389 Federal Revenue Reason: for HAVA Shoebox grant monies in the amount of with offsetting revenues in the same amount.	\$50,000.00 0 <u>\$15,747.66</u> <u>6</u>	\$65,747.66	
Board of Elections Total			\$65,747.66
Youth Bureau			
TO: 01.45.7310.4.42479 ABC's of Parenting w/01.03.7310.1289 Other Dept. Income Reason: Revenue from University of Buffalo (\$500) and Wyoming County Bar Association (\$500). Funds will be used for the Bully Intervention Program.	\$1,000.00	\$1,000.00	
TO: 01.45.7310.4.42434 Stars of Tomorrow w/01.03.7310.1289 Other Dept. Income Reason: Funds will be used for youth Bureau activities for Honeycomb (R-AHEC) afterschool program for Perry School.	\$225.00	\$225.00	
Youth Bureau Total			\$1,225.00
Public Defender			
TO: 01.32.1170.4.40401 Training & Education <i>w/any funds available</i> Reason: To cover the costs of sending our two new attorneys to the New York State Defenders Association's Training Institute in order to provide quality mandated representation of our clients.	\$1,900.00	\$1,900.00	
Public Defender Total			\$1,900.00
Buildings and Grounds (CIP)			
TO: 01.34.1621.1.10202 Temporary 01.34.1621.8.83001 FICA 01.34.1621.8.85001 Medicare – FICA 01.34.1621.8.81001 Retirement w/01.03.1621.1289 Other Dept. Income Reason: To appropriate funds for cost of (1) Temporary worker hired for work at the SNF Renovation Project.	\$12,480.00 0 773.76 180.96 <u>3,246.40</u>	\$16,681.12	
Buildings and Grounds (CIP) Total			\$16,681.12

Human Resources				
To: 01.34.1431.4.40301 Prof. Svc. Contracts <i>with any funds available</i>		\$15,000.00		
Reason: David Lippitt, Attorney expenses for contract negotiations and legal services for labor and employment issues.		0	\$15,000.00	
Human Resources Total				\$15,000.00

Carried: XXX Ayes: 1123 Noes: Absent: 88 (Java) Abstain:
187 (Perry)
201 (Warsaw)
476 Total

Mr. Knab, T/Sheldon, Chairman of the Audit Committee, presented bills totaling **\$2,028,882.31** for the month of **June 2012**.

Carried: XXX Ayes: 1123 Noes: Absent: 88 (Java) Abstain:
187 (Perry)
201 (Warsaw)
476 Total

Prior to the Roll Call vote Supervisor Davis, T/Covington asked to speak to resolution #3. His comments were that this proposed legislation would no longer allow for the Semi-Annual Option and would in turn create more work for the County Treasurer's office. County Clerk Pierce concurred with Supervisor Davis's statements adding that the additional work would be recognized by the Treasurer's Office, County Clerk's Office and the Board of Supervisors' Office. Chairman Berwanger stated that this was just another bad idea by Albany...

#3

RESOLUTION NO. 12-217
(July10, 2012)

By Mr. Davis, Chairman of Human Resource Committee:

**RESOLUTION IN OPPOSITION TO NEW YORK STATE SENATE
 BILL S.1858 AND NEW YORK STATE ASSEMBLY BILL A.2085 THAT
 AMENDS THE TAX LAW IN RELATION TO THE TIMING OF
 DISTRIBUTION OF MORTGAGE RECORDING TAX REVENUES BY
 COUNTIES**

WHEREAS, Legislation entitled, *“AN ACT to amend the tax law and rules, in relation to the timing of distribution of mortgage recording tax revenues by counties,”* have been introduced in the New York State Senate (Bill S.1858) and New York State Assembly (Bill A.2085); and

July 10, 2012

WHEREAS, This legislation would amend §261 (3) of the Tax Law as it pertains to the distribution of mortgage tax from the county which collects the tax to the municipalities that receive the tax. Current law provides for semiannual distribution of the tax proceeds unless the county legislative body decides to distribute the proceeds on a quarterly or monthly basis; and

WHEREAS, Accordingly, this legislation would eliminate the semiannual option and provide only for monthly or quarterly distribution of the mortgage tax proceeds as determined by the local legislative body; and

WHEREAS, The New York State Association of County Clerks opposes this legislation for the following reasons:

- Preparation of the distribution reports is a joint responsibility of the County Clerk, County Treasurer and the County Administration who must prepare the necessary resolutions. Eliminating the semiannual distribution and instituting quarterly distribution would increase the time necessary to perform these functions by 100%. Instituting monthly distributions would constitute a 600% increase in workload. Since the County Clerk and the Treasurer receive an allowance from mortgage tax receipts to compensate them for expenses incurred for the collection and distribution of mortgage tax receipts, this legislation could lead to a decrease in revenue for local municipalities;
- These bills unnecessarily restrict local government from determining what is in the best interests of local constituents. Currently the local legislative body can choose to distribute mortgage tax receipts on a quarterly or monthly basis as well as a semiannual basis. These bills would eliminate the semiannual option.
- The “severe cash flow” issues affecting towns and villages cited by the sponsor also affect counties. This legislation would merely shift the cash flow problem from one municipal entity to another.
- Currently, any interest earned by the County Clerk or the Treasurer on funds held in “escrow” for the towns and villages until distribution is included in the distribution to the town and villages. There is no fiscal advantage in eliminating the semiannual distribution; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors does hereby join the New York State Association of County Clerks in opposition to New York State Senate Bill S.1858 and New York State Assembly Bill A.2085 and instructs the Clerk to this Board to forward certified copies of this resolution to New York State Governor Andrew Cuomo, New York State

Senator Patrick Gallivan, New York State Assemblyman Daniel Burling, New York State Association of Counties and the Inter-County Association of Western NY.

**Carried: XXX Ayes: 1123 Noes: Absent: 88 (Java) Abstain: 187 (Perry)
201 (Warsaw)
476 Total**

There was a motion by Mrs. Totsline, T/Genesee Falls, to combine resolutions #4 and #5. A voice vote was taken and all voted aye.

#4

**RESOLUTION NO. 12-218
 (July 10, 2012)**

By Mrs. Totsline, Chairman of Human Services Committee:

CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH SHAWNA CASE FOR PRE-SCHOOL RELATED SERVICES ON BEHALF OF THE COUNTY YOUTH BUREAU

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Shawna Case, 8427 Heim Road, Springville, NY 14141 on behalf of the County Youth Bureau. Said contract is for Pre-School related services in an amount not to exceed 2012 – 2015 budget; effective July 1, 2012 through June 30, 2015.

Contingent upon the availability of funds.

**Carried: XXX Ayes: 1123 Noes: Absent: 88 (Java) Abstain: 187 (Perry)
201 (Warsaw)
476 Total**

#5

**RESOLUTION NO. 12-219
 (July 10, 2012)**

By Mrs. Totsline, Chairman of Human Services Committee:

CHAIRMAN/COMMISSIONER OF SOCIAL SERVICES AUTHORIZED TO SIGN A CONTRACT WITH LABORATORY CORPORATION

July 10, 2012

**OF AMERICA HOLDINGS ON BEHALF OF THE DEPARTMENT
OF SOCIAL SERVICES**

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Social Services with the approval of the County Attorney are hereby authorized and directed to sign a contract with Laboratory Corporation of America Holdings, 1440 York Court Extension, Burlington, NC 27215 on behalf of the Department of Social Services. Said Contract is for DNA Testing Services in an amount not to exceed six thousand dollars (\$6,000.00) per calendar year; effective July 1, 2012 through June 30, 2015.

calendar year, effective July 1, 2012 through
Contingent upon the availability of funds.

There was a motion by Mrs. Totsline, T/Genesee Falls, to combine resolutions #6 through #8. A voice vote was taken and all voted aye.

#6

RESOLUTION NO. 12-220
(July 10, 2012)

By Mrs. Totsline, Vice Chairman of Public Health Committee:

DR. GARY NICHOLSON APPOINTED TO THE WYOMING COUNTY BOARD OF HEALTH

BE IT RESOLVED, That Dr. Gary Nicholson, 34 Duncan Street, Warsaw, NY 14569 be hereby appointed to the Wyoming County Board of Health to fill the unexpired six (6) year term vacated by Dr. Scott Treutlein; effective July 10, 2012 through December 31, 2016.

#7

RESOLUTION NO. 12-221
(July 10, 2012)

By Mrs. Totsline, Vice Chairman of Public Health Committee:

**DAVID RUMSEY, COMMISSIONER/DEPARTMENT OF SOCIAL
SERVICES APPOINTED TO THE MENTAL HEALTH
SUBCOMMITTEE**

BE IT RESOLVED, That David Rumsey (Commissioner Wyoming County Dept. of Social Services), 466 North Main Street, P.O. Box 231, Warsaw, NY 14569 is hereby appointed to the Mental Health Subcommittee as a Community At Large Member to fill the unexpired four (4) year term vacated by Susan Knapp; effective July 1, 2012 through December 31, 2015.

Carried: XXX Ayes: 1123 Noes: Absent: 88 (Java) Abstain:
187 (Perry)
201 (Warsaw)
476 Total

#8

**RESOLUTION NO. 12-222
(July 10, 2012)**

By Mrs. Totsline, Vice Chairman of Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND
ACCEPTANCE AWARD WITH THE MENTAL HEALTH
ASSOCIATION FOR NEW YORK STATE, INC. (MHANYS) ON
BEHALF OF WYOMING COUNTY MENTAL HEALTH**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney be hereby authorized and directed to sign a grant application and acceptance award with the Mental Health Association for New York State, Inc. (MHANYS), 194 Washington Ave., Suite 415, Albany, NY 12210-2314 on behalf of Wyoming County Mental Health. Said grant is for funding the MHANYS Suicide Prevention Initiative 2012 Local Mini-Grants in a minimum amount of three thousand seven hundred fifty dollars (\$3,750.00); effective July 01, 2012 through December 31, 2012.

Carried: XXX Ayes: 1123 Noes: Absent: 88 (Java) Abstain:
187 (Perry)
201 (Warsaw)
476 Total

***Recognition of the newly appointed Cornell Cooperative Extension of Wyoming County Executive Director, Shawn Tiede by Supervisor Rogers, former Cornell Cooperative Extension Executive Director... Congratulations Shawn!!*

July 10, 2012

There was a motion by Mr. Rogers, T/Pike, to combine resolutions #9 through #12 with revisions to resolution #12 to reflect a corrected award amount of \$75,426.00. A voice vote was taken and all voted aye.

Prior to the roll call vote Supervisor Rogers, T/Pike asked for permission to have Director of Fire and Emergency Management, Anthony Santoro speak on behalf of resolution number 11. Currently Wyoming County receives \$22,000.00 out of the \$200,000,000 originally set aside for Public Safety and 911 operations. The proposed legislation would enable Wyoming County to receive over \$200,000.00.

#9

RESOLUTION NO. 12-223
(July 10, 2012)

By Mr. Rogers, Chairman of Public Safety Committee:

FIRE ADVISORY BOARD DELEGATES APPOINTED / REAPPOINTED

BE IT RESOLVED, That the following named persons are hereby appointed / reappointed to the Wyoming County Fire Advisory Board and in accordance with Section 225-a of the County Law for a term of one year effective **July 01, 2012 through June 30, 2013**:

Arcade	Gregory Landis	782 Geer Rd., Arcade, NY 14009
Attica	Terry Snyder	37 Buffalo St., Attica, NY 14011
Bennington	David Valtin	2166 Church Rd., Darien Ctr., NY 14040
Bliss	Richard Maher	3248 Rt. 39, Bliss, NY 14024
Castile	William Dake	73 W. Park Rd. , Castile, NY 14427
Cowlesville	Joseph Pomana	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
Pike	Douglas Flint	78 Main St., Pike, NY 14130
Sheldon	Richard Brzezicki, Jr.	2830 Valley View Ln., Strykersville, NY 14145
Silver Springs	John Proper*	80 Orchard St., PO Box 183, Silver Springs, NY 14550
Strykersville	Donald Simons	425 Factory Rd. ,Strykersville, NY 14145
Varysburg	Carl Parmerter	1871 Rt. 98, Attica, NY 14011
Warsaw	Primo Biscaro*	3989 Miller Rd., Warsaw, NY 14569

Wyoming	John Moore*	911 Tower Rd., Wyoming, NY 14591
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***new appointees**

Members At-Large for towns without Departments:

Orangeville	Town Supervisor	Town of Orangeville
Covington	Town Supervisor	Town of Covington

Carried: XXX	Ayes: 1123	Noes:	Absent: 88 (Java)	Abstain:
			187 (Perry)	
			<u>201</u> (Warsaw)	
			476 Total	

#10

RESOLUTION NO. 12-224
(July 10, 2012)

By Mr. Rogers, Chairman of Public Safety Committee:

**RESOLUTION SUPPORTING NEW YORK STATE SENATE BILL
S.5509B AND NEW YORK STATE ASSEMBLY BILL A.8489A TO
REVISE THE SHARING FORMULA FOR WIRELESS E911
SURCHARGE MONIES**

WHEREAS, In 1991, the NYS Legislature enacted a statute that placed a monthly surcharge of 70 cents on each cell phone bill, that monthly surcharge was increased to \$1.20 per cell phone in 2002; and

WHEREAS, The allocation of said wireless surcharge monies collected by the State was intended to help defray the costs of operating and maintaining county 911 centers throughout the state; and

WHEREAS, Counties now receive only a small portion of over \$200 million dollars collected from said surcharge by the State each year because the monies have been diverted to other state purposes; and

WHEREAS, S.5509-B and A.8489-A, as proposed, would require that 58.3% of E911 wireless surcharge funds must be used for grants or reimbursements to counties for the development, consolidation, or operation of public safety communications systems or networks designed to support interoperable communications for first responders, including Next Generation 911 and the remaining 41.7% would be used for miscellaneous state expenses; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby urges the State Legislature and Governor Cuomo to approve S.5509B and A.8489A that would revise the sharing formula for wireless E911 surcharge monies to ensure that local governments receive the funds necessary to upgrade

July 10, 2012

911 call centers and maintain emergency dispatch center operations in the name of public safety; and be it

FURTHER RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Governor Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman Daniel Burling, New York State Association of Counties and the Inter-County Association of Western New York.

#11

RESOLUTION NO. 12-225
(July 10, 2012)

By Mr. Rogers, Chairman of Public Safety Committee:

**RESCIND RESOLUTIONS NUMBER 12-66 AND 12-138
AND AMEND RESOLUTION NUMBER 11-61**

WHEREAS, Resolution Number 12-66 entitled, "**RESOLUTION NUMBER 11-61 AMENDED**," passed by this Board of Supervisors on February 14, 2012 and amends resolution number 11-61, 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 and provides 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; and

WHEREAS, Resolution Number 12-138 entitled, **“RESOLUTION NUMBER 11-61 AMENDED,”** passed by this Board of Supervisors on April 10, 2012 also amends resolution number 11-61 to correct resolution number 11-61 to reflect an original award amount of sixty-five thousand seven hundred forty dollars (\$65,740.00) for a total award after Resolution Number 12-66 amendment of eighty-two thousand one hundred seventy-five dollars (\$82,175.00) which is a decrease of four hundred seventy-two dollars (\$472.00) dollars. All else remains the same; now therefore

BE IT RESOLVED, That Resolution Number 12-66 and 12-138 be hereby rescinded; and be it

Regular Session

FURTHER RESOLVED, That resolution number 11-61 (dated 02/15/11) be hereby amended to reflect a reduced award amount of \$65,740.00 from the adopted \$66,212.00 and amend the expiration date to reflect June 30, 2012, an extension of time only, no additional funding, all else remains unchanged.

**Carried: XXX Ayes: 1123 Noes: Absent: 88 (Java) Abstain: 187 (Perry)
201 (Warsaw)
476 Total**

#12

**RESOLUTION NO. 12-226
 (July 10, 2012)**

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**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant application and acceptance award for Block Grant funding for 2012-13 Probation and Alternatives to Incarceration (ATI) from 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 Wyoming County Probation. The funding will be received in a Block Grant for Probation to cover probation services in a minimum amount of seventy-five thousand four hundred twenty-six dollars (\$75,426.00); effective July 1, 2012 to June 30, 2013.

**Carried: XXX Ayes: 1123 Noes: Absent: 88 (Java) Abstain: 187 (Perry)
201 (Warsaw)
476 Total**

*****Public Meeting ~ County All Hazard Mitigation Plan
 (conducted by Director of Fire and Emergency Management, A. Santoro)***

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

#13

RESOLUTION NO. 12-227

July 10, 2012

(July 10, 2012)

By Mr. Patti, Chairman of Public Works Committee:

RESOLUTION NUMBER 12-102 AMENDED

WHEREAS, Resolution Number 12-102 entitled, “**CHAIRMAN AUTHORIZED TO SIGN A GRANT ACCEPTANCE AWARD WITH THE UNIFIED PLANNING WORK PROGRAM/GENESEE TRANSPORTATION COUNCIL ON BEHALF OF COUNTY HIGHWAY**,” passed by this Board of Supervisors on March 13, 2012 approving a grant acceptance award with the Unified Planning Work Program/Genesee Transportation Council, 50 West Main Street, Suite 8112, Rochester, NY 14614 on behalf of County Highway. Said grant funding is for a **Horizontal Curve Study** in a minimum amount of forty-five thousand dollars (\$45,000.00) with four thousand dollars (\$4,000.00) of in kind services included; effective April 08, 2012 through completion of the project; now therefore

BE IT RESOLVED, That resolution number 12-102 be hereby amended to reflect a corrected award amount of \$35,000, all else remains unchanged.

**Carried: XXX Ayes: 1123 Noes: Absent: 88 (Java)
187 (Perry)
201 (Warsaw)
476 Total**

#14

**RESOLUTION NO. 12-228
(July 10, 2012)**

By Mr. Patti, Chairman of Public Works Committee:

CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH LIBERTY POWER HOLDINGS 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 **Liberty Power Holdings**, 1901 West Cypress Creek Road, Suite 600, Fort Lauderdale, FL 33309 on behalf of Buildings and Grounds (County Buildings). Said contract is for electric supply services for the **six** remaining accounts that are currently under contract until 12/31/12 at a fixed rate of .05425

Regular Session

per kwh (*general accounts*) and .05675 per kwh (*outdoor lighting accounts*); effective January 01, 2013 through July 31, 2015.

Contingent upon the availability of funds.

**Carried: XXX Ayes: 1123 Noes: Absent: 88 (Java)
187 (Perry)
201 (Warsaw)
476 Total**

#15

**RESOLUTION NO. 12-229
(July 10, 2012)**

By Mr. Patti, Chairman of Public Works Committee:

CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH FRANCIS E. HERRMANN, INC. ON BEHALF OF BUILDINGS AND GROUNDS (CIP)

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with **Francis E. Herrmann, Inc.**, 2273 Saltvale Rd., Warsaw, NY 14569 on behalf of Buildings and Grounds (CIP). Said contract is for paving at the Department of Social Services Upper Lot in an amount not to exceed fourteen thousand four hundred dollars (\$14,400.00) and at the Fire Training Center, Wethersfield in an amount not to exceed eleven thousand four hundred ninety-five dollars (\$11,495.00) for a contract not to exceed twenty-five thousand eight hundred ninety-five dollars (\$25,895.00); starting June 13, 2012 through project completion.

Contingent upon the availability of funds.

**Carried: XXX Ayes: 1123 Noes: Absent: 88 (Java)
187 (Perry)
201 (Warsaw)
476 Total**

#16

**RESOLUTION NO. 12-230
(July 10, 2012)**

By Mr. Patti, Chairman of Public Works Committee:

RESOLUTION NUMBER 11-255 AMENDED

July 10, 2012

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 and provides for various Roof Reconstruction Project and Chilled Water System Improvement contracts on behalf of the WCCH Renovations project; and

WHEREAS, Resolution Number 11-255 was amended by this Board of Supervisors on *September 13, 2011 by Resolution Number 11-289* to reflect a change order to the Leo J. Roth Corp., 841 Holt Road, Webster, NY 14580, WCCH roofing (base bid) contract increasing the amount by forty-five thousand five hundred dollars (\$45,500.00) 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 five hundred dollars (\$45,500.00) for a total of three hundred eighty-nine thousand dollars (\$389,000.00), all else remained unchanged; and

WHEREAS, Resolution Number 11-255, as amended by Resolution number 11-289, was further amended by this Board of Supervisors on *January 13, 2012 by Resolution Number 12-24* to reflect a change order to the Leo J. Roth Corp., 841 Holt Road, Webster, NY 14580, WCCH roofing (base bid) increasing the contract by forty thousand five hundred eighty-two dollars and forty-seven cents (\$40,582.47) for removal of the wet and deteriorated gypsum fill and polyethylene vapor barrier from the concrete roof deck at roof #4 Wyoming County Community Health System, for a total contract amount not to exceed one million two hundred seventy-eight thousand eighty-two dollars and forty-seven cents (\$1,278,082.47) for the WCCH renovation project, all else remained unchanged; and

WHEREAS, Resolution Number 11-255, as amended by Resolution number 11-289 and 12-24, was further amended by this Board of Supervisors on *April 10, 2012 by Resolution Number 12-144* to reflect a change order to the Leo J. Roth Corp., 841 Holt Road, Webster NY 14580 WCCH roofing (base bid) increasing the amount by ninety two thousand three hundred twenty-seven dollars and ninety-six cents (\$92,327.96) to cover materials and installation of roof railing and screen, including guardrail as requested, for a total contract not to exceed one million three hundred seventy thousand four hundred ten dollars and forty-three cents (\$1,370,410.43) all else remained unchanged; and

WHEREAS, Number 11-255, as amended by Resolution Numbers 11-289 and 12-24 was further amended by Resolution Number 12-144 on April 10, 2012 to reflect an increase to the Kenneth R. Lawrence Electric Inc., 167 Hook Road, Farmington, NY 14425 electrical contract for relocation of the chilled

water system transformer in an amount not to exceed one thousand three hundred seventy-five dollars (\$1,375.00), installation of grounding on the new Boiler Room Distribution Panel in an amount not to exceed four thousand three hundred one dollars and sixty-three cents (\$4,301.63); and

WHEREAS, Resolution Number 11-255, as amended by Resolution number 11-289 and 12-24, 12-144 and further amended by Resolution Number 12-167 on May 08, 2012 to reflect a change order to the Leo J. Roth Corp., 841 Holt Road Webster NY 14580 WCCH roofing (base bid) increasing the amount by seven thousand four hundred fifty-four dollars (\$7,454.00) to provide overtime to perform Roof #14 abatement & roofing work on night and weekend shift, and for five thousand seven hundred eighty-six dollars and eighty cents (\$5,786.80) to rebuild masonry wall above 4th floor windows. Work is above and beyond original contract agreement, for a total contract amount of one million three hundred eighty-three thousand six hundred fifty-one dollars and twenty-three cents (\$1,383,651.23); now therefore

BE IT RESOLVED, That resolution 11-255 as amended by resolution numbers 11-289, 12-24, 12-144 and 12-167 is hereby further amended by increasing the Base Bid for the WCCH renovation project contract with Leo J. Roth Corp, 841 Holt Road Webster NY 14580 increasing the amount by ten thousand five hundred forty-six dollars and twenty-seven cents (\$10,546.27) to change from BUR system to EPDM (flashing clearance issues w/BUR tapered insulation and to remove, cut & replace metal wall panels to provide clearance). Work is above and beyond original contract agreement, for a total of one million three hundred ninety-four thousand one hundred ninety-seven dollars and fifty cents (\$1,394,197.50); and be it

FURTHER RESOLVED, That resolution 11-255 be further amended to increase the HVAC contract with Leo J. Roth Corp, 841 Holt Road Webster NY 14580 by raising 3 rooftop condensers in the amount of three thousand nine hundred forty-two dollars (\$3,942.00), for a total contract of four hundred ten thousand thirty-nine dollars and seventy-four cents (\$410,039.74), all else remains unchanged.

**Carried: XXX Ayes: 1123 Noes: Absent: 88 (Java) Abstain: 187 (Perry)
201 (Warsaw)
476 Total**

#17

**RESOLUTION NO. 12-231
(July 10, 2012)**

By Mr. Patti, Chairman of Public Works Committee:

July 10, 2012

**CHAIRMAN AUTHORIZED TO AWARD BIDS AND SIGN
CONTRACTS ON BEHALF OF THE WYOMING COUNTY
COMMUNITY HOSPITAL RENOVATIONS PROJECT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney, Project Manager 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; effective July 10, 2012 through the completion of the project:

Millwork, 4th floor nurses station to:

- **Jeffery Ellis Carl Cabinetmakers, Inc.**, 725 Culver Rd, Rochester, NY 14609. In an amount not to exceed \$27,692.00.

Kitchen Equipment SNF Renovation Project to:

- **Joseph Flihan Co.** 418-426 Broad St., Utica, NY 13504. In an amount not to exceed \$179,860.00.

Millwork SNF Renovation Project to:

- **Kreative Design Kitchen & Bath**, 214 E. Main St., Batavia, NY 14020. In an amount not to exceed \$48,557.11.

Interior Construction of the Wyoming County Skilled Nursing Facility

- **Building Innovation Group**, 107 Lincoln Pkwy, E. Rochester, NY 14445 an amount not to exceed \$370,853.00;

Contingent upon the availability of funds

**Carried: XXX Ayes: 1123 Noes: Absent: 88 (Java)
187 (Perry)
201 (Warsaw)
476 Total**

#18

**RESOLUTION NO. 12-232
(July 10, 2012)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH CITY
BLUE IMAGING ON BEHALF OF THE WYOMING COUNTY
COMMUNITY HOSPITAL RENOVATIONS 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 City Blue Imaging, 68 Scio Street, Rochester, NY 14604 on behalf of the Wyoming County Community Hospital Renovations Project. This Regular Session

contract is for Black and White Bond Printing and Color CAD Printing of Bid Documents for the SNF renovation project. Fee schedule is as follows:

- Black & White Bond Printing:
 - 30 x 42 - \$.75
 - 17 x 22 - \$.30
 - 11 x 17 - \$.15
 - 8.5 x 11 - \$.05
- Color CAD Printing:
 - 1 - 100 sq. ft. - \$4.00 per sq. ft.
 - 101 - 250 sq. ft. - \$3.50 per sq. ft.
 - 251 - 500 sq. ft. - \$3.00 per sq. ft.

Contingent upon the availability of funds.

**Carried: XXX Ayes: 1123 Noes: Absent: 88 (Java)
187 (Perry)
201 (Warsaw)
476 Total**

#19

**RESOLUTION NO. 12-233
(July 10, 2012)**

By Mr. Patti, Chairman of Public Works Committee:

**PROPER STANDARDIZATION RESOLUTION FOR AUTOMATIC
DOOR OPENERS AND WINDOW SHADES WITHIN THE WYOMING
COUNTY COMMUNITY HOSPITAL AND THE SKILLED NURSING
FACILITY APPROVED**

WHEREAS, In an effort to maintain compatibility, parts inventory and serviceability of automatic door openers and window shades currently installed and in the future within the Wyoming County Community Hospital and the Skilled Nursing Facility; and

WHEREAS, The uniformity of automatic door openers and window shades in the said buildings is essential to achieve the efficiencies and economy of a single inventory of interchangeable parts; and

WHEREAS, Imperial Door Company, 85 Oriskany Drive, Tonawanda, NY 14510 and Aramark, 1101 Market Street, Philadelphia, PA 19107 currently provide said serviceable equipment compatible and uniform with existing inventory; now therefore be it

RESOLVED, That the County of Wyoming has determined it is in the best interest of the County to standardize within the Wyoming County

July 10, 2012

Community Hospital and the Skilled Nursing Facility to utilize existing equipment, insure uniformity with the existing equipment and achieve economies in maintenance and operation; and be it

FURTHER RESOLVED, That, pursuant to the provisions of the general Municipal Law, Section 103.(5), the County of Wyoming shall standardize within the Wyoming County Community Hospital and Skilled Nursing Facility equipment, so as to designate Imperial and Aramark the sole source of equipment and proprietary service.

**Carried: XXX Ayes: 1123 Noes: Absent: 88 (Java)
187 (Perry)
201 (Warsaw)
476 Total**

#20

**RESOLUTION NO. 12-234
(July 10, 2012)**

By Mr. Patti, Chairman of Public Works Committee:

RESOLUTION NUMBER 12-104 AMENDED

WHEREAS, Resolution Number 12-104 entitled, “**CHAIRMAN AUTHORIZED TO AWARD FIVE (5) BIDS AND SIGN FIVE (5) SEPARATE CONTRACTS IN CONNECTION WITH THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM RENOVATIONS PROJECT ON BEHALF OF THE COUNTY OF WYOMING**,” passed by this Board of Supervisors on March 13, 2012 and provides for the following contractors for the following renovations to the hospital and skilled nursing facility located at 400 North Main Street, Warsaw, NY 14569:

• General Construction –	\$908,613.00
<i>Building Innovation Group</i> , 107 Lincoln Parkway, East Rochester, NY 14445	
• Mechanical -	\$978,000.00
<i>Parise Mechanical Inc.</i> , 1106 Sheridan Drive, Tonawanda, NY 14150	
• Plumbing/Fire Protection -	\$288,672.00
<i>Ackerman Plumbing Inc.</i> , 678 Sheridan Drive, Tonawanda, NY 14150	
• Electrical -	\$419,000.00
<i>Concord Electric</i> , 706 Maple Street, Rochester, NY 14611	
• Asbestos Abatement/Demolition -	<u>\$550,000.00</u>
<i>Penns Contracting Inc.</i> , 270 Sparta Ave., Ste. 104 Pmb 332, Sparta, NJ 07871	

Total of bids: \$3,144,285.00

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Contingent upon the availability of funds; and

WHEREAS, Resolution Number 12-104 was amended by this Board of Supervisors on **June 12, 2012 by Resolution Number 12-202** to Authorize the Chairman to sign contract amendments with the following contractors as described:

- **Ackerman Plumbing Inc.**, 678 Sheridan Drive, Tonawanda, NY 14150 for: Plumbing/Fire Protection SNF Renovation Project increasing the amount by **\$372,025.27** for plumbing work intended to be done by owner at time of bid. Work is above and beyond original contract agreement, for a total of **\$660,697.27**.
- **Building Innovation Group**, 107 Lincoln Pkwy, E. Rochester, NY 14445 for: Amend. #1 General Construction SNF Renovation Project increasing the amount by \$182,878.00 for General Construction work intended to be done by owner at time of bid. Amend. #2 General Construction SNF renovation project increasing the amount by \$8,721.00 for Fire Stopping of tops and bottoms of fire rated partitions in Phase 1A and 1B. Work is above and beyond original contract agreement, for a total of \$1,100,212.00.
- **Concord Electric Corp.**, 706 Maple Street, Rochester, NY 14611 for: Electrical SNF Renovation Project increasing the amount by \$225,666.40 for Electrical Work intended to be done by owner at time of bid. Work is above and beyond original contract agreement, for a total of \$644,666.40.

All else remained unchanged; now therefore

BE IT RESOLVED, Resolution Number 12-104 as amended by 12-202 is hereby further amended to reflect the following:

- **Ackerman Plumbing Inc.**, 678 Sheridan Drive, Tonawanda, NY 14150 for: Plumbing/Fire Protection SNF Renovation Project increasing the amount by **\$4,637.87** to re-insulate existing piping. Work is above and beyond original contract agreement, for a total of **\$665,335.14**.
- **Building Innovation Group**, 107 Lincoln Pkwy, E. Rochester, NY 14445 for: General Construction SNF Renovation Project increasing the amount by **\$13,017.00** to re-fireproof existing steel in Area 1. Work is above and beyond original contract agreement, for a total of **\$1,113,229.00**.
- **Penns Contracting Inc.**, 270 Sparta Ave., Ste. 104 PMB 332, Sparta, NJ 078710 for: Asbestos Abatement/Demolition SNF Renovation Project increasing the amount by **\$81,127.48** to Abate existing fireproofing

July 10, 2012

materials in Area 1. Work is above and beyond original contract agreement, for a total of **\$631,127.48**.all else remains unchanged.

Carried: XXX Ayes: 1123 Noes: Absent: 88 (Java) Abstain:
 187 (Perry)
201 (Warsaw)
 476 Total

There was a motion by Mr. Kushner, T/Pike, to combine resolutions #21 through #26. A voice vote was taken and all voted aye.

#21

**RESOLUTION NO. 12-235
 (July 10, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

POSITION CREATION / POSITION EXTENSION APPROVED

BE IT RESOLVED, That the following positions are hereby extended, reclassified and/or created in the following Wyoming County Departments:

Department of Social Services

- Create one (1) position of **Scanner**, full time, CSEA MOA (\$9.50/hr), effective July 11, 2012.

Highway

- Extend one (1) position of **Heavy Equipment Operator (position number 076.163B)** for one year; effective August 1, 2012 through July 31, 2013. This position was previously extended for one year each by resolution #10-285 and #11-235.

Carried: XXX Ayes: 1123 Noes: Absent: 88 (Java) Abstain:
 187 (Perry)
201 (Warsaw)
 476 Total

#22

**RESOLUTION NO. 12-236
 (July 10, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

RESOLUTION NUMBER 12-177 AMENDED

WHEREAS, Resolution Number 12-177 entitled, **“POSITION EXTENSION, POSITION RECLASSIFICATION AND POSITION**

Regular Session

CREATION APPROVED,” passed by this Board of Supervisors on May 08, 2012 and provides for a position extension, the reclassification and/or creation of positions in the following Wyoming County Departments:

Sheriff's Office

- Extend one (1) position of **Deputy Sheriff, PT (position code 036.504)** at the appropriate step and grade of the current Deputy Sheriff's Association Bargaining Agreement with only those benefits mandated by law. Permission to fill was approved in Finance Committee on June 7, 2011 yet remained unfilled. It was vacated April 30, 2011.

Treasurer's Office

- Reclassify one (1) position of **Sr. Account Clerk (position code 013.216)** on Civil Service Employees' Association Schedule A, Grade 6 (\$15.37) to that of a **Data Entry Machine Operator, full time**, effective May 9, 2012 on Schedule A, Grade 4 (\$15.25/hr).

Information Technology Office

- Create one (1) position of **Student Aide (Seasonal)**, for 10-12 weeks effective May 9, 2012 at a rate of (\$9.00/hr) to work on county-wide address point for GIS and 911; now therefore

BE IT RESOLVED, Resolution Number 12-177 by hereby amended to remove the reclassification of the Treasurer's Office request to reclassify one (1) position of **Sr. Account Clerk (position code 013.216)** on Civil Service Employees' Association Schedule A, Grade 6 (\$15.37 - \$17.14) to that of a **Data Entry Machine Operator, full time**, effective May 9, 2012 on Schedule A, Grade 4 (\$15.25/hr); and be it

FURTHER RESOLVED, That resolution number 12-177 be hereby amended to reclassify the **Sr. Account Clerk (position code 013.216)** to one (1) position of **Sr. Account Clerk (double entry)**, full time, on Schedule A, Grade 6 (\$15.37 - \$17.14) effective July 6, 2012.

All else remains unchanged.

Carried: XXX Ayes: 1123 Noes: Absent: 88 (Java) Abstain: 187 (Perry) 201 (Warsaw) 476 Total

#23

**RESOLUTION NO. 12-237
(July 10, 2012)**

July 10, 2012

By Mr. Kushner, Chairman of the Finance Committee:

SALARY SCHEDULE “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 “D”:

- **Buildings and Grounds**
 - Extend the stipend of the **Superintendent of Buildings and Grounds (County Buildings)/oversight of WCCH buildings** in the amount of \$10,000.00/semi-annually; effective July 01, 2012 through December 31, 2012.
- **Information Technology**
 - Extend the stipend of the **Director of Information Technology/oversight of WCCH IT** in the amount of \$10,000.00/semi-annually; effective July 01, 2012 through December 31, 2012.

**Carried: XXX Ayes: 1123 Noes: Absent: 88 (Java)
187 (Perry)
201 (Warsaw)
476 Total**

#24

RESOLUTION NO. 12-238 (July 10, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

LOCATION AND TIME OF AUGUST 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 Regular Session of the Wyoming County Board of Supervisors will be held on **Tuesday, August 14th, 2012 at 2:00 PM** at the **Wyoming County Fairgrounds in Pike, New York**.

**Carried: XXX Ayes: 1123 Noes: Absent: 88 (Java)
187 (Perry)
201 (Warsaw)
476 Total**

Regular Session

RESOLUTION NO. 12-239
(July 10, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

DISABILITY INSURANCE RATE WITH THE GUARDIAN LIFE INSURANCE APPROVED

BE IT RESOLVED, That rates for statutory New York State Disability Insurance coverage with The Guardian Life Insurance, 400 Willowbrook, Suite 450, Fairport, NY 14450 for the following employees are hereby approved; effective:

- **July 1, 2012 to June 30, 2014**
 - ❖ CSEA General Group - \$13.50/ee/month
 - ❖ County & Hospital Management - \$8.55/ee/month
- **July 1, 2012 to June 30, 2013**
 - ❖ CSEA-WCCH Supervisory –
 - ❖ \$5.75 female/month; \$2.60 male/month

Contingent upon the availability of funds.

**Carried: XXX Ayes: 1123 Noes: Absent: 88 (Java)
187 (Perry)
201 (Warsaw)
476 Total**

#26

RESOLUTION NO. 12-240
(July 10, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

RESOLUTION NUMBER 12-25 AMENDED

WHEREAS, Resolution Number 12-25 entitled, "**DISABILITY INSURANCE RATE WITH HARTFORD LIFE INSURANCE COMPANY APPROVED**," passed by this Board of Supervisors on January 13, 2012 and provides for statutory New York State Disability Insurance coverage with Hartford Life Insurance Company, P.O. Box 2999, Hartford, Connecticut 06104 for the following employees is hereby approved:

- CSEA Supervisory; effective January 01, 2012 through December 31, 2012

- \$2.49/male/month; \$5.08/female/month

July 10, 2012

Contingent upon the availability of funds; now therefore

BE IT RESOLVED, That resolution number 12-25 be hereby amended to reflect a June 30, 2012 expiration date instead of December 31, 2012; All else remains unchanged.

**Carried: XXX Ayes: 1123 Noes: Absent: 88 (Java)
187 (Perry)
201 (Warsaw)
476 Total**

There being no further business to come before this Board, Senior Supervisor Kushner, T/Eagle, adjourned the meeting at 3:25 PM with a rap on his desk.

Respectfully submitted,



Cheryl J. Ketchum, Board Clerk

**REGULAR SESSION
(August 14, 2012)**

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. Also present were Assistant County Attorney, James Wujcik; Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Brenda Ferrell.

At 2:00 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance this month is:

Timothy H. McCutcheon

Mr. McCutcheon's service to his country comes while serving during the Vietnam War. Mr. McCutcheon joined the United States Marine Corp. on January 5, 1966. He took his Basic Training at Paris Island, South Carolina. Mr. McCutcheon then completed his Advance Training at Camp Geiger, North Carolina and became qualified as a combat engineer. His first assignment was with the 8th Engineers at Camp LeJeune, North Carolina, where he worked as a combat engineer. After about a year, Mr. McCutcheon was then assigned to the 5th Engineers at Camp Pendleton, California and worked as a combat engineer. He spent about a year at Camp Pendleton, until his discharge on October 1, 1967 at the rank of PFC (Private First Class).

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

**The National Defense Service Medal
The Meritorious Mast Medal**

Mr. McCutcheon returned to this area and went to work for Ashland Oil as a steam fitter. He then worked about a year in construction for the Glazner Construction Company. Mr. McCutcheon joined the labor union and continued in general construction for the next 7 years. Mr. McCutcheon then joined the roofers union and went to work for Carmody Roofing. He later became a partner of the company and has now become sole owner of the company. Mr. McCutcheon retired in 2009, but continues to own and run his roofing company.

Mr. McCutcheon is an active member of the Six Star Post of the American Legion in Strykersville. He has been married for 42 years to his wife, Mary, and they live in the town of Strykersville.

August 14, 2012

The pledge was said by all.

Chairman Berwanger presented Mr. McCutcheon with the customary certificate of appreciation and an opportunity to address the Board. Mr. McCutcheon thanked the Board for the invitation to lead in the pledge.

There was a brief interruption of the meeting as the press took pictures.

Recognition of Special Guests:

United States Congresswoman, Kathy Hochul

When introduced, Congresswoman Hochul was invited to offer a legislative update. Congresswoman Hochul has been fighting tolls on NYS Thruways since 1998 as a Town Board member and she let everyone know that she has already weighed in with the Thruway Authority on the hardship raising these tolls would cause and that she was opposed to the rate hike. She expressed concern over the increased truck traffic on secondary roads. Congresswoman Hochul supported Wyoming County's opposition to the Clean Water Act Draft Guidance proposed by the Environmental Protection Agency (EPA).

New York State Assemblyman, Daniel Burling

Thanked everyone who supported him over his 14 years in the NYS Assembly.

New York State Senator, Patrick Gallivan

Senator Gallivan spoke to his opposition to the Thruway Authority Toll rate hikes and to the public meetings that are scheduled locally. Chairman of the Board of Directors of the Thruway Authority is a billionaire... Congratulations to Assemblyman Burling on his retirement. He reaffirmed the hard work and dedication Assemblyman Burling provided on behalf of Wyoming County and the District's Tax Payers...

Presentations ~ US Congresswoman, Kathy Hochul, New York State: Senator, Patrick Gallivan & New York State Assemblyman, Daniel Burling

- *Honoring Past County Sheriff Ron Ely's Life*
Supervisor Copeland, T/Wethersfield and past Wyoming County Under Sheriff and Wyoming County Sheriff Heimann were also invited to say a few words.
* Presented to Lucy Ely (Sheriff Ely's wife)
- *Honoring Retired Arcade Police Chief*
* John Laird

Presentations ~ US Congresswoman, Kathy Hochul , New York State Senator, Patrick Gallivan:

- *Honoring 1st Place New York State Welding Competition Winner*

Supervisor Patti presented Ms. Metz with a Certificate of Recognition by the Wyoming County Board of Supervisors
 * Michelle Metz (Ms. Metz placed 9th in Nationals)

○ *Honoring Veterans' Hall of Fame Inductee*

Assemblyman Burling presented Mr. Wilkinson with a NYS Assembly Proclamation. Supervisor Stout, T/Orangeville presented Mr. Wilkinson with a Certificate of Recognition by the Wyoming County Board of Supervisors.

* Ted Wilkinson

Presentations ~ US Congresswoman, Kathy Hochul , NYS Senator, Patrick Gallivan, NYS Assemblyman, Daniel Burling:

○ *Honoring Western New York Fire Association's EMS Provider of the Year 2012*

Supervisor Kushner, T/Eagle presented Ms. Dutton with a Chairman's Proclamation declaring August 14, 2012, Laura Dutton Day in Wyoming County!!

* Laura Dutton

Chairman Berwanger explained why the Board of Supervisors took this day to present these recognitions today...

Communications ~

○ *NYS Assemblyman Burling* ~ Letter dated July 18, 2012 to Clerk to the Board of Supervisors, Cheryl J. Ketchum ~ *Acknowledging receipt of the approved, July 10, 2012, Board Resolutions.*

#1

RESOLUTION NO. 12-241
(August 14, 2012)

By Mr. Brick, Chairman of Agriculture Committee:

WYOMING COUNTY FAIR WEEK PROCLAIMED

WHEREAS, The Wyoming County Fair will be held from August 11th through August 18th, 2012 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 "***One Great County ~ One Great Fair***" focuses on all families, particularly the farm family, agriculture, horticulture,

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domestic arts, and allied sciences through educational instruction display and competition; 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

BE IT RESOLVED, That the Wyoming County Board of Supervisors proclaims the week of August 11th through August 18th in the year 2012 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: 1599 Noes: Absent: Abstain:

After the roll call vote was taken, Chairman Berwanger invited Supervisor Brick, T/Perry to the microphone to present the proclamation to Fair Association Supt. Mike Roche and the newly crowned Fair Queen, Kelly Degroff, daughter of Dean and Denise Degroff of Castile.

Congresswoman Hochul presented the Fair Association with a Congressional Proclamation...

Fair Queen Degroff and Supt. Roche were offered an opportunity to say a few words. Both thanked the Board of Supervisors.

A moment of silence was offered in memory of Wilson Parmerter, former Wyoming County Animal Control Officer.

#2

**RESOLUTION NO. 12-242
(August 14, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2012 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2012 accounts as follows:

Planning Department			
From: 01.42.6421.4.40603 Postage Meter Rental	\$270.00		
To: 01.42.6421.1.10401 Longevity Benefit		\$270.00	
Reason: to cover cost of longevity pay to an employee (not budgeted for 2012, as it was anticipated to start in 2013).			

Planning Department Total

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#3

RESOLUTION NO. 12-243
(August 14, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2012 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2012 accounts as follows:

Office For the Aging			
To: 01.44.6772.2.23001 Vehicle Purchase w/01.09.6772.2705 Gifts & Donations	\$31,302.73	\$31,302.73	
Reason: Purchase of a vehicle to provide medical transportation services to residents 60+.			
Office For the Aging Total			\$31,302.73
Sheriff			
To: 01.37.3110.4.42306 Other w/01.07.3110.2626 Seized Property	\$2,388.07	\$2,388.07	
Reason: repairs performed by Co Hwy to Task Force vehicles (seized assets)			
To: 01.37.3110.4.40508 Private Auto Repair w/01.08.3110.2680 Insurance Recovery	\$3,916.01	\$3,916.01	
Reason: collision repair to car 11 from a car/deer on 07/09/12			
Sheriff Total			\$6,304.08
Highway			
To: 03.54.5130.2.23001 Motor Vehicles <i>w/any funds available</i>	\$12,080.00	\$12,080.00	
Reason: Changes made by auditors of 2011 expenses changed to 2012 expenses.			
Highway Total			\$12,080.00

Wyoming County Community Health System CIP			
To: 08.56.4510.2.20001 Furniture	\$100,000.0		
08.56.4510.4.40109 Insurance	0		
08.56.4510.4.40301 Professional Svc	5,000.00		
08.56.4510.4.40305 Other Svc.	242,500.00		
08.56.4510.4.40321 Special Testing	20,000.00		
08.56.4510.4.41906 Signage	10,000.00		
08.56.4510.4.42107 Contingency	250,000.00		
08.56.4510.4.42703 General Constr	75,320.00		
08.56.4510.4.42758 Administrative Cost	1,376,280.0		
w/08.14.4510.5710 Serial Bond Proceeds	0	494,100.00	
08.14.4511.5710 Serial Bond Proceeds	<u>15,000.00</u>	1,600,000.00	
Reason: Additional funds required for the Hospital Project Completion.			
WCCH CIP Total			\$2,094,100.00
Skilled Nursing Facility CIP			
To: 08.56.4511.4.40321 Special Inspection/Testing	\$45,000.00		
08.56.4511.4.42703 General Construction	30,000.00		
08.56.4511.4.42706 Plumbing	372,025.27		
08.56.4511.4.42707 Mechanical	66,875.74		
08.56.4511.4.42717 Renovation Material	21,164.21		
08.56.4511.4.42718 Asbestos Abatement	150,000.00		
08.56.4511.4.42720 Interior Work	370,853.00		
08.56.4511.4.42107 Contingency	<u>399,981.78</u>		
w/08.14.4511.5710 Serial Bond Proceeds		\$1,455,900.0	
Reason: Additional funds required for the SNF Project Completion.		0	
SNF CIP Total			\$1,455,900.00

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

Mr. Knab, T/Sheldon, Chairman of the Audit Committee, presented bills totaling **\$1,871,273.95** for the month of **July 2012**.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#4

RESOLUTION NO. 12-244
(August 14, 2012)

By Mr. Davis, Chairman of Human Resource Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH WENDY
 SISSON, ATTORNEY, ON BEHALF OF THE COUNTY ATTORNEY'S
 OFFICE**

BE IT RESOLVED, That the Chairman of this Board with the approval of the Assistant County Attorney are hereby authorized and directed to sign a contract with Wendy Sisson, Attorney, P.O. Box 242, Geneseo, NY

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14454 on behalf of the County Attorney's Office. Said contract is to provide 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, 2012 through August 31, 2013.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

There was a motion by Mrs. Totsline, T/Genesee Falls, to combine resolutions #5 through #10. A voice vote was taken and all voted aye.

#5

**RESOLUTION NO. 12-245
(August 14, 2012)**

By Mrs. Totsline, Chairman of Human Services Committee:

CHAIRMAN AUTHORIZED TO SIGN A GRANT 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 Assistant County Attorney is hereby authorized and directed to sign a grant acceptance award with the New York State Office for the Aging, 2 Empire State Plaza, Albany, NY 12223 on behalf of Wyoming County Office for the Aging. Said grant is for funding of senior employment services to residents 55+ in Wyoming County in a minimum amount of twenty-seven thousand six hundred twenty-nine dollars (\$27,629.00); effective July 1, 2012 through June 30, 2013.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#6

**RESOLUTION NO. 12-246
(August 14, 2012)**

By Mrs. Totsline, Chairman of Human Services Committee:

CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH WYOMING COUNTY COMMUNITY ACTION ON BEHALF OF THE OFFICE FOR THE AGING

August 14, 2012

BE IT RESOLVED, That the Chairman of this Board with the approval of the Assistant County Attorney is hereby authorized and directed to sign a contract with Wyoming County Community Action, 6470 Route 20A Suite 1, Perry, NY 14530 on behalf of Wyoming County Office for the Aging. Said contract is for senior employment services to residents 55+ in Wyoming County in an amount not to exceed twenty-six thousand two hundred forty-seven dollars (\$26,247.00); effective July 1, 2012 through June 30, 2013.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#7

RESOLUTION NO. 12-247
(August 14, 2012)

By Mrs. Totsline, Chairman of Human Services Committee:

RESOLUTION NUMBER 10-410 AMENDED

WHEREAS, Resolution Number 10-410 entitled, **“CHAIRMAN/DIRECTOR OF AGING AND YOUTH 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 December 14, 2010 and provides funding for Title's IIIB, C1, C2, D, E, EISEP, CSE, CSI, SNAP, HIICAP, WRAP and Transportation in a minimum amount of six hundred forty-three thousand one hundred seventy-nine dollars (\$643,179.00); effective January 01, 2011 through December 31, 2011 or April 01, 2011 through March 31, 2012; and

WHEREAS, Resolution Number 10-410 was amended on April 10, 2012 by Resolution Number 12-122 to extend the expiration date of the WRAP grant funding through March 31, 2013, all else remains unchanged; now therefore

BE IT RESOLVED, That Resolution Number 10-410 as amended by Resolution Number 12-122 be hereby further amended to decreased WRAP funding from \$25,436 to \$24,427 for the provision of weatherization services for eligible Wyoming County Seniors (effective January 1, 2011 through March 31, 2012). All else remains the same.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

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RESOLUTION NO. 12-248
(August 14, 2012)

By Mrs. Totsline, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH THERESA
ROBERTS ON BEHALF OF THE WYOMING COUNTY YOUTH
BUREAU**

BE IT RESOLVED, That the Chairman of this Board with the approval of the Assistant County Attorney is hereby authorized and directed to sign a contract with Theresa Roberts, 17 West Main Street, Corfu, NY 14036 on behalf of the Wyoming County Youth Bureau. Said contract provides for Early Intervention Services in an amount not to exceed 2012-2015 budget, variable depending on number of services performed; effective July 1, 2012 through June 30, 2015.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#9

RESOLUTION NO. 12-249
(August 14, 2012)

By Mrs. Totsline, Chairman of Human Services Committee:

CHILD SUPPORT AWARENESS MONTH PROCLAIMED

WHEREAS, Our children are our most precious and valuable resource and by investing in them, we secure a future of hope and opportunity for us all;

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

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WHEREAS, Prior to 1975, child support enforcement was primarily accomplished in the private sector through civil actions by private attorneys; and

WHEREAS, The public sector of Child Support Enforcement was established in 1975 under Title IV-D of the Social Security Act, making child support enforcement a joint federal, state and local partnership in order to ensure that children are financially supported by both parents. In addition to the efforts made by the public sector, private attorneys will continue to play an active role in child support enforcement; and

WHEREAS, Concerned and dedicated child support workers, clerks of the court, county attorneys, support magistrates, judges and deputy sheriffs throughout the County work diligently to establish and enforce child support obligations for the benefit of children in Wyoming County; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby proclaim August, 2012 as:

CHILD SUPPORT AWARENESS MONTH

in the County of Wyoming.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#10

**RESOLUTION NO. 12-250
(August 14, 2012)**

By Mrs. Totsline, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND
ACCEPTANCE AWARD WITH THE STATE OF NEW YORK OFFICE
OF GENERAL SERVICES ON BEHALF OF THE DIVISION OF
VETERANS' AFFAIRS ON BEHALF OF WYOMING COUNTY
VETERAN SERVICES**

BE IT RESOLVED, That the Chairman of this Board with the approval of the Assistant County Attorney is hereby authorized and directed to sign a grant application and acceptance award with the 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 on behalf of Wyoming County Veteran

Services. Said grant is for regular 2012 State Aid funding in a minimum amount of eight thousand six hundred fifty-four dollars (\$8,654.00); effective April 01, 2012 through March 31, 2013.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

After the roll call vote was completed, Chairman Berwanger invited Supervisor Totsline, T/Genesee Falls to the microphone to present the Child Support Awareness Month Proclamation to Commissioner Rumsey. Commissioner Rumsey agreed to read the proclamation to Fairgoers...

#11

**RESOLUTION NO. 12-251
(August 14, 2012)**

By Mrs. Ryan, Chairman of Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH T.C.C.T.,
INC. ON BEHALF OF WYOMING COUNTY MENTAL HEALTH**

BE IT RESOLVED, That the Chairman of this Board with the approval of the Assistant County Attorney is hereby authorized and directed to sign a contract with T.C.C.T., Inc., 46 North Maple Street, Warsaw, NY 14569 on behalf of Wyoming County Mental Health. Said contract is for cleaning services at the Mental Health/Partners For Prevention building in an amount not to exceed six thousand four hundred twenty dollars (\$6,420.00); effective July 5, 2012 through July 4, 2013 100% State Aid. No County Levy.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

There was a motion by Mr. Fleischman, T/Java, to combine resolutions #12 and #13. A voice vote was taken and all voted aye.

#12

**RESOLUTION NO. 12-252
(August 14, 2012)**

By Mr. Fleischman, Chairman of Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT EXTENSION
WITH NU WAY SANITATION ON BEHALF OF THE PLANNING
DEPARTMENT**

August 14, 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 contract extension with Nu-Way Sanitation, 10 deacon Drive, Arcade, NY 14009 and applicable and appropriate Inter-Municipal Agreements on behalf of the Planning Department at the same rate of \$195.00 per eligible parcel; effective January 1, 2013 through December 31, 2014. Second of four – 2 yr. optional extensions.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#13

RESOLUTION NO. 12-253
(August 14, 2012)

By Mr. Fleischman, Chairman of Planning Committee:

**2013 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 2013 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: 1599 Noes: Absent: 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.

#14

RESOLUTION NO. 12-254
(August 14, 2012)

By Mr. Rogers, Chairman of Public Safety Committee:

CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH LEXIS NEXIS ON BEHALF OF THE DISTRICT ATTORNEY'S OFFICE

BE IT RESOLVED, That the Chairman of this Board with the approval of the Assistant County Attorney is hereby authorized and directed to sign a contract with Lexis Nexis, 9443 Springboro Pike, Miamisburg, OH 45342 on behalf of the District Attorney's Office. Said contract is for online legal research services in an amount not to exceed eight thousand three hundred ninety-five dollars and forty cents (\$8,395.40); effective August 3, 2012 through January 31, 2016.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#15

**RESOLUTION NO. 12-255
(August 14, 2012)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH
WILMAC ON BEHALF OF WYOMING COUNTY EMERGENCY
SERVICES**

BE IT RESOLVED, That the Chairman of this Board with the approval of the Assistant County Attorney is hereby authorized and directed to sign a contract with Wilmac, 73 State St., Rochester, NY 14614 on behalf of Wyoming County Emergency Services. 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 five hundred five dollars (\$6,505.00); effective September 1, 2012 through August 31, 2013.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

There was a motion by Mr. Patti, T/Attica, to combine resolutions #16 through #25 with the exception of resolution #24. Resolution #24 is to be withdrawn due to lack of information. A voice vote was taken and all voted aye.

RESOLUTION NO. 12-256
(August 14, 2012)

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH JOHN W.
DANFORTH COMPANY ON BEHALF OF BUILDINGS AND
GROUNDS (COUNTY BUILDINGS)**

BE IT RESOLVED, That the Chairman of this Board with the approval of the Assistant County Attorney is hereby authorized and directed to sign a contract with John W. Danforth Company, 300 Colvin Woods Parkway, Tonawanda, NY 14150, in an amount not to exceed thirty-three thousand one hundred sixty-eight dollars (\$33,168.00) for Supervision, labor, materials, and tools required to balance chilled water system at WCCH; effective August 14, 2012 through completion of the project.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

RESOLUTION NO. 12-257
(August 14, 2012)

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 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, ROW, Construction and Construction Inspection 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 **\$1,345,300.00** 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

RESOLVED, this Resolution shall take effect immediately.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

RESOLUTION NO. 12-258
(August 14, 2012)

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 Griffith Road Bridge over East Koy Creek, Town of Pike, Wyoming County, P.I.N. 4755.02; BIN 3320120** (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, ROW, Construction and Construction Inspection 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 **\$1,033,100.00** 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

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reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Board of Supervisors with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

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

RESOLVED, this Resolution shall take effect immediately.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#19

**RESOLUTION NO. 12-259
(August 14, 2012)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO AWARD A BID FOR TWO-WAY
RADIOS TO SAIA COMMUNICATIONS, INC. ON BEHALF OF
COUNTY HIGHWAY**

BE IT RESOLVED, That the Chairman of this Board with the approval of the Assistant County Attorney is hereby authorized and directed to award a bid for two-way radios to Saia Communications, Inc., 100 Stradtman Street, Buffalo, NY 14206 on behalf of County Highway. Said bid is for Motorola PM400 two-way radios in an amount not to exceed three hundred sixty-eight dollars and forty eight cents (\$368.48) per radio and for Motorola CP200-XLS Portable two-way radios in an amount not to exceed three hundred nine dollars and twelve cents (\$309.12) each; effective August 14, 2012 through March 31, 2013. All municipalities are allowed under section 103 of the General Municipal law to purchase at this bid pricing.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

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RESOLUTION NO. 12-260
(August 14, 2012)

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN PURCHASE CONTRACT
REGARDING RIGHT-OF-WAY FOR WEST STREET BRIDGE**

WHEREAS, That the real property purchase contracts in the Town of Arcade needed for the replacement of Arcade Bridge No. 02, BIN #3319440 West Street over Cattaraugus Creek as described on maps on file in the Office of the Wyoming County Superintendent of Highways is hereby ratified and accepted; and be

Property Owner	Tax Map No.	Surveyor Map,	Parcel No. & Footage	Fee
Edward L. Pirdy, Jr.	Map #1	R-1	Parcel #1 +/-2,072sf	\$0.00
Sandra L. Pirdy				
Lee Edward Pirdy				
239 East Main Street, Arcade, NY 14009				

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 improvement; now therefore

WHEREAS, That the County of Wyoming shall indemnify and hold harmless the property owner 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 Easement given to the County of Wyoming by the property owner; and be it

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 contract regarding the aforementioned acquisition of lands and land improvement projects; and be it

FURTHER RESOLVED That the County of Wyoming is authorized to accept the donation of said real property; said conveyances to be completed upon the recording of an Easement from the real property owners to the County of Wyoming.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

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RESOLUTION NO. 12-261
(August 14, 2012)

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO AWARD A REQUEST FOR
PROPOSAL TO HUNT ENGINEERS, ARCHITECTS & LAND
SURVEYORS ON BEHALF OF COUNTY HIGHWAY**

BE IT RESOLVED, That the Chairman of this Board with the approval of the Assistant County Attorney is hereby authorized and directed to award a Request for Proposal and sign a contract with Hunt Engineers, Architects & Land Surveyors, P.C., 4 Commercial Street, Suite 300, Rochester, NY 14614 on behalf of County Highway. Said award is for implementation of a Horizontal Curve Study for Wyoming County roadways in an amount not to exceed thirty-five thousand dollars (\$35,000.00) (federally funded); effective August 14, 2012 through December 31, 2013.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#22

RESOLUTION NO. 12-262
(August 14, 2012)

By Mr. Patti, Chairman of Public Works Committee:

**NEW YORK STATE DEPARTMENT OF TRANSPORTATION DETOUR
IN THE TOWN OF JAVA APPROVED**

WHEREAS, The New York State Department of Transportation proposes to replace Route 78 bridge over Cattaraugus Creek (BIN. 1030140) in the Town of Java, Wyoming County under P.I.N. 4078.10; and

WHEREAS, In conformance with Section 10, Subdivision 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

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WHEREAS, This project proposes that Route 78 within the contract limits will be closed to the traveling public while the structure is being replaced. The proposed detour will consist of using Route 78; County Road 32 (Wethersfield Road) and County Road 4 (Hermitage Road); and

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 Legislature 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 the 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

FURTHER RESOLVED, That the Clerk of this County is hereby directed to transmit four (4) certified copies of this resolution to New York State Department of Transportation.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#23

RESOLUTION NO. 12-263
(August 14, 2012)

By Mr. Patti, Chairman of Public Works Committee:

**PROPER STANDARDIZATION RESOLUTION FOR DOOR AND
WALL PROTECTION AND HANDRAILS WITHIN THE WYOMING
COUNTY COMMUNITY HOSPITAL AND THE SKILLED NURSING
FACILITY APPROVED**

WHEREAS, In an effort to maintain compatibility, parts inventory and serviceability for door and wall protection and handrails currently installed and in the future within the Wyoming County Community Hospital and the Skilled Nursing Facility; and

WHEREAS, The uniformity of door and wall protection and handrails in the said buildings is essential to achieve the efficiencies and economy of a single inventory of interchangeable parts; and

WHEREAS, Imperial Door Company, 85 Oriskany Drive, Tonawanda, NY 14510 and Uptrend, 7954 Transit Road, Rochester, NY 14221 currently provide said serviceable equipment compatible and uniform with existing inventory; now therefore be it

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

FURTHER RESOLVED, That, pursuant to the provisions of the general Municipal Law, Section 103.(5), the County of Wyoming shall standardize within the Wyoming County Community Hospital and Skilled Nursing Facility equipment, so as to designate Uptrend the sole source of equipment and proprietary service.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

Withdrawn
#24

RESOLUTION NO. 12-
(August 14, 2012)

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO AWARD BID TO _____ ON
BEHALF OF BUILDINGS AND GROUNDS (CIP)**

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

_____ (as the lowest responsible bidder) for sealing and striping of the upper Department of Social Services parking area, in an amount not to exceed _____; effective August 14, 2012 through the completion of the project.

Contingent upon the availability of funds.

Carried: Ayes: Noes: Absent: Abstain:

August 14, 2012

RESOLUTION NO. 12-264
(August 14, 2012)

By Mr. Patti, Chairman of Public Works Committee:

RESOLUTION NUMBER 12-104 AMENDED

WHEREAS, Resolution Number 12-104 entitled, “**CHAIRMAN AUTHORIZED TO AWARD FIVE (5) BIDS AND SIGN FIVE (5) SEPARATE CONTRACTS IN CONNECTION WITH THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM RENOVATIONS PROJECT ON BEHALF OF THE COUNTY OF WYOMING**,” passed by this Board of Supervisors on March 13, 2012 and provides for the following contractors for the following renovations to the hospital and skilled nursing facility located at 400 North Main Street, Warsaw, NY 14569:

- **General Construction –** **\$908,613.00**
Building Innovation Group, 107 Lincoln Parkway, East Rochester, NY 14445
- **Mechanical -** **\$978,000.00**
Parise Mechanical Inc., 1106 Sheridan Drive, Tonawanda, NY 14150
- **Plumbing/Fire Protection -** **\$288,672.00**
Ackerman Plumbing Inc., 678 Sheridan Drive, Tonawanda, NY 14150
- **Electrical -** **\$419,000.00**
Concord Electric, 706 Maple Street, Rochester, NY 14611
- **Asbestos Abatement/Demolition -** **\$550,000.00**
Penns Contracting Inc., 270 Sparta Ave., Ste. 104 Pmb 332, Sparta, NJ 07871

Total of Bids: \$3,144,285.00

Contingent upon the availability of funds; and

WHEREAS, Resolution Number 12-104 was amended by this Board of Supervisors on **June 12, 2012 by Resolution Number 12-202** to authorize the Chairman to sign contract amendments with the following contractors as described:

- **Ackerman Plumbing Inc.**, 678 Sheridan Drive, Tonawanda, NY 14150 for: Plumbing/Fire Protection SNF Renovation Project increasing the amount by **\$372,025.27** for plumbing work intended to be done by owner at time of bid. Work is above and beyond original contract agreement, for a total of **\$660,697.27**.

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- **Building Innovation Group**, 107 Lincoln Pkwy, E. Rochester, NY 14445 for: Amend. #1 General Construction SNF Renovation Project increasing the amount by **\$182,878.00** for General Construction work intended to be done by owner at time of bid. Amend. #2 General Construction SNF renovation project increasing the amount by **\$8,721.00** for Fire Stopping of tops and bottoms of fire rated partitions in Phase 1A and 1B. Work is above and beyond original contract agreement, for a total of **\$1,100,212.00**.
- **Concord Electric Corp.**, 706 Maple Street, Rochester, NY 14611 for: Electrical SNF Renovation Project increasing the amount by **\$225,666.40** for Electrical Work intended to be done by owner at time of bid. Work is above and beyond original contract agreement, for a total of \$644,666.40.

All else remained unchanged; and

WHEREAS, Resolution Number 12-104 as amended by 12-202 was further amended by the Wyoming County Board of Supervisors on July 10, 2012 by Resolution Number 12-234 to reflect the following:

- **Ackerman Plumbing Inc.**, 678 Sheridan Drive, Tonawanda, NY 14150 for: Plumbing/Fire Protection SNF Renovation Project increasing the amount by **\$4,637.87** to re-insulate existing piping. Work is above and beyond original contract agreement, for a total of **\$665,335.14**.
- **Building Innovation Group**, 107 Lincoln Pkwy, E. Rochester, NY 14445 for: General Construction SNF Renovation Project increasing the amount by **\$13,017.00** to re-fireproof existing steel in Area 1. Work is above and beyond original contract agreement, for a total of **\$1,113,229.00**.
- **Penns Contracting Inc.**, 270 Sparta Ave., Ste. 104 PMB 332, Sparta, NJ 078710 for: Asbestos Abatement/Demolition SNF Renovation Project increasing the amount by **\$81,127.48** to Abate existing fireproofing materials in Area 1. Work is above and beyond original contract agreement, for a total of **\$631,127.48**.

all else remains unchanged; now therefore

BE IT RESOLVED, That resolution #12-104 as amended by 12-202 and 12-234 be hereby further amended with Ackerman Plumbing Inc., 678 Sheridan Drive, Tonawanda, NY 14150 for Plumbing/Fire Protection SNF Renovation Project increasing the amount by **\$5,923.05** for Ground Floor Sanitary Tie-in. Work is above and beyond original contract agreement, for a total of **\$671,258.19**; and be it

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FURTHER RESOLVED, That resolution #12-104 as amended by 12-202 and 12-234 be hereby further amended with Concord Electric Corp., 706 Maple Street, Rochester, NY 14611 for Electrical SNF Renovation Project increasing the amount by **\$1,074.54** for Fire stopping of Electrical Penetrations, Gang Nurse Call Back Boxes, Revise Electrical Feed. Work is above and beyond original contract agreement for a total of **\$645,740.94**; all else remains the same.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #26 through #30. A voice vote was taken and all voted aye.

#26

**RESOLUTION NO. 12-265
(August 14, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN 2013 INSURANCE
RENEWAL RATES ON BEHALF OF COUNTY EMPLOYEES**

BE IT RESOLVED, That the Chairman of this Board with the approval of the Assistant County Attorney is hereby authorized and directed to sign Univera Health Insurance renewal rates for County employees for **2013** as follows:

Univera PPO

- ❖ Single – \$626.17
- ❖ Family - \$1,698.71

Univera High Deductible Plan

- ❖ Single – \$308.83
- ❖ Family - \$837.79

Retiree PPO

- ❖ Single - \$977.53
- ❖ Family - \$2,625.35

Retiree High Deductible Plan

- ❖ Single - \$545.50
- ❖ Family - \$1,465.02

Medicare Plan Retiree rates are not available until November.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

RESOLUTION NO. 12-266
(August 14, 2012)

By Mr. Kushner, Chairman of the 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 Assistant County Attorney is 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 maintenance agreement is for the Annual Support Contract for the County Phone System at 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, 2012 through September 22, 2013.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#28

RESOLUTION NO. 12-267
(August 14, 2012)

By Mr. Kushner, Chairman of the 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

August 14, 2012

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	Registration Number	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						
Sheriff	Heimann, Farris	XXXXXXXXXX	8	01/01/12-12/31/15	N	24.83
Supervisor	Grant, Ellen	XXXXXXXXXX	7	01/01/12-12/31/13	Y	N/A
Supervisor / Chairman	Berwanger, A. Douglas	XXXXXXXXXX	7	01/01/12-12/31/15	N	23.43
Supervisor	Brick, James	XXXXXXXXXX	6	01/01/12-12/31/13	N	6.68 / 10
Appointed Officials						
Human Resource Director	Morley, Denise	XXXXXXXXXX	7	01/01/12-12/31/13	N	20 / 30
Asst. County Attorney	Wujcik, James	XXXXXXXXXX	6	01/01/12-12/31/13	N	22.00
Director of Fire & Emergency Management	Santoro, Anthony	XXXXXXXXXX	7	01/01/12-12/31/13	N	22.9
Director of Aging & Youth	Aldinger, Andrea	XXXXXXXXXX	7	01/01/12-12/31/13	N	20 / 30
Public Defender	Effman, Norman	XXXXXXXXXX	6	01/01/12-12/31/13	N	15 / 22.5
Workmen's Comp. Prog. Admin.	Perkins, Dixie	XXXXXXXXXX	7	01/01/12-12/31/13	N	20 / 30

Carried: XXX Ayes: 1599 Noes: Absent: Abstain: #29

**RESOLUTION NO. 12-268
(August 14, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

POSITION CREATION APPROVED

BE IT RESOLVED, That the following positions are hereby extended, reclassified and/or created in the following Wyoming County Departments:

Regular Session

County Health Department

- Create one (1) position of **RPN (CHHA)**, full time, CSEA Schedule A, Grade XB, effective August 14, 2012 to replace current RPN (CHHA) out on medical leave & currently off payroll and prepare for retirement of LPN II (CHHA). Funds budgeted.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

#30

RESOLUTION NO. 12-269
(August 14, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

APPROVES PROPERTY AUCTION SALES

WHEREAS, The County 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 of Supervisors has obtained an offer to purchase said property and recommends the acceptance thereof, namely:

Tax Map #140.8-6-15: Thomas J. Kelley, 239 Herkimer Street, Buffalo, NY 14213 has offered \$100 for property known as Block F, #140.8-6-15, Town of Java; 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 September 13, 2012.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

Chairman Berwanger asked if there was any Supervisor who objects to the presentation of unanimous consent resolutions #31 and #32. Hearing none, Chairman Berwanger instructed Board Clerk Ketchum to read titles only to the unanimous consent resolutions prior to the roll call vote.

RESOLUTION NO. 12-270
(August 14, 2012)

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

**RESOLUTION OPPOSING THE PROPOSED 45 PERCENT THRUWAY
TOLL INCREASING ON COMMERCIAL VEHICLES**

WHEREAS, The New York State Association of Counties (NYSAC) has created the Blue Ribbon Task Force on the Future of Farming in New York State to support the long-term economic viability of farms and the agriculture industry in our state; and

WHEREAS, This group of dedicated county leaders continues to advocate in favor of actions that help farmers and in opposition to actions that will negatively impact farms; and

WHEREAS, Public policy decisions by leaders in State government over the last few decades have put the long-term economic viability of farms at risk; and

WHEREAS, The New York State Thruway Authority is now proposing a 45% increase in tolls on commercial vehicles; and

WHEREAS, Toll increases will directly impact the cost of doing business for farmers and all business owners in New York; and

WHEREAS, Toll increases will likely increase the price of food, fuel, feed, and other staples; and

WHEREAS, The State's economic development decisions should be focused on increasing the transportation of produce and goods on our roadways to further promote New York products; now therefore

BE IT RESOLVED, The Wyoming County Board of Supervisors joins with NYSAC to oppose the proposed 45% toll increase on commercial vehicles and calls on the NYS Thruway Authority to employ cost control measures that would stave off the need for toll increases that will stifle economic activity such as moving New York produce to market, and the transportation of other goods and services on New York State's Thruway; and be it

FURTHER RESOLVED, That the Clerk to this Board be hereby directed to forward copies of this resolution to New York State Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman Daniel Burling, the New York State Association of Counties, and Inter-County Association of Western New York and all others deemed necessary and proper.

Carried: XXX **Ayes: 1599** **Noes:** **Absent:** **Abstain:**

UC #32

RESOLUTION NO. 12-271
(August 14, 2012)

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

**RESOLUTION IN OPPOSITION TO THE CLEAN WATER ACT
DRAFT GUIDANCE PROPOSED BY THE ENVIRONMENTAL
PROTECTION AGENCY (EPA)**

WHEREAS, The Wyoming County Board of Supervisors affirms its commitment to environmental stewardship and the protection of our natural resources, and recognizes the need to harmonize municipal programs and services with the legislative intent and objectives of the Clean Water Act (CWA); and

WHEREAS, The CWA was not intended to protect ditches and other channels through which water flows intermittently nor was it intended to capture seeps, wet areas, isolated man-made ponds and other structures not currently subject to the CWA; and

WHEREAS, The Environmental Protection Agency (EPA) and the United States Corps of Engineers (Corps) has developed draft guidance on Identifying Waters Protected by the Clean Water Act (draft guidance) to clarify the EPA and the Corps' understanding and definition of the CWA that will inform all of EPA's regulatory programs and policy actions; and

WHEREAS, This draft guidance creates uncertainty, confusion, and would now capture a significant number of public works activities and transportation infrastructure that will now be subject to the CWA and its costly and time-consuming permitting and regulatory protocols; and

WHEREAS, The draft guidance greatly expands the number of projects subject to jurisdictional determination or CWA permitting which do not

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currently require such oversight at great expense to the taxpayers of Wyoming County with little, if any, environmental benefit while diverting scarce resources from other programs that do provide environmental protection and conservation benefits; and

WHEREAS, The financial impact of the draft guidance to Wyoming County will be significant with roadside ditch projects and ongoing maintenance alone driving the tax levy to Wyoming County citizens even higher annually due to the need for jurisdictional determinations by the Corps or CWA permitting; and

WHEREAS, The Wyoming County Board of Supervisors believes that it is improper to so significantly change the scope of the Clean Water Act without legislative authorization by the U.S. Congress or through the formal rulemaking process to allow public and stakeholder comments on this critically important and complex issue; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors strongly urges the EPA and the Corps to withdraw the draft CWA guidance immediately, work collaboratively with states and local governments to enforce the current scope of the CWA while respecting the authority of state and local governments in ensuring the protection of our water resources; and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors supports any federal legislation consistent with the above recommendations and urges its Congressional and State representatives to intercede with EPA and request that EPA report to them on their response and adaptations regarding the aforementioned concerns; and be it

FURTHER RESOLVED, That a certified copy of this Resolution be transmitted to U.S. Senators Charles Schumer and Kirsten Gillibrand, U.S. Congresswoman Kathy Hochul, EPA Administrator Lisa Jackson, New York State Governor Andrew Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman Daniel Burling, and EPA Region 2 Administrator Judith Enck.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

At the conclusion of the meeting Chairman Berwanger thanked Board Clerk Ketchum and D. Board Clerk Ferrell for moving the meeting materials to the Fairgrounds and for all the work involved in setting up the meeting at the Fairgrounds. In addition, Chairman Berwanger extended a sincere thank you to Congresswoman Hochul, Senator Gallivan and Assemblyman Burling for participating in today's meeting...

There being no further business to come before this Board, Senior Supervisor Kushner, T/Eagle, adjourned the meeting at 3:10 PM with a rap on his desk.

Respectfully submitted,



Cheryl J. Ketchum, Board Clerk

**REGULAR SESSION
(September 11, 2012)**

Tuesday

2:00 PM

The regular session of the Wyoming County Board of Supervisors was held at the Wyoming County Government Center located in Warsaw, New York with all Supervisors present. Also present were Assistant County Attorney, James Wujcik; Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Brenda Ferrell.

At 2:34 PM Chairman Berwanger, T/Arcade, called the meeting to order.

Moment of silence recognized in memory of the many people who lost their lives during the terrorist attacks on September 11, 2001.

The Veteran leading the Pledge of Allegiance this month is:

Gary Allen Jurkowski

Mr. Jurkowski's service to his country comes while serving during the Vietnam War.

Mr. Jurkowski was working as a Patrolman with the Perry Police Department when he answered the call to serve his country. He enlisted in the United States Air Force on May 9, 1966 and completed his Basic Training at Lackland Air Force Base in San Antonio, Texas. He then completed his Advanced Individual Training in Biloxi, Mississippi and became qualified as an Air Traffic Controller and Weather Observer.

Mr. Jurkowski was then assigned to the 2107 Communications Squadron at Laredo Air Force Base in Texas and worked as a Tower and Radar Controller. During his tour at Laredo Air Force Base, he also became an Instructor and taught servicemen from Saudi Arabia how to become an Air Traffic Controller. Mr. Jurkowski completed his tour at Laredo Air Force Base and was honorably discharged of February 6, 1970 at the rank of Staff Sergeant.

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

**The Small Arms Expert Marksmanship Ribbon
The National Defense Service Medal
The Air Force Good Conduct Medal**

Following his service to his country, Mr. Jurkowski returned to this area and went to work for the Wyoming County Sheriff's Department as a Patrolman. A year later, he returned to his former job as a Patrolman with the Perry Police Department. Mr. Jurkowski worked his way through the ranks and became a Sergeant and then in 1977 was selected as the Police Chief for the Perry Police Department. During his career in law enforcement, Mr. Jurkowski also worked part-time for Wyoming County Sheriff's Department for 13 years on Boat Patrol on Silver Lake. Mr. Jurkowski continued to work as the Police Chief of Perry until his retirement in 2000. After his retirement, he continued his career in law enforcement and became a Village Justice for the Village of Perry, a position he still holds.

Mr. Jurkowski has also been active in his community. He served with the Perry Fire Department for 15 years, has been a member of the McKelton Post 350 of the American Legion in Perry, and a member of the Vietnam Veterans Chapter 193. Mr. Jurkowski has also been a weather observer for the National Weather Service for the past 15 years. He enjoys railroading, showing off his Army 2 1/2 ton truck, and lives in the town of Perry.

The pledge was said by all.

Supervisor Brick, T/Perry joined the Chairman as he presented Mr. Jurkowski with the customary certificate of appreciation and an opportunity to address the Board. Mr. McCutcheon thanked the Board for the invitation to lead in the pledge.

There was a brief interruption of the meeting as the press took pictures.

#3

**RESOLUTION NO. 12-272
(September 11, 2012)**

By Mrs. Totsline, Chairman of Human Services Committee:

NATIONAL POW/MIA RECOGNITION DAY PROCLAIMED

WHEREAS, The Federal Government has designated Friday, September 21, 2012 as National POW/MIA Recognition Day; and

WHEREAS, Numerous members of our Armed Forces are still listed as POW/MIA and we demand an accurate accounting of those listed as POW/MIA; and

September 11, 2012

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 21, 2012** 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: 1541 Noes: Absent: 58 (Orangeville) Abstain:

Supervisor Copeland, T/Wethersfield was invited to the podium to read the National POW/MIA Recognition Day proclamation.

Veteran Services Director Gary Cousins invited American Legion Post Commander, Dan Marcheson, to the podium to accept the proclamation.

There was a brief interruption of the meeting as the press took pictures.

Next, Chairman Berwanger asked if Director Cousins was prepared to present the POW / MIA Remembrance Ceremony. Director Cousins invited all veterans in the room to gather around the small table prepared in remembrance of POWs and MIAs everywhere.

POW/MIA REMEBRANCE 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”

Communications ~

- **NYS Senator Gallivan** ~ Letter dated July 26, 2012 to Howard P. Milstein, Chairman, New York State Thruway Authority ~ *Expressing opposition to the planned forty-five percent Thruway toll increases on any vehicle with three or more axles.*
- **Pioneer Credit Recovery** ~ Letter dated August 27, 2012 to Chairman Berwanger, Chairman ~ *thanking him for taking the time to join them in their celebration of 10 years with Sallie Mae* recently.
- **NYS Assemblyman Burling** ~ Acknowledging receipt of two resolutions adopted by the Board on August 14, 2014 ~
 - *Resolution Number 12-270 Opposes the proposed 45% Thruway toll increase on commercial vehicles*
 - *Resolution Number 12-271 Opposes the Clean Water Act draft guidance proposed by the Environmental Protection Agency*

#1

RESOLUTION NO. 12-273 (September 11, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2012 ACCOUNTS

September 11, 2012

BE IT RESOLVED, That funds are hereby transferred to the various 2012 accounts as follows:

Youth Bureau			
From: 01.36.2960.4.41501 Pre-School Tuition	\$50,000.0		
To: 01.38.4059.4.41503 Early Intervention Tuition	0	\$50,000.0	
Reason: Transfer funds to cover the cost of remaining 2012 mandated expenses.		0	
Youth Bureau Total			\$50,000.00

Carried: XXX Ayes: 1541 Noes: Absent: 58 (Orangeville) Abstain:

#2

RESOLUTION NO. 12-274
(September 11, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2012 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2012 accounts as follows:

Youth Bureau			
To: 01.45.7310.4.42436 Youth Court/OMEGA w/01.03.7310.1289 Other Dept Income	\$745.00	\$745.00	
Reason: Funds to be used to pay for Bully Intervention Program Ref receipts: 89524, 89401, 89157, 89481, 89399, 89284, 89199, 89285 and JE's posted on 08/01/12 and 07/18/12 (Mental Health and Sheriff)			
Youth Bureau Total			\$745.00
County Reforestation			
To: 01.49.8710.4.40301 Professional Services Contracts w/01.08.8710.2652 Sale of Property	\$9,750.00	\$9,750.00	
Reason: To cover above Timber Stand improvement Treatments & Herbicide Treatments contract with Pioneer Forestry.			
County Reforestation Total			\$9,750.00
Emergency Services			
To: 01.37.3640.4.42102 Safety Expenses w/01.09.3640.2705 Misc. Local Sources	\$1,000.00	\$1,000.00	
Reason: To Purchase two cameras for fire investigations with Fire Response Donation from an Erie County resident.			
Emergency Services Total			\$1,000.00

County Jail			
To: 01.37.3150.4.41711 Inmate Medical <i>From any funds available</i>		\$85,000.00 0	\$85,000.00
Reason: cover expected shortfall to the end of the year			
County Jail Total			\$85,000.00
Public Defender			
To: 01.32.1170.1.10001 Salaries S/D/I 01.32.1170.4.42492 Indigent Legal Svc Grant 01.32.1170.8.81001 Retirement 01.32.1170.8.83001 FICA 01.32.1170.8.85001 Medicare – FICA w/ 01.11.1170.3025 Indigent Legal Services		\$4,339.08 7,596.25 820.09 269.02 <u>62.92</u>	
Reason: To appropriate Indigent Legal Services Funds.			\$13,087.36
Public Defender Total			\$13,087.36

Carried: XXX Ayes: 1541 Noes: Absent: 58 (Orangeville) Abstain:

Mr. Knab, T/Sheldon, Chairman of the Audit Committee, presented bills totaling **\$3,691,234.25** for the month of **August 2012**.

Carried: XXX Ayes: 1541 Noes: Absent: 58 (Orangeville) Abstain:

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. 12-275
(September 11, 2012)

By Mrs. Totsline, Chairman of Human Services Committee:

NATIONAL YOUTH COURT MONTH PROCLAIMED

WHEREAS, Throughout September more than 1200 Youth Court programs operate in the nation's juvenile justice systems and will celebrate "National Youth Court" month; and

WHEREAS, Youth Courts are one of the fastest growing crime prevention programs in the nation. Youth Courts emphasize the importance of being involved in one's community and provide our youth with an opportunity to learn about government and take an active role in upholding our democratic principles; and

WHEREAS, Youth Courts empower youth through involvement in community solutions by developing skills in leadership, decision-making, and

September 11, 2012

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 2012** 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: 1541 Noes: Absent: 58 (Orangeville) Abstain:

#5

RESOLUTION NO. 12-276
(September 11, 2012)

By Mrs. Totsline, Chairman of Human Services Committee:

CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH PITNEY BOWES ON BEHALF OF THE WYOMING COUNTY YOUTH BUREAU

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Pitney Bowes, 405 North French Road, Suite 116, Buffalo, NY 14228 on behalf of the Wyoming County Youth Bureau. Said contract is for leasing a postage meter machine for 51 months @ \$137/month (Includes maintenance) in an amount not to exceed six thousand nine hundred eighty-seven dollars (\$6,987.00); effective October 1, 2012 through December 31, 2016.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1541 Noes: Absent: 58 (Orangeville) Abstain:

**RESOLUTION NO. 12-277
(September 11, 2012)**

By Mrs. Totsline, Chairman of Human Services Committee:

**CHAIRMAN/COMMISSIONER OF SOCIAL SERVICES AUTHORIZED
TO SIGN A CONTRACT 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 is hereby authorized and directed to sign a contract with Adecco, 230 East Main Street, Arcade NY 14009 on behalf of the Department of Social Services. Said contract is for three Energy Resource Aides for the HEAP program in an amount not to exceed sixty-three thousand thirty-four dollars (\$63,034.00); effective October 1, 2012 through September 30, 2013.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1541 Noes: Absent: 58 (Orangeville) Abstain:

Supervisor Totsline, T/Genesee Falls was invited to the podium to present the National Youth Court Month proclamation. In doing so, Supervisor Totsline also invited Wyoming County Youth Court Consultant, Amy Faulkowski to join her at the podium to accept the proclamation.

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

#7

**RESOLUTION NO. 12-278
(September 11, 2012)**

By Mrs. Ryan, 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 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

September 11, 2012

authorized and directed to sign a grant application and acceptance award with the New York State Department of Health/HRI, 1 University Place, Rensselaer, NY 12204 on behalf of the County Health Department. Said grant funding is for the 2012-2013 Public Health Emergency Preparedness Program Services in a minimum amount of fifty-three thousand five hundred dollars (\$53,500.00); effective July 1, 2012 through June 30, 2013.

Carried: XXX Ayes: 1541 Noes: Absent: 58 (Orangeville) Abstain:

#8

RESOLUTION NO. 12-279
(September 11, 2012)

By Mrs. Ryan, Chairman of Public Health Committee:

**THERESA GILLILAND APPOINTED TO
THE WYOMING COUNTY BOARD OF HEALTH**

BE IT RESOLVED, That Theresa Gilliland, 6688 Church Street, Portageville, NY 14536 be hereby appointed to the Wyoming County Board of Health (replacing Mary Gilliland) to fill a vacant unexpired six (6) year term; effective September 11, 2012 through December 31, 2013.

Carried: XXX Ayes: 1541 Noes: Absent: 58 (Orangeville) Abstain:

#9

RESOLUTION NO. 12-280
(September 11, 2012)

By Mrs. Ryan, Chairman of Public Health Committee:

FAMILY DAY IN WYOMING COUNTY PROCLAIMED

WHEREAS, Family Day is celebrated annually, “A Day to Eat Dinner with Your Children.” Good food, great conversations, and loads of laughs – that’s what family dinners are made of; and

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 24, 2012** 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: 1541 Noes: Absent: 58 (Orangeville) Abstain:

Chairman Berwanger invited Supervisor Ryan, T/Warsaw to the podium to present the Family Day in Wyoming County proclamation. Supervisor Ryan invited Community Services Director, L. Hodgson to join her and accept the proclamation.

There was a motion by Mr. Brick, T/Perry, to combine resolutions #10 and #11. A voice vote was taken and all voted aye.

#10

RESOLUTION NO. 12-281 (September 11, 2012)

By Mr. Brick, Chairman of Agriculture Committee:

CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH PIONEER FORESTRY ON BEHALF OF WYOMING COUNTY FORESTLANDS

September 11, 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 contract with Pioneer Forestry, 4000 Skunk Hollow Road, Jamestown, NY 14701, for the work depicted in the updated 10 year plan for 2012 as follows:

- **Timber Stand improvement Treatments:**

○ Hobday Rd.	(stand 8)	\$2,500.00
○ Dale Rd.	(stands 1 and 5)	<u>2,250.00</u>
		\$4,750.00

*Revenue received from marked material should cover most if not all of the costs to complete these treatments.

- **Herbicide Treatments:**

○ Hobday Rd.	(stand 8)	\$2,000.00
○ Dale Rd.	(stands 1 and 5)	<u>3,000.00</u>
		\$5,000.00
Grand Total		\$9,750.00

Carried: XXX Ayes: 1541 Noes: Absent: 58 (Orangeville) Abstain:

#11

RESOLUTION NO. 12-282
(September 11, 2012)

By Mr. Brick, Chairman of Agriculture Committee:

RESOLUTION NUMBER 11-119 AMENDED

WHEREAS, Resolution number 11-119 entitled, “**RESCIND AND REPLACE RESOLUTION NUMBER 11-55**,” passed by this Board of Supervisors on April 12, 2011 and provides for a contract with David Czesak, 4006 Creek Rd., Chaffee, NY 14030 (as the next highest responsible bidder) 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 (\$21,500.00); effective April 01, 2011 through October 01, 2012; now therefore

BE IT RESOLVED, That Resolution Number 11-119 be hereby rescinded to include an addendum to the original contract with David Czesak, 4006 Creek Rd., Chaffee, NY 14030, for the right to purchase and harvest the marked material from Hobday Rd. Stand 1 (221 pole timber / firewood trees) in a minimum amount of four hundred dollars (\$400.00); effective August 29, 2012 through October 01, 2012.

Carried: XXX Ayes: 1541 Noes: Absent: 58 (Orangeville) Abstain:

Regular Session

RESOLUTION NO. 12-283
(September 11, 2012)

By Mr. Fleischman, Chairman of Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH
MUNICIPAL SOLUTIONS ON BEHALF OF THE PLANNING
COMMITTEE**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Municipal Solutions (Jeffrey R. Smith, Pres.), 83 Myrtle Street, LeRoy, NY 14482 on behalf of the Planning Committee. Said contract is for the provision of New York State Department of State Local Government High Priority Planning Grant Water Agency Implementation deliverables in an amount not to exceed twenty-eight thousand five hundred dollars (\$28,500.00); effective March 01, 2012 through December 31, 2012.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1541 Noes: Absent: 58 (Orangeville) Abstain:

There was a motion by Mr. Rogers, T/Pike, to combine resolutions #13 and #14. A voice vote was taken and all voted aye.

#13

RESOLUTION NO. 12-284
(September 11, 2012)

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT PARTICIPATION
AGREEMENT WITH NEW YORK STATE EMERGENCY
MANAGEMENT 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 participation agreement with New York State Emergency Management Office, 1220 Washington Ave., Bldg. 22, Suite 101, Albany, NY 12226-2251 on behalf of Wyoming County Emergency Services. Said participation Agreement is for the Local Emergency Management Performance Grant for Federal Fiscal

September 11, 2012

Year 2011 (FFY11) in a minimum amount of thirteen thousand eight hundred seventy-four dollars (\$13,874.00).

Carried: XXX Ayes: 1541 Noes: Absent: 58 (Orangeville) Abstain:

#14

**RESOLUTION NO. 12-285
(September 11, 2012)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND
ACCEPTANCE AWARD WITH NEW YORK STATE DIVISION OF
CRIMINAL JUSTICE SERVICES ON BEHALF OF THE PUBLIC
DEFENDER'S OFFICE**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with New York State Division of Criminal Justice Services, Office of Probation and Correctional Alternatives, 4 Tower Place – 8th Floor, Albany, New York 12203 on behalf of the Public Defender's Office. Said contract is Indigent Parolee program (LG12-1048-D00) a minimum amount of one hundred eighty thousand dollars (\$180,000.00); effective April 1, 2012 to March 31, 2013.

Carried: XXX Ayes: 1541 Noes: Absent: 58 (Orangeville) Abstain:

There was a motion by Mr. Patti, T/Attica, to combine resolutions #15 through #20. A voice vote was taken and all voted aye.

Prior to the roll call vote being taken Chairman Berwanger asked Supervisor Kushner, T/Eagle, Finance Chair if he cared to comment on the resolutions having to do with the Hospital renovations. Finance Committee Chair Kushner explained that these resolutions have to do with amendments to currently approved contracts.

#15

**RESOLUTION NO. 12-286
(September 11, 2012)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON
BEHALF OF BUILDINGS AND GROUNDS (CO. BUILDINGS)**

Regular Session

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign various contracts on behalf Buildings and Grounds (County Buildings) as follows:

- **S & T Pierson**, 2276 Silver Lake Rd., Perry, NY 14530, for 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, 2012 through October 13, 2013.
- **T.C.C.T., Inc.**, 46 North Maple Street, Warsaw, NY 14569, for cleaning services at the Wyoming County Courthouse and Office for the Aging for one (1) year in an amount not to exceed forty-two thousand three hundred dollars (\$42,300.00); effective October 14, 2012 through October 13, 2013.
- **Warren's Carpet Cleaning, Inc.**, 454 North Main Street, Warsaw, NY 14569, for cleaning services at various County buildings for one (1) year in an amount not to exceed fifty-six thousand four hundred eighty dollars and forty cents (\$56,480.40); effective October 14, 2012 - October 13, 2013.
- **Imperial Door Controls Inc.**, 85 Oriskany Drive, Tonawanda, NY 14150, for furnishing and installing three (3) automatic swing doors at the Department of Social Services in an amount not to exceed eight thousand one hundred forty-seven dollars (\$8,147.00); effective September 11, 2012 through completion of projects.
- **Michael J. Rogers**, 6612 Route 19A, Portageville, NY 14536 for repairing and repainting specified exterior surfaces of the Government Center Building in an amount not to exceed thirteen thousand eight hundred (\$13,800.00); effective September 11, 2012 through completion of projects.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1541 Noes: Absent: 58 (Orangeville) Abstain:

#16

RESOLUTION NO. 12-287
(September 11, 2012)

By Mr. Patti, Chairman of Public Works Committee:

ANNUAL HIGHWAY MATERIAL BIDS AWARDED

BE IT RESOLVED, That the attached yearly County Highway material bids are hereby approved effective September 01, 2012 through August 30, 2013, all ties were awarded by lot at the August 30, 2012 Public Works Committee, and be it

September 11, 2012

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: 1541 Noes: Absent: 58 (Orangeville) Abstain:

#17

**RESOLUTION NO. 12-288
(September 11, 2012)**

By Mr. Patti, Chairman of Public Works Committee:

RESOLUTION NUMBER 12-72 AMENDED

WHEREAS, Resolution number 12-72 entitled, “**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 SUPPLEMENT #1 TO THE MASTER AGREEMENT AND APPROPRIATING FUNDS THEREFORE**,” passed by this Board of Supervisors on February 14, 2012 and provides for the replacement of West Street Bridge over Cattaraugus Creek, Town of Arcade, Wyoming County, P.I.N. 4754.06; BIN 3319440 (the Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds in the amount of **\$2,816,656.00**; now therefore

BE IT RESOLVED, That Resolution Number 12-72 be hereby amended to increase the amount by **\$94.00** for a total of **\$2,816,750.00**. All else remains unchanged.

Carried: XXX Ayes: 1541 Noes: Absent: 58 (Orangeville) Abstain:

#18

**RESOLUTION NO. 12-289
(September 11, 2012)**

By Mr. Patti, Chairman of Public Works Committee:

RESOLUTION NUMBER 12-104 AMENDED

Regular Session

WHEREAS, Resolution Number 12-104 entitled, “**CHAIRMAN AUTHORIZED TO AWARD FIVE (5) BIDS AND SIGN FIVE (5) SEPARATE CONTRACTS IN CONNECTION WITH THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM RENOVATIONS PROJECT ON BEHALF OF THE COUNTY OF WYOMING**,” passed by this Board of Supervisors on March 13, 2012 and provides for the following contractors for the following renovations to the hospital and skilled nursing facility located at 400 North Main Street, Warsaw, NY 14569:

- **General Construction –** **\$908,613.00**
Building Innovation Group, 107 Lincoln Parkway, E. Rochester, NY 14445
- **Mechanical -** **\$978,000.00**
Parise Mechanical Inc., 1106 Sheridan Drive, Tonawanda, NY 14150
- **Plumbing/Fire Protection -** **\$288,672.00**
Ackerman Plumbing Inc., 678 Sheridan Drive, Tonawanda, NY 14150
- **Electrical -** **\$419,000.00**
Concord Electric, 706 Maple Street, Rochester, NY 14611
- **Asbestos Abatement/Demolition -** **\$550,000.00**
Penns Contracting Inc., 270 Sparta Ave., Ste. 104 Pmb 332, Sparta, NJ 07871
Total of bids: \$3,144,285.00

Contingent upon the availability of funds; and

WHEREAS, Resolution Number 12-104 was amended by this Board of Supervisors on **June 12, 2012 by Resolution Number 12-202** to authorize the Chairman to sign contract amendments with the following contractors as described:

- **Ackerman Plumbing Inc.**, 678 Sheridan Drive, Tonawanda, NY 14150 for: Plumbing/Fire Protection SNF Renovation Project increasing the amount by **\$372,025.27** for plumbing work intended to be done by owner at time of bid. Work is above and beyond original contract agreement, for a total of **\$660,697.27**.
- **Building Innovation Group**, 107 Lincoln Pkwy, E. Rochester, NY 14445 for: Amend. #1 General Construction SNF Renovation Project increasing the amount by **\$182,878.00** for General Construction work intended to be done by owner at time of bid. Amend. #2 General Construction SNF renovation project increasing the amount by **\$8,721.00** for Fire Stopping of tops and bottoms of fire rated partitions in Phase 1A and 1B. Work is above and beyond original contract agreement, for a total of **\$1,100,212.00**.

- **Concord Electric Corp.**, 706 Maple Street, Rochester, NY 14611 for: Electrical SNF Renovation Project increasing the amount by **\$225,666.40** for Electrical Work intended to be done by owner at time of bid. Work is above and beyond original contract agreement, for a total of **\$644,666.40**.

All else remained unchanged; and

WHEREAS, Resolution Number 12-104 as amended by 12-202 was further amended by the Wyoming County Board of Supervisors on July 10, 2012 by Resolution Number 12-234 to reflect the following:

- **Ackerman Plumbing Inc.**, 678 Sheridan Drive, Tonawanda, NY 14150 for: Plumbing/Fire Protection SNF Renovation Project increasing the amount by **\$4,637.87** to re-insulate existing piping. Work is above and beyond original contract agreement, for a total of **\$665,335.14**.
- **Building Innovation Group**, 107 Lincoln Pkwy, E. Rochester, NY 14445 for: General Construction SNF Renovation Project increasing the amount by **\$13,017.00** to re-fireproof existing steel in Area 1. Work is above and beyond original contract agreement, for a total of **\$1,113,229.00**.
- **Penns Contracting Inc.**, 270 Sparta Ave., Ste. 104 PMB 332, Sparta, NJ 078710 for: Asbestos Abatement/Demolition SNF Renovation Project increasing the amount by **\$81,127.48** to Abate existing fireproofing materials in Area 1. Work is above and beyond original contract agreement, for a total of **\$631,127.48**.

all else remains unchanged; and

WHEREAS, Resolution #12-104 as amended by 12-202 and 12-234 was further amended by resolution number 12-264 to reflect an increase to the Ackerman Plumbing Inc., 678 Sheridan Drive, Tonawanda, NY 14150 Plumbing/Fire Protection contract SNF Renovation Project increasing the amount by **\$5,923.05** for Ground Floor Sanitary Tie-in. Work is above and beyond original contract agreement, for a total of **\$671,258.19**; and

WHEREAS, Resolution #12-104 as amended by 12-202 and 12-234 was further amended by resolution number 12-264 with Concord Electric Corp., 706 Maple Street, Rochester, NY 14611 for Electrical SNF Renovation Project increasing the amount by **\$1,074.54** for Fire stopping of Electrical Penetrations, Gang Nurse Call Back Boxes, Revise Electrical Feed. Work is above and beyond original contract agreement for a total of **\$645,740.94**; now therefore

BE IT RESOLVED, That resolution number 12-104 as amended by 12-202, 12-234 and 12-264 be hereby further amended with Ackerman Plumbing Inc., 678 Sheridan Drive, Tonawanda, NY 14150 for: Plumbing/Fire Protection SNF Renovation Project increasing the amount by **\$9,301.83** for Nourishment Area Plumbing Demolition and Reworking of New and Existing Piping. Work is above and beyond original contract agreement, for a total of **\$680,560.02**; and be it

FURTHER RESOLVED, That resolution number 12-104 as amended by 12-234 be hereby further amended with Penns Contracting Inc., 270 Sparta Ave., Ste. 104 PMB 332, Sparta, NJ 078710 to abate existing Fireproofing in "area 2" on attached drawing increasing the amount by **\$85,000.00** to Abate existing fireproofing materials in Area 1. Work is above and beyond original contract agreement, for a total of **\$716,127.48**, all else remains the same.

Carried: XXX Ayes: 1541 Noes: Absent: 58 (Orangeville) Abstain:

#19

RESOLUTION NO. 12-290
(September 11, 2012)

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 and provides for various Roof Reconstruction Project and Chilled Water System Improvement contracts on behalf of the WCCH Renovations project; and

WHEREAS, Resolution Number 11-255 was amended by this Board of Supervisors on *September 13, 2011 by Resolution Number 11-289* to reflect a change order to the Leo J. Roth Corp., 841 Holt Road, Webster, NY 14580, WCCH roofing (base bid) contract increasing the amount by forty-five thousand five hundred dollars (**\$45,500.00**) 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 five hundred dollars (**\$45,500.00**) for a total of three hundred eighty-nine thousand dollars (**\$389,000.00**), all else remained unchanged; and

WHEREAS, Resolution Number 11-255, as amended by Resolution number 11-289, was further amended by this Board of Supervisors on **January 13, 2012 by Resolution Number 12-24** to reflect a change order to the Leo J. Roth Corp., 841 Holt Road, Webster, NY 14580, WCCH roofing (base bid) increasing the contract by forty thousand five hundred eighty-two dollars and forty-seven cents (**\$40,582.47**) for removal of the wet and deteriorated gypsum fill and polyethylene vapor barrier from the concrete roof deck at roof #4 Wyoming County Community Health System, for a total contract amount not to exceed one million two hundred seventy-eight thousand eighty-two dollars and forty-seven cents (**\$1,278,082.47**) for the WCCH renovation project, all else remained unchanged; and

WHEREAS, Resolution Number 11-255, as amended by Resolution number 11-289 and 12-24, was further amended by this Board of Supervisors on **April 10, 2012 by Resolution Number 12-144** to reflect a change order to the Leo J. Roth Corp., 841 Holt Road, Webster NY 14580 WCCH roofing (base bid) increasing the amount by ninety two thousand three hundred twenty-seven dollars and ninety-six cents (**\$92,327.96**) to cover materials and installation of roof railing and screen, including guardrail as requested, for a total contract not to exceed one million three hundred seventy thousand four hundred ten dollars and forty-three cents (**\$1,370,410.43**) all else remained unchanged; and

WHEREAS, Number 11-255, as amended by Resolution Numbers 11-289 and 12-24 was further amended by Resolution Number 12-144 on April 10, 2012 to reflect an increase to the Kenneth R. Lawrence Electric Inc., 167 Hook Road, Farmington, NY 14425 electrical contract for relocation of the chilled water system transformer in an amount not to exceed one thousand three hundred seventy-five dollars (**\$1,375.00**), installation of grounding on the new Boiler Room Distribution Panel in an amount not to exceed four thousand three hundred one dollars and sixty-three cents (**\$4,301.63**); and

WHEREAS, Resolution Number 11-255, as amended by Resolution number 11-289 and 12-24, 12-144 and further amended by Resolution Number 12-167 on May 08, 2012 to reflect a change order to the Leo J. Roth Corp., 841 Holt Road Webster NY 14580 WCCH roofing (base bid) increasing the amount by seven thousand four hundred fifty-four dollars (**\$7,454.00**) to provide overtime to perform Roof #14 abatement & roofing work on night and weekend shift, and for five thousand seven hundred eighty-six dollars and eighty cents (**\$5,786.80**) to rebuild masonry wall above 4th floor windows. Work is above and beyond original contract agreement, for a total contract amount of one million three hundred eighty-three thousand six hundred fifty-one dollars and twenty-three cents (**\$1,383,651.23**); and

WHEREAS, Resolution 11-255 as amended by resolution numbers 11-289, 12-24, 12-144, and 12-167 was further amended by resolution number 12-230 on July 10, 2013 to reflect an increase in the Base Bid for the WCCH renovation project contract with Leo J. Roth Corp, 841 Holt Road Webster NY 14580 increasing the amount by ten thousand five hundred forty-six dollars and twenty-seven cents (**\$10,546.27**) to change from BUR system to EPDM (flashing clearance issues w/BUR tapered insulation and to remove, cut & replace metal wall panels to provide clearance). Work is above and beyond original contract agreement, for a total of one million three hundred ninety-four thousand one hundred ninety-seven dollars and fifty cents (**\$1,394,197.50**); and

WHEREAS, resolution 11-255 was further amended to increase the HVAC contract with Leo J. Roth Corp, 841 Holt Road Webster NY 14580 by raising 3 rooftop condensers in the amount of three thousand nine hundred forty-two dollars (**\$3,942.00**), for a total contract of four hundred ten thousand thirty-nine dollars and seventy-four cents (**\$410,039.74**), all else remains unchanged; now therefore

BE IT RESOLVED, That resolution 11-255 as amended by 11-289, 12-024, 12-144, 12-167 and 12-230 be hereby further amended with Leo J. Roth Corp, 841 Holt Road Webster NY 14580 for: Base Bid for the WCCH renovation project increasing the amount by **\$4,114.47** to remove brick in segments and raise thru wall flashing and weeps to a minimum 8" above the finished roof to allow for proper termination of the new roof flashing. Work is above and beyond original contract agreement, for a total of **\$1,398,311.97**, all else remains the same.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1541 Noes: Absent: 58 (Orangeville) Abstain:

#20

**RESOLUTION NO. 12-291
(September 11, 2012)**

By Mr. Patti, Chairman of Public Works Committee:

RESOLUTION NUMBER 12-231 AMENDED

WHEREAS, Resolution number 12-231 entitled, **“CHAIRMAN AUTHORIZED TO AWARD BIDS AND SIGN CONTRACTS ON BEHALF OF THE WYOMING COUNTY COMMUNITY HOSPITAL RENOVATIONS PROJECT,”** passed by this Board of Supervisors on July 10,

September 11, 2012

2012 and provides for various bid awards associated with the Wyoming County Community Hospital Renovations Project; now therefore

BE IT RESOLVED, That Resolution Number 12-231 be hereby revised to reflect an amendment to the Kreative Design Kitchen & Bath Inc, 214 E. Main St., Ste. 6, Batavia, NY 10420 for: Millwork and Counter Tops SNF Renovation Project increasing the amount by **\$5,369.39** for 48" Top Bowl and panels, and crown molding. Work is above and beyond original contract agreement, for a total of **\$53,926.50**, all else remains the same.

Carried: XXX Ayes: 1541 Noes: Absent: 58 (Orangeville) Abstain:
There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #21 through #29. A voice vote was taken and all voted aye.

Prior to the roll call vote being taken, Supervisor Kushner, T/Eagle as Finance Committee Chair offered a few comments on the two local laws being considered. He stated that Wyoming County like many other counties made the decision to pass local legislation to override the Governor's Tax Cap because of the ever increasing state mandated program cost increases. He also stated that the local law pertaining to salary increases is in an effort to bring those county employees to salary levels commensurate with industry standards, education, experience and performance.

Supervisor Kushner also commented on the resolution to award several bids in connection with the WCCH CIP project and stated that if anyone present today had questions on the project's construction, Project Manager, M. Balling/Lend Lease was present and would be willing to answer them...

Chairman Berwanger reiterated Supervisor Kushner's remarks in regards to salary schedules and the Board of Supervisors' commitment to maintaining a hospital within the community.

#21

RESOLUTION NO. 12-292
(September 11, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN RENEWAL CONTRACT WITH
EBS-RMSCO, INC. ON BEHALF OF THE WORKMEN'S
COMPENSATION 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 renewal with EBS

Regular Session

RMSCO, 115 Continuum Drive, Liverpool, NY 13088, for Third Party Administrator (TPA) Services in an amount not to exceed:

- **\$76,800**; effective 01/01/13 – 12/31/13
- **\$76,800**; effective 01/01/14 – 12/31/14
- **\$79,800**; effective 01/01/15 – 12/31/15

Plus the cost of Bill Review Savings, File Allocated Claim Expenses and Loss Control fees as needed.

Carried: XXX Ayes: 1541 Noes: Absent: 58 (Orangeville) Abstain:

#22

RESOLUTION NO. 12-293
(September 11, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

POSITION CREATIONS APPROVED

BE IT RESOLVED, That the following positions are hereby extended, reclassified and/or created in the following Wyoming County Departments:

Buildings and Grounds (CIP)

- Two (2) positions of **Carpenter (Per Diem)** (\$15.00 - \$25.00/hr., based on experience) with only those benefits required by law), effective September 12, 2012 to work per diem as needed to meet schedule on SNF Capital Improvement Project.

Carried: XXX Ayes: 1541 Noes: Absent: 58 (Orangeville) Abstain:

#23

RESOLUTION NO. 12-294
(September 11, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

SALARY SCHEDULES "S" AND "G" AMENDED

BE IT RESOLVED, That the Wyoming County Salary Plan which became effective January 01, 1967, as amended, is hereby amended as follows:

Salary Schedule "S":

Board of Elections

September 11, 2012

- Set the salary of the **VOTING MACHINE CUSTODIANS** at “Not to exceed \$1,000.00 per election per voting machine custodian;” effective September 11, 2012.

Salary Schedule “G”:

District Attorney

- 2012-2013 ATP Stipends plus corresponding fringes as follows:

Asst. District Atty (1 st)	\$11,000.00
Asst. District Atty (2 nd)	\$4,000.00
Administrative Asst. (DA)	\$3,000.00
Crime Victims Prog. Coord.	<u>\$1,000.00</u>
	\$19,000.00

Said amounts are payable after January 1, 2013.

Carried: XXX Ayes: 1541 Noes: Absent: 58 (Orangeville) Abstain:

#24

**RESOLUTION NO. 12-295
(September 11, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH TIME
WARNER CABLE ON BEHALF OF WYOMING COUNTY
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 three (3) year Time Warner Internet agreement with Time Warner Cable, Albany, NY on behalf of Information Technology. Said contract is for Fiber Internet and Metro Ethernet Connections between county Buildings (State Contract) in an amount not to exceed forty-eight thousand dollars (\$48,000.00) annually; effective September 17, 2012 through September 16, 2015.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1541 Noes: Absent: 58 (Orangeville) Abstain:

#25

RESOLUTION NO. 12-296
(September 11, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

SET PUBLIC HEARING – INTRODUCTORY LOCAL LAW
NO. C YEAR 2012

WHEREAS, There has been duly presented and introduced at a meeting of this Board of Supervisors of Wyoming County on this 11th day of September, 2012, a proposed local law entitled, *“Local Law Introductory No. C Year 2012, “A LOCAL LAW PURSUANT TO CHAPTER 97-2011 OF THE LAWS OF THE STATE OF NEW YORK AND SECTION 3-C OF THE GENERAL MUNICIPAL LAW OVERRIDING TAX LEVY LIMIT FOR FISCAL YEAR 2013”* 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 **9th day of October, 2012 at 2:30 PM in the Supervisors’ Chambers, 2nd Floor of the Wyoming County Government Center, 143 North Main Street, Warsaw, New York.**

Carried: XXX Ayes: 1541 Noes: Absent: 58 (Orangeville) Abstain:

#26

RESOLUTION NO. 12-297
(September 11, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

SET PUBLIC HEARING – INTRODUCTORY LOCAL LAW NO. D
YEAR 2012

WHEREAS, There has been duly presented and introduced at a meeting of this Board of Supervisors of Wyoming County on this 11th day of September, 2012, a proposed local law entitled, *“Local Law Introductory No. D Year 2012, “A LOCAL LAW PROVIDING SALARIES FOR CERTAIN COUNTY OFFICERS FOR THE YEAR 2013,” 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

September 11, 2012

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 9th day of October, 2012 at 2:30 PM in the Supervisors' Chambers, 2nd Floor of the Wyoming County Government Center, 143 North Main Street, Warsaw, New York.

Carried: XXX Ayes: 1541 Noes: Absent: 58 (Orangeville) Abstain:

#27

**RESOLUTION NO. 12-298
(September 11, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH
COMPUTER PROGRAMS & SYSTEMS, INC. ON BEHALF OF
WYOMING COUNTY COMMUNITY HOSPITAL**

BE IT RESOLVED, In accordance with Resolution Number 11-209 passed by the Wyoming County Board of Supervisors, on June 14, 2011 entitled, "AMENDING RESOLUTION 91-159, AUTHORITY OF THE BOARD OF MANAGERS OF THE HOSPITAL," the Chairman of this Board with the approval of the County Attorney and/or Hodgson Russ legal council is hereby authorized and directed to sign a contract with Computer Programs & Systems, Inc. (CPSI), 6600 Wall Street, Mobile, AL 36695 on behalf of Wyoming County Community Hospital. Said contract is for the Physician Documentation module, including monthly maintenance for the existing CPSI hospital software system in an amount not to exceed one hundred thirty-one thousand dollars (\$131,000.00); effective August 29, 2012 through "open ended."

Carried: XXX Ayes: 1541 Noes: Absent: 58 (Orangeville) Abstain:

#28

**RESOLUTION NO. 12-299
(September 11, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

RESOLUTION NUMBER 12-139 AMENDED

WHEREAS, Resolution number 12-139 entitled, “**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH LEND LEASE (US) CONSTRUCTION, INC. ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM CAPITAL IMPROVEMENT RENOVATIONS PROJECT**,” passed by this Board of Supervisors on April 10, 2012 and provides for Construction Management services for the Wyoming County Skilled Nursing Facility and Community Hospital Addition and Select Interior Renovations in the amount of thirty-seven thousand one hundred eighty-seven dollars (\$37,187.00) for fifteen (15) consecutive months, commencing on April 1, 2012, and one final payment of thirty-seven thousand one hundred ninety-five dollars (\$37,195.00) due on July 1, 2013 for a total contract amount not to exceed five hundred ninety-five thousand dollars (\$595,000.00). Contingent upon the availability of funds; now therefore

BE IT RESOLVED, That Resolution Number 12-139 be hereby amended to include an increase of **\$470,000.00** to the Lend Lease Construction Management contract for the additional man power necessary to manage the balance of the Wyoming County Community Health System renovations and addition constructions.

Carried: XXX Ayes: 1541 Noes: Absent: 58 (Orangeville) Abstain:

#29

**RESOLUTION NO. 12-300
(September 11, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

CHAIRMAN AUTHORIZED TO AWARD BIDS AND SIGN CONTRACTS WITH VARIOUS CONTRACTORS IN CONNECTION WITH WYOMING COUNTY COMMUNITY HOSPITAL RENOVATIONS CAPITAL IMPROVEMENT PROJECT

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 the Board of Supervisors passed resolution number 10-138 entitled, “**WYOMING COUNTY 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, Project Manager and Project Engineer is hereby authorized and directed to award the following bids and sign contracts

September 11, 2012

with the following contractors for renovations to the hospital and skilled nursing facility located at 400 North Main Street, Warsaw NY 14569:

- **General Construction Contract:** Building Innovation Group, 107 Lincoln Parkway, East Rochester, NY 14445 - \$5,021,338.00
- **Mechanical Construction Contract:** Lawman Heating and Cooling , Inc., 5813 Stone Hill Rd., P. O. Box 367, Lakeville, NY 14480 - \$1,670,000.00
- **Plumbing Construction Contract:** Bell Mechanical Contractors, Inc., 105 Lincoln Parkway, East Rochester, NY 14445 - \$1,164,000.00
- **Electrical Construction Contract:** Concord Electric Corp., 705 Maple St., Rochester, NY 14611 - \$1,810,000.00;
effective September 11, 2012 through the completion of the project.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1541 Noes: Absent: 58 (Orangeville) Abstain:

Prior to adjourning the meeting Supervisor Rogers, T/Pike reminded residents of the informative meeting at Letchworth Central School regarding Marcellus Shale and that Town Board Members, Board of Appeals, etc. could receive credit for attending...

There being no further business to come before this Board, Senior Supervisor Totsline, T/Genesee Falls, adjourned the meeting at 3:15 PM.

Respectfully submitted,



Cheryl J. Ketchum, Board Clerk

**REGULAR SESSION
(October 09, 2012)**

Tuesday

2:00 PM

The regular session of the Wyoming County Board of Supervisors was held in the Supervisors' Chambers at the Wyoming County Government Center located in Warsaw, New York with all Supervisors present except Supervisor Rogers, T/Pike. Also present were Assistant County Attorney, James Wujcik; Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Brenda Ferrell.

At 2:34 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance this month is:

Larry G. Becker

Mr. Becker's service to his country comes while serving during the Vietnam War. On July 17, 1963 Mr. Becker answered the call to serve in the United State Army. He completed his Basic Training at Ft. Gordon, Georgia and then his Advanced Individual Training in Ft. Sill, Oklahoma and became qualified as a Missile Repairman. Mr. Becker was then assigned to HQ Company, 3rd Battalion, of the 38th Artillery Regiment at Ft. Sill, Oklahoma. He worked as a missile repairman at Ft. Sill, Oklahoma until he was Honorably Discharged on July 16, 1965 at the rank of Specialist 4th Class.

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

**The Marksmanhip Badge
The Drivers Badge with Bar
The Army Good Conduct Metal**

Following his service to this country, Mr. Becker returned to this area. He went to work at Kodak in Rochester as a manager in computer information systems. At the same time, Mr. Becker attended night school at Rochester Institute of Technology for 4 years and earned a Bachelors Degree in Business Administration. After working for Kodak for 27 years, Mr. Becker started his own business with consultation in business management, a business he owned and operated for the next 7 years. Mr. Becker then went to work at the University of Rochester as Administration Director for Information Technology. He remained with the U of R for 3 years until his retirement in 2000.

Mr. Becker has also been active in his community. He is presently serving on the town board of Pike and is active with several conservation projects. He enjoys hunting, fishing and woodworking. Mr. Becker and his wife Carol have been married for 52 years and they live in the town of Pike.

The pledge was said by all.

Chairman Berwanger presented Mr. Becker with the customary certificate of appreciation and an opportunity to address the Board. Mr. Becker thanked the Board for the invitation to lead in the pledge and stated that up until being invited this meeting he was unaware of this privilege. He further stated that he appreciated the support this Board has shown to Wyoming County Veterans.

There was a brief interruption of the meeting as the press took pictures.

Communications

- ***None***

Open Public Hearing:

- ***Local Law No. 3, Year 2012 (Introductory C, Year 2012) Entitled, “A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-C for Fiscal Year 2013”***
- ***Local Law No. 4, Year 2012 (Introductory D, Year 2012) Entitled, “County of Wyoming, Providing Salaries for Certain County Officers for the Year 2013”***

Introduction of special guests:

- ***Cheryl Copeland & Hans Kunzie from Stueben Trust***

#1

RESOLUTION NO. 12-301
(October 09, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2012 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2012 accounts as follows:

Regular Session

Public Health			
To: 01.38.4035.1.10202 Temporary w/01.04.4035.168903 FP Private Insurance 01.04.4035.168906 FP Medicaid APG	<u>\$17,830.55</u>	\$10,162.14 \$7,668.41	
Reason: To appropriate for salary of per diem nurse providing MWHS clinical coverage and community education.			
To: 01.38.4035.4.41706 Med & Safety Supplies w/01.12.4035.4489 Other Health	\$4,635.00	\$4,635.00	
Reason: To appropriate for purchase of Medical Supplies through NYSDOH Family Planning Grant 2011-2012 COLA			
Public Health Total			\$22,465.55
Sheriff			
To: 01.37.3110.2.23001 Motor Vehicle w/01.08.3110.2665 Sale of Equipment inc. by same	\$3,050.00	\$3,050.00	
Reason: upcoming purchase of car			
Sheriff Total			\$3,050.00
Board of Supervisors			
To: 01.31.1010.4.40301 Prof. Svc. Contracts <i>w/any funds available</i>	\$3,713.55	\$3,713.55	
Reason: Municipal Solutions Invoice #3190, dated 08/14/12.			
Board of Supervisors Total			\$3,713.55

Carried: XXX Ayes: 1551 Noes: Absent: 48 (Pike) Abstain:

Mr. Knab, T/Sheldon, Chairman of the Audit Committee, presented bills totaling **\$3,048,471.17** for the month of **September 2012**.

Carried: XXX Ayes: 1551 Noes: Absent: 48 (Pike) Abstain:

There was a motion by Mrs. Totsline, T/Genesee Falls, to combine resolutions #2 through #5. A voice vote was taken and all voted aye.

#2

RESOLUTION NO. 12-302
(October 09, 2012)

By Mrs. Totsline, Chairman of Human Services Committee:

**VETERANS AWARENESS AND APPRECIATION MONTH
PROCLAIMED**

WHEREAS, Since our nation's founding, the U.S. Military has been dispatched to all over the world to defend our freedom and the lives of our allies. In battles big and small, our men and women of the U.S. Armed Forces have distinguished themselves through their strength, loyalty and valor; and

November 13, 2012

WHEREAS, The first Veterans Day was known as “Armistice Day,” and was noted at the Eleventh Month, Eleventh Day and at the Eleventh Hour. It signified the end of World War I; and

WHEREAS, Many members of our Armed Forces have come from within Wyoming County, many of which being injured or even paid the ultimate sacrifice with their lives in the defense of our freedoms and our great country; and

WHEREAS, Armed Forces Day having its origin when President Truman declared May 20, 1950 as the first official day to celebrate and honor all branches of the Armed Forces; 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 does hereby designate the month of November 2012 as:

VETERANS AWARENESS AND APPRECIATION MONTH

and be it

FURTHER RESOLVED, That the Clerk of this Board is hereby directed to forward certified copies of this resolution to President Barack Obama, U.S. Senators Charles Schumer and Kirsten Gillibrand, U.S. Congresswoman Kathy Hochul, New York State Senator Patrick Gallivan, New York State Assemblyman Daniel Burling and all others deemed appropriate and necessary.

Carried: XXX Ayes: 1551 Noes: Absent: 48 (Pike) Abstain:

#3

**RESOLUTION NO. 12-303
(October 09, 2012)**

By Mrs. Totsline, Chairman of Human Services Committee:

CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH TOTAL SENIOR CARE INC. ON BEHALF OF WYOMING COUNTY OFFICE FOR THE AGING

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Total Senior Care Inc., 519 North Union Street, Olean, NY 14760 on behalf of Wyoming County Office for the Aging. Said contract is for meals to eligible individuals 55+ that are receiving managed care services through Total Senior; in an amount not to exceed budgeted amounts depending on number of services performed; effective October 1, 2012.

Carried: XXX Ayes: 1551 Noes: Absent: 48 (Pike) Abstain:

#4

**RESOLUTION NO. 12-304
(October 09, 2012)**

By Mrs. Totsline, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO AWARD BID AND SIGN CONTRACTS
WITH JOE BASIL CHEVROLET 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 award a bid to Joe Basil Chevrolet, 5111 Transit Road, Depew, NY 14043 for a 2012 Chevy Equinox AWD LT2 in an amount not to exceed twenty-seven thousand six hundred sixty-one dollars (\$27,661.00); effective October 1, 2012. Contingent upon the availability of funds.

Carried: XXX Ayes: 1551 Noes: Absent: 48 (Pike) Abstain:

#5

**RESOLUTION NO. 12-305
(October 09, 2012)**

By Mrs. Totsline, 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 age, race, religion, or economic status, and can endure extreme suffering and possible long-term harm; and

November 13, 2012

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 2012 as:

DOMESTIC VIOLENCE AWARENESS MONTH

In Wyoming County, and commend this observance to the citizens of this county.

Carried: XXX Ayes: 1551 Noes: Absent: 48 (Pike) Abstain:

After the roll call vote was taken Supervisor Totsline was invited to the podium to present two proclamations, VETERANS AWARENESS AND APPRECIATION MONTH & DOMESTIC VIOLENCE AWARENESS MONTH.

Supervisor Totsline invited Veteran Services Director, Gary Cousins to join her for the first presentation. Commissioner Rumsey joined the Supervisor at the podium for the second presentation. The Commissioner invited Brenda Stowell, Domestic Violence Advocate for the Department of Social Services to join him and accept the proclamation on behalf of the Department. Both department heads graciously agreed to read their proclamations to attendees...

Chairman Berwanger invited Director Cousins back to the podium to make a special presentation. This past Sunday the Director along with many others

(NYS Assemblyman Burling, NYS Senator Patrick Gallivan, the Patriot Guard and many members of the Varysburg Fire Department) attended a special dedication ceremony in Varysburg commemorating the west end dedication of Route 20A through Varysburg as part of the Wyoming County Memorial Highway. NYS Senator Patrick Gallivan presented Director Cousins with the framed legislation and the actual pen Governor Cuomo used to sign this bill into law. Chairman Berwanger directed Supt. of Buildings and Grounds (Co. Bldgs.) Daryl Rogers to find a prominent location to display the framework...

There was a motion by Mrs. Ryan, T/Warsaw, to combine resolutions #6 and #7. A voice vote was taken and all voted aye.

#6

RESOLUTION NO. 12-306
(October 09, 2012)

By Mrs. Ryan, Chairman of Public Health Committee:

**GREGORY J. COLLINS, DO, MPH REAPPOINTED
 COMMISSIONER OF PUBLIC HEALTH**

BE IT RESOLVED, That Gregory J. Collins, DO, MPH, 4820 Darby Road, Avon, NY be hereby reappointed to the position of Commissioner of Public Health, pursuant to Public Health Law §351(5)(6), for a term of six (6) years; effective October 1, 2012 through September 30, 2018.

Carried: XXX Ayes: 1551 Noes: Absent: 48 (Pike) Abstain:

#7

RESOLUTION NO. 12-307
(October 09, 2012)

By Mrs. Ryan, Chairman of Public Health Committee:

**APPROVING SOLE SOURCE PROCUREMENT
 FOR THE WYOMING COUNTY HEALTH DEPARTMENT**

WHEREAS, The Health Department, in consultation with the Office 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

November 13, 2012

WHEREAS, SMART Triage Products are utilized in the development of the Wyoming County Health Department emergency plans and Wyoming County Emergency Services response efforts; and

WHEREAS, BoundTree Medical has been designated by TSG Associates as the sole distributor of SMART Triage products in the United States; and

WHEREAS, the Wyoming County Health Department has received approval from the New York State Division of Homeland Security and Emergency Services to purchase SMART Triage Products from BoundTree Medical as a sole source procurement. Said approval is granted for this instance only; and therefore

BE IT RESOLVED, That the Board of Supervisors for the County of Wyoming hereby authorizes the Wyoming County Health Department to purchase SMART Triage Products through sole source procurement with BoundTree Medical for an amount not to exceed one thousand two-hundred dollars (\$1,200.00) in total; and be it further

RESOLVED, That any contract arising from sole source purchase 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: 1551 Noes: Absent: 48 (Pike) Abstain:

Chairman Berwanger congratulated Public Health Admin. L. Paolucci on the reappointment of Dr. Collins as the Commissioner of Public Health and asked that those congratulations be extended to Dr. Collins as well.

There was a motion by Mr. Brick, T/Perry, to combine resolutions #8 through #11. A voice vote was taken and all voted aye.

#8

**RESOLUTION NO. 12-308
(October 09, 2012)**

By Mr. Brick, 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, 2012 through April 1, 2013, 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: 48 (Pike) Abstain:

#9

RESOLUTION NO. 12-309
(October 09, 2012)

By Mr. Brick, 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, 2013 through Midnight, December 31, 2013, 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: 48 (Pike) Abstain:

#10

**RESOLUTION NO. 12-310
(October 09, 2012)**

By Mr. Brick, Chairman of Agriculture Committee:

NATIONAL 4-H WEEK PROCLAIMED

WHEREAS, 4-H has been serving the young people of New York State and Wyoming County with educational and leadership opportunities since 1913; and

WHEREAS, 4-H work is an educational youth development program of the Cornell Cooperative Extension Education System, and Cornell University, and is supervised on the county level by the 4-H Staff along with the help of local 4-H volunteers who are outstanding men and women in their communities; and

WHEREAS, Wyoming County 4-H reaches more than 2,600 youth and 225 volunteers annually; and

WHEREAS, 4-H'ers pledge their Heads, Hearts, Hands, and Health to the improvement of their clubs, communities, countries, and world; and

WHEREAS, 4-H members working with educational learn-by-doing projects put into practice new skills and science as they strive "To Make The Best Better," the motto of 4-H; and

WHEREAS, 4-H provides a unique opportunity for young people to develop life skills through hands on learning experiences, including educational workshops, project work, presentation experiences, camps, conferences, after-school programs, and other events at local, county, district, state, national and international levels; and

WHEREAS, The citizenship and leadership training which 4-H members receive in this program is a valuable asset to our democratic way of life; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby proclaim October 7-13, 2012, as:

NATIONAL 4-H WEEK

in Wyoming County, and urge all of our citizens to encourage and support the work of the 4-H Youth Development Program.

Carried: XXX Ayes: 1551 Noes: Absent: 48 (Pike) Abstain:

#11

**RESOLUTION NO. 12-311
(October 09, 2012)**

By Mr. Brick, Chairman of Agriculture Committee:

CORNELL COOPERATIVE EXTENSION WEEK PROCLAIMED

WHEREAS, Cornell Cooperative Extension has been serving the people of New York State and Wyoming County with educational and leadership opportunities since 1913; and

WHEREAS, The Cornell Cooperative Extension education system enables people to improve their lives and communities through partnerships that put experience and research knowledge to work; and

WHEREAS, Cornell Cooperative Extension serves Wyoming County residents through the 4-H Youth Development Program, 4-H Camp Wyomoco, Agriculture Programs, the Wyoming County Dairy Institute, and the North West New York Dairy Livestock Field Crops Team; and

WHEREAS, Cornell Cooperative Extension agriculture programs provide consulting in dairy, livestock, field crops, fresh vegetable, tree and small fruits, maple production, forestry, consumer horticulture, and honey production; and

WHEREAS, 4-H youth development in Wyoming County is one of the largest programs of its kind in New York State - providing hands on learning for youth ages 5-19 in the areas of Animal Sciences, Healthy Living, Science & Technology, Plant Science & Gardening, Natural Resources, and Farm Safety; and

WHEREAS, Cooperative Extension serves all Wyoming County residents, providing educational programming on relevant issues experienced by young and old, and from all walks of life; now therefore

November 13, 2012

BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby proclaim October 7-13, 2012, as:

CORNELL COOPERATIVE EXTENSION WEEK

in Wyoming County, and urge all of our citizens to encourage and support the work of the Cornell Cooperative Extension program.

Carried: XXX Ayes: 1551 Noes: Absent: 48 (Pike) Abstain:

Chairman Berwanger invited Supervisor Brick, T/Perry to the podium to present the National 4-H week and Cornell Cooperative Extension Week proclamations to Cornell representatives (Exec. Director Tiede, Ag. Dept. Program Leader/Cornell Cooperative Extension of Wyoming County, Farm Business Management Specialist/North West New York, Dairy, Livestock and Field Crops Team, J. Petzen and 4-H Community Educator, H. Harwood)

There was a motion by Public Safety Committee Vice Chairman, Mr. Copeland, T/Wethersfield, to combine resolutions #12 through #14. A voice vote was taken and all voted aye.

#12

**RESOLUTION NO. 12-312
(October 09, 2012)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND
ACCEPTANCE AWARD WITH THE NEW YORK STATE OFFICE OF
HOMELAND SECURITY AND EMERGENCY SERVICES 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 with the New York State Division of Office of Homeland Security and Emergency Services, 1220 Washington Avenue, State Office Building Campus, Building 7A, Suite 710, Albany, NY 12242 on behalf of Wyoming County Emergency Services. Said grant funding is for the 2012 State Homeland Security Program in a minimum amount of sixty-nine thousand dollars (\$69,000.00); effective September 01, 2012 through August 31, 2014. Contingent upon the availability of funds.

Carried: XXX Ayes: 1551 Noes: Absent: 48 (Pike) Abstain:

RESOLUTION NO. 12-313
(October 09, 2012)

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND
ACCEPTANCE AWARD WITH THE OFFICE OF INDIGENT LEGAL
SERVICES ON BEHALF OF THE PUBLIC DEFENDER'S OFFICE**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant application and acceptance award with Office of Indigent Legal Services, State Capitol, Room 128, Albany, NY 12224 on behalf of the Public Defender's Office. Said grant funding (Contract C000256) is for and Asst. Public Defender Stipend and Computer/technology upgrades in a minimum amount of fifty-one thousand sixty dollars (\$51,060.00)/(\$17,020.00/yrly); effective June 1, 2012 to May 31, 2015.

Carried: XXX Ayes: 1551 Noes: Absent: 48 (Pike) Abstain:

#14

RESOLUTION NO. 12-314
(October 09, 2012)

By Mr. Rogers, Chairman of Public Safety Committee:

CHARLOTTE SMALLWOOD-COOK DAY PROCLAIMED

WHEREAS, Charlotte Munn Licht married Edward M. Smallwood in 1943 and graduated from Cornell University (A.B.) in 1944 and from Columbia Law School (LL.B.) in 1946; and

WHEREAS, After her graduation, she and her husband Edward (Ned) Smallwood moved back to Ned's hometown of Warsaw, New York where they began to practice law as partners; and

WHEREAS, In 1949, at the age of twenty-six, Mrs. Smallwood ran for the Office of Wyoming County District Attorney. She was elected and sworn into office in January of 1950 and became the first female elected District Attorney in New York State. During her term she successfully prosecuted Wyoming County's first murder case in over forty years; and

November 13, 2012

WHEREAS, Mrs. Smallwood served one term as District Attorney before returning to a full-time law practice in Warsaw, later purchasing and moving into the Augustus Frank house on Main Street. Mrs. Smallwood and her husband Ned had two children, Edward and Susan. Mrs. Smallwood's husband Ned passed away in 1952 and in 1970, she married Frederick S. Cook; and

WHEREAS, Mrs. Smallwood-Cook has been a member of many Bar and Lawyer Associations in New York State and has received many awards. Recently receiving the Woman of Distinction Award, New York State Woman of the Year Award, and the Distinguished Career Award by the New York State District Attorney's Association; now therefore

BE IT RESOLVED, That it is with great pleasure and admiration that the Wyoming County Board of Supervisors do hereby proclaim *October 9, 2012* as:

Charlotte Smallwood-Cook Day
In Wyoming County

and be it

FURTHER RESOLVED, That this Board of Supervisors congratulates Mrs. Smallwood-Cook on her retirement and appreciates her many years of dedicated service to our community.

Carried: XXX Ayes: 1551 Noes: Absent: 48 (Pike) Abstain:

T/Orangeville Supervisor and former Wyoming County District Attorney Stout was asked to present a very special proclamation to Charlotte Smallwood-Cook. Supervisor Stout shared a funny story about Mrs. Smallwood-Cook from the days when he practiced law with her. After which he invited her to join him at the podium and presented her with the proclamation.

Upon accepting the proclamation, Mrs. Smallwood-Cook recognized the many quality and very generous attorneys working in Wyoming County. She then stated that many of which are willing to take cases without compensation. NYS Assemblyman Burling's Warsaw Representative Scott Gardner was on hand to present a NYS Assembly Citation as well.

Mike Mohun, representing the Wyoming County Bar Association invited everyone to a reception on October 23rd to celebrate Mrs. Smallwood-Cook's retirement.

There was a motion by Mr. Patti, T/Attica, to combine resolutions #15 through #17. A voice vote was taken and all voted aye.

RESOLUTION NO. 12-315
(October 09, 2012)

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT ACCEPTANCE
AWARD WITH THE 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 grant acceptance award with the New York State Unified Court System, 92 Franklin Street, 3rd Floor, Buffalo, NY 14202 on behalf of Buildings and Grounds (County Buildings). Said funding is for Court cleaning and minor repairs (Contract #300242) in an amount not to exceed sixty-two thousand five hundred nineteen dollars (\$62,519.00); effective April 01, 2012 through March 31, 2013.

Carried: XXX Ayes: 1551 Noes: Absent: 48 (Pike) Abstain:

#16

RESOLUTION NO. 12-316
(October 09, 2012)

By Mr. Patti, Chairman of Public Works Committee:

RESOLUTION NUMBER 12-168 AMENDED

WHEREAS, Resolution Number 12-168 entitled, “**CHAIRMAN AUTHORIZED TO SIGN CONTRACTS WITH SCHENNE & ASSOCIATES ON BEHALF OF THE COUNTY HIGHWAY MAINTENANCE WORKSHOP RENOVATIONS CAPITAL IMPROVEMENT PROJECT**,” passed by this Board of Supervisors on May 08, 2012 which states that the Wyoming County Board of Supervisors, on the recommendation of the Public Works Committee and Finance Committee 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 established the Wyoming County Highway Maintenance Workshop Renovations Capital Improvement Project by passage of Resolution Number 11-233, entitled, “**HIGHWAY**

November 13, 2012

MAINTENANCE WORKSHOP RENOVATIONS CAPITAL IMPROVEMENT PROJECT ESTABLISHED,” on July 12, 2011 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

WHEREAS, The Chairman of this Board with the approval of the County Attorney was authorized and directed to sign a contract with Schenne & Associates, 967 Luther Road, East Aurora, NY 14052 on behalf of this renovations project for contract plans and bid specifications in an amount not to exceed \$7,000.00; effective April 23, 2012 through the completion of project; now therefore

BE IT RESOLVED, That Resolution Number 12-168 be hereby amended to increase the Schenne & Associates contract by four thousand dollars (\$4,000.00) for drawings and bid specifications for renovations to the Highway Department buildings for a total contact amount not to exceed eleven thousand dollars (\$11,000.00); All else remains the same.

Carried: XXX Ayes: 1551 Noes: Absent: 48 (Pike) Abstain:

#17

**RESOLUTION NO. 12-317
(October 09, 2012)**

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 and awards the 5 prime contracts in connection with the Wyoming County Community Health System Renovations Project; now therefore

BE IT RESOLVED, That Resolution Number 11-255 as previously amended by Resolution Number 11-289, 12-024, 12-144, 12-167, 12-230 and 12-290 with Leo J. Roth Corp, 841 Holt Road Webster NY 14580 for: Base Bid for the WCCH renovation project increasing the amount by **\$12,318.74** to remove steel rails, repair broken drains, install metal caps, box in steel beams, build curbs, install light fixture and by **\$14,401.68** for stabilization and repair of

masonry in the area of the parapet. Work is above and beyond original contract agreement, for a total of **\$1,425,032.39** all else remains the same.

Carried: XXX Ayes: 1551 Noes: Absent: 48 (Pike) Abstain: 18
There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #18 through #22. A voice vote was taken and all voted aye.

#18

**RESOLUTION NO. 12-318
(October 09, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

**OPPOSING INCREASE OF FULL-TIME ENROLLMENT (FTE) RATE
AT GENESEE COMMUNITY COLLEGE AND URGING THE NEW
YORK STATE LEGISLATURE TO REFORM THE COMMUNITY
COLLEGE FUNDING SYSTEM**

WHEREAS, Counties in New York State are required to pay a portion of the cost of community college tuition for residents of their County; and

WHEREAS, This portion of the cost is designated as the full-time enrollment (FTE) rate and is set by each community college; and

WHEREAS, The FTE rate for Genesee Community College has doubled from \$1,100.00 to \$2,200.00 over the last two years; and

WHEREAS, The latest \$500.00 increase will result in at least a \$200,000.00 increase in the upcoming Wyoming County budget with no offsetting revenue; and

WHEREAS, New York State has ordered the state university system to conduct a study of the Community College Funding System as a result of the increased cost being incurred by county government; and

WHEREAS, A revision of the Funding System is necessary to relieve county taxpayers from unanticipated cost increases over which the elected officials have no control; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors strongly oppose the excessive increase in the FTE rate unilaterally imposed by the trustees of Genesee Community College; and be it

FURTHER RESOLVED, That the Wyoming County Board of Supervisors urges the New York State Legislature to revise the Community College Funding System to alleviate the increased costs being forced upon already burdened county taxpayers; and be it

FURTHER RESOLVED, That certified copies of this resolution be forwarded to New York State Senator Patrick Gallivan, New York State Assemblyman Daniel Burling, New York State Association of Counties, Inter-County Association of Western New York and Genesee Community College.

Carried: XXX Ayes: 1551 Noes: Absent: 48 (Pike) Abstain: #19

**RESOLUTION NO. 12-319
(October 09, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN CONTRACTS ON BEHALF OF
THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM**

BE IT RESOLVED, In accordance with Resolution Number 11-209 passed by the Wyoming County Board of Supervisors, on June 14, 2011 entitled, **“AMENDING RESOLUTION 91-159, AUTHORITY OF THE BOARD OF MANAGERS OF THE HOSPITAL,”** that the Chairman of this Board with the approval of the County Attorney and/or Hodgson Russ legal council is hereby authorized and directed to sign a contract with:

- **Press Ganey Associates, Inc.**, 404 South Bend, Indiana 46601 for a Master Services Agreement to facilitate submitting of quality indicators to CMS in an amount not to exceed \$60,489 / year; effective October 1, 2012 through December 31, 2013.
- **Abbott Medical Optics, Inc. / AMO Sales and Service, Inc.**, 1700 E. St. Andrews Place, Santa Ana, CA 92799 for the purchase of two (2) AMO Whitestar Signature Phaco Systems (Cataract surgery equipment) in an amount not to exceed \$108,300 / 2 units - per procedure payment \$72.21 add on to supply cost for a total of 1,500 cases; effective 5 year (09/2012 up to 60 months)

Contingent upon the availability of funds.

Carried: XXX Ayes: 1551 Noes: Absent: 48 (Pike) Abstain:

**RESOLUTION NO. 12-320
(October 09, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

POSITION CREATION/RECLASSIFICATION APPROVED

BE IT RESOLVED, That the following positions are hereby extended, reclassified and/or created in the following Wyoming County Departments:

Fire & Building Codes

- Create one (1) position of Building Inspector (Temporary), full time and placed on Salary Schedule "S" setting the salary at \$37,000/annually with only those benefits mandated by law; effective October 3, 2012 through November 2, 2012 to fill-in during an employee's leave of absence. There is no eligible list.

County Attorney

- Reclassify one (1) position of Secretary I (position code 009.350) on Salary Schedule "S" with an annual salary of \$27,459.00 plus benefits to a Secretary II, full time, no increase in salary; effective October 3, 2012. Provisional appointment will need to complete and pass a civil service exam and successfully complete a probationary period for this position to be appointed permanent.

Carried: XXX Ayes: 1551 Noes: Absent: 48 (Pike) Abstain:

#21

**RESOLUTION NO. 12-321
(October 09, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

SALARY SCHEDULES "S" AND "G" AMENDED

BE IT RESOLVED, That the Wyoming County Salary Plan which became effective January 01, 1967, as amended, is hereby amended as follows:

Salary Schedule "S":

Budget Office

- Set the salary of the DEPUTY BUDGET OFFICER at \$32,000.00/annually; effective January 01, 2013.

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Salary Schedule “G”:

Public Defender

- Place the 2012-2013 Office of Indigent Legal Services Stipend on the salary schedule and set the stipend as follows:
 - Asst. Public Defender (2nd) \$7,500.00

Effective June 1, 2012 through May 31, 2013

Carried: XXX Ayes: 1551 Noes: Absent: 48 (Pike) Abstain:

#22

**RESOLUTION NO. 12-322
(October 09, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

**RESOLUTION OF THE WYOMING COUNTY BOARD OF
SUPERVISORS TO SUPPORT THE CREATION AND
IMPLEMENTATION OF AN AGRICULTURE AND BUSINESS
CENTER OF EXCELLENCE**

WHEREAS, The Wyoming County Board of Supervisors made a decision early in 2012 to form a special Ad Hoc Committee to research the creation and implementation of an Agriculture Business Center of Excellence in an effort to partner Wyoming County Agriculture and Planning Agencies together to create synergies and efficiencies not possible where these agencies currently reside; and

WHEREAS, This research lead the Board of Supervisors to a local Entrepreneur and Real Estate Developer very interested in assisting the Board with an identified location and rehabilitation of a piece of property within the Village of Warsaw, NY; and

WHEREAS, The mission of the *Wyoming County Agriculture Business Center of Excellence* is to grow the dairy industry and related agribusiness in Wyoming County by increasing the efficiencies of non-profit and government organizations charged with serving these industries. This mission to grow the dairy industry locally is in direct response to Governor Andrew Cuomo’s plea to expand the dairy industry by 15% in response to the increasing demand for milk from yogurt manufacturing companies; and

WHEREAS, Agriculture is a very large and important industry in Wyoming County: 57% of total land acreage is used for farming (over 210,000 acres); ranks first in New York State in milk sales (ranking among the top 32 in the entire United States); has 750 farms in operation and over 1,000,000,000 pounds of milk are produced each year; and

WHEREAS, The Wyoming County Board of Supervisors intends to maintain the county's extensive dairy industry ranked among the largest in the United States. To assist in keeping Wyoming County competitive in the agriculture industry - and specifically in the dairy industry - the Board of Supervisors are working collaboratively with all of the economic development, not-for-profit, and government, agencies charged with supporting the agriculture industry. A critical action step is to co-locate all of these agencies into one building and create the *Wyoming County Agriculture Business Center of Excellence*; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby commits to providing space for identified economic development, not-for-profit, and government agencies charged with supporting the agriculture industry that are located in several different locations around Wyoming County in an effort to create the much needed efficiencies and synergies possible by being co-located in the same facility within Warsaw, NY; the Wyoming County seat. By co-locating these agencies it will make providing services to the community much more attainable for the general public; and be it

FURTHER RESOLVED, That the Clerk of this Board be directed to forward certified copies of this resolution to Governor Andrew Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman Daniel Burling, New York State Department of Ag. & Markets Commissioner Darrel Aubertine, Empire State Development Director of Agribusiness Development Patrick Hooker, and all others deemed necessary and appropriate.

Carried: XXX Ayes: 1551 Noes: Absent: 48 (Pike) Abstain:

Public Comment:

None registered

Supervisor Kushner commented on the local law to override the 2013 tax cap. He stated that without the Governor's promise of mandate relief Wyoming County found it necessary to override the Governor imposed tax cap in order to maintain services to Wyoming County residents. He stated that basically what the override means is an additional \$25 on a \$100,000 house.

Then Supervisor Kushner stated that the salary increases being approved today are as a result of a salary survey recently conducted to bring these titles more in line with other counties of similar size and function.

Chairman Berwanger stated that 120% of the tax levy goes toward the 9 NYSAC identified state mandated programs from the 9 for 90 campaign of 2010.

Motion to close the Public Hearing was made by Supervisor Davis, T/Covington. Seconded by Supervisor Brick, T/Perry. Carried.

**Local Law
#23**

**RESOLUTION NO. 12-323
(October 09, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

LOCAL LAW NO. 3 (INTRODUCTORY C) - YEAR 2012, “*A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-C for Fiscal Year 2013*,” ADOPTED

WHEREAS, There was duly presented and introduced at a meeting of this Board, held on the 11th day of September, 2012, a proposed local law of the County, designated as Local Law Introductory No. C, for the year 2012, entitled, “*A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-C for Fiscal Year 2013*”; and

WHEREAS, In accordance with the provisions of Resolution No. 12-296, there was a public hearing held by this Board of Supervisors on this 9th day of October, 2012, 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. C, Year 2012, County of Wyoming, New York, as presented to this Board on the 9th day of October 2012, is hereby adopted, enacted and passed by this Board in its original form as follows:

LOCAL LAW NO. 3 - YEAR 2012

Regular Session

A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-C for Fiscal Year 2013

Section 1. Legislative Intent

The slow recovery of the national and state economies and the continued financial obligations imposed on the County of Wyoming by New York State in the form of mandated governmental services not fully funded by the State are conditions beyond the control of County government. Notwithstanding these circumstances, the County will need to provide services in 2013, in addition to those mandated by the State, which are important to our citizens.

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the County of Wyoming pursuant to General Municipal Law §3-c, and to allow the County of Wyoming to adopt a budget for the fiscal year 2012 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c, and to allow the County of Wyoming to adopt a budget for the fiscal year 2013 that requires a real property tax levy in excess of the “tax levy limit” defined by General Municipal Law §3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the county legislature to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the county legislature.

Section 3. Tax Levy Limit Override

The Wyoming County Board of Supervisors, is hereby authorized to adopt a budget for the fiscal year 2013 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted 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 separation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

Carried: XXX Ayes: 1551 Noes: Absent: 48 (Pike) Abstain:

**Local Law
#24**

**RESOLUTION NO. 12-324
(October 09, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

LOCAL LAW NO. 4 (INTRODUCTORY D) - YEAR 2012, "County of Wyoming, Providing Salaries for Certain County Officers for the year 2013,"
ADOPTED

WHEREAS, There was duly presented and introduced at a meeting of this Board, held on the 11th day of September, 2012, a proposed local law of the County, designated as Local Law Introductory No. D, for the year 2012, entitled, "County of Wyoming, Providing Salaries for Certain County Officers for the year 2013;" and

WHEREAS, In accordance with the provisions of Resolution No. 12-297, there was a public hearing held by this Board of Supervisors on this 9th day of October, 2012, 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. D, Year 2012, County of Wyoming, New York, as presented to this Board on the 8th day of May 2012, is hereby adopted, enacted and passed by this Board in its amended form as follows:

**LOCAL LAW NO. 4 - YEAR 2012
County of Wyoming, Providing Salaries for Certain County Officers
for the year 2013**

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 \$2,000.00.

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Section 2. Effective as hereafter provided, the annual salary of the County Sheriff shall be increased by \$2,000.00.

Section 3. Effective as hereafter provided, the annual salary of the County Clerk shall be increased by \$4,067.00.

Section 4. Effective as hereafter provided, the annual salary of the Director of Fire and Emergency Management shall be increased by \$3,500.00.

Section 5. Effective as hereafter provided, the annual salary of the Director of Real Property Tax Service shall be increased by \$1,000.00.

Section 6. Effective as hereafter provided, the annual salary of the Commissioner of Social Services shall be increased by \$2,000.00.

Section 7. Effective as hereafter provided, the annual salary of the Director of Veteran's Services shall be increased by \$660.00.

Section 8. All salaries set forth above shall be effective as of January 01, 2013.

Section 9. 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 10. This Local Law is subject to permissive referendum.

Carried: XXX Ayes: 1551 Noes: Absent: 48 (Pike) Abstain:

After the roll call vote was taken Chairman Berwanger informed members of the press that he would provide a white paper prepared by Bill Maddison relating to resolution number 22 and invited Finance Committee Chair Kushner to the podium to make a special presentation to the Board Clerk for attaining the Certified Municipal Clerk designation through Cornell University. Prior to adjourning the meeting Chairman Berwanger reminded attendees to stay for cake in the Supervisors' Committee room.

There being no further business to come before this Board, Senior Supervisor Fleischman, T/Java, adjourned the meeting at 3:32 PM with a rap on his desk.

Respectfully submitted,



Cheryl J. Ketchum, Board Clerk

November 13, 2012

**REGULAR SESSION
(November 13, 2012)**

Tuesday

2:00 PM

The regular session of the Wyoming County Board of Supervisors was held in the Supervisors' Chambers at the Wyoming County Government Center located in Warsaw, New York with all Supervisors present except Supervisor Brick, T/Perry. Also present were Assistant County Attorney, James Wujcik; Deputy Budget Officer, Beth Pond; and Clerk to the Board of Supervisors, Cheryl Ketchum.

At 2:38 PM Chairman Berwanger, T/Arcade, called the meeting to order. The Veteran leading the Pledge of Allegiance this month is:

Donald R. Kensinger

Mr. Kensinger's service to his country comes while serving during World War II. Mr. Kensinger enlisted in the United States Army on September 16, 1943. He took his Basic Training at Camp Davis in North Carolina and became qualified on Anti-Aircraft Guns.

Mr. Kensinger continued his training at West Hampton Beach, Long Island and was trained on $\frac{1}{2}$ Track Vehicles. He was then sent to Camp Maxey in Paris, Texas where he completed additional Infantry Training and assigned to Jones Beach, Long Island in preparation to be shipped overseas. Mr. Kensinger spent an additional 6 months at Jones Beach in security, after 2 German spies had been captured at the coast. He was then shipped overseas and assigned to F Company of the 15th Infantry Regiment, functioned as a radio operator and participated in the Battle of Nuremburg. Mr. Kensinger and his unit then proceeded to Munich, Germany and were present for the signing of the treaty at Salzburg, Austria. While in Germany, he was able to go to the "Eagles Nest", which was Hitler's Retreat Center.

Mr. Kensinger worked as a Supply Sergeant for the remainder of his tour. He returned to the United States and was Honorably Discharged at Ft. Dix, New Jersey on April 29, 1946 at the rank of Staff Sergeant.

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

**The American Campaign Medal
The European-African-Middle Eastern Campaign Medal
The World War II Victory Medal
The Army Good Conduct Medal**

Following his service to this country, Mr. Kensinger returned to this area and enrolled in a Radio School at Buffalo Tech. While attending school, he also drove school bus for Ray Hoyt. Mr. Kensinger then worked for Simons Heating and Plumbing for about a year, then went to work for a contractor installing barn roofs. He also operated his own roofing business for several years. In 1964, Mr. Kensinger went to work for Fleet Bank in Buffalo as the Supervisor of Maintenance and Repair which took care of 40 buildings. Mr. Kensinger worked for Fleet Bank for 23 years, until his retirement in 1987.

Mr. Kensinger has also been active in his community. He is a past member of the Strykersville Fire Department and a 60 year member of Six Star Post #637 of the American Legion. Mr. Kensinger enjoys golf. He has been married to his wife, Joan, for 60 years and they live in the village of Strykersville.

The pledge was said by all.

Chairman Berwanger invited Supervisor Knab, T/Sheldon to join him in presenting Mr. Kensinger with the customary certificate of appreciation and an opportunity to address the Board. Mr. Kensinger declined the opportunity to address the Board but was grateful for the invitation to lead in the pledge.

There was a brief interruption of the meeting as the press took pictures.

Communications

- **United States Congresswoman Hochul** ~ Letter dated October 31, 2012 to Chairman Berwanger ~ *Acknowledging receipt of Resolution Number 12-271, entitled ‘RESOLUTION IN OPPOSITION TO THE CLEAN WATER ACT DRAFT GUIDANCE PROPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA)’*

#1

RESOLUTION NO. 12-325
(November 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2012 ACCOUNTS
BE IT RESOLVED, That funds are hereby transferred to the various 2012 accounts as follows:

Wyoming County Community Hospital			
From: 02.56.4510.8.81001 Retirement	\$190,170.		
To: 02.56.4510.8.89999 Prior Year Fringe	76	\$190,170.	
Reason: IRS Audit findings		76	
Wyoming County Community Hospital Total			\$190,170.76

November 13, 2012

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#2

RESOLUTION NO. 12-326
(November 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

FUNDS APPROPRIATED TO VARIOUS 2012 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2012 accounts as follows:

Treasurer			
To: 01.50.9089.8.89999 Prior Year Fringe <i>w/any funds available</i>	\$23,722.91	\$23,722.91	
Reason: IRS Audit findings			
Treasurer Total			\$23,722.91
Public Defender			
To: 01.32.1171.4.40902 Legal Services w/01.11.1171.3089 Other State Aid - IPP	\$58,000.00	\$58,000.00	
Reason: Indigent Parolee Program Funds			
Public Defender Total			\$58,000.00
Wyoming County Community Health System - CIP			
To: 08.56.4510.4.42706 Plumbing - Bell 08.56.4510.4.42707 Mechanical – Lawman 08.56.4510.4.42708 Electrical w/08.14.4510.5710 Serial Bonds	\$329,691.00 1,303,319.71 <u>1,810,000.00</u>	\$3,443,010.71	
Reason: additional funds required for the WCCH Project Completion			
To: 08.56.4511.4.42703 General Construction 08.56.4511.4.42706 Plumbing - Ackerman 08.56.4511.4.42707 Mechanical - Parise 08.56.4511.4.42708 Electrical – Concord 08.56.4511.4.42715 Chiller Replacement w/08.14.4511.5710 Serial Bonds	\$5,684.00 13,062.75 2,000.00 3,074.54 <u>33,168.00</u>	\$56,989.29	
Reason: additional funds required for the SNF Project Completion			
Wyoming County Community Health System- CIP Total			\$3,500,000.00

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Youth Bureau			
To: 01.45.7310.4.42436 Youth Court/ OMEGA w/01.03.7310.1289 – Other Dept Income increased by same Reason: To pay for Bully Intervention Program	\$ 180.00	\$ 180.00	
Youth Bureau Total			\$180.00
Mental Health			
To: 01.38.4324.4.41202 Printing 01.38.4324.4.42441 Misc. MH Prog. w/01.03.4324.1289 Other Dept. Rev. incr. by Reason: MHANYS Suicide Prevention Grant (Grant application & acceptance approved Resolution #12-222 on 07/10/12).	\$83.00 <u>3,917.00</u>	\$4,000.00	
Mental Health Total			\$4,000.00
Sheriff			
To: 01.37.3112.4.40009F Cell Phones 01.37.3112.4.40016F Internet 01.37.3112.2.20201F Computer Equip w/01.12.3112.43890F Homeland Security Reason: For LE11-1027-E00 Homeland Security Grant	\$3,100.00 \$28,800.00 <u>\$7,646.00</u>	\$39,546.00	
Sheriff Total			\$39,546.00
Jail			
To: 01.37.3150.1.10301 Overtime <i>w/any funds available</i> Reason: needed to cover shortfall to the end of the year	\$65,000.00	\$65,000.00	
Jail Total			\$65,000.00
Emergency Services			
To: 01.37.3645.2.20401C Misc. Equipment 01.37.3645.2.23001C Motor Vehicles w/01.12.3645.43890C C974610 SHSP 2011 Reason: 2011 State Homeland Security Grant Funds	\$15,400.00 <u>62,054.00</u>	\$77,454.00	
Emergency Services Total			\$77,454.00

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

Mr. Knab, T/Sheldon, Chairman of the Audit Committee, presented bills totaling **\$2,202,287.28** for the month of **October 2012**.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#3

RESOLUTION NO. 12-327
(November 13, 2012)

By Mr. Davis, Chairman of Human Resource Committee:

COUNTY CLERK FEE SCHEDULE APPROVED

November 13, 2012

BE IT RESOLVED, That the current Wyoming County Clerk's Office Fee Schedule is hereby revised to include updated fees and annexed hereto; effective December 01, 2012.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

Resolution number 4 was withdrawn.

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

#4

**RESOLUTION NO. 12-
(November 13, 2012)**

By Mrs. Totsline, Chairman of Human Services Committee:

RESOLUTION NUMBER 12-160 AMENDED

WHEREAS, Resolution Number 12-160 entitled, "CHAIRMAN AUTHORIZED TO SIGN VARIOUS PRE-SCHOOL RELATED SERVICES AND/OR PRE-SCHOOL SPECIAL EDUCATION SERVICES CONTRACTS ON BEHALF OF THE COUNTY YOUTH BUREAU," passed by this Board of Supervisors on May 08, 2012 and provides for various Pre-School Related Services and/or Pre-School Special Education Services(as noted) in an amount not to exceed budgeted amount, variable depending on number of services performed; effective July 01, 2012 through June 30, 2015; now therefore

BE IT RESOLVED, That Resolution Number 12-160 be hereby amended to include NYSED Approved Special Education Itinerant Teacher services for 2 months of summer sessions in an amount not to exceed 2012 budget dependent upon services provided; effective July, 2012 through August 31, 2012; All else remains the same.

Carried: Ayes: Noes: Absent: Abstain:

#5

**RESOLUTION NO. 12-328
(November 13, 2012)**

By Mrs. Totsline, Chairman of Human Services Committee:

CHAIRMAN AUTHORIZED TO SIGN GRANT APPLICATIONS AND ACCEPTANCE AWARDS WITH NEW YORK STATE OFFICE FOR THE AGING ON BEHALF OF WYOMING COUNTY OFFICE FOR THE AGING

Regular Session

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign the following application and acceptance awards with the New York State Office for the Aging on behalf of Wyoming County Office for the Aging:

- Funding for the creation of a more creative coordinated system that will inter-connect existing programs and services relative to the “core components” in place through NY Connects and to build “dementia capability” into the NY Connects system in a minimum amount of thirty-six thousand eight hundred dollars (\$36,800.00); effective April 01, 2012 through September 30, 2014
- Funding for Title IIIB, C1, C2, E” EISEP, CSE, CSI, SNAP, HIICAP, WRAP, Transportation in a minimum amount of five hundred eighty-seven thousand one hundred sixty-one dollars (\$587,161.00) (varies by grant); effective January 1, 2013 through December 31, 2013 and April 01, 2013 through March 31, 2014.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#6

RESOLUTION NO. 12-329
(November 13, 2012)

By Mrs. Totsline, Chairman of Human Services Committee:

ADOPTION AWARENESS MONTH PROCLAIMED

WHEREAS, November 2012 is National Adoption Awareness Month and is designed to provide us with an opportunity to acknowledge the families and staff who are involved in adoption activities throughout the year. The focus this year is on those children currently in foster care; and

WHEREAS, Deciding to open their hearts and homes to a child, adoptive and foster care families demonstrate great compassion and provide hope and love to these children. National Adoption Awareness Month and Adoption Day help to raise public awareness of the fact that there are children available who are waiting for caring families; and

WHEREAS, There are approximately 38 children in Wyoming County currently in foster care. The valuable contributions of foster care and adoptive parents are recognized as they continually strive to improve the quality of life for the children brought into their lives; now therefore

BE IT RESOLVED, That November 2012 is hereby proclaimed

November 13, 2012

NATIONAL ADOPTION MONTH

in Wyoming County; and be it

FURTHER RESOLVED, That it is the desire of this Board of Supervisors and Wyoming County Department of Social Services that all children awaiting adoption in Wyoming County and beyond find permanent and loving homes.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

Public Health Committee Chair Ryan T/Warsaw instructed the Clerk to withdraw resolution office # 9 from consideration and made a motion to combine resolutions #8 through #10 minus #9. A voice vote was taken and all voted aye.

Prior to the roll call vote Supervisor Kushner, T/Eagle spoke to resolution office number 10 stating that the Board supports New York State's efforts to transition from the current Bureau of Emergency Medical Services curricula to the National Educational Standards, however, the Board is in opposition to the method by which the state is implementing the new standards. The state Department of Health has told instructors that they can go on-line to obtain all of the materials that they need to teach the course and that instructors can create their own curriculum.

Supervisor Kushner warned that this method would not adequately prepare students for the state exams they are required to pass in order to become certified and that there would be no standard of excellence statewide. Instructors need a curriculum guide in order to prepare their classes.

This Board recognizes the many hours of dedicated hard work volunteers and trainers donate to provide emergency medical services to their community. Supervisor Kushner, T/Eagle pointed out that many of these volunteers live in rural communities where internet access is unavailable.

Director of Fire and Emergency Management, Anthony Santoro echoed Supervisor Kushner's concerns.

#7

**RESOLUTION NO. 12-330
(November 13, 2012)**

By Mrs. Ryan, Chairman of Public Health Committee:

Regular Session

**CHAIRMAN/COMMISSIONER OF HEALTH AUTHORIZED TO
SIGN A GRANT APPLICATION AND ACCEPTANCE AWARD WITH
THE NEW YORK STATE DEPARTMENT OF HEALTH, BUREAU OF
EARLY INTERVENTION 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 Early Intervention, ESP Corning Tower, Albany, NY 12237 on behalf of the County Health Department. Said grant funding is for Early Intervention Administration Services by the Wyoming County Youth Bureau, in a minimum amount of twenty-four thousand eight hundred sixty-one dollars (\$24,861.00); effective October 1, 2012 through September 30, 2013.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#8

**RESOLUTION NO. 12-331
(November 13, 2012)**

By Mrs. Ryan, Chairman of Public Health Committee:

**CHAIRMAN/COMMISSIONER OF HEALTH AUTHORIZED TO SIGN
A SUB-AGREEMENT WITH LIVINGSTON COUNTY HEALTH
DEPARTMENT ON BEHALF OF THE COUNTY HEALTH
DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney are hereby authorized and directed to sign a Sub-Agreement with the Livingston County Health Department, 2 Murray Hill Drive, Mt. Morris, NY 14510 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 a maximum amount of thirty-eight thousand one hundred seventeen dollars (\$38,117.00); effective April 01, 2012 through March 31, 2013; fully reimbursed by Cancer Services Program Infrastructure Grant funds paid by the University of Rochester.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

November 13, 2012

RESOLUTION NO. 12-
(November 13, 2012)

By Mrs. Ryan, Chairman of Public Health Committee:

**SET PUBLIC HEARING – INTRODUCTORY LOCAL LAW NO. F
YEAR 2012**

WHEREAS, There has been duly presented and introduced at a meeting of this Board of Supervisors of Wyoming County on this 13th day of November, 2012, a proposed local law entitled, "Local Law Introductory No. F Year 2012, "A LOCAL LAW BANNING THE SALE AND POSSESSION OF THE SYNTHETIC DRUG KNOWN AS BATH SALTS," 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 11th day of December, 2012 at 2:30 PM in the Supervisors' Chambers, 2nd Floor of the Wyoming County Government Center, 143 North Main Street, Warsaw, New York.

Carried: Ayes: Noes: Absent: Abstain:

INTRODUCTORY LOCAL LAW NO. F - YEAR 2012

"A Local Law Banning the Sale and Possession of the Synthetic Drugs Known as Bath Salts"

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

Section 1. Name of Local Law.

This law shall be known as "The Wyoming County Ban on the Sale and Possession of the Synthetic Drugs Known as *Bath Salts*."

Section 2. Legislative Intent.

The Wyoming County Board of Supervisors hereby finds and determines that a new type of product has recently become widely available in the United States which is being marketed as "bath salts". The Wyoming County Board of Supervisors further finds and determines that these "bath salts" are actually powdered synthetic cocaine intended for ingestion as a hallucinogen but are marketed specifically to avoid federal regulations. In addition to being marketed as "bath salts", these chemicals are being marketed as plant food,

glass cleaner, insect repellent, and stain remover. These products are available throughout storefront retailers, online retailers, and indirectly through other individuals. The Wyoming County Board of Supervisors also finds and determines that these "bath salts" contain certain chemical compounds that are structurally similar to the controlled substance Cathinone, and produce effects similar to those caused by cocaine and amphetamines. "Bath salts" contain one or more of the following synthetic chemicals:

- 3,4-Methylenedioxymethcathinone (Methylone);
- 4-Methoxymethcathinone;
- 3-Fluoromethcathinone;
- 4-Fluoromethcathinone;
- Ethylpropion (Ethcathinone);
- 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E)
- 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D)
- 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C)
- 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I)
- 2[4-(Ethylthio)-2,5-dimethoxyphenyllethanamine (2C-T-2)
- 2[4-(Isopropylthio)-2,5-dimethoxyphenyllethanamine (2C-T-4)
- 2-(2,5-Dimethoxyphenylflethanamine (2C-H)
- 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N)
- 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P.)

Human consumption of "bath salts" and similar products containing these chemicals can cause hallucinations, psychosis, increased heart rate, chest pain, agitation, anxiety, extreme paranoia, delusions, suicidal thoughts, violent behavior, nausea and vomiting. Use of these chemicals has also been linked to violent crime and suicide throughout New York and the United States. Many counties, towns and local municipalities across the United States have banned the sale of these chemicals. The Wyoming County Board of Supervisors further determines that Wyoming County should ban the sale and possession of these chemicals and any products containing these chemicals or any compound that has a chemical structure that is substantially similar to these compounds to protect the health, safety and welfare of Wyoming County residents.

Section 3. Definitions.

As used in this law, the following terms shall have the meanings indicated:

"PERSON" shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint-stock association or other entity or business organization of any kind.

Section 4. Prohibitions.

No person shall sell, offer for sale or possess the chemicals or substances containing the chemicals within the County of Wyoming:

- 3,4-Methylenedioxymethcathinone (Methylone);
- 4-Methoxymethcathinone;
- 3-Fluoromethcathinone;
- 4-Fluoromethcathinone;
- Ethylpropion (Ethcathinone);
- 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C—E)
- 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C—D)
- 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C)
- 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (20-I)
- 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2)
- 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4)
- 2-(2,5-Dimethoxyphenyl)ethanamine (2C--H)
- 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N)
- 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P.); and any compound that has a chemical structure that is substantially similar to these compounds.

Section 5. Penalties.

Any person who knowingly violates the provisions of this article shall be guilty of an unclassified misdemeanor punishable by a fine of up to \$1,000 and/or up to one year's imprisonment.

Section 6. Applicability.

This law shall apply to all action occurring on or after the effective date of this law.

Section 7. Reverse Preemption.

This law shall be null and void on the date that statewide or federal legislation goes into effect incorporating either the same or substantially similar provision as are contained in this article, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Wyoming. The County Board of Supervisors may determine via Resolution whether or not identical or substantially similar statewide or federal legislation has been enacted for the purposes of triggering the provisions of this section.

Section 8. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order 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 in its application to the person, individual corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 9. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

#10

RESOLUTION NO. 12-332
(November 13, 2012)

By Mrs. Ryan, Chairman of Public Health Committee:

**RESOLUTION IN OPPOSITION TO NEW YORK STATE
DEPARTMENT OF HEALTH BUREAU OF EMERGENCY MEDICAL
SERVICES FOR RECENT SIGNIFICANT CHANGES TO THE EMS
TRAINING STANDARDS**

WHEREAS, New York State Department of Health has recently required a transition from the current Bureau of Emergency Medical Services curricula, to the National Educational Standards. The qualifications and training of emergency medical professionals should unquestionably be of the highest standard. Aligning New York's standards to National EMS Educational Standards is a commendable course of action; and

WHEREAS, The Wyoming County Board of Supervisors supports New York State's efforts to transition to the National EMS Educational Standards and believes it a beneficial direction to move in. However, the implementation, as currently proposed, threatens the viability of the volunteer EMS system in Wyoming County; and

WHEREAS, In the past, whenever the State Education Department changed its curriculum they gave teachers new guidelines to adjust the scope and sequence of their instruction to meet the new standards. EMS Instructors need a curriculum guide and course schedule from the New York State Department of Health to ensure continuity across New York State and allow instructors to gain some knowledge of testing requirements by the state; and

November 13, 2012

WHEREAS, It is essential that supports are in place to assist emergency responders, EMS instructors and our community with this significant transition. Without a timed phase-in plan for the updated regulations and additional support for impacted communities, rural counties, including Wyoming County will be faced with a catastrophic shortage of instructors and emergency responders; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors is hereby opposed to the current implementation schedule and lack of supporting curriculum set forth by the New York State Department of Health for transitioning from the current Bureau of Emergency Medical Services curricula to the National Educational Standards and urges state law makers to take whatever actions necessary to implement a timed phase-in plan for the updated regulations and provide additional support for impacted communities; and be it

FURTHER RESOLVED, That the Clerk to this Board is hereby instructed to send certified copies of this resolution to New York State Governor Andrew Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman Daniel Burling, Inter-County Association of Western New York and the New York State Association of Counties.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

After the roll call vote was taken for resolution Office #7 through 10, minus 9 Chairman Berwanger invited Supervisor Totsline to the podium to present the Adoption Awareness Month proclamation.

Supervisor Totsline, in turn invited Commissioner Rumsey to join her at the podium. The Commissioner read the proclamation out load and thanked Supervisor Totsline for the presentation.

Prior to the presentation of the Planning Committee Meeting resolutions Chairman Berwanger invited Supervisor Rogers, T/Pike and former Executive Director of Cornell Cooperative Extension of Wyoming County to make a special presentation on behalf of the Agriculture Committee.

Executive Director, Shawn Tiede was presented with a Certificate of Recognition for achieving the

***National Association of Extension 4-H Agents
(NAE4-HA) Excellence in Camping Award***

This award is given in recognition of outstanding efforts in youth development through 4-H camping, practice, evaluation, and research and is a national

recognition after peers from the state 4-H educators association submit nominations for this award as it advances through state and regional levels.

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

#11

RESOLUTION NO. 12-333
(November 13, 2012)

By Mr. Fleischman, Chairman of Planning Committee:

**MARK MERRILL REAPPOINTED TO THE
 AG AND FARMLAND PROTECTION BOARD**

BE IT RESOLVED, That Mark Merrill (Bank of Castile), 5442 Sheppard Rd, Bliss, NY 14024 be hereby reappointed to the Ag & Farmland Protection Board as the Agri-Businessman representative for a term of four (4) years; effective January 1, 2013 through December 31, 2016.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#12

RESOLUTION NO. 12-334
(November 13, 2012)

By Mr. Fleischman, Chairman of Planning Committee:

**MEMBERS APPOINTED/REAPPOINTED TO THE
 WYOMING COUNTY PLANNING BOARD**

BE IT RESOLVED, That the following members are hereby appointed/reappointed to the Wyoming County Planning Board:

Voting Members

Three (3) year term effective January 1, 2013 through December 31, 2015

- David Dutton, (T/Arcade) 136 Liberty Street, Arcade, NY 14009
- Jan Vrooman (T/Castile) 4356 Lakeshore Drive, Castile, NY 14427
- Roger Weiss (T/Eagle) 3917 Route 39, Bliss, NY 14024
- Ronald Lathan (T/Covington) 543 Pav.-Warsaw Rd, Wyoming, NY 14591
- Walter Stevens, (T/Bennington) 67 Clinton St., Alden, NY 14004

Three (3) year unexpired vacant term through December 31, 2013

- Thomas John Suto (T/Orangeville) 2932 Royce Road, Varysburg, NY 14167 (replacing the recently deceased Mel Kensinger)

Alternate Members

Alternate Member #1

One (1) year term effective January 1, 2013 through December 31, 2013

- Lee Frette (T/Perry), 3692 Shearman Road, Perry, NY 14530

Alternate Member #2

One (1) year term effective January 1, 2013 through December 31, 2013

- Gerald R. Pfeifer, (T/Warsaw) 261 Linwood Avenue, Warsaw, NY 14569

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#13

**RESOLUTION NO. 12-335
(November 13, 2012)**

By Mr. Fleischman, Chairman of Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT ACCEPTANCE
AWARD WITH THE NEW YORK STATE DEPARTMENT OF STATE
ON BEHALF OF THE WYOMING COUNTY COUNTYWIDE WATER
AGENCY**

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 Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001 on behalf of a Wyoming County Countywide Water Agency. Said Local Government Efficiency Grant funding is for implementation of a newly formed agency, equipment and supplies in a minimum amount of two hundred twelve thousand dollars (\$212,000.00); effective April 01, 2011 through March 31, 2014.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

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

Prior to the roll call vote being taken Chairman Berwanger referred to the two resolutions increasing departmental fees. Fees have not been increased in a

number of years and through the efforts of the Department Heads and Standing Committees it was decided that several modest increases were in order.

Supervisor Rogers stated that the increases for the Fire and Building Code Enforcement Department are to help offset the cost of two newly created Fire Safety Inspectors to handle the state mandated and unfunded fire safety inspections required by the New York State Uniform Fire Prevention And Building Code.

#14

RESOLUTION NO. 12-336
(November 13, 2012)

By Mr. Rogers, Chairman of Public Safety Committee:

CHAIRMAN AUTHORIZED TO AWARD BID AND SIGN A CONTRACT WITH UPSTATE CHEVROLET OLDSMOBILE ON BEHALF OF THE 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 award a bid and sign a contract with Upstate Chevrolet Oldsmobile, 36 Main St, Attica, NY 14011 on behalf of the Sheriff's Department. Said bid award is for the purchase of a 2012 Chevrolet Impala in an amount not to exceed \$5,335.00 with trade-in; effective October 15, 2012.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#15

RESOLUTION NO. 12-337
(November 13, 2012)

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 THE OFFICE OF HOMELAND SECURITY ON BEHALF OF THE WYOMING COUNTY SHERIFF'S DEPARTMENT

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized to sign a grant application and acceptance award with the New York State Division of Office of Homeland

November 13, 2012

Security, 1220 Washington Avenue, State Office Building Campus, Building 7A, Suite 710, Albany, NY 12242 on behalf of Emergency Services. Said State Homeland SLETPP 2012 funding is in a minimum amount of seventeen thousand two hundred fifty dollars (\$17,250.00); effective September 01, 2012 through August 31, 2014.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#16

RESOLUTION NO. 12-338
(November 13, 2012)

By Mr. Rogers, Chairman of Public Safety Committee:

2013 STOP-DWI PLAN APPROVED

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign the following various Stop DWI contracts and agreements for 2013; effective January 01, 2013 through December 31, 2013:

- **Governors Traffic Safety Committee**, 6 Empire Plaza, Room 414, Albany, NY 12228 for the provision of the 2013 STOP-DWI Plan Agreement in a minimum amount of one hundred twenty-seven thousand one hundred dollars (\$127,100.00).
- **Sheriff's Department**
 - \$4,500.00 for DWI Coordinator, Deputy DWI Coordinator and Stop DWI Plan Secretarial Services;
 - \$6,500.00 for DWI enforcement patrols and specific expenses listed in paragraph no. 4 of the contract
- **District Attorney's Office**
 - \$58,000.00 for Prosecution of DWI cases;
 - \$5,000.00 for Secretarial services in relation to prosecution of DWI cases,
- **Probation Department**
 - \$14,000.00 for Pre-trial Release Program services,
 - \$8,000.00 for Pre-trial Release Program Coordinator services,
- **Mental Health**
 - \$10,000.00 for Alcoholism treatment and Case Management Services
- **Various Memorandums of Understanding with the following Police Departments:**

- **Arcade Police Department** (\$4,000.00) for DWI enforcement patrols and specific expenses listed in paragraph no. 4 of the contract.
- **Attica Police Department** (\$4,000.00) for DWI enforcement patrols and specific expenses listed in paragraph no. 4 of the contract.
- **Perry Police Department** (\$4,000.00) for DWI enforcement patrols and specific expenses listed in paragraph no. 4 of the contract.
- **Warsaw Police Department** (\$4,000.00) for DWI enforcement patrols and specific expenses listed in paragraph no. 4 of the contract.

Contingent on the availability of funds.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#17

RESOLUTION NO. 12-339
(November 13, 2012)

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS GRANT
 APPLICATIONS AND ACCEPTANCE AWARDS 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 various grant applications and acceptance awards on behalf of Wyoming County Emergency Services as follows:

- **New York State Division of Office of Homeland Security and Emergency Services**, 1220 Washington Avenue, State Office Building Campus, Building 7A, Suite 710, Albany, NY 12242

- 2011 State Homeland Security Program in a minimum amount of seventy-seven thousand four hundred fifty-four dollars (\$77,454.00); effective September 01, 2011 through August 31, 2014.
- 2012 State Homeland Security Program in a minimum amount of fifty-one thousand seven hundred fifty dollars (\$51,750.00); effective September 01, 2012 through August 31, 2014.

- **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** for reimbursement of certain costs associated with the provision of Wireless 911 services in a minimum amount of twenty-two thousand three hundred seventy-seven dollars (\$22,377.00); effective April 1, 2012 through March 31, 2015.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#18

**RESOLUTION NO. 12-340
(November 13, 2012)**

By Mr. Rogers, Chairman of Public Safety Committee:

RESOLUTION NUMBER 12-312 AMENDED

WHEREAS, Resolution Number 12-312 entitled, “**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND ACCEPTANCE AWARD WITH THE NEW YORK STATE OFFICE OF HOMELAND SECURITY AND EMERGENCY SERVICES ON BEHALF OF WYOMING COUNTY EMERGENCY SERVICES**,” passed by this Board of Supervisors on October 09, 2012 and provides for grant funding for the 2012 State Homeland Security Program in a minimum amount of sixty-nine thousand dollars (\$69,000.00); effective September 01, 2012 through August 31, 2014; now therefore

BE IT RESOLVED, That Resolution Number 12-312 be hereby amended to reflect corrected funding amounts of \$51,750.00 for Emergency Management and \$17,250.00 for the Sheriff’s Department Law Enforcement portion. \$69,000.00 is the total amount of the grant award; All else remains the same.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#19

**RESOLUTION NO. 12-341
(November 13, 2012)**

By Mr. Rogers, Chairman of Public Safety Committee:

FIRE AND BUILDING CODE ENFORCEMENT FEE SCHEDULE APPROVED

Regular Session

BE IT RESOLVED, That the current Wyoming County Fire and Building Code Enforcement Department Fee Schedule is hereby revised to include updated fees and annexed hereto; effective January 01, 2013.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

After the passage of resolutions #14 through #19 Chairman Berwanger asked that the Director of Emergency Services along with the Supt. of County Highways give a brief update on the impact of Super Storm Sandy on Wyoming County.

In the recovery effort, Wyoming County was contacted about a week ago to provide equipment to the New York City area to assist with clean up efforts. Both Department Heads rallied County Resources and Employees who were willing to deploy at a moments notice. Supt. Gadd reported that the call for help was answered very quickly by many County Highway employees, a true testament to the character of Wyoming County employees!!

It was reported later that Wyoming County was instructed to “stand down” and they were never deployed...

Supervisor Tarbell, T/Castile agreed. Wyoming County Emergency Responders are second to none. There was never a challenge or 2nd guess by the volunteers that helped the day of the fatal Castile fire.

There was a motion by Mr. Patti, T/Attica, to combine resolutions #20 through #22. A voice vote was taken and all voted aye

#20

RESOLUTION NO. 12-342
(November 13, 2012)

By Mr. Patti, Chairman of Public Works Committee:

CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH JOHN W. DANFORTH COMPANY ON BEHALF OF BUILDINGS AND GROUNDS (COUNTY BUILDINGS) AND WYOMING COUNTY COMMUNITY HEALTH SYSTEM

WHEREAS, Energy performance contracting is an innovative financing technique authorized by New York State Energy Law, Article IV, §101 that uses cost savings from reduced energy consumption to repay the cost of installing energy conservation measures. This technique allows building users to achieve energy savings without upfront capital expenses. The costs of

the energy improvements are borne by the performance contractor and paid back out of the energy savings; and

WHEREAS, The program is accompanied with a guaranteed energy savings that obligates the contractor to pay the difference if at any time the savings fall short of the guarantee. There is little risk to the County of Wyoming except for energy costs; now therefore

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with John W. Danforth Company (Danforth), 930 Old Dutch Road, Victor, NY 14564 on behalf of Buildings and Grounds (County Buildings) and the Wyoming County Community Health System. Said contract is for an energy performance contract not to exceed \$2.1 million effective immediately, pending financing and upon full contract execution; effective through Dec. 31, 2014.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#21

RESOLUTION NO. 12-343
(November 13, 2012)

By Mr. Patti, Chairman of Public Works Committee:

POSITION EXTENSION APPROVED

BE IT RESOLVED, That the following position within the County Highway Department is hereby extended:

- ***Motor Equipment Operator*** (position code #086.163) through December 31, 2012

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#22

RESOLUTION NO. 12-344
(November 13, 2012)

By Mr. Patti, Chairman of Public Works Committee:

TRAFFIC SAFETY BOARD MEMBERS APPOINTED/REAPPOINTED

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 14, 2012 through November 13, 2015:

- **Paul Korzelius** (*Town of Eagle*), 4201 Hillside Rd., Bliss NY 14024
- **Gary Rinehart** (*Town of Gainesville*), 18 S. Main St, Silver Springs NY 14550
- **Gary Vasile**, (*Town of Genesee Falls*), 6641 Pike Street, Portageville, NY 14536
- **Ronald George** (*Town of Java*), 4885 Coby Road, North Java, NY 14113
- **John Hurst** (*Town of Middlebury*), 51 Main Street, Wyoming, NY 14591
- **Harry Pankow** (*Town of Castile*), 5878 Glen Iris Rd., Castile, NY 14427 (to fill the unexpired term left vacant with the passing of Burdette Randall).

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #23 through #40. A voice vote was taken and all voted aye.

Supervisor Kushner asked that the Clerk read Resolution #26 in its entirety. He further stated that the Chairman would carry the Proclamation to the Cancer for Cancer annual dinner on the 18th in order to present it to Arcade Area Cancer for Cancer volunteers.

Prior to the roll call vote, Chairman Berwanger asked Supervisor Kushner to speak on Resolution #40. Supervisor Kushner stated that although the project was scaled back considerably from it's original proposal, there were still some unforeseen renovations that were necessary and anticipated.

#23

RESOLUTION NO. 12-345
(November 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

SET PUBLIC HEARING –
INTRODUCTORY LOCAL LAW NO. E YEAR 2012

WHEREAS, *There has been duly presented and introduced at a meeting of this Board of Supervisors of Wyoming County on this 13th day of November, 2012, a proposed local law entitled, "Local Law Introductory No. E Year 2012, "A LOCAL LAW TO RESCIND AND REPLACE LOCAL LAW 3, YEAR 2002, A LOCAL LAW ESTABLISHING AND RELATING TO*

November 13, 2012

**WYOMING COUNTY TAX INFORMATION/TRUTH IN TAXATION
ACT OF 2002," 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 **11th day of December, 2012 at 2:30 PM in the Supervisors' Chambers, 2nd Floor of the Wyoming County Government Center**, 143 North Main Street, Warsaw, New York.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

INTRODUCTORY LOCAL LAW NO. E - YEAR 2012

"A Local Law to Rescind and Replace Local Law 3, year 2002, A Local Law establishing and relating to Wyoming County Tax Information/Truth in Taxation Act of 2002"

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

SECTION 1. TITLE.

This Local Law shall be known and may be cited as the "Wyoming County Tax Information/Truth in Taxation Act of 2012."

SECTION 2. LEGISLATIVE FINDINGS AND PURPOSE.

It is generally recognized that property taxpayers have a substantial interest in receiving complete tax bill information. Part of having complete information should include a description of major programs funded by the County as well as a summary of the impact that State mandates have on property taxes. It is the intent of this law to provide a tax bill summary to be posted on the county web site at the time annual tax bills are distributed to ensure that the citizens of Wyoming County receive such information in as clear and as complete a way as possible to assist their understanding as to what their real property taxes pay for.

SECTION 3: COUNTY TAX BILL INFORMATION STATEMENT.

The Chairman of the Board of Supervisors is hereby authorized to cause an information statement to be provided on County tax bills in bold, capitalized font, reading as follows:

**FOR A MORE DETAILED EXPLANATION OF YOUR COUNTY
TAX RATES PLEASE VISIT THE FOLLOWING WEBSITE:
www.wyomingco.net**

In the event the website of the County is changed, the website(s) otherwise listed in this Section shall change to reflect the new website(s).

SECTION 4. COUNTY TAX BILL STATEMENT.

The Chairman of the Board of Supervisors is hereby authorized to take any and all action necessary to cause a Tax Bill statement summarizing County budget information and the impact that State mandates have on the County tax levy to be posted on the county website. The Tax Bill Summary shall include the following sections:

- a. Summary of revenues and expenses included in the County budget, including a tabulation and/or graphical depiction of major cost centers and the respective percentage of total spending of each item.
- b. Standard statement defining State mandates which shall include an explanation that some mandated amounts are approximate or qualified and that all mandates are not identified, if such be the case.
- c. Narrative and/or graphical summary of financial impacts of identified State mandates and the percentage of total spending that these mandates represent.
- d. Other information deemed necessary by the County Executive to implement this Local Law.

SECTION 5. PROCEDURE.

The Budget Officer shall submit a proposed tax bill summary template to the Finance Committee, which shall be approved on an annual basis. Should the Finance Committee fail to take any action within 45 days of submission, the Chairman of the Board's template shall be deemed approved. The procedures required by this local law shall be carried out in addition to, and in accordance with, other annual tax billing procedures existing within the County of Wyoming. Nothing contained in this local law, or any amendments or regulations pertaining thereto, shall be construed to in any way affect, modify or alter in any manner whatsoever, the County tax levy, definition or description of the County tax levy, or calculation thereof.

SECTION 6. REPEAL OF LOCAL LAW NO. 3 OF THE YEAR 2002.

Local Law No. 3 of the year 2002 is hereby repealed.

SECTION 7. EFFECTIVE DATE.

This local law shall take effect upon filing with the Secretary of State.

DATED at Warsaw, New York
November 13, 2012 (Introduced)
Cheryl J. Ketchum, CMC
Clerk

#24

RESOLUTION NO. 12-346
(November 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

**DATE OF PUBLIC HEARING AND SPECIAL BOARD MEETING
FOR THE CONSIDERATION OF THE
2013 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 2013 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 20th, 2012 at 6:30 PM** and that copies of that tentative County Budget will be available at the Public Hearing and after 3:00 P.M. on November 15, 2012, 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 a Special Board Meeting to consider the 2013 Tentative Budget of the County for the fiscal year and calendar year 2013 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 27th, 2012 at 11:30 AM**; 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 27, 2012.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#25

RESOLUTION NO. 12-347

Regular Session

(November 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

**RESOLUTION TO AWARD FIVE YEAR CONTRACT FOR THE
COUNTY OF WYOMING EMPLOYEE'S MODEL DEFERRED
COMPENSATION PLAN**

WHEREAS, The County of Wyoming did establish a Model Deferred Compensation Plan for its employees adopted July 9, 1991 for eligible County employees and elected or appointed officials; and

WHEREAS, Section 9003 of the New York State Rules & Regulations require all contracts or agreements with Administrative Service Agencies and Financial Organizations be awarded for a duration not to exceed five (5) years. The County of Wyoming's current agreement for the administration and funding of the County's deferred compensation plan has expired and the County of Wyoming did publish in the New York State Register and local paper(s) soliciting competitive proposals; and

WHEREAS, The Deferred Compensation Committee did accept and evaluated competitive proposals, the County of Wyoming's Deferred Compensation Committee has recommended that the County enter into a five (5) year contract offered by the Hartford Life Insurance Company as the administrator and financial provider and Reliance Trust Company, as Trustee; and

WHEREAS, The County of Wyoming hereby selects Hartford Life Insurance Company as the administrator and financial provider and Reliance Trust Company as the trustee, 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 such agreements and the appropriate contracts with Hartford Life Insurance Company and Reliance Trust Company. Hartford Life will provide all paperwork to be submitted to the NYS Civil Service. All contracts entered into shall contain a provision that the agreement or contract is subject to the New York State Rules and Regulations and the amended and restated Model Plan effective January 1, 2002 (including Amendments through May 21, 2004). This Contract will be in effect for a period of five (5) years beginning January 01, 2013 through December 31, 2017.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#26

RESOLUTION NO. 12-348
(November 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

CANTER FOR CANCER CELEBRATES 40 YEARS

WHEREAS, Canter for Cancer Walkathon in Wyoming County will be Celebrating 40 years on November 18, 2012; and

WHEREAS, Canter for Cancer in Wyoming County came about in 1973 when Pioneer Central School English Teacher and member of the Wyoming County Unit Board of Directors of the American Cancer Society, Janice Weitz, approached Richard Tilton, the Founder & Charter President of the Arcade area Pioneer Jaycees (Jr. Chamber of Commerce), to help organize a Walkathon for Cancer. The Arcade area Pioneer Jaycees sponsored the event for the first ten years and from then on the Java-Strykersville Kiwanis Club sponsored the event; and

WHEREAS, In 1976 other area school districts joined the walkathon including Warsaw Central, Letchworth Central, and Wyoming Central. In 1978 Perry Central and Attica Central joined, thus including all school districts in Wyoming County; and

WHEREAS, Since its inception 12,750 walkers have raised over \$575,000.00 for the American Cancer Society. Many adults and local industries have joined forces with the students over the years; and

WHEREAS, An annual dinner has been held each year to honor the outstanding fund raisers. Many of the speakers at the banquet have been cancer survivors, and county legislators, among others; now therefore

BE IT RESOLVED, That the Wyoming County Board of Supervisors do hereby proclaim November 18, 2012 as:

Canter for Cancer Day

in Wyoming County; and be it

FURTHER RESOLVED, That this Board of Supervisors commends all participants past, present, and future for their dedication in organizing, participating, and donating time and money to the walkathon.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#27

RESOLUTION NO. 12-349
(November 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH
HODGSON RUSS ATTORNEYS ON BEHALF OF WYOMING COUNTY
COMMUNITY HOSPITAL**

BE IT RESOLVED, In accordance with Resolution Number 11-209 passed by the Wyoming County Board of Supervisors, on June 14, 2011 entitled, “**AMENDING RESOLUTION 91-159, AUTHORITY OF THE BOARD OF MANAGERS OF THE HOSPITAL**,” the Chairman of this Board with the approval of the County Attorney and/or Hodgson Russ legal council is hereby authorized and directed to sign a contract with Hodgson Russ Attorneys LLP, 67 Broadway, Suite 301, Albany, NY 12207 on behalf of Wyoming County Community Hospital. Said contract is for legal advice and assistance regarding, but not limited to, physician contracts at an hourly rate of \$225 - \$685/hour depending on services provided in an amount not to exceed one hundred fifty thousand dollars (\$150,000.00); effective through December 31, 2013.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#28

RESOLUTION NO. 12-350
(November 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN ONE YEAR CONTRACT
EXTENSION WITH PRINTER COMPONENT, INC. 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 extension with Printer Component, Inc., 155 Periton Parkway, Fairport, NY 14450 on behalf of Information Technology. Said contract is for Printer/Copier Toner for all Wyoming County departments; effective December 13, 2012 through December 12, 2013. All else remains the same.

November 13, 2012

Contingent upon the availability of funds.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#29

RESOLUTION NO. 12-351
(November 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

RELEVY OF UNPAID SCHOOL AND VILLAGE TAXES

AT THE REQUEST OF: County Treasurer

WHEREAS, The Real Property Tax Law requires that all Wyoming County School Districts return their respective unpaid 2012-2013 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 relieved 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 relieved against the various towns in the County of Wyoming immediately upon receipt by the County Treasurer's Office.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#30

RESOLUTION NO. 12-352
(November 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

APPROVES PROPERTY AUCTION SALES

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

WHEREAS, the Finance Committee of the Board has obtained offers at public auction to purchase said properties and recommends the acceptance thereof, namely:

Serial 522 Sue M. Aldridge, 11924 North Road, Freedom, NY 14065 has offered \$6,500.00 for property located on 52 Main Street, Town of Middlebury. Tax Map #36.12-1-7.

now therefore

BE IT RESOLVED, That the above sale 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 December 27, 2012.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#31

RESOLUTION NO. 12-353
(November 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

2012 TOWN BALANCES APPROVED

BE IT RESOLVED, That the statement of the County Treasurer as to TOWN BALANCES is hereby accepted; and be it

FURTHER RESOLVED, That the Clerk of the Board is hereby directed to credit or charge the amounts stated to the 2013 Tax Rolls of the respective towns:

Town	Debit	Credit
Arcade	\$13,458.05	
Attica	0	
Bennington	417.45	
Castile	0	
Covington	0	
Eagle	0	
Gainesville	44.01	
Genesee Falls	0	
Java	0	
Middlebury	0	
Orangeville	0	

November 13, 2012

Perry	0	
Pike	0	
Sheldon	0	
Warsaw	140.40	
Wethersfield	0	
Total	\$14,059.91	0

Dated: November 5, 2012

Cheryl D. Mayer
Treasurer**Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:**

#32

RESOLUTION NO. 12-354
(November 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

RECYCLING FEES LEVIED

BE IT RESOLVED, That the Clerk of this Board is hereby authorized and directed to levy the recycling fees for the year 2013 as indicated in the amount of \$1,392,300.00 (one million three hundred eighty-nine thousand three hundred dollars):

MUNICIPALITY	RECYCLE	UNIT	TOTAL
Castile	Seasonal	136	\$13,260.00
	Year Round	1161	\$226,395.00
Gainesville	Seasonal	19	\$1,852.50
	Year Round	817	\$159,315.00
Genesee Falls	Seasonal	15	\$1,462.50
	Year Round	191	\$37,245.00
Middlebury	Seasonal	9	\$877.50
	Year Round	593	\$115,635.00
Orangeville	Seasonal	22	\$2,145.00
	Year Round	477	\$93,015.00
Perry	Seasonal	6	\$585.00
	Year Round	1865	\$363,675.00
Pike	Seasonal	18	\$1,755.00
	Year Round	420	\$81,900.00
Sheldon	Seasonal	10	\$975.00
	Year Round	890	\$173,550.00

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Warsaw	Seasonal	3	\$292.50
	Year Round	607	\$118,365.00
TOTAL			
GRAND TOTAL			\$1,392,300.00

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#33

RESOLUTION NO. 12-355
(November 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH
 THERON A. FOOTE 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 sign a contract with Theron A. Foote, 23 West Court Street, Warsaw, NY 14569 on behalf of the Treasurer's Office. Said contract is for Article 11 Tax Foreclosure administration in an amount not to exceed \$375/parcel. Offset fully by tax fees and revenues as well as auction proceeds; effective January 1, 2013 through December 31, 2013.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#34

RESOLUTION NO. 12-356
(November 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

2013 EQUALIZATION TABLE PRESENTED AND TABLED

BE IT RESOLVED, That the 2013 Equalization Table is hereby presented; and be it

FURTHER RESOLVED, That its adoption be tabled for at least 1 day.

November 13, 2012

2013 EQUALIZATION TABLE

Advisory Equalize 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
96.00%	ARCADE	209,544,290	218,275,302	0.106388400	209,534,940
100.00%	ATTICA	172,352,948	172,352,948	0.084005630	172,342,648
49.50%	BENNINGTON	113,294,715	228,878,212	0.111556308	113,266,186
100.00%	CASTILE	228,697,498	228,697,498	0.111468227	228,686,498
100.00%	COVINGTON	75,406,142	75,406,142	0.036753305	75,401,942
100.00%	EAGLE	54,228,122	54,228,122	0.026431040	54,220,822
100.00%	GAINESVILLE	87,777,295	87,777,295	0.042783063	87,770,845
100.00%	GENESEEFALLS	25,559,298	25,559,298	0.012457721	25,556,298
90.00%	JAVA	116,659,169	129,621,299	0.063178025	116,651,669
100.00%	MIDDLEBURY	86,666,400	86,666,400	0.042241607	86,665,800
100.00%	ORANGEVILLE	85,237,858	85,237,858	0.041545329	85,237,858
100.00%	PERRY	182,647,909	182,647,909	0.089023442	182,633,459
100.00%	PIKE	51,127,568	51,127,568	0.024919815	51,127,568
90.00%	SHELDON	131,014,783	145,571,981	0.070952462	130,989,683
100.00%	WARSAW	233,534,177	233,534,177	0.113825647	233,531,177
100.00%	WETHERSFIELD	46,101,277	46,101,277	0.022469977	46,087,577
	TOTALS	1,899,849,449	2,051,683,286	1.000000000	1,899,704,970

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#35

RESOLUTION NO. 12-357
(November 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

Mr. Davis, Chairman of the Finance Committee, presented the **SEMI-ANNUAL MORTGAGE TAX REPORT** for the period of April 01, 2012 through September 30, 2012 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 **\$187,652.39** to the

Regular Session

several tax districts of Wyoming County, in accordance with the report filed with the Clerk of the Board of Supervisors, as follows:

TAX DISTRICTS	MORTGAGE TAX DISTRIBUTED	VILLAGE	TOWN
Arcade	\$22,417.10	\$5,004.25	\$17,412.85
Attica	\$19,144.17	\$3,794.31	\$15,349.86
Bennington	\$22,355.28		\$22,355.28
Castile	\$20,301.75	\$1,481.83	\$17,626.88
Perry Village		\$1,193.04	
Covington	\$7,551.09		\$7,551.09
Eagle	\$4,896.67		\$4,896.67
Gainesville	\$4,696.23	\$150.91	\$4,035.79
Silver Springs Village		\$509.53	
Genesee Falls	\$2,250.42		\$2,250.42
Java	\$7,694.24		\$7,694.24
Middlebury	\$7,424.51	\$652.58	\$6,771.93
Orangeville	\$8,375.34		\$8,375.34
Perry	\$15,742.30	\$4,226.14	\$11,516.16
Pike	\$5,177.49	\$0.00	\$5,177.49
Sheldon	\$10,495.22		\$10,495.22
Warsaw	\$24,862.91	\$7,604.51	\$17,258.40
Wethersfield	\$4,267.67		\$4,267.67
Total:		\$24,617.10	\$163,035.29
Grand Totals:	\$187,652.39		

Let This Be Your Warrant for Such Payment: **\$187,652.39** IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Board of Supervisors this 13th day of November 2012.

s/Cheryl J. Ketchum
Board of Supervisors

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#36

RESOLUTION NO. 12-358
(November 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN 2013 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 2013 as follows:

November 13, 2012

- **Univera Medicare PPO High Option**
 - Single - \$223.54/mo.
- **Univera Medicare PPO Low Option**
 - Single \$201.99/mo.
- **Excellus Medicare PPO**
 - Single \$257.59/mo.
- **MVP Medicare Gold Anywhere**
 - Single \$228.70/mo.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#37

RESOLUTION NO. 12-359
(November 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

2013 WORKERS' COMPENSATION COSTS APPROVED

BE IT RESOLVED, That the cost of Workers' Compensation Insurance for the Participants covered by the Wyoming County Workers' Compensation Pool as based upon the 2013 budget of \$2,721,163 (total budget of \$2,731,439 minus a \$10,276 inter-fund transfer) are as follows:

TOWNS

Arcade	36,345
Attica	33,791
Bennington	48,081
Castile	33,155
Covington	23,141
Eagle	28,786
Gainesville	30,164
Genesee Falls	17,586
Java	29,909
Middlebury	31,887
Orangeville	26,974
Perry	29,548
Pike	26,090
Sheldon	38,325
Warsaw	38,079
Wethersfield	24,508
Total	496,369

and be it

Regular Session

FURTHER RESOLVED, That the Clerk of this Board is hereby authorized and directed to apportion the total sum of such estimated costs of Workers' Compensation Insurance to each of the above mentioned participants in these respective amounts and to levy the same against the taxable property of each respective municipality.

COUNTY & OUTSIDE AGENCIES

County Government	256,762
County Highway Department	165,960
Wyom. Co Community Hospital	596,343
Community Action	35,983
Wyom. Co. Volunteer Fire Depts	336,113
Soil & Water Conservation	3,862
Total	1,395,023

VILLAGES

Arcade	81,990
Attica	60,378
Castile	7,945
Gainesville	31
Perry	68,084
Silver Springs	7,809
Warsaw	98,915
Wyoming	7,071
Total	332,223

SCHOOL DISTRICTS

Attica Central School	152,789
Perry Central School	86,938
Pioneer Central School	221,168
Warsaw Central School	8,121
Wyoming Central School	28,532
Total	497,548

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#38

RESOLUTION NO. 12-360
(November 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

REORGANIZATION OF COUNTY ATTORNEY'S OFFICE APPROVED

WHEREAS, The Human Resource Committee and Finance Committee of the Wyoming County Board of Supervisors have reviewed a proposal to reorganize the office of the County Attorney; now therefore

November 13, 2012

BE IT RESOLVED, That the Human Resource Committee and the Finance Committee of the Wyoming County Board of Supervisors make recommendation to the Full Board of Supervisors for reorganization of the County Attorney's office as follows:

- Set the Salary of the Assistant County Attorney (Supervisor) at \$0.00 annually; effective January 01, 2013
- Set the Salary of the Assistant County Attorney (2nd) at \$67,000 annually; effective January 01, 2013
- Set the Salary of the Assistant County Attorney (1st) at \$50,000 annually; effective January 01, 2013; and be it

FURTHER RESOLVED, That the remaining current contractual agreements with the two (2) secretarial staff positions, the contract with Wendy Sisson, Esq. and the contract with Dadd, Nelson & Wilkinson would continue at 2012 levels.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#39

RESOLUTION NO. 12-361
(November 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

POSITION CREATION(S) APPROVED

BE IT RESOLVED, That the following positions are hereby created in the following Wyoming County Departments:

Fire & Building Codes

- Two (2) positions of ***Fire Safety Inspector, PT*** at a rate of \$7,644/annually to be placed on salary schedule "S" with only those benefits mandated by law; effective January 01, 2013.

Sheriff's Office

- Two (2) positions of ***Dispatcher, PT*** on Wyoming County Sheriff's Employees Association grade 2 (\$15.30 - \$20.69) effective November 13, 2012.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

#40

RESOLUTION NO. 12-362
(November 13, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

RESOLUTION NUMBER 10-138 AMENDED

WHEREAS, Resolution Number 10-138 entitled, “**WYOMING COUNTY COMMUNITY HOSPITAL RENOVATIONS CAPITAL IMPROVEMENT PROJECT ESTABLISHED**,” passed by this Board of Supervisors on March 09, 2010 by action of the Wyoming County Board of Supervisors and on the recommendation of the Wyoming County Public Works Committee, Finance Committee and Wyoming County Community Hospital Board of Managers established the Wyoming County Community Hospital Renovations Capital Improvement Project in an amount not to exceed twenty-four million dollars (\$24,000,000.00); now therefore

BE IT RESOLVED, That Resolution Number 10-138 be hereby amended to increase the project by five million dollars (\$5,000,000.00) for a total project amount not to exceed twenty-nine million dollars (\$29,000,000.00); all else remains the same.

Carried: XXX Ayes: 1412 Noes: Absent: 187 (Perry) Abstain:

Chairman Berwanger thanked Beth Pond for sitting in for Budget Officer Cook as she was attending training this afternoon and he introduced Bob Michals, Arcade Area photographer. He was taking pictures for the Board of Supervisors and action shots. The Board of Supervisors' photo will be included in the annual Journal of Proceedings.

The Public Hearing is being held at night next week to give people an opportunity to attend.

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

Respectfully submitted,



Cheryl J. Ketchum, Board Clerk

SPECIAL SESSION
(November 20, 2012)

Tuesday

6:30 PM

The Special Session of the Wyoming County Board of Supervisors was held at the Wyoming County Government Center in the Board of Supervisors' Chambers located at 143 North Main Street, Warsaw, New York with all Supervisors present except T. Dixon, T/Gainesville; J. Totsline, T/Genesee Falls and J. Fleischman, T/Java. Also present were Budget Officer, J. Cook and Clerk to the Board of Supervisors, Cheryl Ketchum.

At 6:30 PM Chairman Berwanger, T/Arcade, called the meeting to order.

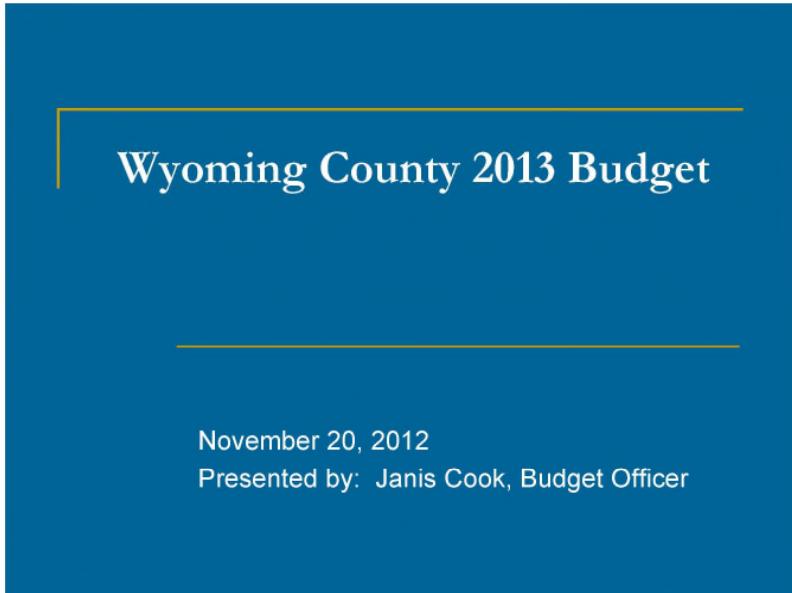
Commissioner of Social Services, D. Rumsey was asked to lead in the Pledge of Allegiance.

The pledge was said by all.

Open Public Hearing:

Adoption of Wyoming County Tentative Budget for the Year 2013

The following Budget presentation was delivered by Budget Officer Cook.



Wyoming County 2013 Budget

November 20, 2012

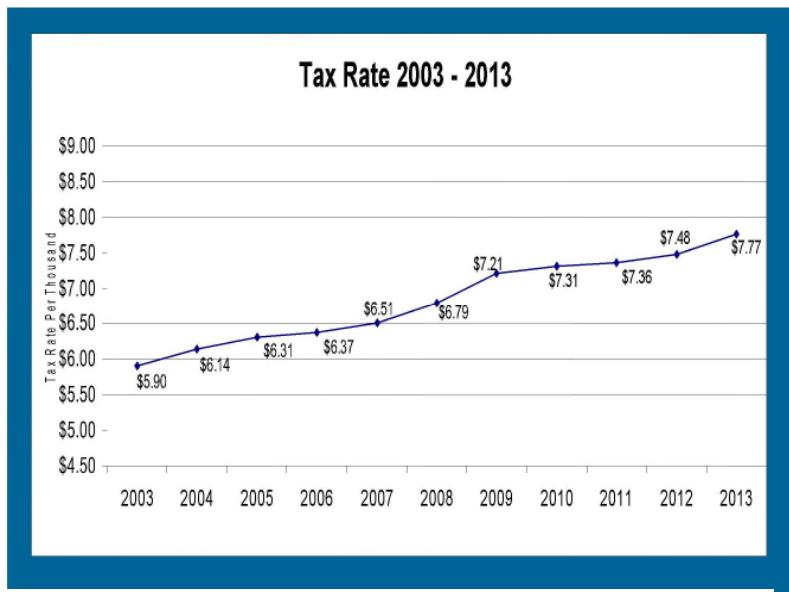
Presented by: Janis Cook, Budget Officer

Summary of Proposed 2013 Budget

- Proposed budget - \$118.8m
- Proposed tax levy - \$15,944,092
 - An increase of \$759,396 or 5% or over 2012 Adopted tax levy
- Taxable Valuation - \$1,899,704,970
 - An increase of 1.23%
- Proposed tax rate @ 100% assessment - \$7.77 per thousand
 - An increase of \$.29 per thousand or 3.90%

2013 Property Tax Levy and Rate

	2012	2013	Amt / % change from prior yr
Property Tax Levy	\$ 15,184,695.27	\$ 15,944,091.73	\$ 759,396.46
Taxable Valuation	\$ 1,876,596,449	\$ 1,899,704,970	1.23%
Full Valuation	\$ 2,030,128,299	\$ 2,051,683,286	1.06%
Property Tax Rate (100%)	\$ 7.48	\$ 7.77	3.90%



General County Levy	Adopted 2012	Tentative 2013	2013 Inc / (Dec)	2013 Percentage Inc / -Dec
Revenue	102,150,618.92	99,564,759.39	(2,585,859.53)	-2.53%
Expenses	121,181,314.19	118,816,542.12	(2,364,772.07)	-1.95%
Reserve to offset	3,846,000.00	3,307,691.00	(538,309.00)	-14.00%
Total General County Levy	15,184,695.27	15,944,091.73	759,396.46	5.00%
Special District Levy				
Board of Elections	20,583.00	21,054.00	471.00	2.29%
Recycling	1,389,375.00	1,392,300.00	2,925.00	0.21%
Worker's Comp	466,488.00	496,369.00	29,881.00	6.41%
Total Levy All Districts	17,061,141.27	17,853,814.73	792,673.46	4.65%
NYS Tax Levy Limitation				
	17,466,994.02	405,852.75		2.38%
Over / (Under) Allowable Cap	386,820.71	386,820.71		

General Fund Recap

General Fund Only		Adopted 2012	Tentative 2013	Change Amount Inc / (Decrease)
Total Revenues		37,436,483.47	37,900,166.45	463,682.98
.1	Personal Svc	13,449,841.03	13,386,797.28	(63,043.75)
.2	Capital	150,036.00	208,527.70	58,491.70
.4	Contractual	28,250,449.72	27,928,169.70	(321,280.02)
.6	Principal Pmt	670,000.00	711,000.00	41,000.00
.7	Interest Pmt	477,449.28	437,781.78	(39,667.50)
.8	Fringe	7,517,046.18	7,972,736.44	455,690.26
.9	Transfers	4,806,356.53	5,598,245.28	791,888.75
Total Expenditures		55,321,178.74	56,244,258.18	923,079.44
Fund Balance		(2,700,000.00)	(2,400,000.00)	300,000.00
Levy		15,184,695.27	15,944,091.73	759,396.46

Hospital Fund Recap

Hospital Fund Only		Adopted 2012	Tentative 2013	Change Amount Inc / (Decrease)
Total Revenues		50,673,524.60	49,334,731.94	(1,338,792.66)
.1	Personal Svc	20,650,000.00	19,432,745.00	(1,217,255.00)
.2	Capital	300,000.00	750,000.00	450,000.00
.4	Contractual	17,082,725.00	16,940,700.00	(142,025.00)
.6	Principal Pmt	1,009,000.00	866,000.00	(143,000.00)
.7	Interest Pmt	683,474.60	768,838.94	85,364.34
.8	Fringe	10,948,325.00	10,576,448.00	(371,877.00)
.9	Transfers	0.00	0.00	0.00
Total Expenditures		50,673,524.60	49,334,731.94	(1,338,792.66)
Fund Balance		0.00	0.00	0.00
Levy		0.00	0.00	0.00

Property Tax Cap Calculation

2012 Tax Levy	15,184,695.27
+ Special District Levy	<u>1,876,446.00</u>
2012 Total Adjusted Tax Levy	17,061,141.27
x Tax Base Growth Factor (Provided by NYS)	1.0042
	17,132,798.06
+ PILOTS in 2012 (est.)	<u>227,000.00</u>
	17,359,798.06
x Allowable Levy Growth (2%)	1.02
	17,706,994.02
- PILOTS in 2013 (est.)	<u>240,000.00</u>
ESTIMATED TOTAL TAX CAP	17,466,994.02
Amount Allowed to Increase Tax Levy	405,852.75
	2.38%

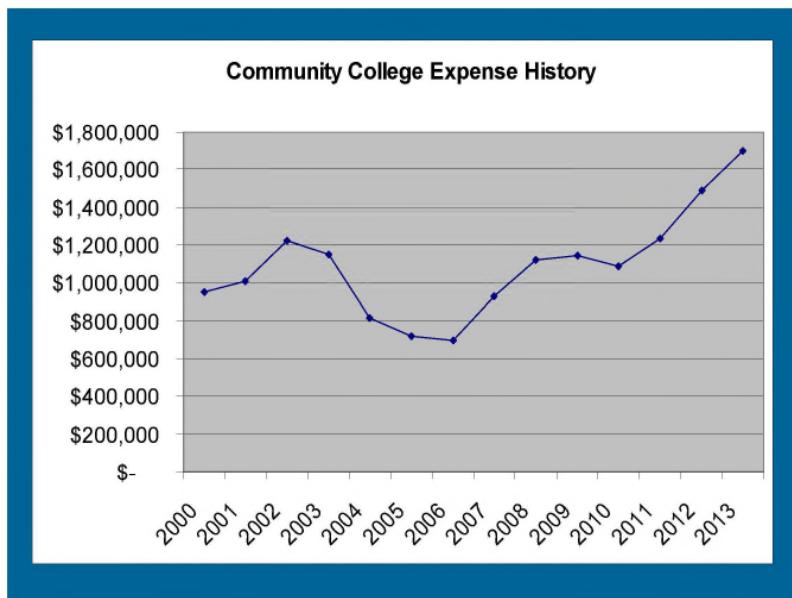
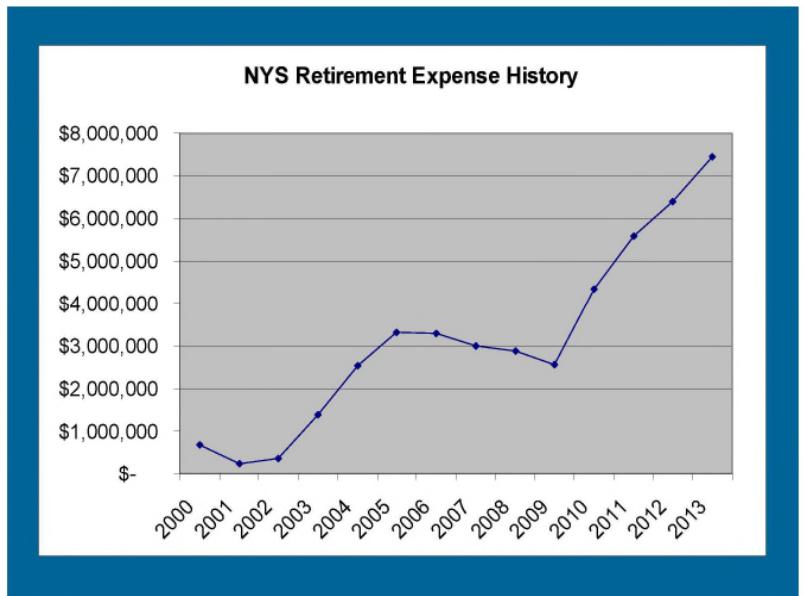
NINE STATE MANDATES

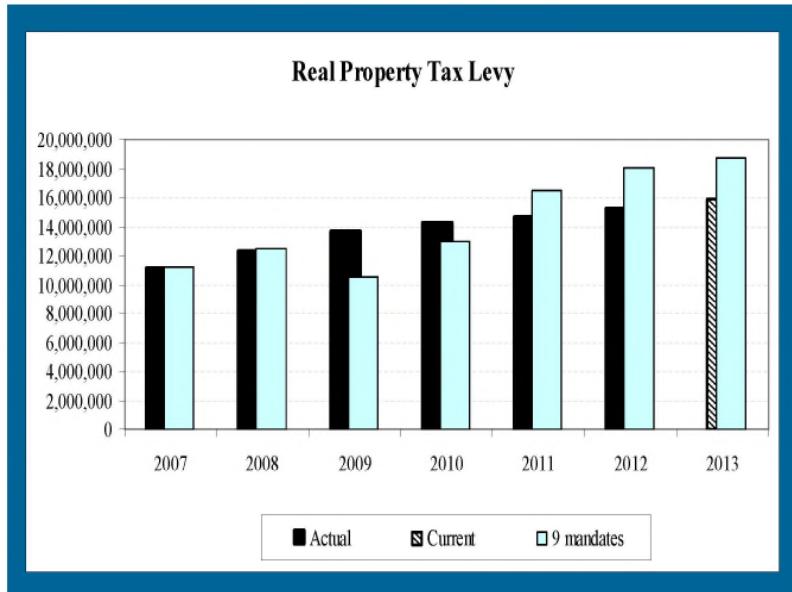
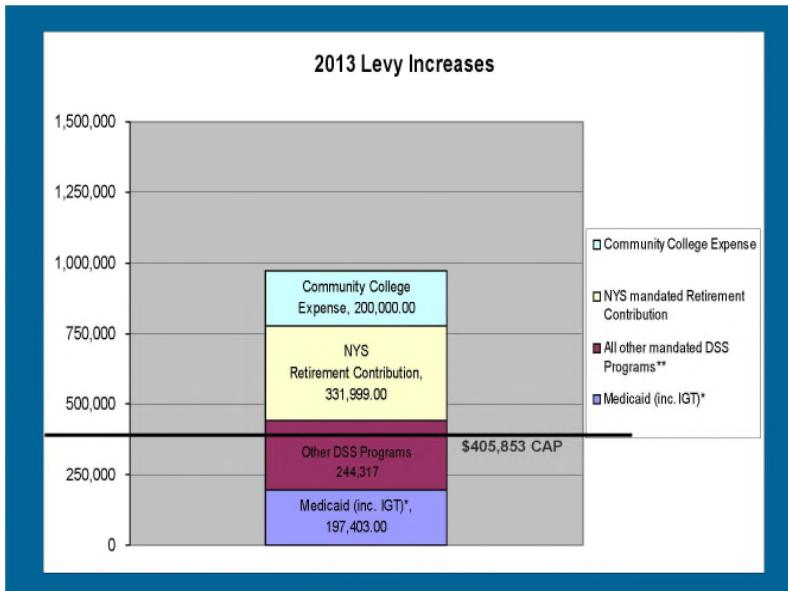
Currently these 9 mandates take up 118% of our County Tax Levy!!!!

Mandates	2012 Adopted	2013 Budget	Levy Increase
Medicaid (inc. IGT)*	6,895,900.00	7,093,303.00	197,403.00
All other mandated DSS Programs**	2,047,081.00	2,291,398.00	244,317.00
NYS Retirement Contribution	6,976,458.00	7,308,457.00	331,999.00
Probation	468,402.38	455,672.67	(12,729.71)
Indigent Defense	336,416.29	359,036.17	22,619.88
Special Ed Pre-K	1,050,489.64	1,051,189.17	699.53
Early Intervention	282,251.23	202,376.50	(79,874.73)
Total Levy Increase	18,056,998.54	18,761,432.51	704,433.97
Allowable Levy Increase			405,852.75

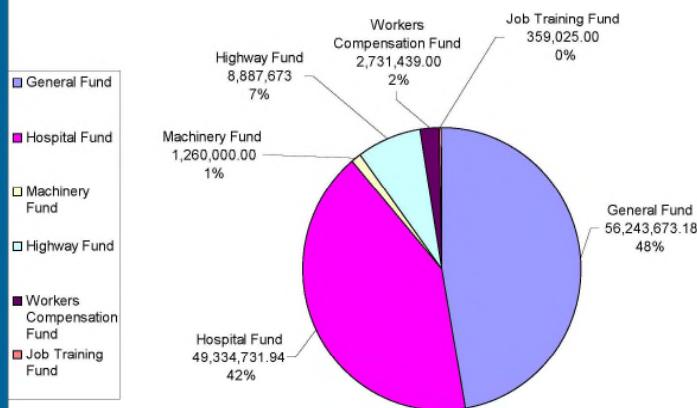
*The Medicaid Levy for both years includes a budgeted \$1.5 M local share of estimated IGT funding.

**Public Assistance, Safety Net, Child Welfare

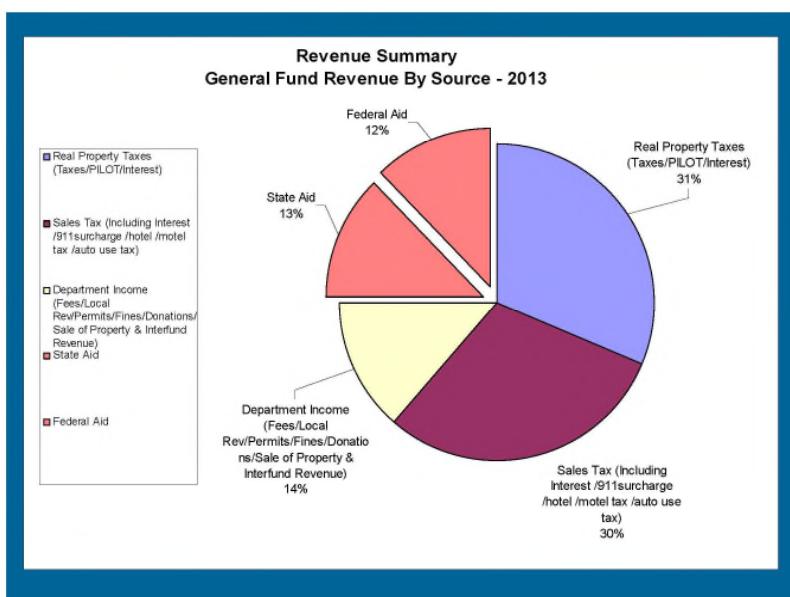
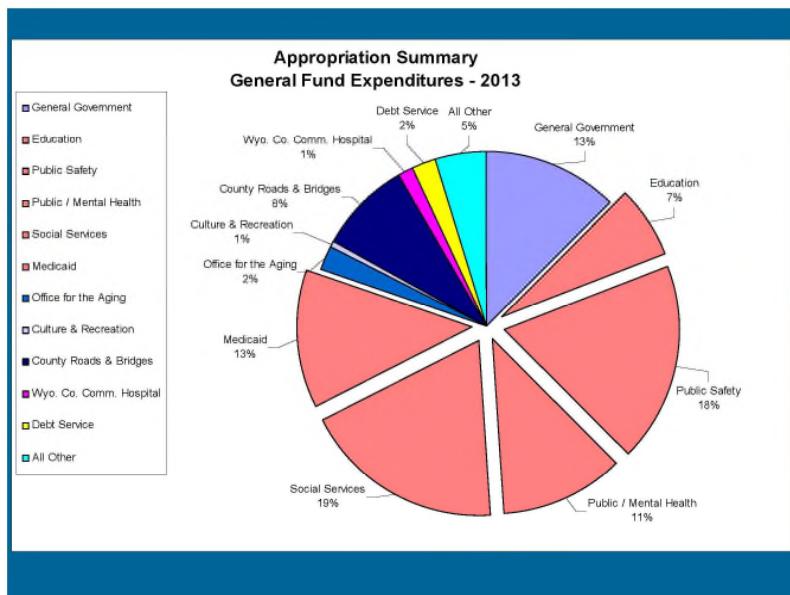


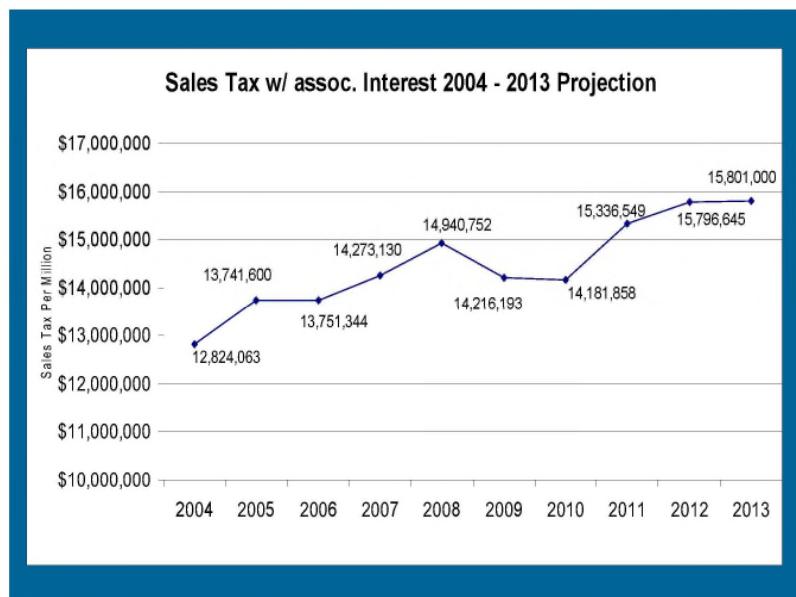


Appropriation Summary Expenditures By Fund - 2013



SUMMARY OF 2013 BUDGET BY FUNCTION					
FUNCTION	APPROPRIATIONS	STATE & FEDERAL AID	REVENUES	TAX LEVY / (SURPLUS)	% OF TAX LEVY SURPLUS
General Governmental Support	\$0.00	\$0.00	\$16,339,711.00	(\$16,339,711.00)	-84.9%
Legislative	\$696,621.44	\$0.00	\$33,500.00	\$663,321.44	3.5%
Judicial	\$1,197,931.80	\$454,552.00	\$70,530.00	\$662,349.80	3.4%
Finance	\$964,207.60	\$0.00	\$704,555.00	\$270,652.60	1.5%
Staff	\$3,200,033.50	\$188,009.00	\$1,558,261.75	\$1,621,792.50	9.5%
Special Items	\$351,811.00	\$0.00	\$0.00	\$351,811.00	3.3%
Patronage	\$3,746,189.17	\$199,000.00	\$0.00	\$3,751,189.17	14.0%
Public Safety	\$10,203,293.85	\$407,714.39	\$1,024,708.38	\$6,780,791.09	45.6%
Health	\$6,359,667.84	\$3,683,507.67	\$1,794,193.20	\$901,876.97	4.7%
General Services (Less Medicaid)	\$10,553,735.75	\$6,765,690.00	\$866,000.00	\$2,922,066.75	15.2%
Social Services (Medicaid / MMIS)	\$7,093,303.00	\$0.00	\$0.00	\$7,093,303.00	39.8%
Economic Development	\$499,414.00	\$0.00	\$2,500.00	\$496,914.00	2.6%
Other	\$155,925.64	\$11,654.00	\$0.00	\$144,271.64	0.6%
Economic Assistance	\$1,309,212.00	\$726,659.00	\$126,410.00	\$485,103.00	2.4%
Recreation	\$180,483.25	\$33,425.00	\$8,725.00	\$138,333.25	0.7%
Culture	\$81,788.65	\$0.00	\$3,880.00	\$77,908.65	0.4%
Adult Recreation	\$95,000.00	\$95,000.00	\$0.00	\$0.00	0.0%
General Environment	\$1,525,595.00	\$0.00	\$1,467,363.00	\$58,232.00	0.2%
Natural Resources	\$524,168.65	\$0.00	\$0.00	\$534,168.65	2.8%
Employee Benefits	\$5,300,000.00	\$0.00	\$5,000.00	\$500,000.00	0.0%
Debt Service	\$1,149,711.75	\$63,300.00	\$400,000.00	\$664,571.45	3.5%
Interfund Transfers - County Road	\$4,753,625.00	\$0.00	\$0.00	\$4,753,625.00	24.7%
Interfund Transfers - Hospital	\$634,364.28	\$0.00	\$0.00	\$634,364.28	4.3%
Interfund Transfers - Workers Comp	\$10,278.00	\$0.00	\$0.00	\$10,278.00	0.1%
Highway Funds	\$10,147,673.00	\$3,134,077.00	\$6,105,909.00	\$907,691.00	4.7%
Hospital Funds	\$45,334,731.94	\$177,150.66	\$49,157,581.28	\$0.00	0.0%
JTPA Funds	\$359,025.00	\$359,025.00	\$0.00	\$0.00	0.0%
Compensation	\$2,731,439.00	\$0.00	\$2,731,439.00	\$0.00	0.0%
Risk Retention Fund	\$0.00	\$0.00	\$0.00	\$0.00	0.0%
Capital	\$0.00	\$0.00	\$0.00	\$0.00	0.0%
Subtotal Surplus Applied				\$3,307,691.00	
TAX LEVY:				\$15,944,091.73	





Recap of Actions taken in 2012 to comply with the NYS Tax Cap Law

- Provided no salary increases or new positions
- Cut two full time positions
- Reduced or eliminated partner agency contracts
- Eliminated Grant Writing assistance to Villages and Towns
- Discontinued the Better Pavement Program
- Scaled back the Health System renovation project
- Eliminated the Sheriff Posse allocation

Initiatives taken to improve efficiency and services to the residents of Wyoming County

- Complete the sale of the Wyoming County Health Department Certified Home Health Agency to the Visiting Nursing Association of Western New York.
- Oversee the reconstruction and renovation of the County Nursing Home and Hospital.

- Complete an affiliation agreement between the Wyoming County Community Hospital and Strong Memorial Hospital.
- Work with towns and villages implementing a Local Government Efficiency Shared Services Grant to form a County Water Resource Agency.
- Assist in the development of the Wyoming County Agriculture and Business Center for Excellence.

Contract Agencies	2013 Allocation
Mercy Flight	\$8,100.00
Wyoming County Chamber of Commerce (Tourism)	\$125,555.00
Wyoming County Business Education Council	\$5,400.00
Wyoming County Business Center	\$112,050.00
Wyoming County Arts Council	\$14,290.00
Wyoming County Wildlife Federation	\$1,130.40
Wyoming County Soil and Water	\$160,162.60
Cornell Cooperative Extension	\$333,395.00
Wyoming County Fair Association	\$22,500.00
Total Budgeted Expenditures	782,583.00
Percentage of Total Levy:	4.91%

Mandate Relief from Albany?

Please contact your local representatives to request mandate relief so that Wyoming County can continue to focus on the priorities that make our county great.

Starting With:

NYS Governor

Hon. Andrew M. Cuomo
 Executive Chambers
 State Capitol Building
 Albany, NY 12224
 (518) 474-8390

Contact Information:

- NYS Senator (59th District)
Hon. Patrick M. Gallivan
947 Legislative Office Building
Albany, NY 12247
(518) 455-3471
- NYS Assemblyman (147th District)
Assemblyman Elect
Hon. David DiPietro
Legislative Office Building
Albany, NY 12248
- 4729 Transit Road, Suite 7
Depew, NY 14043
(716)656-8544

Thank You!

- If you have any questions please feel free to contact me at:

Janis Cook
Wyoming County Budget Officer
Phone: (585) 786-8804
JCook@wyomingco.net

- Your Town Supervisor

Public Comment:

Comments were made by

- Supervisor Kushner, T/Eagle as Finance Chair in support of the proposed 2013 budget.
- WCCH CFO, P. Parker in appreciation of the Board of Supervisors unwavering support of the Wyoming County Community Health System.

Close the Public Hearing:

Motion by Supervisor Knab, T/ Sheldon. All Aye. Carried

There being no further business to come before this Board, Senior Supervisor Knab, T/Sheldon, adjourned the meeting at 7:20 PM with a rap on his desk.

Respectfully submitted,



Cheryl J. Ketchum, Board Clerk

SPECIAL SESSION
(November 27, 2012)

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 present. 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.

Supervisor Stout, T/Orangeville (Vietnam Veteran) was asked to lead in the Pledge to the Flag.

The pledge was said by all.

Communications:

- None

Before passage of the below resolutions Chairman Berwanger spoke to the 4 month long process to compile the County Budget and the impact New York State unfunded mandated programs have on the local discretionary funding. The Chairman spoke to the hours of deliberations by this Board of Supervisors on the importance of providing services that the residents have come to expect from county government and that the entire Board of Supervisors unanimously agreed that due to Governor Cuomo's Tax Cap Wyoming County residents would not suffer the loss of Public Safety, Highway or services to the Senior Citizens, just to mention a few.

#1

RESOLUTION NO. 12-363
(November 27, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

LIFT THE 2013 EQUALIZATION TABLE, AMEND AND ADOPT

BE IT RESOLVED, That the 2013 Equalization Table, which was tabled on November 13, 2012, be lifted from the table, and be it

FURTHER RESOLVED, That the said following Equalization Table sets forth the percentage of County Tax to be paid by each Town for 2013 is hereby adopted as presented.

2013 EQUALIZATION TABLE					
Advisory Equaliz Rates	TOWN	Taxable Assessed Value with Partial Exemption Added	Full Value At State Rates	% of Co. Tax to be paid by Each Town	Taxable Assessed Value
96.00%	ARCADE	209,544,290	218,275,302	0.106388400	209,534,940
100.00%	ATTICA	172,352,948	172,352,948	0.084005630	172,342,648
49.50%	BENNINGTON	113,294,715	228,878,212	0.111556308	113,266,186
100.00%	CASTILE	228,697,498	228,697,498	0.111468227	228,686,498
100.00%	COVINGTON	75,406,142	75,406,142	0.036753305	75,401,942
100.00%	EAGLE	54,228,122	54,228,122	0.026431040	54,220,822
100.00%	GAINESVILLE	87,777,295	87,777,295	0.042783063	87,770,845
100.00%	GENESEE FALLS	25,559,298	25,559,298	0.012457721	25,556,298
90.00%	JAVA	116,659,169	129,621,299	0.063178025	116,651,669
100.00%	MIDDLEBURY	86,666,400	86,666,400	0.042241607	86,665,800
100.00%	ORANGEVILLE	85,237,858	85,237,858	0.041545329	85,237,858
100.00%	PERRY	182,647,909	182,647,909	0.089023442	182,633,459
100.00%	PIKE	51,127,568	51,127,568	0.024919815	51,127,568
90.00%	SHELDON	131,014,783	145,571,981	0.070952462	130,989,683
100.00%	WARSAW	233,534,177	233,534,177	0.113825647	233,531,177
100.00%	WETHERSFIELD	46,101,277	46,101,277	0.022469977	46,087,577
	TOTALS	1,899,849,449	2,051,683,286	1.000000000	1,899,704,970

2012 FINANCE COMMITTEE		
<i>Joseph Kushner</i>	Jerry Davis	James Brick
<i>Becky Ryan</i>	Jean Totsline	Larry Rogers
Douglas Patti	Jim Fleischman	John Knab

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

November 27, 2012

Finance Committee Chair Kushner asked that the Clerk read resolution office number 2 in its entirety.

#2

RESOLUTION NO. 12-364
(November 27, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

TENTATIVE 2013 BUDGET FOR WYOMING COUNTY ADOPTED

BE IT RESOLVED, That the tentative budget for the year 2013, as filed with the Clerk of this Board, is hereby adopted as the county budget for the year 2013, which requires the raising by tax levy in the amount of fifteen million nine hundred forty-four thousand ninety-one dollars and seventy-three cents (\$15,944,091.73); and be it

FURTHER RESOLVED, That the said sum of fifteen million nine hundred forty-four thousand ninety-one dollars and seventy-three cents (\$15,944,091.73) 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, 2013.

Carried: XXX Ayes: 1599 Noes: Absent: Abstain:

Prior to the meeting being adjourned Chairman led the Board in singing Happy Birthday to Supervisor Davis, T/Covington.

There being no further business to come before this Board, Senior Supervisor Davis, T/Covington, adjourned the meeting at 11:40 PM with a rap on his desk.

Respectfully submitted,



Cheryl J. Ketchum, Board Clerk

**REGULAR SESSION
(December 11, 2012)**

Tuesday

2:00 PM

The regular session of the Wyoming County Board of Supervisors was held in the Supervisors' Chambers at the Wyoming County Government Center located in Warsaw, New York with all Supervisors present except Supervisor Davis, T/Covington. Also present were Assistant County Attorney, James Wujcik; Budget Officer, J. Cook; and Clerk to the Board of Supervisors, Cheryl Ketchum.

At 2:30 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance this month is:

Gerald D. Thompson

Mr. Thompson's service to his country comes while serving during the Vietnam War. Mr. Thompson enlisted in the United States Air Force on April 25, 1960. He completed Basic Training at Lackland Air Force Base in Texas and Advanced Individual Training at Sheppard Air Force Base in Wichita, Texas and became qualified as an Aircraft Mechanic. He was then assigned duties at Plattsburg Air Force Base in Plattsburg, New York with the 820th Organizational Maintenance Squadron. Mr. Thompson worked as an Aircraft Mechanic for 2 years at Plattsburg and then was Honorably Discharged on May 17, 1962 at the rank of Airman 3rd Class.

Following his service to his country, Mr. Thompson spent a year at Hill Air Force Base in Ogden, Utah working as an aircraft mechanic. He then relocated back to this area and went to work for Motorola in Arcade as a machinist. After two years he then transferred to Aronson in Arcade and continued to work as a machinist for the next five years. Mr. Thompson then went to work for Almor in Warsaw for four years and continued to work as a machinist. He then transferred to Markin Tubing in Pearl Creek working as a machinist for 10 yrs.

Mr. Thompson changed vocation and became self employed and ran a Mobile Station in the Village of Pike. During the next five years, while self-employed, he also drove school bus for Letchworth School. Mr. Thompson then went to work for the Wyoming Transit System and drove a bus for the next ten years. He also owned and operated "Gerry's Gun Shop" from 1970 to 1990. Mr. Thompson continued to drive bus for the Wyoming Transit System until his retirement in 2008. Mr. Thompson has been married to his wife, Lorena, for 46 years and they live in the town of Pike.

December 11, 2012

The pledge was said by all.

Chairman Berwanger invited Supervisor Rogers, T/Pike to join him in presenting 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

- ***None***

Open Public Hearing:

Local Law No. 5, Year 2012 (Introductory E, Year 2012) Entitled, “A Local Law to Rescind and Replace Local Law 3, year 2002, A Local Law Establishing and Relating to Wyoming County Tax Information/Truth Act of 2002”

#1

**RESOLUTION NO. 12-365
(December 11, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

FUNDS TRANSFERRED TO VARIOUS 2012 ACCOUNTS

BE IT RESOLVED, That funds are hereby transferred to the various 2012 accounts as follows:

Public Defender			
<i>(Indigent Parole Program):</i>			
From: 01.32.1171.4.40902 Legal Services To: 01.32.1171.2.20401 Misc Equipment	\$5,061.00	\$5,061.00	
Reason: To transfer funds to cover the purchase of a new copier/printer/scanner system.			
Public Defender Total			\$5,061.00
Certified Home Health Agency			
From: 01.38.4050.1.10101 FT CSEA Contract To: 01.38.4050.8.89001 Medical/Hospital Ins.	\$14,098.54	\$14,098.54	
Reason: Transfer funds to cover the upcoming shortage in the Medical / Hospitalization Insurance.			
Certified Home Health Agency Total			\$14,098.54

Public Health			
From: 01.38.4010.1.10101 FT CSEA Contract To: 01.38.4010.8.89001 Medical / Hospital. Ins. Reason: Transfer funds to cover the upcoming shortage in the Medical / Hospitalization Insurance.	\$8,840.69	\$8,840.69	
Public Health Total			\$8,840.69
Jail Medical			
From: 01.38.4060.1.10601 Unused Benefit Time To: 01.38.4060.4.00009 Cellular Phone 01.38.4060.4.41010 Misc. Office Supplies 01.38.4060.4.41706 Med. & Safety Supplies 01.38.4060.4.42301 Books, Pubs., Subs. Reason: Transfer funds to cover the cost of Jail Medical Administrative expenses.	\$453.07	140.00 49.31 148.85 114.91	
Jail Medical Total			\$453.07
District Attorney			
From: 01.32.1167.1.10001 Salary S/D/I 01.32.1167.8.83001 FICA 01.32.1167.8.85001 Medicare FICA 01.32.1167.8.81001 Retirement 01.32.1167.8.89001 Medical/Hosp. Ins. 01.32.1167.8.89002 Health Reimb. Acct. 01.32.1167.4.40401 Training/Educa. 01.32.1167.4.40406 Employee Mileage 01.32.1167.4.40402 Conferences/Conventions 01.32.1167.4.40009 Cell Phone To: 01.32.1167.4.41202 Printing 01.32.1167.4.41010 Misc OFC Eq/Supp	\$486.12 312.75 73.58 999.47 972.17 466.00 409.92 200.00 1,000.00 <u>240.00</u> \$5,160.01	\$1,021.27 <u>4,138.74</u> \$5,160.01	
Reason: Transfer funds to mirror grant modification and to expend out grant funds.			
District Attorney Total			\$5,160.01
Emergency Services			
(911): From: 01.37.3020.2.20401 Misc. Equip. 01.37.3020.4.40011 Radio Maintenance To: 01.37.3020.4.41401 Maint. Agreements Reason: Transfer funds to cover device licenses and maintenance agreement	\$5,000.00 900.30	\$5,900.30	
Emergency Services Total			\$5,900.30

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

#2

RESOLUTION NO. 12-366
(December 11, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

December 11, 2012

FUNDS APPROPRIATED TO VARIOUS 2012 ACCOUNTS

BE IT RESOLVED, That funds are hereby appropriated to the various 2012 accounts as follows:

Sheriff			
To: 01.37.3110.4.40503 Gasoline <i>w/any funds available</i>	\$20,000.00	\$20,000.00	
Reason: needed to cover shortfall to the end of the year			
To: 01.37.3110.4.42306 Seized Asset/Other w/01.07.3110.2626 Seized Property	\$600.00	\$600.00	
Reason: needed to cover expenses to the end of the year			
Sheriff Total			\$20,600.00
Jail			
To: 01.37.3150.4.40301 Prof Svc Contract w/01.12.3150.4389 SCAAP-Justice Benefits Inc	\$805.86	\$805.86	
Reason: bill from JBI for 2012 SCAAP Award (award amount \$3,663.00; fee is 22% of award)			
Jail Total			\$805.86
Highway			
To: 04.53.5110.4.41921 Road Projects w/04.03.5110.128902 Other Income-Misc Grant	\$34,939.00	\$34,939.00	
Reason: For UPWP/GTC Horizontal Curve Study Grant awarded in earlier in the year.			
Highway Total			\$34,939.00

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

Mr. Knab, T/Sheldon, Chairman of the Audit Committee, presented bills totaling **\$3,757,383.29** for the month of **November 2012**.

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

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

#3

RESOLUTION NO. 12-367 (December 11, 2012)

By Mr. Davis, Chairman of Human Resource Committee:

**WYOMING COUNTY SHERIFF'S EMPLOYEES ASSOCIATION
(S.E.A.) MEMORANDUM OF AGREEMENT APPROVED**

Regular Session

BE IT RESOLVED, That the Wyoming County Board of Supervisors hereby ratifies the Tentative Agreement between the Wyoming County Sheriff's Employees Association (S.E.A) and the County of Wyoming/Wyoming County Sheriff dated January 01, 2012 to December 31, 2015, subject to agreement between the County and SEA representatives as to actual contract language reflecting the negotiated changes; and be it

FURTHER RESOLVED, That the Chairman of this Board of Supervisors and the members of the Committee of the Whole of this Board, with the approval David Lippett, Legal Council for the County of Wyoming are hereby authorized and directed to execute the above mentioned agreements on behalf of the County of Wyoming.

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

#4

RESOLUTION NO. 12-368
(December 11, 2012)

By Mr. Davis, Chairman of Human Resource Committee:

ANNA MAE BALMAS REAPPOINTED ELECTION COMMISSIONER (D)

BE IT RESOLVED, That *Anna Mae Balmas*, 1 West Mill Street, Castile, NY 14427 is hereby reappointed as Election Commissioner (D) for a term of two (2) years; effective January 01, 2013 through December 31, 2014.

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

#5

RESOLUTION NO. 12-369
(December 11, 2012)

By Mr. Davis, Chairman of Human Resource Committee:

2012 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 2012 are accepted and the Clerk of this Board is hereby directed to apportion the same to the Townships with Wyoming County as follows:

December 11, 2012

Town	NO. ENROLLED VOTERS	AMOUNT OF LEVY	SPECIAL ELECTION
Arcade	2438	2,072.00	
Attica	2532	2,152.00	
Bennington	2286	1,943.00	
Castile	1936	1,646.00	
Covington	773	657.00	
Eagle	792	673.00	
Gainesville	1487	1,264.00	
Genesee Falls	307	261.00	
Java	1418	1,205.00	
Middlebury	955	812.00	
Orangeville	886	753.00	
Perry	2791	2,372.00	
Pike	662	563.00	
Sheldon	1712	1,455.00	
Warsaw	3266	2,776.00	
Wethersfield	589	501.00	
Total	24,830	\$21,105.00	0

Very truly yours,
Board of Elections

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

#6

**RESOLUTION NO. 12-370
 (December 11, 2012)**

By Mr. Davis, Chairman of Human Resource Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH DADD
 AND NELSON, PLLC d/b/a DADD, NELSON & WILKINSON ON
 BEHALF OF THE COUNTY 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 contract with Dadd and Nelson PLLC d/b/a Dadd, Nelson & Wilkinson, 11 Exchange Street, Attica, New York 14011 on behalf of the County Attorney's office. Said contract is for Municipal Law legal services in the amount of three thousand seven hundred fifty dollars (\$3,750.00) per month not to exceed forty-five thousand (\$45,000.00) annually; effective January 1, 2013 through December 31, 2013;

Contingent upon the availability of funds.

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

Regular Session

There was a motion by Mrs. Totsline, T/Genesee Falls, to combine resolutions #7 through #11. A voice vote was taken and all voted aye.

#7

RESOLUTION NO. 12-371
(December 11, 2012)

By Mrs. Totsline, 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 are hereby appointed/reappointed to the Wyoming County Office For the Aging Advisory Council:

County Rep.

Three (3) year term effective January 1, 2013 through December 31, 2015

- **Donald Eichenauer**, 400 North Main Street, Warsaw, NY 14569
 (replacing Margaret Ronan)

Community Rep.

Three (3) year term effective January 1, 2013 through December 31, 2015

- **Bonnie Stockholm**, 38 West Main Street, Attica, NY 14011
- **Linda Plewa**, 793 Alleghany Road, Attica, NY 14011
- **Linda Little**, PO Box 134, Castile, NY 14427
- **Gail Meyer**, 5312 Hardy's Road, Gainesville, NY 14066
- **Robert Johannes**, 4205 Shaw Road, Gainesville, NY 14066
- **John Barrett**, 171 N. Maple Street, Warsaw, NY 14569
- **Debbie Browne**, 450 N. Main Street, Warsaw, NY 14569
- **Judy Goff**, 48 N. Water Street, PO Box 126, Pike, NY 14130
 (replacing Anna Koerner)

Unexpired (3) year term effective January 1, 2013 through December 31, 2014

- **Martha Mengs**, 2043 Mengs Road, Attica, NY 14011
 (Replacing Ruth Kensinger)

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

#8

**RESOLUTION NO. 12-372
(December 11, 2012)**

By Mrs. Totsline, Chairman of Human Services Committee:

CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE WYOMING COUNTY OFFICE FOR THE AGING

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney are hereby authorized and directed to sign various contracts on behalf of the Wyoming County Office for the Aging; effective January 01, 2013 through December 31, 2013 as follows:

- **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 \$9,000.
- **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 a maximum amount of \$15,000.00.
- **The Cloister**, 171 North Maple Street, Warsaw, NY 14569 for the provision of Respite Services to caregivers in Wyoming Co. as part of the Title III-E grant– variable depending on use. Not to exceed 2013 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 2013 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: 1546 Noes: Absent: 53 (Covington) Abstain:

#9

**RESOLUTION NO. 12-373
(December 11, 2012)**

By Mrs. Totsline, Chairman of Human Services Committee:

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

Regular Session

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, 2013 through December 31, 2015

- **Rachel Webster**, 2584 Coe Road, Perry, NY 14530
- **Tricia Janes**, 33 Watkins Avenue, Perry, NY 14530
- **Robert Farnsworth**, P.O. Box 297, Pike, NY 14140

Agency Members

Two (2) year term effective January 1, 2013 through December 31, 2014

- **Gordon Lew (Department of Social Services)**, P.O. Box 231, Warsaw, NY 14569
- **Jennifer Cooke (R-AHEC)**, 20 Duncan Street, P.O. Box 20, Warsaw, NY 14569
- **Shawn Tiede (Cornell Cooperative Extension)**, 401 N. Main Street, Warsaw, NY 14569

Youth Members

One (1) year term effective January 1, 2013 through December 31, 2013

- **AC Casseri**, 3721 Krotz Road, Warsaw, NY 14569

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

#10

**RESOLUTION NO. 12-374
(December 11, 2012)**

By Mrs. Totsline, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH
THERESA LEHMAN ON BEHALF OF THE WYOMING COUNTY
YOUTH BUREAU**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Theresa Lehman, 32 Mission Hill Drive, Brockport, NY 14420 on behalf of the Wyoming County Youth Bureau. Said contract is for Pre-School Related Services in an amount not to exceed 2012-2015 budget – variable depending on number of services provided effective November 1, 2012 through June 30, 2015.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

December 11, 2012

RESOLUTION NO. 12-375
(December 11, 2012)

By Mrs. Totsline, Chairman of Human Services Committee:

**CHAIRMAN AUTHORIZED TO SIGN CONTRACTS
ON BEHALF OF SOCIAL SERVICES**

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

- **Spectrum Human Services**, 227 Thorn Avenue, PO Box 631, Orchard Park, NY 14127-0631 for 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); effective January 1, 2013 through December 31, 2013.
- **Allegany Rehabilitation Associates, Inc.**, 4222 Bolivar Road, Wellsville, NY 14895, for 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); effective January 1, 2013 through December 31, 2013.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

#12

RESOLUTION NO. 12-376
(December 11, 2012)

By Mr. Brick, Chairman of Agriculture Committee:

**JOHN COPELAND AND LARRY ROGERS REAPPOINTED
TO THE NEW YORK STATE 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 Board of Supervisors Representative for a term of one (1) year; effective January 01, 2013 through December 31, 2013; and be it

Regular Session

FURTHER RESOLVED, That Larry Rogers (T/Pike), PO Box 82, Pike, NY 14130-0082 be hereby reappointed as the Board of Supervisors Representative/Alternate for a term of one (1) year; effective January 01, 2013 through December 31, 2013.

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

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

#13

RESOLUTION NO. 12-377
(December 11, 2012)

By Mrs. Ryan, Chairman of Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND
ACCEPTANCE AWARD WITH NEW YORK STATE DEPARTMENT
OF HEALTH, CENTER FOR ENVIRONMENTAL HEALTH ON
BEHALF OF THE COUNTY HEALTH DEPARTMENT**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant application and acceptance award with New York State Department of Health, Center for Environmental Health, Corning Tower Building, Room 878, Albany, NY 12237-0627 on behalf of the County Health Department. Said grant is for funding of the Lead Poisoning Prevention Program by the Wyoming County Health Department in a minimum amount of thirty-one thousand three hundred fifty-seven thousand dollars (\$31,357.00); effective October 1, 2012 through September 30, 2013.

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

#14

RESOLUTION NO. 12-378
(December 11, 2012)

By Mrs. Ryan, Chairman of Public Health Committee:

RESOLUTION NUMBER 12-14 AMENDED

December 11, 2012

WHEREAS, Resolution Number 12-14 entitled, "CHAIRMAN AUTHORIZED TO SIGN 2012 RENEWAL CONTRACTS ON BEHALF OF MENTAL HEALTH," passed by this Board of Supervisors on January 13, 2012 and provides for the various 2012 Mental Health Service Provider contracts; now therefore

BE IT RESOLVED, That Resolution Number 12-14 be hereby amended to reflect increased funding with Living Opportunities of DePaul by \$2,000.00 for the development of a crisis/respite bed. 100% State Aid. No County Levy; All else remains the same.

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

#15

**RESOLUTION NO. 12-379
(December 11, 2012)**

By Mrs. Ryan, Chairman of Public Health Committee:

**CHAIRMAN AUTHORIZED TO SIGN 2013 RENEWAL
CONTRACTS ON BEHALF OF MENTAL HEALTH**

BE IT RESOLVED, that the Chairman of this Board, with the approval of the County Attorney and on behalf of the Department of Mental Health, is hereby authorized and directed to sign the following contracts for FY 2013:

1. Livingston/Wyoming Arc, 18 Main Street, Mt. Morris, NY 14510, contract renewal for Sheltered Workshop Program for the mentally ill population for the period January 1, 2013 through December 31, 2013 for \$44,447.00.
2. Suburban Adult Services, Inc., 960 West Maple Court, Elma, NY 14059, contract renewal for the period of January 1, 2013 through December 31, 2013 for \$39,955.00 for Sheltered Work
3. Wyoming County Community Hospital, 400 North Main Street, Warsaw, NY 14569, contract renewal for the period of January 1, 2013 through December 31, 2013 - \$166,825.00.
 - a. PAO screenings - \$22,505.00
 - b. Forensic case management - \$25,808.00
 - c. Jail based Chemical Dependency services in the jail \$3,000.00
 - d. MICA/Homeless - Case Management - \$11,364.00
 - e. Crisis Outreach Program - \$66,227.00
 - f. Mobile Treatment Team - \$16,813.00
 - g. Case Management AOT - \$21,108.00

4. Mental Health Association of Rochester/Monroe County, Inc., 320 North Goodman Street, Rochester, NY 14607 – contract renewal for the period of January 1, 2013 - December 31, 2013 - \$214,239.00:

- a. Consumer Run Thrift Store - \$31,049.00
- b. Drop-in Center - \$90,988.00
- c. Transportation Program - \$44,797.00
- d. MICA & Social Club - \$25,734.00
- e. Peer Advocacy - \$11,546.00
- f. Temporary Housing - \$10,125.00

5. Hillside Children's Center, 1183 Monroe Ave., Rochester, NY 14620-1699, contract renewal for the period of January 1, 2013 through December 31, 2013 - \$88,825.00:

- a. Crisis respite for children - \$17,802.00
- b. GLOW Family Support - \$31,683.00
- c. Home Based Crisis Intervention - \$14,340.00
- d. Coordinated Children's Services - \$25,000.00
- e. Customized Services - \$3,500.00

6. Spectrum Human Services, Inc., 227 Thorn Ave., Orchard Park, NY 14127 contract renewal for the period of January 1, 2013 through December 31, 2013 - \$432,554.00.

- a. Mental Health Clinic, Crisis: \$22,408.00
- b. Adult ICM/SCM/SPOA \$59,464.00
- c. Child & Youth ICM/SPOA \$32,773.00
- d. RIV-POEMS CSP
- e. Co-Occuring Disorders Coordinator & Case Mgmt \$12,835.00
- f. Forensic/Uncompensated Care \$36,240.00
- g. PROS \$43,814.00
- h. Alcohol and Substance Abuse Treatment \$225,020.00

7. Living Opportunities of DePaul, 2240 Old Union Road, Cheektowaga, NY 14227-2728, contract renewal for the period of January 1, 2013 through December 31, 2013 for \$175,825.00.

- a. Four-bed treatment apartments \$4,801.00
- b. Supported Housing (20 SLOTS) \$168,524.00
- c. Crisis/Respite Bed \$2,500.00

8. Coordinated Care Services, Inc. of Rochester, 1099 Jay Street, Building J, Rochester, NY 14611-1153, contract renewal for the period of January 1, 2013 through December 31, 2013- \$591,776.00

- a. Service Coordination \$179,000.00
- b. Dual Diagnosis Coordination \$72,858.00
- c. Performance Measurements \$8,577.00
- d. Substance Abuse Prevention \$326,341.00
- e. Technical Assistance \$5,000.00

9. Camp Get-A-Way, Western Region New York State, 18 West Buffalo Street, Warsaw, NY 14569, contract renewal period for January 1, 2013 through December 31, 2013 - \$25,000.00

Contingent upon the availability of funds.

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

There was a motion by Mr. Rogers, T/Pike, to combine resolutions #16 and #17. A voice vote was taken and all voted aye.

#16

**RESOLUTION NO. 12-380
(December 11, 2012)**

By Mr. Rogers, Chairman of Public Safety Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND
ACCEPTANCE AWARD WITH NEW YORK STATE DEPARTMENT
OF CRIMINAL JUSTICE SERVICES ON BEHALF OF THE DISTRICT
ATTORNEY'S OFFICE**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant acceptance award with New York State Department of Criminal Justice Services, 4 Tower Place, Albany, NY on behalf of the District Attorney's office. Said grant funding is for the S.T.O.P. Violence Against Women program in a minimum amount of thirty-five thousand three hundred forty-three dollars (\$35,343.00); effective January 1, 2013 through December 31, 2013.

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

#17

**RESOLUTION NO. 12-381
(December 11, 2012)**

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, NY14202-3902 for court security for County, Family and Supreme Courts in an amount not to exceed two hundred ninety-six thousand dollars (\$296,000.00); effective April 1, 2012 through March 31, 2013.
- ***EM Systems Inc***, 4043 Maple Road, Suite 211, Amherst NY 14226 for the provision of providing RMS and Sex Offender Program software, updates and support service in a maximum amount of \$12,000.00; effective January 1, 2013 through December 31, 2013.

County Jail:

- ***Sinclair Pharmacy***, 75 North Main Street, Warsaw, NY 14569 to provide Inmate pharmaceuticals; effective April 1, 2013 through March 31, 2015.
- ***Lexis Nexis***, 1275 Broadway, Albany NY 12204 for the provision of law library to meet SCOC standards in a maximum amount of \$20,715.00 (cost will be split for Y2013 \$6,615.00; Y2014 \$7,050.00; Y2015 \$7,050.00); effective February 1, 2013 through January 31, 2016.
- ***EM Systems Inc***, 4043 Maple Road, Suite 211, Amherst NY 14226 for the provision of providing JMS software, updates and support service in a maximum amount of \$8,500.00; effective April 1, 2013 through March 31, 2014.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

There was a motion by Mr. Patti, T/Attica, to combine resolutions #18 and #19. A voice vote was taken and all voted aye.

#18

**RESOLUTION NO. 12-382
(December 11, 2012)**

By Mr. Patti, Chairman of Public Works Committee:

**CHAIRMAN AUTHORIZED TO AWARD BID AND SIGN CONTRACTS
WITH KREATIVE DESIGN KITCHEN & BATH, INC. ON BEHALF OF
THE WYOMING COUNTY COMMUNITY HOSPITAL RENOVATIONS
CAPITAL IMPROVEMENT PROJECT**

December 11, 2012

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 Kreative Design Kitchen & Bath, Inc. 5582 East Main Rd. Batavia, NY 14020 on behalf of the Wyoming County Community Hospital Renovations Capital Improvement Project. Said bid is for Cabinets and Corian Tops for the Skilled Nursing Home Renovation Project in an amount not to exceed seventeen thousand five hundred thirty-nine dollars and eleven cents (\$17,539.11); effective October 23, 2012 through project completion. Contingent upon the availability of funds.

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

#19

**RESOLUTION NO. 12-383
(December 11, 2012)**

By Mr. Patti, Chairman of Public Works Committee:

**DEPARTMENT OF SOCIAL SERVICES RENOVATION
CAPITAL IMPROVEMENT PROJECT COMPLETE**

BE IT RESOLVED, That the Wyoming County Board of Supervisors recognizes and accepts that the Department of Social Services Building project has been completed, has paid all vendors and suppliers in full for their final invoice payments, and wishes to move forward with loan close out through the United States Department of Agriculture, Rural Development.

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

There was a motion by Mr. Kushner, T/Eagle, to combine resolutions #20 through #31. A voice vote was taken and all voted aye.

Supervisor Grant, T/Bennington informed Chairman Berwanger that she would be abstaining from the vote on resolution office #30. Chairman Berwanger then asked the Clerk to first call the roll for resolution #30, then resolutions #20-29 and 31.

#20

**RESOLUTION NO. 12-384
(December 11, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

SEMI-ANNUAL REVENUE SHARING FOR THE TOWNS

Regular Session

BE IT RESOLVED, That the Chairman of the Finance Committee, presented the Semi-Annual Revenue Sharing Report for the period of April 1, 2012 through September 30, 2012 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 three hundred ten dollars and ninety-two cents (\$33,310.92) to the sixteen towns of Wyoming County, in accordance with the report filed with the Clerk of the Board of Supervisors, as follows:

TOWNS	REVENUE SHARING DISTRIBUTED
Arcade	\$3,979.35
Attica	\$3,398.36
Bennington	\$3,968.37
Castile	\$3,603.85
Covington	\$1,340.42
Eagle	\$869.22
Gainesville	\$833.64
Genesee Falls	\$399.48
Java	\$1,365.83
Middlebury	\$1,317.95
Orangeville	\$1,486.75
Perry	\$2,794.48
Pike	\$919.08
Sheldon	\$1,863.05
Warsaw	\$4,413.51
Wethersfield	\$757.58
Grand Totals:	\$33,310.92

Let this be your Warrant for Such Payment: **\$33,310.92** (thirty-three thousand three hundred ten dollars and ninety-two cents) IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Board of Supervisors this 11th day of December, 2012.

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

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

#21

**RESOLUTION NO. 12-385
 (December 11, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

December 11, 2012

**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, 2013*.

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

#22

**RESOLUTION NO. 12-386
(December 11, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

DATE SET FOR ANNUAL ORGANIZATIONAL MEETING

WHEREAS, The Rules of Procedure of the Board of Supervisors has been suspended by unanimous consent for the purpose recited in this resolution;

BE IT RESOLVED, That the **Annual Organizational Meeting** of the Wyoming County Board of Supervisors will be set for *Wednesday, January 2, 2013, at 2:00 PM*, in the Supervisors' Chambers located in the Wyoming County Government Center, 2nd Floor, at 143 North Main Street, Village of Warsaw, Warsaw, New York 14569.

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

#23

**RESOLUTION NO. 12-387
(December 11, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

Regular Session

**CHAIRMAN AUTHORIZED TO SIGN LETTERS OF
UNDERSTANDING WITH CONTRACT AGENCIES FOR 2013**

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 2013:

Contingent upon the availability of funds.

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

#24

**RESOLUTION NO. 12-388
(December 11, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A MEMORANDUM OF
AGREEMENT WITH CORNELL COOPERATIVE EXTENSION OF
WYOMING COUNTY FOR THE YEAR 2013**

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 (\$324,395.00) to be allocated as follows:

- **\$138,899.20** to partially fund the Agricultural Dept.
- **\$185,495.80** to fully fund the 4-H Dept.
\$324,395.00
and
- **\$9,000.00** to partially fund the Wyoming County Dairy Institute

Effective January 01, 2013 through December 31, 2013;

Contingent upon the availability of funds.

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

RESOLUTION NO. 12-389
(December 11, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

DATE OF JANUARY 2013 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 2013 Regular Session** of the Wyoming County Board of Supervisors will be held on ***Monday, January 14th, 2013 at 2:30 PM*** in the Supervisors' Chambers located in the Wyoming County Government Center, 2nd Floor, at 143 North Main Street, Village of Warsaw, Warsaw, New York 14569.

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

RESOLUTION NO. 12-390
(December 11, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH
MUNICIPAL SOLUTIONS (JEFFREY R. SMITH, PRES.) ON
BEHALF OF THE COUNTY OF WYOMING**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Municipal Solutions (Jeffrey R. Smith, Pres.), 83 Myrtle Street, LeRoy, NY 14482, for the provision of New York State Department of State Local Government High Priority Planning Grant Water Agency Implementation deliverables in an amount not to exceed twenty-eight thousand five hundred dollars (\$28,500.00); effective January 01, 2013 through December 31, 2013.

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

RESOLUTION NO. 12-391
(December 11, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH
THE BRENNAN GROUP CONSULTING (PATRICK BRENNAN)
ON BEHALF OF THE COUNTY OF WYOMING**

BE IT RESOLVED, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with The Brennan Group Consulting (Patrick Brennan), 7705 Sally Road, Waterville, NY 13480 on behalf of the County of Wyoming. Said contract is for consulting services relating to the implementation of a Countywide Water Resource Agency in an amount not to exceed two thousand five hundred dollars (\$2,500.00) per month plus mileage, tolls, and reasonable expenses reimbursed; effective January 01, 2013 through December 31, 2013.

Contingent upon the availability of funds.

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

#28

RESOLUTION NO. 12-392
(December 11, 2012)

By Mr. Kushner, Chairman of the 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 be hereby reappointed to the Western Region Off Track Betting Corporation Board of Directors for a term of two (2) years; effective January 1, 2013 through December 31, 2014.

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

RESOLUTION NO. 12-393
(December 11, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

**NANCY CLARK REAPPOINTED TO THE WYOMING
COUNTY COMMUNITY HOSPITAL BOARD OF MANAGERS**

BE IT RESOLVED, That Nancy Clark, 703 McGrath Rd., Attica, NY 14011 be hereby reappointed to the Wyoming County Community Hospital Board of Managers for a term of five (5) years; effective January 01, 2013 through December 31, 2017.

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

RESOLUTION NO. 12-394
(December 11, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

SALARY SCHEDULES "S," "D," "I," AND "G" AMENDED

BE IT RESOLVED, That the Wyoming County Salary Plan which became effective January 01, 1967, as amended, is hereby amended as follows:

- Salary Schedules "S," "D," "I," and "G" annexed hereto shall be substituted for the existing Schedules "S," "D," "I," and "G." Commencing January 01, 2013, eligible employees in the job titles covered thereby shall be paid the basic salary in accordance with these wage and salary schedules; and be it

FURTHER RESOLVED, That the salary of any position vacated shall be open for review by the appropriate committee.

Carried: XXX Ayes: 1406 Noes: Absent: 53 (Covington) Abstain: 140(Bennington)

2013 WYOMING COUNTY SALARY PLAN SCHEDULE "S"
REVISED 12-11-2012

Current Titles 2013		Proposed Salary
ANIMAL CONTROL		
Animal Control Assistant, PT	Res # 11-71	15.00/hr

Regular Session

BOARD OF ELECTIONS		
Deputy Commissioner (R)	Res # 12-394	\$36,628
Deputy Commissioner (D)	Res # 12-394	\$36,628
Voting Machine Custodian (2) each	Res # 12-294	\$1,000
BOARD OF SUPERVISORS		
Deputy Clerk of the Board of Supv.	Res # 12-394	\$37,503
BUDGET		
Reimbursement & Budget Administrator	Res # 12-394	\$64,500
Deputy Budget Officer, PT	Res # 12-394	\$33,000
CIVIL DEFENSE		
Administrative Assistant (Emer Serv)	Res # 12-394	\$35,417
County Fire Coordinator, PT	Res # 12-394	\$28,200
COUNTY ATTORNEY		
Asst. Co Atty, PT (1st)	Res # 12-360	\$50,000
Asst Co. Atty, FT (2nd)	Res # 12-360	\$67,000
Asst. Co Atty, PT (Supervisor)	Res # 12-360	\$0
Secretary to the County Attorney, PT	Res # 11-09	\$27,174
Secretary II	Res # 12-320	\$27,459
COUNTY CLERK		
Deputy County Clerk	Res # 12-394	\$38,950
COUNTY HISTORIAN		
Assistant County Historian, PT	Res # 12-394	\$9,536
DISTRICT ATTORNEY		
Assistant District Attorney (1st)	Res # 12-394	\$76,500
Assistant District Attorney (2nd)	Res # 12-394	\$50,000
Secretary to the District Attorney	Res # 12-394	\$32,200
Administrative Assistant (District Attorney)	Res # 12-394	\$34,500
FIRE & BUILDING CODE ENF.		
Building Inspector	Res # 12-394	\$41,540
Fire Safety Inspector	Res # 12-361	\$7,644
Fire Safety Inspector	Res # 12-361	\$7,644
HIGHWAY DEPARTMENT		
Deputy Co. Highway Supt.	Res # 12-394	\$65,829
Secretary to the Co. Highway Supt.	Res # 12-394	\$39,500
HUMAN RESOURCE		
Administrative Assistant (HR)	Res # 12-394	\$36,000
Human Resource Assistant	Res # 12-394	\$33,000
Secretary I	Res # 12-394	\$31,000
INFORMATION TECHNOLOGY		
Information Technology Specialist	Res # 12-394	\$46,713
Information Technology Assistant	Res # 12-394	\$36,000
Information Systems Administrator	Res # 12-394	\$53,022
Information Systems Specialist	Res # 12-394	\$43,287
MENTAL HEALTH		
Fiscal Officer 1	Res # 12-394	\$39,829
OFFICE FOR THE AGING		
Deputy Director of Aging	Res # 12-394	\$45,100
PLANNING AND DEVELOPMENT		
County Planner	Res # 12-394	\$42,000
Secretary 1 (.6 FTE) eff. 7/31/06	Res # 11-09	\$15,324
PUBLIC DEFENDER		
Assistant Public Defender, PT (1st)	Res # 11-09	\$22,295
Assistant Public Defender (2nd)	Res # 10-304	\$45,000

Assistant Public Defender, PT (3rd)	Res # 12-28	\$22,295
Secretary to the Public Defender, PT	Res # 11-09	\$12,140
Secretary 1, PT	Res # 11-09	\$5,202
PUBLIC HEALTH		
Director of Environmental Health	Res # 12-394	\$57,318
Fiscal Administrator	Res # 12-394	\$47,000
Director of Nursing	Res # 11-09	\$64,411
Assistant Director Of Nursing (CHHA)	Res # 10-304	\$54,000
Public Health Administrator	Res # 12-394	\$60,362
Nurse Practitioner	Res # 11-09	\$68,403
REAL PROPERTY TAX SERVICES		
RPTS Coordinator	Res # 12-394	\$40,000
SHERIFF		
Undersheriff	Res # 11-09	\$61,350
Secretary to the Sheriff	Res # 12-394	\$39,500
Stop-DWI Coordinator, PT	Res # 10-447	\$2,500
Deputy Stop-DWI Coordinator, PT	Res # 10-447	\$2,500
Secretary to the Stop-DWI Coordinator, PT	Res # 10-447	\$2,000
SOCIAL SERVICES		
Secretary II	Res # 12-28	\$29,500
Administrative Assistant (DSS)	Res # 12-394	\$35,200
Fiscal Director	Res # 12-394	\$56,254
Director of Programs	Res # 12-394	\$56,276
Medical Assistant Coordinator (.5FTE)	Res # 12-394	\$13,547
Domestic Violence Advocate (.5FTE)	Res # 12-394	\$20,153
Dir of Children & Family Services	Res # 12-394	\$51,103
Administrative Assistant (Fiscal Operations)	Res # 12-394	\$33,400
TREASURER		
Deputy County Treasurer	Res # 11-09	\$5,000
VETERAN'S SERVICES		
Assistant Director of Veterans Services	Res # 12-394	\$32,800
YOUTH BUREAU		
Handicapped Preschool Coordinator	Res # 12-394	\$42,700
Fiscal Officer 1	Res # 12-394	\$35,200

2013 WYOMING COUNTY SALARY PLAN SCHEDULE "D"
REVISED 12-11-2012

Current Titles 2013		Salary
ANIMAL CONTROL		
Animal Control Officer	Res # 12-394	\$38,713
BOARD OF ELECTIONS		
Commissioner of Elections (R)	Res #11-74	\$14,241
Commissioner of Elections (D)	Res #11-74	\$14,241
BOARD OF SUPERVISORS		
Clerk of the Board of Supervisors	Res # 12-394	\$55,000
BUDGET		
Budget Officer, PT	Res # 09-459	\$10,000
BUILDING AND GROUNDS		
Supt. of Buildings & Grounds	Res # 12-394	\$68,792
Supt. of Buildings & Grounds (Co. Bldgs.)	Res # 12-394	\$51,218
Supt. of Buildings & Grounds (Co. Bldgs.) Oversight of WCCH facility	Res#12-398	\$10,000
CIVIL DEFENSE		

Regular Session

Dir. of Fire & Emergency Management	Res # 12-324	\$55,648
CONSUMER AFFAIRS		
Director of Weights and Measures	Res # 12-394	\$42,500
COUNTY HISTORIAN		
County Historian	Res # 12-394	\$32,851
COUNTY RECORDS MANAGEMENT		
County Records Manager	Res # 12-394	\$34,789
FIRE & BUILDING CODE ENFORCEMENT		
Code Enforcement Officer	Res # 12-394	\$52,428
HIGHWAY DEPARTMENT		
County Highway Superintendent	Res # 12-394	\$81,786
HIPAA		
HIPAA Privacy Officer	Res #05-392 (stipend)	\$1,000
HIPAA Security Officer	Res #05-392 (stipend)	\$1,000
HUMAN RESOURCE		
Human Resource Director	Res # 12-394	\$92,000
INFORMATION TECHNOLOGY		
Dir. of Information Technology	Res # 12-394	\$70,148
Dir. Of Information Technology Stipend for Oversight of Information Technology at WCCH	Res #12-398	\$10,000
MENTAL HEALTH		
Dir. of Community Services	Res #11-74	\$64,509
OFFICE FOR THE AGING		
Director of Aging and Youth	Res #06-117 (See Youth Bureau)	\$0
PROBATION		
Probation Director 1	Res # 12-394	\$56,455
PUBLIC DEFENDER		
Public Defender, PT	Res #11-74	\$53,627
PUBLIC HEALTH DEPT		
Commissioner of Public Health	Res #11-74	\$71,674
Medical Director, PT	Res #12-112	\$39,000
REAL PROPERTY TAX SERVICES		
Director of Real Property Tax Services	Res # 12-324	\$62,402
SOCIAL SERVICES DEPT		
Commissioner of Social Services	Res # 12-324	\$68,463
VETERAN'S SERVICES		
Director of Veterans Services, (PT)	Res # 12-324	\$23,000
WORKERS COMPENSATION		
Worker's Comp. Prog. Administrator	Res # 12-394	\$54,860
YOUTH BUREAU		
Director of Aging and Youth	Res # 12-394	\$54,900

2013 WYOMING COUNTY SALARY PLAN SCHEDULE "I"
REVISED 12-11-2012

Current Titles 2012		Salary
Board of Supervisor Chairman***	Res # 09-494	\$53,856
Stipend to Bd. of Superv. Chairman (WCCH)	Res # 12-74	\$20,000
Board of Supervisors***	Res # 08-471	\$10,500
County Clerk*	Res # 12-394	\$51,000
District Attorney**	Res # 12-152	\$140,300
Treasurer*	Res # 12-394	\$54,000
Sheriff*	Res # 11-74	\$76,303

**2013 WYOMING COUNTY SALARY PLAN SCHEDULE "F"
REVISED 9/13/2011**

Current Titles 2004 sal

OFFICE FOR THE AGING

Meal Site Manager	Res# 11-292	\$7.95	\$9.20/hr
Meal Site Manager, PT	Res# 09-136	\$7.80	\$8.82/hr
Meal Site Manager-Substitute	Res# 09-136	\$7.80	\$8.66/hr

**WYOMING COUNTY SALARY PLAN SCHEDULE "G"
REVISED 1/13/2012**

PUBLIC HEALTH

Public Health
Nurse (1.0 FTE) Res# 12-394 \$25.87/hr (corresponding to Schedule A - Grade 18/step 6)
eff. 11/29/2012
Student Aide Res#
(Seasonal) - 09-185 \$8.00/hr
Temporary
(run concurrently with the NYS DOH Cancer Services Program)
Emergency
Preparedness Res#
Coord. (Wyo. 12-394 \$42,500.00 effective 01/01/2013
Co.)

SHERIFF

Deputy Sheriff **Res#** **\$23.74/hr** (corresponding to DSA collective bargaining unit
(1.0 FTE) 11-147 agreement)
(run concurrently with NYS Office of Alcoholism and Substance Abuse Prevention First-NY)

DISTRICT ATTORNEY

Crime Victims Program Coordinator	Res# 11-292	\$35,000	\$38,443.00	eff 10/1/11
Domestic Violence Coordinator	Res# 11-09	\$27,000	\$34,333.00	eff 01/01/11
Stipend to 1st Assistant DA	Res# 12-29	\$5000*	\$10,500.00	*One time Stipends payable after 1/1/2012 *
Stipend to 2nd Assistant DA	Res# 12-29		\$3,000.00	*One time Stipends payable after 1/1/2012 *
Stipend to Admin. Asst. (DA)	Res# 12-29	\$3000*	\$2,500.00	*One time Stipends payable after 1/1/2012 *
Stipend to Crime Victims Prog. Coordinator	Res# 12-29		\$1,000.00	*One time Stipends payable after 1/1/2012 *

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

Regular Session

PUBLIC DEFENDER

Assistant Public Res#
 Defender (2nd) 12-321
 (Office of Indigent Legal Services Stipend)

Effective June 1, 2012 through May 31, 2013

#31

RESOLUTION NO. 12-395
(December 11, 2012)

By Mr. Kushner, Chairman of the Finance Committee:

**RESOLUTION OF THE BOARD OF SUPERVISORS LEVYING
 TAXES AND ASSESSMENTS REQUIRED FOR PURPOSE OF ANNUAL
 BUDGET OF TOWNS OF WYOMING COUNTY**

WHEREAS, There has been presented to this Board of Supervisors a duly certified copy of the annual budget of each of the several Towns in the County of Wyoming for the fiscal year beginning January 1, 2013; now therefore

BE IT RESOLVED, That there shall be and hereby is assessed and levied upon and collected from the taxable real property situated in the following named Towns outside of the incorporated Villages, wholly or partially located therein, the amounts indicated below for Highway Outside Village, for purposes included with General Outside Village or to be spread with Highway Outside, as specified in the budgets of the respective Towns as follows:

NAME OF TOWN	GENERAL FUND OUTSIDE	HIGHWAY OUTSIDE	TOTAL
ARCADE	\$ 28,730.00	\$ 324,527.35	\$ 353,257.35
ATTICA	\$ -	\$ 244,309.00	\$ 244,309.00
BENNINGTON	\$ -	\$ -	\$ -
CASTILE	\$ 24,580.00	\$ 233,050.00	\$ 257,630.00
COVINGTON	\$ -	\$ -	\$ -
EAGLE	\$ -	\$ -	\$ -
GAINESVILLE	\$ 10,030.00	\$ 152,668.00	\$ 162,698.00
GENESEE FALLS	\$ -	\$ -	\$ -
JAVA	\$ -	\$ -	\$ -
MIDDLEBURY	\$ 3,600.00	\$ 243,050.00	\$ 246,650.00
ORANGEVILLE	\$ -	\$ -	\$ -
PERRY	\$ 17,754.25	\$ 213,050.98	\$ 230,805.23
PIKE	\$ -	\$ -	\$ -
SHELDON	\$ -	\$ -	\$ -
WARSAW	\$ 11,344.00	\$ 316,622.00	\$ 327,966.00
WETHERSFIELD	\$ -	\$ -	\$ -
TOTALS:	\$ 96,038.25	\$ 1,727,277.33	\$ 1,823,315.58

December 11, 2012

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		\$ 75,250.00		*** \$ 127,000.00		\$ 202,250.00
ATTICA		\$ 74,000.00				\$ 74,000.00
BENNINGTON		B \$ 91,000.00 C \$ 75,000.00 HC \$ 28,595.04 V \$ 8,546.00	\$ 2,004.00	* \$ 44,390.00		\$ 249,535.04
CASTILE		\$ 67,300.00	\$ 5,200.00	** \$ 218,200.00	* \$ -	\$ 290,700.00
COVINGTON		PA \$ 73,500.00 WY \$ 11,750.00 PE \$ 5,000.00		* \$ 350.00		\$ 90,600.00
EAGLE		\$ 170,849.00	\$ 5,000.00	* \$ 6,850.00	* \$ -	\$ 182,699.00
GAINESVILLE		G \$ 42,500.00 SS \$ 15,150.00 C \$ 1,400.00				\$ 59,050.00
GENESEE FALLS		\$ 7,100.00	\$ 8,000.00			\$ 15,100.00
JAVA	NJ \$ 2,893.78	NJ \$ 30,855.94 S \$ 62,335.71	NJ \$ 2,500.00 JC \$ 300.00	* \$ 12,891.25	* \$ -	\$ 111,776.68
MIDDLEBURY		F1 \$ 60,050.00 F2 \$ 13,100.00				\$ 73,150.00
ORANGEVILLE		V \$ 47,808.00 O \$ 15,969.00	L3 \$ 650.00			\$ 64,427.00
PERRY	F3 \$ 860.00	F4 \$ 39,000.00	PC \$ 1,500.00	* \$ 15,580.00 ** \$ 18,520.00		\$ 75,460.00
PIKE		F1 \$ 37,800.00	L1 \$ 6,000.00 S1 \$ 4,000.00			\$ 47,800.00
SHELDON	V \$ 9,462.00	ST \$ 34,905.24 NJ \$ 6,312.00 V \$ 33,624.00 SH \$ 102,000.00 HC \$ 28,595.04	L1 \$ 3,600.00 L2 \$ 2,400.00 L3 \$ 600.00 L9 \$ 1,200.00		* \$ -	\$ 222,698.28
WARSAW		\$ 54,264.00		* \$ 5,209.00 ** \$ 48,805.00		\$ 108,278.00
WETHERSFIELD		G \$ 25,894.00 NJ \$ 16,400.00 B \$ 13,500.00				\$ 55,794.00
TOTALS:		\$ 13,215.78	\$ 1,369,352.97	\$ 42,954.00	\$ 497,795.25	\$ -
				* = WATER	** = SEWER	*** = RECYCLING

and be it

FURTHER RESOLVED, That the amounts to be raised by tax for all other purposes, as specified in the said several budgets are presented to this Board and which are on file in the office of the Clerk hereof, shall be and hereby are assessed and levied upon and collected from all the taxable property in the Towns as indicated below, except otherwise provided by Law, namely:

NAME OF TOWN	GENERAL FUND TOWN WIDE	HIGHWAY FUND TOWN WIDE	TOTAL
ARCADE	\$ 196,629.32	\$ 309,019.41	\$ 505,648.73
ATTICA	\$ 180,014.00	\$ 229,151.00	\$ 409,165.00
BENNINGTON	\$ 179,625.00	\$ 625,600.00	\$ 805,225.00
CASTILE	\$ 204,152.00	\$ 181,352.00	\$ 385,504.00
COVINGTON	\$ 169,593.00	\$ 281,072.00	\$ 450,665.00
EAGLE	\$ -	\$ -	\$ -
GAINESVILLE	\$ 149,157.00	\$ 122,428.00	\$ 271,585.00
GENESEE FALLS	\$ 136,824.00	\$ 203,998.00	\$ 340,822.00
JAVA	\$ 120,624.00	\$ 319,726.00	\$ 440,350.00
MIDDLEBURY	\$ 145,209.00	\$ 105,600.00	\$ 250,809.00
ORANGEVILLE	\$ 197,505.00	\$ 517,695.00	\$ 715,200.00
PERRY	\$ 173,600.84	\$ 255,832.40	\$ 429,433.24
PIKE	\$ 182,595.00	\$ 262,329.00	\$ 444,924.00
SHELDON	\$ -	\$ -	\$ -
WARSAW	\$ 344,058.00	\$ 320,923.00	\$ 664,981.00
WETHERSFIELD	\$ 25,331.00	\$ 49,000.00	\$ 74,331.00
TOTALS:	\$ 2,404,917.16	\$ 3,783,725.81	\$ 6,188,642.97

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

Public Comment:

None heard

Supervisor Kushner commented on the local law and its origin.

Motion to close the Public Hearing was made by Supervisor Rogers, T/Pike. Seconded by Supervisor Brick, T/Perry. Carried.

**Local Law
#32**

**RESOLUTION NO. 12-396
(December 11, 2012)**

By Mr. Kushner, Chairman of the Finance Committee:

LOCAL LAW NO. 5 (INTRODUCTORY E) - YEAR 2012, “County of Wyoming, A Local Law to Rescind and Replace Local Law 3, Year 2002, A Local Law Establishing and Relating to Wyoming County Tax Information/Truth Act of 2002,” **ADOPTED**

WHEREAS, *There was duly presented and introduced at a meeting of this Board, held on the 13th day of November, 2012, a proposed local law of the County, designated as Local Law Introductory No. E, for the year 2012, entitled, “County of Wyoming, A Local Law to Rescind and Replace Local Law 3, Year 2002, A Local Law Establishing and Relating to Wyoming County Tax Information/Truth Act of 2002;” and*

December 11, 2012

WHEREAS, In accordance with the provisions of Resolution No. 12-345, there was a public hearing held by this Board of Supervisors on this 11th day of December, 2012, 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 2012, County of Wyoming, New York, as presented to this Board on the 13th day of November 2012, is hereby adopted, enacted and passed by this Board in its amended form as follows:

LOCAL LAW NO. 5 - YEAR 2012

County of Wyoming, A Local Law to Rescind and Replace Local Law 3, Year 2002, A Local Law Establishing and Relating to Wyoming County Tax Information/Truth Act of 2002

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

SECTION 1. TITLE.

This Local Law shall be known and may be cited as the "Wyoming County Tax Information/Truth in Taxation Act of 2012."

SECTION 2. LEGISLATIVE FINDINGS AND PURPOSE.

It is generally recognized that property taxpayers have a substantial interest in receiving complete tax bill information. Part of having complete information should include a description of major programs funded by the County as well as a summary of the impact that State mandates have on property taxes. It is the intent of this law to provide a tax bill summary to be posted on the county web site at the time annual tax bills are distributed to ensure that the citizens of Wyoming County receive such information in as clear and as complete a way as possible to assist their understanding as to what their real property taxes pay for.

SECTION 3: COUNTY TAX BILL INFORMATION STATEMENT

The Chairman of the Board of Supervisors is hereby authorized to cause an information statement to be provided on County tax bills in bold, capitalized font *of at least 14 point type*, reading as follows:

For A More Detailed Explanation Of Your County Tax Rates Please Visit
The Following Website: www.wyomingco.net.

In the event the website of the County is changed, the website(s) otherwise listed in this Section shall change to reflect the new website(s).

SECTION 4. COUNTY TAX BILL STATEMENT.

The Chairman of the Board of Supervisors is hereby authorized to take any and all action necessary to cause a Tax Bill statement summarizing County budget information and the impact that State mandates have on the County tax levy to be posted on the county website. The Tax Bill Summary shall include the following sections:

- a. Summary of revenues and expenses included in the County budget, including a tabulation and/or graphical depiction of major cost centers and the respective percentage of total spending of each item.
- b. Standard statement defining State mandates which shall include an explanation that some mandated amounts are approximate or qualified and that all mandates are not identified, if such be the case.
- c. Narrative and/or graphical summary of financial impacts of identified State mandates and the percentage of total spending that these mandates represent.
- d. Other information deemed necessary by the County Executive to implement this Local Law.

SECTION 5. PROCEDURE.

The Budget Officer shall submit a proposed tax bill summary template to the Finance Committee, which shall be approved on an annual basis. Should the Finance Committee fail to take any action within 45 days of submission, the Chairman of the Board's template shall be deemed approved. The procedures required by this local law shall be carried out in addition to, and in accordance with, other annual tax billing procedures existing within the County of Wyoming. Nothing contained in this local law, or any amendments or regulations pertaining thereto, shall be construed to in any way affect, modify or alter in any manner whatsoever, the County tax levy, definition or description of the County tax levy, or calculation thereof.

SECTION 6. REPEAL OF LOCAL LAW NO. 3 OF THE YEAR 2002

Local Law No. 3 of the year 2002 is hereby repealed.

SECTION 7. EFFECTIVE DATE.

This local law shall take effect upon filing with the Secretary of State.

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

RESOLUTION NO. 12-397
(December 11, 2012)

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

**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN
ENERGY PERFORMANCE CONTRACT LEASE/PURCHASE AGREEMENT
AND RELATED DOCUMENTS**

WHEREAS, The County of Wyoming, New York (the “County”), has solicited requests for proposals in connection with various energy improvements in County facilities, and, as a result thereof, has selected JW Danforth to undertake and perform the identified energy related improvements (the “Project”); and

WHEREAS, It is now desired to approve the financing of this Project, at a maximum estimated cost of \$2,000,000 and to authorize various actions and the execution of a lease purchase agreement (the “Lease”) as well as related documents, now therefore

BE IT RESOLVED, As follows:

Section 1. The County Treasurer is authorized to execute the Lease and related escrow contract in order to finance the Project described in the preambles hereof.

Section 2. The County approves the engagement of
(i) Real Lease to facilitate the procurement of financing of such Project and to serve as lessor under the Lease, if necessary,
(ii) Fiscal Advisors and Marketing, Inc. to provide financial advisory services in connection with the Lease, and
(iii) Orrick, Herrington & Sutcliffe LLP as bond counsel to review the Lease and provide its opinion in connection therewith.

Section 3. The County Treasurer and other officers of the County are hereby authorized to take all action necessary or reasonably required in order to effectuate the intent of this resolution.

Section 4. This resolution shall take effect immediately.

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) Abstain:

Regular Session

**RESOLUTION NO. 12-398
(December 11, 2012)**

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

SALARY SCHEDULE “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 “D”:

- **Buildings and Grounds**
 - Extend the stipend of the **Superintendent of Buildings and Grounds (County Buildings)/oversight of WCCH buildings** in the amount of \$10,000.00/semi-annually; effective January 01, 2013 through June 30, 2013.
- **Information Technology**
 - Extend the stipend of the **Director of Information Technology/oversight of WCCH IT** in the amount of \$10,000.00/semi-annually; effective January 01, 2013 through June 30, 2013.

Carried: XXX Ayes: 1546 Noes: Absent: 53 (Covington) 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, Board Clerk

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