

PROCEEDINGS

OF THE

BOARD OF  
SUPERVISORS

WYOMING COUNTY  
NEW YORK

Volume I

2016

## **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 **2016**.

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

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



## Wyoming County Board of Supervisors

***Left to right, front row:*** Rebecca Ryan (T/Warsaw ~ Vice Chairman of the Board); Ellen Grant (T/Bennington); Cheryl Ketchum (Board Clerk); Susan May (T/Orangeville)

***Second row:*** Sandy King (T/ Pike); Vanessa McCormick (T/Java); Janis Cook (Budget & Reimbursement Officer); Brian Becker (T/Sheldon)

***Third row:*** John Copeland (T/Wethersfield); Lisa A. Perez (Deputy Board Clerk); James Wujcik (County Attorney); David Tallman (T/Gainesville); James Brick (T/Perry); Daniel Leuer (T/Middlebury)

***Fourth row:*** Brett Hastings (T/Eagle); Michael Vasile (T/Genesee Falls); Jerry Davis (T/Covington), A. Douglas Berwanger (T/Arcade ~ Chairman of the Board), Bryan Kehl (T/Attica)

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## 2016 Supervisors for Wyoming County

<u>TOWN</u>	<u>SUPERVISOR</u>	<u>PHONE</u>
Arcade	A. DOUGLAS BERWANGER 6608 E. Arcade Rd., Arcade, NY 14009	492-3798 492-4685 Ofc.
Attica	BRYAN KEHL 9 Water St., Attica, NY 14011	591-2920
Bennington	ELLEN GRANT 134 Clinton St., Alden, NY 14004	937-9913 591-2157 Ofc.
Castile	KEITH GRANGER 31 E. Mill St., Castile, NY 14427	493-2233
Covington	JERRY DAVIS 7414 Court Rd., PO Box 445, Pavilion, NY 14525	584-3162
Eagle	BRETT HASTINGS 6032 Horton Rd., Bliss NY 14024	322-9257
Gainesville	DAVID TALLMAN 16 Beardsley Ave., PO Box 177 Silver Springs, NY 14427	492-5800
Genesee Falls	MICHAEL VASILE 6440 Pike. St., PO Box 394, Portageville, NY 14536	468-5968
Java	VANESSA MCCORMICK 2436 McCormick Rd., North Java, NY 14113	457-3233
Middlebury	DANIEL P. LEUER 712 Transit Rd., Wyoming, NY 14591	495-6804
Orangeville	SUSAN MAY 2916 Orangeville Ctr. Rd., Warsaw, NY 14569	786-5508 786-2883 Ofc.
Perry	JAMES R. BRICK 7618 Route 20A, Perry, NY 14530	237-2472 237-2241 Ofc.
Pike	SANDRA KING 4643 Safford Rd., Gainesville, NY 14066	493-5140
Sheldon	BRIAN BECKER 1514 Perry Rd., North Java, NY 14113	535-7644
Warsaw	REBECCA RYAN 172 W. Buffalo St., Warsaw, NY 14569	786-2523 786-2800 Ofc.
Wethersfield	JOHN F. COPELAND 5888 Sheppard Rd., Bliss, NY 14024	322-8800

# **Wyoming County Board of Supervisors 2016 Standing Committees**

**\*Effective January 04, 2014**

## **FINANCE COMMITTEE**

**Kehl, Grant,** Davis, Tallman, Leuer, May, Brick, King, Ryan, Copeland

## **AGRICULTURE COMMITTEE**

**Brick, Kehl,** Hastings, McCormick, King, Becker, Copeland

## **AUDIT COMMITTEE**

**King, Davis,** Grant, Granger, Vasile, Becker, Ryan

## **HUMAN RESOURCE COMMITTEE**

**Tallman, King,** Kehl, Grant, Hastings, McCormick, Leuer, Becker, Copeland

## **HUMAN SERVICES COMMITTEE**

**Grant, Ryan,** Davis, Hastings, Tallman, Vasile, McCormick, King, Copeland

## **PLANNING COMMITTEE**

**Leuer, Davis,** Granger, Hastings, McCormick, Brick, King, Ryan

## **GREEN ENERGY COMMITTEE**

**May, Hastings,** Granger, McCormick, Brick, Becker, Copeland

## **PUBLIC HEALTH COMMITTEE**

**Ryan, Grant,** Kehl, Granger, Hastings, McCormick, May, King, Becker

## **PUBLIC SAFETY COMMITTEE**

**Copeland, May,** Kehl, Granger, Davis, Tallman, Brick, Becker

## **PUBLIC WORKS COMMITTEE**

**Davis, Grant,** Kehl, Tallman, Leuer, May, Brick, Ryan

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

## Officers for Wyoming County ~ 2016

US Congressman, 27 <sup>th</sup> District	Chris Collins	Williamsville
NYS Senator, 59 <sup>th</sup> District	Patrick M. Gallivan	Warsaw
NYS Assemblyman, 147 <sup>th</sup> District	David DiPietro	East Aurora
Republican Comm. Chairman	James Schlick	Darien
Democratic Comm. Chairman	Harold Bush	Gainesville
Board of Supervisors, Chairman	A. Douglas Berwanger	Arcade
Board of Supervisors, Vice Chair	Rebecca Ryan	Warsaw
Board of Supervisors, Clerk	Cheryl Ketchum	Eagle
Animal Control Officer	Justa D. Goodell	Castile
Budget Officer/Reimbursements	Janis Cook	Warsaw
Civil Service Commission	Tim Moran	Attica
	Sandra Domnissey	Warsaw
	Tom Dutton	Eagle
	Marianne E. Kelly	Perry
Commissioner of Jurors	Michael Smith	Wyoming
	Neil Williams	Arcade
	Renee Hill	Attica
	Jennifer Prutsman-Pfeiffer	Darien Center
County Attorney	James Wujcik	Attica
County Clerk	Rhonda Pierce	Wethersfield
County Judge	Michael Mohun	Cowlesville
County Judge	Michael F. Griffith	Warsaw
District Attorney	Donald G. O'Geen	Warsaw
Election Commissioners	James Schlick (R)	Bennington
	Anna Mae Balmas (D)	Castile
		<i>(through 06-04-16)</i>
	Harold Bush (D)	Silver Springs
		<i>(effective 06-05-16)</i>
Fire & Building Code Officer	Donald Roberts	Pike

Fire & Emergency Mgmt. Dir.	Anthony Santoro	Attica
Health Dept. Commissioner	Gregory Collins, DO,MPH	Avon
Highway Superintendent	Todd Gadd	Cowlesville
Historian	Cynthia Amrhein	Perry
Hospital Administrator	Donald T. Eichenauer	Rush
Human Resource Director	Denise Morley	Geneseo
		<i>(through 02-05-16)</i>
Human Resource Director	Peter Bendyna	Warsaw
		<i>(effective 05-11-16)</i>
Information Technology Dir.	Todd E. MacConnell	Warsaw
Mental Health Director	Nancy Balbick	Middlebury
Office for the Aging Director	Andrea Aldinger	Attica
Planning & Development. Dir.	William Daly	Geneseo
Planning Board Chairman	Dana Grover	Perry
Probation Director	Joan Kibler	Varysburg
Public Defender	Norman P. Effman	Warsaw
Real Property Tax Serv. Director	James Kirsch	Sheldon
Records Retention, Director	Gail Royce	Warsaw
Sheriff	Gregory Rudolph	Attica
Social Services Commissioner	David Rumsey	Stafford
Traffic Safety Secretary	Joseph Heller, Jr.	Attica
Treasurer	Cheryl Mayer	Pike
Veterans Services Director	Richard Perez	Perry
Weights & Measures Director	James Marley	Gainesville
Worker's Comp./Health Ins. Adm.	Dixie Perkins	Warsaw
Youth Bureau Director	Andrea Aldinger	Attica



**ANNUAL ORGANIZATIONAL MEETING  
TUESDAY, JANUARY 4, 2016  
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. Clerk to the Board, Cheryl Ketchum, called the meeting to order at 2:00 pm.

Clerk Ketchum invited Supervisors Grant, T/Bennington and Davis, T/Covington to escort newly elected Town of Castile Supervisor, Keith Granger to his seat. Supervisors Davis, T/Covington and Tallman, T/Gainesville escorted newly elected Town of Eagle Supervisor, Brett Hastings to his seat and Supervisors King, T/Pike and Ryan, T/Warsaw escorted newly elected Town of Sheldon Supervisor, Brian Becker to his seat.

Once the newly elected Supervisors were seated, Clerk Ketchum introduced the Veteran leading the pledge for today's meeting as...

**First Lieutenant Joseph Breunig**

Mr. Joseph Breunig grew up in the rural Irish farming community of Burnsville Minnesota where he enjoyed fishing, sports and working on cars. He admired the positive values and principles learned from his father, who volunteered for duty in the Army Reserves. Thirteen days out of high school, Mr. Breunig enlisted the United States Navy to continue the family tradition of military service and pursue the dream of a college education.

While in the Navy, Mr. Breunig twice deployed to the Persian Gulf in support of Operation Southern Watch following the first Gulf War. Upon completing a four-year active duty obligation with an Honorable Discharge, Mr. Breunig then joined the Navy Reserves serving another five years before enlisting in the Air National Guard.

During his tenure in the Air National Guard, Mr. Breunig was deployed to Al Udeid Air Base in Qatar in support of Operation Enduring Freedom. He worked his way from the enlisted rank of Master Sargent to earn a highly competitive spot as a Commissioned Officer. Presently, he is a First Lieutenant Cyberspace Operations Officer for the Air National Guard 219 Engineering and Installation Squadron with over 21 years of service. Some of the awards Mr. Breunig has earned for his courage and valor to his country are:

Naval and Marine Corps Achievement Medal

January 4, 2016

Global War on Terrorism Medal  
 Armed Service Expeditionary Medal  
 Meritorious Commendation ~ Air National Guard  
 Good Conduct Medal  
 Sea Service Ribbon

Currently Mr. Breunig works in Rochester for the Federal Aviation Administration managing a navigation and radar group at a Control Tower. On July 10<sup>th</sup> of this year, he married Deanna Berwanger, Chairman Berwanger's niece and together they live in Geneseo. Some day they hope to have children and raise a family of their own.

*The pledge was said by all.*

*A Certificate of Appreciation Plaque was presented to Mr. Breunig to commemorate his attendance at today's meeting and he was offered an opportunity to address the Board of Supervisors. He graciously thanked the Board for the invitation...*

*Father Joe Gullo of St. Mary's Church in East Arcade provided the invocation.*

*Emily Bliss sang the National Anthem and was given a Certificate of Recognition as a talented Representative of Wyoming County.*

*Judge M. Griffith administered the oath of office to the 2016 Board of Supervisors.*

The Clerk then called for nominations for Temporary Chairman over today's proceedings. Supervisor Berwanger, T/Arcade nominated Supervisor Brick, T/Perry. Seconded by Supervisor Ryan, T/Warsaw. As there were no other nominations Supervisor Grant moved that the nominations be closed, the motion was seconded by Supervisor Becker. A roll call vote was taken with the following results: **Ayes: (1599); Noes: (0); Absent: (0) Abstain: (0);** Supervisor Brick was declared Temporary Chairman over today's proceedings.

*Judge M. Griffith administered the oath of Office to Temporary Chairman Brick.*

Temporary Chairman Brick thanked his fellow Supervisors for the honor of presiding over today's proceedings as Temporary Chair. He then called for nominations for Chairman of the Board for the year 2016. Supervisor May, T/Orangeville nominated Supervisor Berwanger, T/Arcade; seconded by Supervisor Hastings, T/Eagle. As there were no other nominations Supervisor Ryan, T/Warsaw moved that the nominations be closed, the motion was seconded by Supervisor McCormick, T/Java. A roll call vote was taken with the following results: **Ayes: (1599); Noes: (0); Absent: (0); Abstain: (0);**

Temporary Chairman Brick declared Supervisor Berwanger, T/Arcade as Chairman of the Wyoming County Board of Supervisors for the year 2016.

*Judge M. Griffith administered the oath of Office to Chairman Berwanger.*

Chairman Berwanger called for nominations for Vice-Chairman of the Board. Supervisor Davis, T/Covington nominated Supervisor Ryan, T/Warsaw. Seconded by Supervisor Brick, T/Perry. As there were no other nominations, Supervisor Copeland, T/Wethersfield moved that nominations be closed. The motion was seconded by Supervisor Tallman, T/Gainesville. A roll call vote was taken with the following results: **Ayes: (1599); Noes: (0); Absent: (0) Abstain: (0)**; Supervisor Ryan, T/Warsaw was declared Vice-Chairman of the Wyoming County Board of Supervisors for the year 2016.

*Judge M. Griffith administered the oath of Office to Vice Chairman Ryan.*

Chairman Berwanger called for nominations for Clerk to the Board for 2016 and nominated Cheryl J. Ketchum. Seconded by Supervisor Kehl, T/Attica. As there were no other nominations, Supervisor Leuer, T/Middlebury moved that nominations be closed. The motion was seconded by Supervisor Brick, T/Perry. A roll call vote was taken with the following results: **Ayes: (1599); Noes: (0); Absent: (0) Abstain: (0)**. Cheryl J. Ketchum was declared Clerk to the Wyoming County Board of Supervisors for the year 2016.

*Judge M. Griffith administered the oath of Office to Board Clerk Ketchum.*

*Chairman Berwanger thanked Judge Griffith then introduced his first distinguished guest, New York State Lieutenant Governor, Kathy Hochul. The Lieutenant Governor has another commitment in Erie County so he allowed her the privilege of the floor so that she may speak to attendees and meet additional responsibilities in Erie County...*

*Some of the topics Lt. Gov. Hochul talked about were:*

- *Declining unemployment rates in NYS*
  - *from 9.1% to 5%*
- *Agriculture as an economic driver in Wyoming County and across the state*
  - *finding ways to engage young people in agriculture.*
- *Statewide Regional Economic Development Council participation*
  - *Great representation Wyoming County has in Chairman Berwanger in the Finger Lakes Region and in Senator Gallivan*
    - *Infrastructure funding in Arcade and Perry*
    - *Main Street Programs*
    - *\$900K in Gainesville for a potato chip manufacturer*

January 4, 2016

- *\$200K Rural Arts Initiative*
  - *Finding ways to draw young creative talent to our downtown areas as we find ways to instill that love of sharing culture and arts with others and creating a tourism trail through this area.*
- *Support for the Ag. & Business Center*
- *WCCH*
  - *Chairman Berwanger has been a “fierce” advocate and supporter of the hospital. She spoke of the grant application submitted by Wyoming County at the NYS Dept. of Health.*

Chairman Berwanger asked that the Standing Committee assignments for 2016 be distributed.

Chairman Berwanger called for a short recess for a special meeting of the Finance Committee at 2:32 PM. At 2:45 PM the meeting resumed with the following results:

**2/3 Majority  
#1**

### **RESOLUTION NO. 16-001 (January 04, 2016)**

By Mr. Kehl, 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 May 11, 1999, as amended.

**Carried:** XXX      **Ayes:** 1471      **Noes:**      **Absent:**      **Abstain:**  
**Simple Majority  
#2**

### **RESOLUTION NO. 16-002 (January 04, 2016)**

By Mr. Kehl, 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, New York; Country Courier,

Organizational Meeting

Warsaw, New York; The Daily News, Batavia, New York; and the Perry Herald, Perry, New York 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: 1599      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 2016:

<u>Designation</u>	<u>Publication</u>	<u>Village of</u>
Election Notice	Daily News	Batavia, New York
Sheriff's Proclamation	Daily News	Batavia, New York
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, New York
Official Canvass	Country Courier	Warsaw, New York
Constitutional amendments and concurrent resolutions (including tax sales and redemptions).	Country Courier	Warsaw, New York

***Signed this 4<sup>th</sup> day of January 2016:***

s/ <u>A.D. Berwanger</u>	s/ <u>Michael Vasile</u>
s/ <u>Bryan Kehl</u>	s/ <u>Vanessa McCormick</u>
s/ <u>Ellen Grant</u>	s/ <u>James Brick</u>
s/ <u>Keith Granger</u>	s/ <u>Sandra King</u>
s/ <u>Jerry Davis</u>	s/ <u>Rebecca Ryan</u>
s/ <u>Brett Hastings</u>	s/ <u>John Copeland</u>
s/ <u>David Tallman</u>	s/ <u>Daniel Leuer</u>
s/ <u>Susan May</u>	s/ <u>Brian Becker</u>

January 4, 2016

**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 2016:

<u>Designation</u>	<u>Publication</u>	<u>Village of</u>
Election Notices	Perry Herald	Perry, New York
Sheriff's Proclamations	Perry Herald	Perry, New York
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, New York
Official Canvass	Arcade Herald	Arcade, New York
Constitutional amendments and concurrent resolutions (including tax sales and redemptions).	Arcade Herald	Arcade, New York

*Signed this 4<sup>th</sup> day of January 2016:*

#3

**RESOLUTION NO. 16-003  
(January 04, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**3 COPIES OF ANNUAL REPORTS REQUESTED**

**BE IT RESOLVED**, That the Public Officials of this County present at least three (3) copies of their annual report, in writing, to the Clerk of this Board not later than March 31, 2016, 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: 1599      Noes:      Absent:      Abstain:**

Organizational Meeting

**RESOLUTION NO. 16-004**  
**(January 04, 2016)**

By Mr. Tallman, Chairman of the Human Resources Committee:

**SALARY SCHEDULE “S”, “D” AND “T” HANDBOOKS APPROVED**

**BE IT RESOLVED**, That the Salary Schedules “S”, “D” and “T” Handbooks are hereby approved; effective January 01, 2016, and annexed hereto.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

January 4, 2016

# Wyoming County, NY

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## SCHEDULE S MANAGEMENT SUPPORT

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### EMPLOYEE BENEFITS



Revised 15-010 (01-20-2015)  
Revised 13-418 (01-01-2014)  
Revised 10-006 (01-04-2010)  
Revised 09-004 (01-02-2009)  
Revised 05-270 (9-14-2004)  
Adopted 96-244



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## ELIGIBILITY FOR BENEFITS

### *Part Time (with health insurance benefits effective 1/1/2016)*

A part time Schedule S employee whose salary is set at \$12,000 or more per year shall be eligible for health insurance benefits and are not eligible for paid time off, unless otherwise provided by Resolution.

### *Part Time (without benefits)*

A part time Schedule S employee whose salary is set at less than \$12,000 per year shall be eligible for only those benefits mandated by law. These employees may participate in the health insurance program at their own expense

### *Full Time*

Employees shall receive all benefits mandated by law. Additional benefits described in this manual are available to employees in Schedule S unless otherwise stated by resolution, for the position.

An employee appointed to a Schedule S position who has continuous prior County employment in a full time or part time position shall have his/her date of hire or years of service determined for benefits under Schedule S by using his/her first date of hire or permanent appointment in the County to a full time or part time position which is continuous to his/her employment in a Schedule S position. In addition, such an employee shall carry over unused sick and vacation accruals earned in such prior County employment. If the amount of sick leave carryover exceeds the maximum for such leave in Schedule S, then the employee shall not receive any additional sick leave accruals under Schedule S until the accruals fall below the maximum. If the amount of vacation carryover exceeds the maximum for such leave in Schedule S, then the employee shall be paid for the excess at his/her rate of pay in his/her prior position in the first payroll following his/her employment in the Schedule S position.

## HOURS OF WORK OVERTIME PAY AND COMPENSATORY TIME

Full time Schedule S employees are expected to work a minimum of 35 or 40 hours per week.

### TIME SHEETS AND PAY DAY

Employees will be paid on a biweekly basis. Such pay shall be in the form of a payroll check or through direct deposit.

The employee is responsible to maintain a time sheet that must be reviewed and signed by their Department Head.

**TIME OFF REQUESTS**

Employees requesting time off must complete a Benefit Time Off form and submit it to their Department Head in advance. Whenever possible, the employee's request for time off shall be granted, but the final right to determine when such leave is to be granted is expressly reserved to the Department Head.

**VACATION TIME**

Full time employees in a Schedule S position prior to 1/1/2014 shall accrue annual vacation time biweekly, based on twenty-four (24) days per anniversary year. After having completed ten (10) years of employment, a maximum and total of twenty-five (25) days is granted.

Full time employees hired or appointed on or after 1/1/2014 shall accrue annual vacation time as follows:

<u>Years Worked</u>	<u>Annual Vacation Days</u>
0 – 5	10
6 – 10	15
11 – 15	20

A maximum of sixty (60) days may be accrued at any time.

In a situation involving a request for time off for 5 or more days, the employee shall make such a request at least two (2) weeks in advance. Any request involving less than 5 days shall be submitted to the Department Head within the time frame designated by the department.

Employees may buy-back their accrued vacation time in increments of five (5) days, up to a maximum of ten (10) days in any calendar year. A request to tender vacation time must be submitted to the employee's Department Head for approval.

An employee, who is laid off, retires or resigns; shall receive payment for accrued vacation time if the employee provides four (4) weeks of notification to their department head. If an employee fails to give four (4) weeks' notice or is terminated for cause, he/she is not entitled to payment for their accrued vacation time.

**PERSONAL DAYS**

Full time employees shall earn four (4) personal days per anniversary year. New employees with less than one (1) year of service shall receive one (1) personal day at the beginning of each three-month period. After the completion of one (1) year of service, employees shall be granted four (4) days per year on their anniversary date.

Unused personal days cannot be carried over into the following year and will not be paid out upon separation from employment.

**SICK TIME**

Full time employees on the active payroll working or on paid leave (excluding Disability and Workers' Compensation) accrue sick time biweekly based on twelve (12) days per anniversary year. A maximum of two hundred ten (210) days may be accrued at any time.

Accrued sick time credit can be applied to an employee's service credit at retirement under the provisions of Section 41J of the Retirement Law.

Upon retirement, an employee who has accrued at least thirty (30) sick days shall be allowed paid health insurance on a day for day basis not to exceed two hundred ten (210) days up to seven (7) months.

Absence from duty by reason of the employee's own sickness, or medical treatment shall be known as sick leave.

Employees who are absent under the provisions of this section shall notify their Department Head of their absence.

After 3 consecutive days of illness, a medical certificate shall be required when returning to work.

In the event of a full time Schedule D employee expiring while actively employed, their accrued and available sick time will be paid out to their estate.

**HOLIDAYS**

The following holidays shall be observed as paid holidays:

- |                     |                      |
|---------------------|----------------------|
| 1. New Years Day    | 6. Labor Day         |
| 2. President's Day  | 7. Columbus Day      |
| 3. Memorial Day     | 8. Thanksgiving Day  |
| 4. Veteran's Day    | 9. Christmas Day     |
| 5. Independence Day | 10. Floating Holiday |

Saturday holidays will be celebrated on the preceding Friday. Sunday holidays will be celebrated the following Monday.

The floating holiday is to be used as a full day and cannot be used in hourly increments.

#### **JURY DUTY**

Upon presenting proof of the necessity for a full time employee to serve jury duty, or to attend court for other than personal matters, a leave of absence with pay shall be granted by the employee's Department Head.

Any juror pay received by the employee shall be turned over to the County Treasurer.

#### **BEREAVEMENT LEAVE**

When a death occurs in the employee's family, full time employees will be entitled to time off with pay in accordance with the following schedule:

<b>5 WORK DAYS</b>	<b>3 WORK DAYS</b>	<b>1 WORK DAY</b>
Parent/Step Parent	Brother/Sister	Brother/Sister-in-law
Spouse/Domestic Partner	Grandparent	Aunt/Uncle
Child/Stepchild	Grandchild	
Foster Child/Guard	Son/daughter-in-law	
Related member of the employee's household	Parent-in-law	

Time off must be taken in consecutive workdays starting with the first day following the death. Such leave shall be deducted from the employee's accrued sick, vacation, or personal days. If such accumulations are not available to the employee, bereavement leave shall be granted without pay.

#### **LEAVE OF ABSENCE**

A leave of absence without pay, not to exceed one (1) year, may be granted to full time employees' at the sole discretion of the Board of Supervisors upon the terms and conditions established by the Board.

#### **FAMILY MEDICAL LEAVE**

The county complies with the federal Family and Medical Leave Act. Refer to the county's Family Medical Leave policy.

#### **MILITARY LEAVE**

The county complies with state and federal laws relative to military leave rights.

### HEALTH INSURANCE

Eligible employees may participate in the current health insurance plan: Blue Cross Blue Shield High Deductible Health Plan with a Health Reimbursement Account (HRA). The county will contribute on an annual basis an amount equal to the plan deductible to the HRA. Any unused amounts in the HRA at the end of the each plan year shall be forfeited.

The employer will pay 100% of the cost of single or family health insurance coverage for employees hired or appointed prior to 1/1/2014. Employees hired or appointed on or after 1/1/2014 will contribute 10% of the total premium. Premiums will be deducted over 24 pay periods per year on a pre-tax basis.

An employee who is eligible for health insurance and does not participate is eligible for a repudiation payment. Repudiation amounts are \$750 for Single coverage and \$1,000 for Family coverage. Proof of other insurance is required. The repudiation period is February 1 to January 31. Repudiation will be paid in the first paycheck of February.

### DENTAL INSURANCE

Employees are eligible to participate in the current Univera Dental Insurance Plan. Two plans are available: a High Option or a Low Option. The employee will pay the total premium and it will be deducted over 24 pay periods per year on a pre-tax basis. For information on the Dental Insurance or to enroll in the plan, contact the Human Resource Department.

### DISABILITY INSURANCE

Full time employees are covered under the enhanced Disability Insurance Plan for an injury or illness NOT arising out of or in the course of employment. The weekly benefit is 50% of basic weekly earnings up to a maximum of \$500 per week for up to 52 weeks. Accrued sick time must be exhausted prior to receiving benefits under this plan. These benefits are subject to the terms of the plan. This insurance coverage is provided at no cost to the employee.

Part time employees are not entitled for NYS statutory disability benefits.

### WORKERS' COMPENSATION INSURANCE

Workers compensation insurance covers lost wages and medical care payments for employees injured on-the-job. These benefits are based on New York State Workers' Compensation Law.

Employees who suffer a work related injury or illness must immediately notify their supervisor, and assist such supervisor in the completion of the necessary forms.

## **RETIREMENT**

The County offers retirement benefits in accordance with the requirements of the New York State Retirement System. For more information go to their website at <http://www.osc.state.ny.us/retire>.

### **DEFERRED COMPENSATION RETIREMENT PLAN 457**

Employees are eligible to participate in the voluntary supplemental retirement savings plan at any time. This program allows employees to save and invest a portion of their earnings toward retirement. Pre-tax contributions are automatically deducted from each pay check and deposited to your account. Information about this program can be obtained from the Human Resource Department.

### **TUITION REIMBURSEMENT**

Full time employees, with the specific prior permission of their "sponsoring" committee and the finance committee, may be eligible to receive tuition reimbursement up to 50% of the tuition and fees with an annual cap of \$2,500. The degree or specific courses (if not pursuing a degree) MUST be directly work related or lead to advancement opportunities within the county, and funds must be available and budgeted. In order to qualify for such reimbursement the employee must have obtained a grade of B or better. The employee must work for Wyoming County for three (3) years after completion of the degree. If an employee separates employment before the completion of three (3) years, all tuition reimbursement must be repaid to the county.

A tuition reimbursement request must be submitted and approved by the appropriate committees prior to classes being taken for full eligibility. A tuition reimbursement request voucher, along with proof of the grade and payment for the class(es) must be submitted to the Chairman of the Board of Supervisors for final approval.

### **PERFORMANCE EVALUATION**

Employees will be evaluated annually by their department head or their supervising designee.

### **DISCLAIMER**

The Schedule S Benefits Booklet contains general summaries and information regarding benefits for employees covered by Schedule S. Some of the items described in this booklet are covered in detail by County policy and/or procedure documents. You should refer to these documents for specific information, since this booklet only briefly

summarizes those benefits. Please also note that a full description of insurance and deferred compensation benefits offered by the County are set forth in written plan documents which are controlling in the event of any inconsistency with what is contained in this booklet.

Nothing in this booklet creates any contractual rights to the benefits described herein, or creates any contractual rights to employment. In that regard, the Board of Supervisors reserves the right to eliminate, modify or deviate from the provisions of this booklet in its sole discretion. Every attempt will be made to inform you of any changes when they occur. If you have questions about the information in this booklet, please contact the Human Resource Department.



## APPENDIX A

The following employees listed by position and classification are covered by  
Schedule S

Position Title	Status	Civil Service Classification	Term	Length of Term
Administrative Assistant (DA)	Full	Competitive	CT	
Administrative Assistant (DSS)	Full	Competitive	CT	
Administrative Assistant (EMS)	Full	Competitive	CT	
Administrative Assistant (Fiscal Ops.)	Full	Competitive	CT	
Administrative Assistant (HR)	Full	Competitive	CT	
Animal Control Assistant	Part	Noncompetitive	CT	
Assessor	Full	Competitive	CT	
Asst County Historian	Part	Noncompetitive	CT	
Asst Director of Veterans Services	Part	Competitive	CT	
Asst. County Attorney (1st)	Part	Exempt	AW	
Asst. County Attorney (2 <sup>nd</sup> )	Full	Exempt	AW	
Asst. District Attorney (1st)	Full	Exempt	AW	
Asst. District Attorney (2 <sup>nd</sup> )	Full	Exempt	AW	
Asst. Public Defender (2nd)	Part	Exempt	CT	
Asst. Public Defender (3 <sup>rd</sup> )	Part	Exempt	CT	
Building Inspector	Full	Competitive	CT	
County Fire Coordinator	Part	Competitive	CT	
County Planner	Full	Competitive	CT	
Deputy Budget Officer	Part	Noncompetitive	CT	
Deputy Clerk of the Board	Full	Unclassified	F/TOB	1 yr
Deputy County Clerk	Full	Exempt	CT	
Deputy Commissioner of Elections (2)	Full	Unclassified	F/TOB	1 yr
Deputy County Highway Supt.	Full	Exempt	AW	
Deputy Director of Aging	Full	Competitive	CT	
Deputy Fire Coordinator PT (4)	Part	Competitive	CT	
Director of Child Enf & Fraud	Full	Competitive	CT	
Director of Children & Family Svc	Full	Competitive	CT	
Director of Environmental Health	Full	Competitive	CT	
Director of Nursing	Full	Competitive	CT	
Director of Programs	Full	Competitive	CT	
Domestic Violence Coordinator	Full	Competitive	CT	
Engineering Technician	Full	Competitive	CT	
Finance Clerk I	Full	Competitive	CT	
Fiscal Administrator	Full	Competitive	CT	
Fiscal Director	Full	Competitive	CT	
Fiscal Officer I	Full	Competitive	CT	
Human Resource Assistant (2)	Full	Competitive	CT	

Position Title	Status	Civil Service Classification	Term	Length of Term
Handicapped Preschool Coordinator	Full	Competitive	CT	
Information Systems Admin. (DSS)	Full	Competitive	CT	
Information Systems Specialist	Full	Competitive	CT	
Information Technology Assistant	Full	Competitive	CT	
Information Technology Specialist	Full	Competitive	CT	
Insurance Program Assistant	Full	Competitive	CT	
Jail Administrator	Full	Competitive	AT	
Medical Assistance Coordinator	Part	Competitive	CT	
Network Administrator I	Full	Competitive	CT	
Nurse Practitioner	Full	Competitive	CT	
Nutrition Service Coordinator	Full	Competitive	CT	
Real Property Tax Service Coordinator	Full	Competitive	CT	
Secretary I (DSS)	Full	Competitive	CT	
Secretary to the County Attorney	Part	Exempt	AW	
Secretary to the Co. Hwy Supt.	Full	Exempt	AW	
Secretary to the DA	Full	Exempt	AW	
Secretary to the Public Defender	Part	Exempt	AW	
Secretary to the Sheriff	Full	Exempt	AW	
Tax Map Technician	Full	Exempt	AW	
Undersheriff	Full	Exempt	BA	

## Term:

AT-Appointment Temporary  
 AW-At Will  
 BA-By Assignment  
 CT-Continuous Term  
 F-Fixed by law  
 F/TOB- Fixed Term of Board

## Wyoming County, NY

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### SCHEDULE D DEPARTMENT HEAD

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#### EMPLOYEE BENEFITS



REVISED 15-010 (01-20-2015)  
REVISED 13-418 (01-01-2014)  
REVISED 10-006 (01-04-2010)  
REVISED 09-004 (01-02-2009)  
REVISED 05-270 (05-13-2005)  
REVISED 04-261 (05-14-2004)  
ADOPTED 96-244

January 4, 2016

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### HOURS OF WORK OVERTIME PAY AND COMPENSATORY TIME

Full time Schedule D employees are expected to work a minimum of 35 or 40 hours per week and are considered to be exempt employees under the Fair Labor Standards Act.

### TIME SHEETS AND PAY DAY

Employees will be paid on a biweekly basis. Such pay shall be in the form of a payroll check or through direct deposit. It will be the employee's responsibility to maintain a time sheet.

### ELIGIBILITY FOR BENEFITS

Employees shall receive all benefits mandated by law. Additional benefits described in this manual are available to employees in Schedule D unless otherwise stated by resolution, for the position.

An employee appointed to a Schedule D position who has continuous prior County employment in a full time or part time position shall have his/her date of hire or years of service determined for benefits under Schedule D by using his/her first date of hire or permanent appointment in the County to a full time or part time position which is continuous to his/her employment in a Schedule D position. In addition, such an employee shall carry over unused sick and vacation accruals earned in such prior County employment. If the amount of sick leave carryover exceeds the maximum for such leave in Schedule D, then the employee shall not receive any additional sick leave accruals under Schedule D until the accruals fall below the maximum. If the amount of vacation carryover exceeds the maximum for such leave in Schedule D, then the employee shall be paid for the excess at his/her rate of pay in his/her prior position in the first payroll following his/her employment in the Schedule D position.

### VACATION TIME

Full time employees in a Schedule D position prior to 1/1/2014 shall accrue annual vacation time biweekly, based on twenty-four (24) days per anniversary year. After having completed ten (10) years of employment, a maximum and total of twenty-five (25) days is granted.

Full time employees hired or appointed on or after 1/1/2014 shall accrue annual vacation time as follows:

<u>Years Worked</u>	<u>Annual Vacation Days</u>
0 – 5	10
6 – 10	15
11 – 15	20

Part time employees accrue vacation time on a pro-rated basis. A maximum of sixty (60) days may be accrued at any time.

Requests for vacation time are to be submitted to the Chairman of the Board of Supervisors as soon as possible and before taking such leave. Department Heads will make every effort to insure the work of the department is responsibly attended to during their absence, and to keep the Chairman of the Board of Supervisors posted as to how to reach the Department Head while off.

Employees may buy-back their accrued vacation time in increments of five (5) days, up to a maximum of ten (10) days in a calendar year. A request to tender vacation time must be submitted to the Chairman of the Board of Supervisors for approval.

An employee, who is laid off, retires or resigns; shall receive payment for accrued vacation time if the employee provides four (4) weeks of notification to the Chairman of the Board of Supervisors. If an employee fails to give four (4) weeks' notice or is terminated for cause, he/she is not entitled to payment for their accrued vacation time.

### **PERSONAL DAYS**

Full time employees shall earn four (4) personal days per anniversary year. New employees with less than one (1) year of service shall receive one (1) personal day at the beginning of each three-month period. After the completion of one (1) year of service, employees shall be granted four (4) days per year on their anniversary date.

Unused personal days cannot be carried over into the following year and will not be paid out upon separation from employment.

When taking a personal day, notification to the Chairman of the Board of Supervisors must be made as soon as possible.

### **SICK TIME**

Full time employees on the active payroll working or on paid leave (excluding Disability and Workers' Compensation) accrue sick time biweekly based on twelve (12) days per anniversary year. Part time employees accrue sick time on a pro-rated basis. A maximum of two hundred ten (210) days may be accrued at any time.

Accrued sick time credit can be applied to an employee's service credit at retirement under the provisions of Section 41J of the Retirement Law.

Upon retirement, an employee who has accrued at least thirty (30) sick days shall be allowed paid health insurance on a day for day basis not to exceed two hundred ten (210) days up to seven (7) months.

Absence from duty by reason of the employee's own sickness, or medical treatment shall be known as sick leave. Employees who are absent under the provisions of this section shall notify the Chairman of the Board of Supervisors of the absence.

After 3 consecutive days of illness, a medical certificate shall be required when returning to work.

In the event of a full time Schedule D employee expiring while actively employed, their accrued and available sick time will be paid out to their estate.

**HOLIDAYS**

The following holidays shall be observed as paid holidays:

- |                     |                      |
|---------------------|----------------------|
| 1. New Year's Day   | 6. Labor Day         |
| 2. President's Day  | 7. Columbus Day      |
| 3. Memorial Day     | 8. Thanksgiving Day  |
| 4. Veteran's Day    | 9. Christmas Day     |
| 5. Independence Day | 10. Floating Holiday |

Saturday holidays will be celebrated on the preceding Friday. Sunday holidays will be celebrated the following Monday.

The floating holiday is to be used as a full day and cannot be used in hourly increments.

**BEREAVEMENT LEAVE**

When a death occurs in the employee's family, full time employees will be entitled to time off with pay in accordance with the following schedule:

5 WORK DAYS	3 WORK DAYS	1 WORK DAY
Parent/Step Parent	Brother/Sister	Brother/Sister-in-law
Spouse/Domestic Partner	Grandparent	Aunt/Uncle
Child/Stepchild	Grandchild	
Foster Child/Guard	Son/daughter-in-law	
Related member of the employee's household	Parent-in-law	

Time off must be taken in consecutive workdays starting with the first day following the death. Such leave shall be deducted from the employee's accumulated sick, vacation, or personal days. If such accumulations are not available to the employee, bereavement leave shall be granted without pay.

#### **JURY DUTY**

Upon presenting proof of the necessity for the employee to serve jury duty, or to attend court for other than personal matters, a leave of absence with pay shall be granted by the Chairman of the Board of Supervisors.

Any juror pay received by the employee shall be turned over to the County Treasurer.

#### **LEAVE OF ABSENCE**

A leave of absence without pay, not to exceed one (1) year, may be granted to full-time employees' at the sole discretion of the Board of Supervisors upon the terms and conditions established by the Board.

#### **FAMILY MEDICAL LEAVE**

The county complies with the federal Family and Medical Leave Act. Refer to the county's Family Medical Leave policy.

#### **MILITARY LEAVE**

The county complies with state and federal laws relative to military leave rights.

#### **HEALTH INSURANCE**

Full time and part time employees are eligible to participate in the current health plan: Blue Cross Blue Shield High Deductible Health Plan with a Health Reimbursement Account (HRA). The county will contribute on an annual basis an amount equal to the plan deductible to the HRA. Any unused amounts in the HRA at the end of the each plan year shall be forfeited.

The employer will pay 100% of the cost of single or family health insurance coverage for employees hired or appointed prior to 1/1/2014. Employees hired or appointed on or after 1/1/2014 will contribute 10% of the total premium. Premiums will be deducted over 24 pay periods per year on a pre-tax basis.

An employee who is eligible for health insurance and does not participate is eligible for a repudiation payment. Repudiation amounts are \$750 for Single coverage and \$1,000 for Family coverage. Proof of other insurance is required. The repudiation period is February 1 to January 31. Repudiation will be paid in the first paycheck of February.



#### **DENTAL INSURANCE**

Employees are eligible to participate in the current Univera Dental Insurance Plan. Two plans are available; a High Option or a Low Option. The employee will pay the total premium and it will be deducted over 24 pay periods per year on a pre-tax basis. For information on the Dental Insurance or to enroll in the plan, contact the Human Resource Department.

#### **DISABILITY INSURANCE**

Full time employees are covered under the enhanced Disability Insurance Plan for an injury or illness NOT arising out of or in the course of employment. The weekly benefit is 50% of basic weekly earnings up to a maximum of \$500 per week for up to 52 weeks. Accrued sick time must be exhausted prior to receiving benefits under this plan. These benefits are subject to the terms of the plan. This insurance coverage is provided at no cost to the employee.

Part time employees are not eligible for NYS statutory disability benefits.

#### **WORKERS' COMPENSATION INSURANCE**

Workers compensation insurance covers lost wages and medical care payments for employees injured on-the-job. These benefits are based on New York State Workers' Compensation Law.

An employee who suffers a work related injury or illness must immediately notify the Chairman of the Board of Supervisors and complete and file the necessary forms.

#### **RETIREMENT**

The County offers retirement benefits in accordance with the requirements of the New York State Retirement System. For more information go to their website at <http://www.osc.state.ny.us/retire>.

#### **DEFERRED COMPENSATION RETIREMENT PLAN 457**

Employees are eligible to participate in the voluntary supplemental retirement savings plan at any time. This program allows employees to save and invest a portion of their earnings toward retirement. Pre-tax contributions are automatically deducted from each pay check and deposited to your account. Information about this program can be obtained from the Human Resource Department.

### **TUITION REIMBURSEMENT**

Full time employees, with the specific prior permission of their "sponsoring" committee and the finance committee, may be eligible to receive tuition reimbursement up to 50% of the tuition and fees with an annual cap of \$5,000. The degree or specific courses (if not pursuing a degree) MUST be directly work related or lead to advancement opportunities within the county, and funds must be available and budgeted. In order to qualify for such reimbursement the employee must have obtained a grade of B or better. The employee must work for Wyoming County for three (3) years after completion of the degree. If an employee separates employment before the completion of three (3) years, all tuition reimbursement must be repaid to the county.

A tuition reimbursement request must be submitted and approved by the appropriate committees prior to classes being taken for full eligibility. A tuition reimbursement request voucher, along with proof of the grade and payment for the class(es) must be submitted to the Chairman of the Board of Supervisors for final approval.

### **PERFORMANCE EVALUATION**

Employees will be evaluated on an annual basis by their Committee Chair or designee.

### **DISCLAIMER**

The Schedule D Benefits Booklet contains general summaries and information regarding benefits for employees covered by Schedule D. Some of the items described in this booklet are covered in detail by County policy and/or procedure documents. You should refer to these documents for specific information, since this booklet only briefly summarizes those benefits. Please also note that a full description of insurance and deferred compensation benefits offered by the County are set forth in written plan documents which are controlling in the event of any inconsistency with what is contained in this booklet.

Nothing in this booklet creates any contractual rights to the benefits described herein, or creates any contractual rights to employment. In that regard, the Board of Supervisors reserves the right to eliminate, modify or deviate from the provisions of this booklet in its sole discretion. Every attempt will be made to inform you of any changes when they occur. If you have questions about the information in this booklet, please contact the Human Resource Department.

## APPENDIX A

The following employees listed by position and classification are covered by  
Schedule D

Position Title	Status	Civil Service Classification	Term	Length of Term
Animal Control Officer	Full	Competitive	CT	
Budget Officer	Part	Unclassified	F/TOB	2 yrs
Clerk of the Board of Supervisors	Full	Unclassified	F/TOB	1 yr
Code Enforcement Officer	Full	Competitive	CT	
Commissioner of Civil Service (3)	Part	Unclassified	F/TOB	6 yrs
Commissioner of Public Health	Part	Unclassified	CT	
Commissioner of Social Services	Full	Noncompetitive	F	5 yrs
Commissioner of Elections (2)	Part	Unclassified	AT	
County Attorney	Part	Exempt	F/TOB	
County Highway Superintendent	Full	Unclassified	F	4 yrs
County Historian	Full	Competitive	CT	
County Records Manager	Full	Competitive	CT	
Director of Aging & Youth	Full	Noncompetitive	AW	
Director of Fire & Emergency Management	Full	Noncompetitive	AW	
Director of Information Technology	Full	Competitive	CT	
Director of Community Services	Full	Noncompetitive	AW	
Director of Veterans Services	Full	Noncompetitive	F	2 yrs
Director of Planning and Development	Full	Noncompetitive	AW	
Director of Real Property Tax Services	Full	Noncompetitive	F	6 yrs
Director of Weights and Measures	Full	Competitive	CT	
Human Resource Director	Full	Noncompetitive	AW	
Medical Director	Part	Noncompetitive	AW	
Probation Director I	Full	Competitive	CT	
Public Defender	Part	Exempt	F/TOB	2 yrs
Public Health Administrator	Full	Competitive	CT	
Reimbursement & Budget Administrator	Full	Competitive	CT	
Supt. of Buildings & Grounds (CIP)	Full	Competitive	CT	
Supt. of Buildings & Grounds (Co. Bldgs.)	Full	Competitive	CT	
Workers Comp. Program Administrator	Full	Noncompetitive	AW	

Term: AT - Appointment Temporary

AW – At Will

CT - Continuous Term

F - Fixed by law

F/TOB - Fixed Term of Board

## Wyoming County, NY

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### SCHEDULE I ELECTED OFFICIALS

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#### EMPLOYEE BENEFITS



Revised 10-006 (01-04-10)  
Adopted 1996

### PURPOSE

The Wyoming County Board of Supervisors values the dedication of its Elected Officials, otherwise referred to as Schedule I Officers. The provisions contained herein are intended to establish guidelines for the terms and conditions of service for this important segment of Wyoming County's government. As such, these guidelines are subject to change by direction, and at the sole discretion, of the Board of Supervisors and review by the County Attorney.

### GUIDELINES

The term ELECTED OFFICIAL as used in this manual, refers to individuals who are elected by popular vote. Elected Officials are exempt from all leave benefits and attendance requirements with the exception of committing to a 6 hour normal work day for retirement reporting purposes only.

ELECTED OFFICIALS	STATUS	CIVIL SERVICE CLASSIFICATION	TERM
Chairman, Board of Supv.	Full	Unclassified	F (1yr)
Supervisors	Part	Unclassified	F (2 or 4 yr)*
County Clerk	Full	Unclassified	F (4yr)
District Attorney	Full	Unclassified	F (4yr)
Sheriff	Full	Unclassified	F (4yr)
County Treasurer	Full	Unclassified	F (4yr)
Coroner	Part	Unclassified	F (4yr)

F-Fixed by law

\* Arcade, Covington, Eagle, Java, Sheldon, Warsaw and Wethersfield Supervisors elected to a four year term; all others to a two-year term

### HOURS OF WORK

Elected officials are responsible for performing the duties of their office. The work day is determined by the tasks to be performed.

### PAID TIME OFF

Elected Officials shall not be entitled to any paid time off that is afforded to Schedule D employees.

#### **MILEAGE REIMBURSEMENT**

Elected officials shall be reimbursed for mileage to conduct County business at the prevailing IRS Business Mileage Rate. Any change in the rate of reimbursement will be effective on the announcement date declared by the IRS. Such rate has been deemed by the Board of Supervisors to be full and adequate reimbursement of the employee's cost for gasoline, oil, maintenance and insurance cost attributed to each business mile traveled.

All officials traveling on County business in their own vehicles shall be responsible for maintaining adequate insurance.

Physical damage to an official's personal vehicle used in the conduct of County business is NOT covered by the County's policy. The County SHALL NOT be responsible for the payment of any traffic ticket or other such fines assessed to the officials while using his/her car or a County vehicle on County business.

#### **HEALTH INSURANCE**

Except as stated below, elected officials shall be eligible to participate in the County's current health plan. The County will contribute on an annual basis an amount equal to the plan deductible to the HRA. Any unused amounts in the HRA at the end of the each plan year shall be forfeited.

The employer will pay 100% of the premium cost of single or family health insurance coverage.

Effective January 1, 2016, any elected official who has group health insurance coverage elsewhere, is not eligible to participate in the County's health plan, but shall, however, be eligible for a repudiation (health insurance buyout) payment. Repudiation amounts are \$750 for Single coverage and \$1,000 for Family coverage. Proof of the other insurance is required. The term "group health insurance coverage" is not intended to include Medicare.

#### **WORKER'S COMPENSATION INSURANCE**

Workers compensation insurance covers lost wages and medical care payments for employees injured on-the-job. These benefits are based on New York State Workers' Compensation Law.

An employee who suffers a work related injury or illness must immediately notify the Chairman of the Board of Supervisors and assist in the completion of the proper forms.

The Chairman of the Board shall be responsible for completing such report form and submitting it to the Insurance/Worker's Compensation Office.

**DISABILITY INSURANCE**

Elected officials are NOT eligible for NYS statutory disability benefits.

**RETIREMENT**

The County offers retirement benefits in accordance with the requirements of the New York State Retirement System. For more information go to their website at <http://www.osc.state.ny.us/retire>.

**DEFERRED COMPENSATION RETIREMENT PLAN 457**

Elected officials are eligible to participate in the voluntary supplemental retirement savings plan at any time. This program allows employees to save and invest a portion of their earnings toward retirement. Pre-tax contributions are automatically deducted from each pay check and deposited to your account. Information about this program can be obtained from the Human Resource Department.

**REIMBURSEMENT OF MEALS**

<u>Out of County</u>	Breakfast .....	\$8.00
	Lunch.....	\$10.00
	Dinner.....	\$20.00
<u>In-County</u>	Reasonable and customary.	

● *An original itemized receipt must be submitted with all reimbursement requests.*

**DISCLAIMER**

The Schedule I Benefits Booklet contains general summaries and information regarding benefits for employees covered by Schedule I. Some of the items described in this booklet are covered in detail by County policy and/or procedure documents. You should refer to these documents for specific information, since this booklet only briefly summarizes those benefits. Please also note that a full description of insurance and deferred compensation benefits offered by the County are set forth in written plan documents which are controlling in the event of any inconsistency with what is contained in this booklet.

Nothing in this booklet creates any contractual rights to the benefits described herein, or creates any contractual rights to employment. In that regard, the Board of Supervisors reserves the right to eliminate, modify or deviate from the provisions of this booklet in its sole discretion. Every attempt will be made to inform you of any changes when they occur. If you have questions about the information in this booklet, please contact the Human Resource Department.

**RESOLUTION NO. 16-005**  
**(January 04, 2016)**

By Mr. Tallman, Chairman of the Human Resources Committee:

**COUNTY ATTORNEY APPOINTED**

**BE IT RESOLVED**, That James Wujcik, 11 Exchange Street, Town of Attica, Attica, NY 14011 is hereby appointed County Attorney for a term of two (2) years; effective January 01, 2016 through December 31, 2017.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

*Chairman Berwanger congratulated County Attorney Wujcik and offered him an opportunity to address the Board. He thanked Chairman Berwanger and declined the opportunity to address the Board...*

*Chairman Berwanger offered one comment; Without a doubt, Norm Effman is probably the finest public defender in NYS. He has brought hundreds of thousands of dollars into the county to lessen county levy to his office. Mr. Effman is very articulate and has done a terrific job over the years. The Chairman was once again happy to support him as County Public Defender.*

#6

**RESOLUTION NO. 16-006**  
**(January 04, 2016)**

By, Mr. Copeland, Chairman of the 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, 2016 through December 31, 2017.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

*Judge M. Griffith administered the oath of Office to Public Defender Effman.*

*Chairman Berwanger gave Public Defender Effman the floor. Public Defender Effman offered a few remarks on the honesty and integrity of the judicial system*

Organizational Meeting



*in Wyoming County.*

*New York Senator Gallivan from the 59<sup>th</sup> Senate District was introduced next...*

*Some of the topics the Senator talked about are:*

- *Continuation of the good work to make Wyoming County a great place to live, work and raise a family.*
- *Proud of professional working relationship he enjoys with attendees and Board of Supervisors and so many different community groups and organizations throughout the county.*
- *His office participates in many activities*
  - *Agri-Palooza*
  - *College and Career Days*
  - *Chamber and Tourism*
  - *Young Farmers New York*
- *He talked about his support of the Wyoming County Agri-Business Center*
- *Meeting with Wyoming County Highway Superintendent, Todd Gadd and other Town Highway Superintendents that make up the Wyoming County Town Highway Superintendents Association where they discussed the Town and County roadways and CHIPs funding and the Winter Recovery funding.*
- *Senator Gallivan discussed the announcement by Governor Cuomo and the Mayor of New York City to send \$8.4 billion to New York City for the Metro Transit Authority without any regard as to how to pay for it and without regard for the rest of us. Senator Gallivan reported that he met with colleagues across the state and a majority in the senate have resolved to not send anything to NYC without Parity for the rest of Upstate NY.*
- *Education in New York State*
  - *2009-2010 and introduction of the GAP Elimination Adjustment introduction*
  - *This year's Senate focus will be to eliminate the GAP Elimination Adjustment*
  - *School Resource Officer funding*
    - *Warsaw, Attica and Perry*
    - *So much more than "a cop with a gun."*
    - *Mentoring, etc...*
  - *Ag. in the Classroom*
    - *Wyoming County is now a model for the rest of the State*
- *Requires the Public Service Commission to consider the impact to agricultural lands when siting utilities*
- *Tax Stabilization legislation for the Town of Eagle.*
- *Regulatory Reform*
- *Increased Minimum Wage for Community College Employees*

January 4, 2016

- *Heroin and Opioid abuse problem*
- *Wyoming County Community Hospital \$20M*
  - *Single biggest local priority*
  - *EMT/Volunteer numbers*
- *Economic Gardening*

*Chairman Berwanger thanked Senator Gallivan for his comments and for his continued support of Wyoming County programs.*

2016 Chairman's  
State of the County Address  
January 04, 2016

Fellow Supervisors, Senator Gallivan, Judge Griffith, Judge Mohun, Judge Dadd, District Attorney O'Geen, Sheriff Rudolph, Treasurer Mayer, County Clerk Pierce, Father Joe Gullo, Department Heads, family and friends who are joining us today for the annual organizational meeting of the Wyoming County Board of Supervisors, welcome!!

Congratulations to the Supervisors who have been reelected and to the three (3) newly elected Supervisors who are beginning their new terms today. Brett Hastings from the Town of Eagle, Keith Granger from the Town of Castile and Brian Becker from the Town Sheldon, welcome to the Board!!

Today's state of the county address will focus on some specific activities of the past year and what we are preparing for in 2016. Reacting to the concern regarding the 9.6% tax rate increase in 2015, the Board of Supervisors agreed to hold a series of countywide meetings inviting the public to share their concerns and their thoughts regarding county operations, the budget and property tax. Four (4) meetings were held in Eagle, Attica, Castile and Warsaw. Four hundred (400) residents attended and the message the Board received was this, maintain public safety, maintain the hospital, maintain the highway system, "good roads," and support agriculture, in particular, 4-H.

So the Board took these priorities under consideration when preparing the 2016 budget. Public safety continues to be the #1 priority of this county government, given the world in which we all live, the Board of Supervisors wants the residents of the County to feel safe and secure and to be able to access emergency services such as Fire, Ambulance Service which they are accustomed to and deserve and the Board of Supervisors strives to provide. We know that Sheriff Rudolph and the Director of Emergency Services, Tony Santoro work every day to meet the challenge of Public Safety.

One issue that has recently come to the Board's attention is the lack of volunteers for the nineteen (19) fire departments and rescue squads in our

county. The dramatic increase in the number of ambulance calls and the seemingly endless increase of training requirements for these volunteers are jeopardizing the volunteer efforts not just in Wyoming County but in many other counties throughout the state. I think it really struck home for me in a discussion about this issue when Supervisor Tallman, who is a member of the Silver Springs Fire Department and rescue squad, stated that in a year's time he makes 200 trips to the emergency room with patients needing treatment! Think about that! In 2005 there were 475 Volunteer EMT's throughout Wyoming County. In 2010, there were 354. In 2015 the number has dwindled to a mere 244 Volunteer EMT's in Wyoming County. Senator Gallivan, working with Lieutenant Governor Hochul, we are hoping, through your work we can see some type of relief for our volunteers.

A recent application to the New York State Department of Homeland Security and Emergency Services in the amount of \$155,000.00 in 911 grant funding met with favorable results. Thanks again to Lieutenant Governor Hochul and Senator Gallivan for your continued support of Wyoming County and making sure this important funding was awarded. These funds will be used to update outdated, highly specialized, 911 furniture for the Dispatchers (which the manufacturer no longer supports for repairs) and the rest will go to offset salaries for our Dispatchers in the Sheriff's office.

Another exciting project Wyoming County Officials are preparing for is the Wyoming County Rural Arts Initiative through a recent grant award of \$200,000. The Rural Arts Initiative is a collaboration with the Arts Council of Wyoming County, NYS Council on the Arts, Wyoming County Tourism, property owners throughout the County, and the IDA. Artists will be recruited to start and expand arts-based businesses of any medium in downtown spaces within the County. Through the Governor's Regional Economic Development Council Consolidated Funding Application's Microenterprise Program, entrepreneurs will be eligible for grants that will help with start-up and expansion costs. The program will include marketing for the initiative, entrepreneurial training, and the creation of a rent subsidy pool to incentivize property owners to invest in programmatic space. The Initiative will develop new galleries, shared workspace, and new artist residences. The result should be the creation of a vibrant art-based "Pride of Place" drawing artists and visitors alike. Thank you to Planning and Development Director Bill Daly, Supervisor Ryan from the Town of Warsaw for your involvement and to the County Contract Agencies involved that are about to make this exciting initiative come to life.

Recently Supervisor Leuer, T/Middlebury and the Chairman to the Board of Supervisors' Planning Committee along with Planning and Development Director Bill Daly who attended a Broadband Forum in Albany sponsored by the

New York State Association of Counties. There they attended workshops that included the Introduction of Governor Cuomo's New NY Broadband Program and Developing Innovative Strategies for Broadband Deployment. The Wyoming County Board of Supervisors is looking forward bringing broadband coverage into the 21<sup>st</sup> Century in Wyoming County through this new program and funding opportunity.

Maintain the hospital. Residents of Wyoming County want to be certain that health care, be it emergency room care, OB/GYN services, cardiac services, orthopedics or the skilled nursing facility services are all here when people need it. As you may have heard Wyoming County has applied to the New York State Department of Health for a grant of \$20 million to defease the debt of the hospital. This grant is federally funded and administered through the state Health Department. It is to be used for Health Care facilities existing in rural low volume areas and must be financially challenged. Wyoming County Community Hospital meets those criteria.

Ladies and Gentlemen, Wyoming County has made a \$31 million investment in our hospital and it is on the move. The County has developed a management relationship with the University of Rochester Strong Memorial Hospital to provide Emergency Room Services, OB/GYN Services, Cardiac Services, Financial Services and Ear, Nose and Throat Services. We have a new Orthopaedic Group, a new General Surgeon and a new OB Physician. The hospital finally has transformed from a projected \$6 million deficit in 2015 to a \$1.5 million actual deficit. That's a huge step forward and it's great news but not sustainable for the long term. Wyoming County Community Health System has state of the art equipment and skilled physicians and staff to serve the health care needs of our residents. The hospital recently rated #1 among Western New York Hospitals in low infection rates by The Centers for Medicare and Medicaid Services (CMS) under the Hospital Acquired Conditions Reduction Program, a huge recognition for our facility.

At this time, I would like to take a moment to thank Lieutenant Governor Hochul and Senator Gallivan for working closely with Wyoming County in a concerted bi-partisan effort to secure this vital funding. The hospital has made progress in moving forward under the leadership of CEO, Don Eichenauer. The big number, of course, is the \$1.3 million in annual debt payments as the county's share of the \$31 million renovations project. That is why the Health Department grant I spoke of earlier is so important!!

But what everyone needs to know, as the University of Rochester Medical Center continues to take a greater share of the management responsibility of the hospital and Nursing Facility the Board of Supervisors is committed to maintaining the operations of the hospital! And as a matter of public

information, the 4<sup>th</sup> floor OB/GYN is not closing! In fact, it is going to be better than ever!

I would also like to recognize three (3) members of the Hospital Board of Managers who retired as of January 1<sup>st</sup>, Joe Kushner from the Town of Eagle and Steve Tarbell from the Town of Castile and long term member serving 35 years, Janet Miller of Arcade for their dedication, commitment and love for continued health care for the residents of Wyoming County!! Thank you for your service!!

The third concern, which was brought to the Board's attention, was the issue of county highways. Over the last 10 years, the Board of Supervisors has spent \$11 million on the reconstruction of county highways. Due to the difficult financial situation in 2015 the Board suspended the Better Pavement Program, which in the past, working with Highway Superintendent Todd Gadd had reconstructed several miles of county roads each year. At the very first forum in the Town of Eagle a large contingent of residents from the Towns of Java and Sheldon made it known that they were adamant about the reconstruction of Perry Road which spans the two towns. No decisions have been made as to what work will be done in 2016 to repave Perry Rd. at a cost of \$1.4 million. Other roads needing to be considered are Exchange Street in the Towns of Attica and Orangeville, Telegraph Road in the Towns of Eagle and Pike, Castile Center Road in Castile and the balance of Liberty Street in the Village of Warsaw. The Board understands the importance of roads and bridges to our county and quite frankly everyone uses them every day and their maintenance is definitely a priority in 2016.

The forth concern which was conveyed to the Board was support for Agriculture. At the Budget Hearing the Board of Supervisors received 160 letters courtesy of Wyoming County Farm Bureau, supporting reinstatement of the 20% budget reduction to the Agricultural Contract Agencies, such as Wyoming County Soil and Water Conservation District and Cornell Cooperative Extension of Wyoming County. Even though a full restoration has not taken place the Board of Supervisors has approved appropriations for 2016 in the amount of \$364,000 to Cornell Cooperative Extension of Wyoming County and \$128,130 to Wyoming County Soil and Water Conservation District. Having this support for Agriculture in Wyoming County continues at an unprecedented level. The Board views this investment in these two (2) agencies as a driver of the Ag. Economy. We expect that District Manager, Greg McKurth with Wyoming County Soil and Water and Executive Director Shawn Tiede with Cornell Cooperative Extension of Wyoming County, working with the Board of Supervisors' Agriculture Committee Chairman, Jim Brick to continue to sustain and grow our Agricultural Industry.

January 4, 2016

The Wyoming County Ag. and Business Center is scheduled to be available for occupancy by late February! Agencies and County Departments include:

- Cornell Cooperative Extension of Wyoming County
- Wyoming County Soil & Water Conservation District
- United States Department of Agriculture - Farm Service Agency
- United States Department of Agriculture - Natural Resources Conservation Service
- Cornell University's Quality Milk Production Services
- Wyoming County Business Center
- Wyoming County Business Education Council
- Wyoming County Chamber of Commerce and Tourism
- Wyoming County Industrial Development Agency
- Wyoming County Planning and Development
- Wyoming County Buildings and Codes
- Business Development Center
- Wyoming County Water Resource Agency (WCWRA)

The building is a state of the art facility which the Board of Supervisors expects that with all county Ag. and Business related departments and agencies located under one roof we can better serve the economic needs and expectations of the county!

Wyoming County leads the State of New York in total Agriculture Farm Gate Sales. This ranking is significant and in an effort to continue to be a leader the Board of Supervisors is looking forward to the opening of the new Agriculture and Business Center.

At the Board level there will be new faces serving as Chairman to the following committees:

- Brian Kehl, T/Attica will Chair the Finance Committee
- David Tallman, T/Gainesville will Chair the Human Resource Committee
- Sandy King, T/Pike will Chair the Audit Committee

The balance of the Committee Chairs will remain the same as 2015 in an effort to promote a level of continuity. I am sure there will be a series of challenges throughout 2016 as there always are, but I know working in a bi-partisan effort to continue developing the great relationships with our state officials, Lieutenant Governor Hochul and Senator Gallivan along with Assembly Majority Leader Morelle and working as a Board of Supervisors with one (1) goal in mind to promote public safety, agriculture, a great health care facility, build a solid infrastructure and develop agriculture and business to provide jobs and prosperity for all of our residents!

I want to thank the Board of Supervisors for their trust in me to serve as Chairman for 2016. I promise that if we all work hard together this can be one of the best years ever! Thank you for your attention and God bless Wyoming County!

*There being no further business to come before this Board, Senior Supervisor Davis, T/Covington, adjourned the meeting at 3:37 PM with a rap on his desk.*

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Respectfully submitted,

*Cheryl J. Ketchum*

Cheryl J. Ketchum, <sup>CMC</sup>

Clerk to the Board

January 4, 2016

**REGULAR SESSION**  
**(January 19, 2016)**  
**Tuesday**  
**2:30 PM**

The regular session of the Wyoming County Board of Supervisors was held at the Wyoming County Government Center in the Board of Supervisors' Chambers located at 143 North Main Street, Warsaw, New York with all Supervisors present. Also present were County Attorney Jim Wujcik, Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Lisa Perez.

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:

The Veteran leading the Pledge of Allegiance for the January 19, 2016 Board Meeting is:

**Samantha Pawlicki**

Ms. Pawlicki was born in Warsaw, New York and graduated from Warsaw High School with a regent's diploma in 2007. After graduating, she worked full-time at a local farm as a herdsman while simultaneously enrolled at GCC with aspirations of one day becoming a teacher. In 2009, Ms. Pawlicki enlisted into the United States Navy continuing a long family history of military service.

Initial military preparation was conducted at the Basic Training Center in Great Lakes, Illinois where about 40,000 recruits pass through annually. Upon finishing basic training, Ms. Pawlicki transferred to Pensacola, Florida for intensive schooling to become a certified Afloat Support Equipment Technician. After successfully completing school, Ms. Pawlicki shipped off to FRC Southwest, San Diego, California where she was assigned to a U. S. Navy Honor Guard detail. During a four-month period, she participated in over eight hundred military funerals consisting of the flag fold ceremony, playing Taps, and firing the 21-gun salute. The Navy presented a letter of recommendation for her tireless work honoring our veterans.

While stationed in San Diego, she was transferred to the USS Carl Vinson, a CVN-70 aircraft carrier to work as a support equipment technician and on the ship's security detail. Ship security entailed proficiency maintaining and shooting an M-4 carbine; shotgun; and M-240 and 50 caliber machine guns. Superiors acknowledged her dedication, work ethic and efficiency by promoting Ms. Pawlicki to ship security dispatch. She coordinated security teams



throughout the vessel and worked closely with the watch commander. In 2013, with her term of service ended, Ms. Pawlicki was honorably discharged from the Navy as Petty Officer 3<sup>rd</sup> Class. In addition to an Honorable Discharge, for her courage and valor to her country, she earned the:

Good Conduct Medal  
National Defense Medal  
Global War on Terrorism Medal  
Rifle Marksmanship Medal  
Pistol Marksmanship Medal

Currently, Ms. Pawlicki is using Post 9-11 GI Bill benefits to attend SUNY Geneseo College and is scheduled to complete a bachelor degree program by the fall of 2018. Ms. Pawlicki is majoring in Primary Education and Special Ed with a minor in Urban Studies. She aspires to give back to the community by teaching children in grades 1-6 in Wyoming County. When she has a chance to put the books down, she loves the outdoor experience of hiking at Letchworth State Park.

***The pledge was said by all.***

*Chairman Berwanger invited Town of Warsaw Supervisor, B. Ryan to join him in the presentation of the customary certificate of appreciation to Ms. Pawlicki and an opportunity to address the Board. At which time, Ms. Pawlicki thanked the Board for the invitation to lead the pledge and for representing the men and women serving overseas...*

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

**Communications ~**

***Senator Gallivan***

- Letter dated December, 2015 acknowledging receipt of several Board of Supervisor resolutions

*Before Chairman Berwanger began the meeting he explained that today is somewhat of a special day in Wyoming County. He explained that Wyoming County always talks about how wonderful our agriculture is here in Wyoming County. The county, of course, is known for dairy production, leads the state. The county also leads the state in agricultural production farm gate sales. Part of those farm gate sales is the crop called potatoes that are raised here in Wyoming County.*

*Today we are fortunate to have with us, Adam Marquart, who is part of the management of Marquart Bros. in the Town of Gainesville. In case you didn't*

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*happen to notice there are a lot of bags of potato chips on display here. These are one pound bags and they are very good! Some of the Supervisors have enjoyed them already. (Chairman Berwanger held up one of the bags) This is the original, go to bag which is presented to Supervisor Tallman, T/Gainesville in honor of the business being located within the Town of Gainesville. "This is the first bag off the line Dave," stated Chairman Berwanger. Chairman Berwanger invited Supervisor Tallman, T/Gainesville to join him at the podium and introduced Adam Marquart to provide a brief history of his family's business and their decision to make potato chips locally.*

## Locally-grown potato chips set for a big debut

By **MATT SURTEL**  
**MSURTEL@BATAVIANEWS.COM**

PUBLISHED: TUESDAY, JANUARY 19, 2016 AT 12:30 AM

**GAINESVILLE** — How do you know if a potato chip is local?

It's tougher than you think, since some companies don't use New York-grown chips at all. But it won't be a problem with a new snack from Marquart Bros. LLC.

"New York Chips" will debut this weekend at Wegmans supermarkets, Operations Manager Adam Marquart confirmed Monday. The operation has sent its first two truckloads — totaling 14,400 bags of chips — for sale starting this weekend at the popular Rochester-based chain.

"It's going into the distribution centers this week," Marquart said. "I would expect they're going to be in some of the stores by this weekend, and they'll be in all of the stores by Monday or Tuesday. Whatever stores that don't have them will have them by Monday or early next week."

The debut achieves a longtime vision by Marquart Bros. LLC. The operation started planning for the new potato chip line back in 2008, when it built its first large potato storage facility in 2008.

The last 16 months have been spent developing the chips and their packaging. The product uses chips only from Marquart Bros. fields in Gainesville and surrounding towns in Wyoming County.

Marquart said that could expand to include other New York potato growers if demand for the snack increases — the crucial factor being that they'll use potatoes only from New York.

Hence the name.

"It's very exciting," Marquart said of the debut. "We're excited on a bunch of different levels because it means a lot to everybody who works here. Everybody has worked so hard, from field work to maintenance. It's a 24/7 job. We're excited about it and the potential for the industry as a whole."

*Chairman Berwanger explained the opportunity Marquarts have decided to take advantage of to promote their chips at the upcoming New York State Association of Counties conference in Albany.*

#1

**RESOLUTION NO. 16-007  
(January 19, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**FUNDS TRANSFERRED TO VARIOUS 2015 ACCOUNTS**

**BE IT RESOLVED**, That funds are hereby transferred to the various 2015 accounts as follows:

<b>Office for the Aging</b>			
<b>From:</b> 01.44.6772.8.89002 HRA Employee	\$4,000.00		
01.44.6772.1.10103 OFA Nutrition	2,500.00		
01.44.6772.1.10201 Part Time	5,500.00		
<b>To:</b> 01.44.6772.4.40924 Homemaker Service		\$12,000.00	
<b>Reason:</b> To reflect anticipated costs. 60-75% state reimbursement through EISEP.			
<b>Office for the Aging Total</b>			<b>\$12,000.00</b>
<b>Sheriff</b>			
<b>From:</b> 01.37.3110.4.40503 Gasoline	\$20,000.00		
<b>To:</b> 01.37.3110.1.10201 PT All Contracts		\$20,000.00	
<b>Reason:</b> To cover payroll costs for part time employees			
<b>Sheriff Total</b>			<b>\$20,000.00</b>
<b>Public Defender</b>			
<b>From:</b> 01.32.1170.8.89001 Medical	\$2,680.00		
<b>To:</b> 01.32.1170.4.42308 Inmate Exp. (606)		\$2,680.00	
<b>Reason:</b> To cover "606" expense for Professional Services (DDC, DNA Diagnostics Center) for DNA testing and expert witness testimony.			
<b>Public Defender Total</b>			<b>\$2,680.00</b>

**Carried: XXX**

**Ayes: 1599**

**Noes:**

**Absent:**

**Abstain:**

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**RESOLUTION NO. 16-008**  
**(January 19, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**FUNDS APPROPRIATED TO VARIOUS 2015 ACCOUNTS**

**BE IT RESOLVED**, That funds are hereby appropriated to the various 2015 accounts as follows:

<b>Coroners</b>			
<b>To:</b> 01.32.1185.4.40406 Mileage	\$1,500.00		
01.32.1185.4.41010 Office Supplies	60.00		
01.32.1185.1.10001 Salaries – Fixed Sch. S/D/I	2,415.00		
01.32.1185.4.40908 Autopsy Transport	85.00		
w/01.03.1185.1289 Other Dept. Income		\$4,060.00	
<b>Reason:</b> To cover 2015 Coroner costs			
<b>Coroners Total</b>			<b>\$4,060.00</b>
<b>District Attorney</b>			
<b>To:</b> 01.32.1165.4.41303 Stenographers	\$10,000.00		
<i>w/any funds available</i>		\$10,000.00	
<b>Reason:</b> To pay stenographer bills that have come in or that are expected based upon Grand Jury appearances and Mess Murder case.			
<b>District Attorney Total</b>			<b>\$10,000.00</b>

**Carried: XXX**

**Ayes: 1599**

**Noes:**

**Absent:**

**Abstain:**  
**#3**

**RESOLUTION NO. 16-009**  
**(January 19, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**FUNDS APPROPRIATED TO VARIOUS 2016 ACCOUNTS**

**BE IT RESOLVED**, That funds are hereby appropriated to the various 2016 accounts as follows:

<b>Information Technology</b>			
<b>To:</b> 01.34.1680.1.10302 OT – Includes S&D	\$8,000.00		
<i>w/any funds available</i>		\$8,000.00	
<b>Reason:</b> Unused overtime from 2015 used for special projects.			
<b>Information Technology Total</b>			<b>\$8,000.00</b>

<b>Office for the Aging</b>			
<b>To:</b> 01.44.6772.4.42402 OFA Grant Program w/01.12.6772.477223 Balancing Inc. Grant <b>Reason:</b> Estimated expenditures for 2016 Balancing Incentive Program. Expenses are to be used to expand and enhance OFA's current NY Connects program. Revenues will offset expenses, BIP is 100% federal money with no county match.	\$128,829.00	\$128,829.00	
<b>Office for the Aging Total</b>			<b>\$128,829.00</b>
<b>District Attorney</b>			
<b>To:</b> 01.32.1161.1.10101 Personnel 01.32.1161.4.41361 General Expenses 01.32.1161.8.81001 Retirement 01.32.1161.8.83001 FICA 01.32.1161.8.85001 Medicare w/01.07.1161.2610 Traffic Diversion Revenue <b>Reason:</b> To pay out expenses related to the Traffic Diversion Program such as the Defensive Driving Course, general expenses of the program and if approved stipends for staff. This appropriation will establish the initial budget for the program.	\$30,000.00 29,000.00 5,640.00 1,860.00 435.00	\$66,935.00	
<b>District Attorney Total</b>			<b>\$66,935.00</b>

**Carried: XXX****Ayes: 1599****Noes:****Absent:****Abstain:**

Mrs. King, T/Pike, Chairman of the Audit Committee, presented bills totaling **\$2,153,916.64** for the month of **December 2015**.

**Carried: XXX****Ayes: 1599****Noes:****Absent:****Abstain:**

*There was a motion by Mr. Tallman, T/Gainesville, to combine resolutions #4 through #6. Hearing no objection resolution titles were read.*

#4

### RESOLUTION NO. 16-010 (January 19, 2016)

By Mr. Tallman, Chairman of the Human Resources 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 eighty-one thousand five hundred dollars (\$181,500.00) and;

**WHEREAS**, The State Tax Commission has adopted a resolution stating, that if the allowance of a recording officer for expenses is certified by  
January 19, 2016

the County Board of Supervisors as a reasonable allowance, an allowance can be made; now therefore

**BE IT RESOLVED**, That the Wyoming County Board of Supervisors does hereby request the State Tax Commission allow the Wyoming County Clerk the sum of one hundred eighty-one thousand five hundred dollars (\$181,500.00) annually, April 2016 through March 2017, for necessary expenses in carrying out the provisions of Article 11 of the New York State Tax Law.

**Carried:** XXX

**Ayes:** 1599

**Noes:**

**Absent:**

**Abstain:**  
#5

**RESOLUTION NO. 16-011**  
**(January 19, 2016)**

By Mr. Tallman, Chairman of the Human Resources Committee:

**RESOLUTION REQUESTING THE NEW YORK STATE  
LEGISLATURE 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 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 two (2) 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 request 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, Assembly Speaker Carl E. Heastie, Assemblyman David DiPietro, 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.

<b>Carried: XXX</b>	<b>Ayes: 1599</b>	<b>Noes:</b>	<b>Absent:</b>	<b>Abstain:</b>
				<b>#6</b>

**RESOLUTION NO. 16-012**  
**(January 19, 2016)**

By Mr. Tallman, Chairman of the Human Resources Committee:

**RESOLUTION ESTABLISHING WEIGHTS & MEASURES**  
**FEE SCHEDULE**

January 19, 2016

**WHEREAS,** Article 16 of the Agriculture and Markets Law allows for the establishment and collection of fees for the inspection and testing of all weights and measures devices and systems; and

**WHEREAS,** The New York State Department of Agriculture & Markets has heretofore established a fee schedule of maximum amounts that municipal directors of weights and measures having a population of less than two million inhabitants may collect for each inspection (or re-inspection after repair) and each testing (or re-testing after repair) of all weights and measures, weighing and measuring devices and systems and related accessories within the jurisdiction; now, therefore,

**BE IT RESOLVED,** Upon the recommendation of the Human Resource Committee that the schedule of fees as enumerated in the attachment to this resolution are hereby adopted to be effective March 1, 2016.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

### **SCHEDULE OF FEES**

<b>FEE DESCRIPTION</b>	<b>PRICE \$</b>
<b>Scales</b>	
i. Up to and including 15 kg (33 lb) capacity	
(a) For each of the first five scales per establishment	20
(b) For each scale per establishment after the first five	10
ii. Over 15 kg and including 300 kg (661 lb) capacity	40
iii. Over 300 kg and including 1,500 kg (3,307 lb) capacity	100
iv. Over 1,500 kg and including 7,000 kg (15,432 lb) capacity	140
v. Over 7,000 kg and including 23,000 kg (50,706 lb) capacity	160
vi. Over 23,000 kg capacity	200
vii. Tank, batch and crane scales	200
<b>Weights – Field Standard (Class F)</b>	
i. Up to and including 3 kg (7 lb)	8
ii. Over 3 kg and including 30 kg (66 lb)	16
iii. Over 30 kg and including 300 kg (661 lb)	32
iv. Over 300 kg and including 1,200 kg (2,646 lb)	60
<b>Linear Field Measures</b>	
i. Up to 1 m (30 in)	4
ii. Over 1 m and including 16 m (52 ft)	8
iii. Over 16 m and including 31 m (102 ft)	12
iv. Over 31 m	20
v. Fabric measuring devices	20
vi. Wire and cordage measuring devices	40
<b>Liquid Measures and Devices</b>	
i. Liquid measurers 20 L (5 gal) or less	8



- ii. Liquid pump (hand –operated) 20L (5 gal) or less 20

### **Petroleum Dispensing and Measuring Devices**

- i. Single dispensing pump 20
  - ii. Dual dispensing pump 40
  - iii. Blend dispensing pump 40
  - iv. Grease and oil pump 8

### **Vehicles**

- i. Metering systems 300 L/min (79 gpm) or less 100
- ii. Metering systems over 300 L/min 120
- iii. Compartment calibration:
  - (a) Up to and including 3,000 L (793 gal) capacity 40
  - (b) Over 3,000 L and including 6,000 L (1,585 gal) capacity 80
  - (c) Over 6,000 L and including 12,000 L (3,170 gal) capacity 120
  - (d) Over 12,000 L capacity 240

### **Stationary Petroleum Metering Systems**

- i. Up to 500 L/min (106 gpm) 100
- ii. Over 400 L/min including 2,000 L/min (528 gpm) 120
- iii. Over 2,000 L/min and including 4,000 L/min (1,057 gpm) 140
- iv. Over 4,000 L/min 160

### **Bulk Milk Tanks**

- i. Up to 3,000 L (793 gal) capacity 40
- ii. Over 3,000 L and including 6,000 L (1,585 gal) capacity 80
- iii. Over 6,000 L and including 12,000 L (3,170 gal) capacity 120
- iv. Over 12,000 L capacity 240

### **Timing Devices**

- i. All commercially used devices where time is a basis for charge 4  
Except for:
- ii. Devices owned or operated by governmental agencies No charge

### **Taxi Meters**

40

The following regulations pertaining to the collections of fees shall apply in all jurisdictions:

- i. A fee shall be charged once annually unless a device is ordered to be repaired and must be retested. An additional fee is permitted for that retest.
- ii. An additional fee may be charged for a retest if during the course of a year a device is found to be in error and ordered repaired.
- iii. The initial inspection fee on new or reconditioned devices shall be paid by the user.
- iv. Recalibration fee on bulk milk tanks shall be paid by the party requesting the recalibration
- v. All fees must be paid within 30 days, except that in municipalities having a population of more than two million inhabitants, all fees must be paid within 10 days.

- vi. No fee shall be charged when using privately owned calibrated equipment to perform any testing. \*\*
- vii. A fee may be charged when using State-owned calibrated equipment to perform any testing unless the State is assessing a fee.
- viii. No fee shall be paid directly to any weights and measures official unless authorized by the State Director of Weights and Measures on the basis of unusual conditions or hardship.
- ix. All fees shall be paid to the designated municipal fiscal officer who shall keep an accurate record and submit an annual report to the commissioner on a form prescribed by the commissioner.

\*\*Primarily, but not necessarily including the following:

Large vehicle scale tests completed with scale company equipment, OR  
Milk tanks calibrated with calibrator equipment owned by milk  
cooperative or Federal Marketing Agency.

*There was a motion by Ms. Grant, T/Bennington, to combine resolutions #7 through #11. Hearing no objection resolution titles were read.*

#7

### **RESOLUTION NO. 16-013 (January 19, 2016)**

By Ms. Grant, Chairman of the 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, is hereby authorized and directed to sign various contracts on behalf of the Wyoming County Office for the Aging as follows:

- **Spectrum Human Services**, P.O. Box 631 Orchard Park, NY 14127 for mental health information/assistance and outreach services to individuals of all ages in in order to link them to appropriate services available in an amount not to exceed fifty thousand dollars (\$50,000.00); effective January 1, 2016 through December 31, 2016.
- **New York State Office for the Aging**, 2 Empire State plaza Albany, NY 12223-1251 to provide choices for Long Term Care Services to residents of all ages in Wyoming County in an amount not to exceed forty-three thousand two hundred eighty-nine dollars (\$43,289.00); effective October 15, 2015 through September 30, 2016.

Contingent upon the availability of funds.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**  
#8

**RESOLUTION NO. 16-014  
(January 19, 2016)**

By Ms. Grant, Chairman of the 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, is hereby authorized and directed to sign various contracts on behalf of the Wyoming County Office for the Aging as follows:

- **ILS Community Network IPA LLC**, 521 Fifth Avenue, 3<sup>rd</sup> Floor, New York, NY 10175 for contracted services for Home Delivered Meals for Managed Long Term Care Enrollees. Receivables are variable costs depending on need; effective January 1, 2016.
- **VNA Homecare Options, LLC**, 1050 West Genesee Street, Syracuse, NY 13204 for contracted services for Home Delivered Meals for Managed Long Term Care Enrollees. Receivables are variable costs depending on need; effective January 1, 2016.

*Revenue Contracts*

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**  
#9

**RESOLUTION NO. 16-015  
(January 19, 2016)**

By Ms. Grant, Chairman of the Human Services Committee:

**RESOLUTION NUMBER 15-191 RESCINDED**

**WHEREAS**, Resolution Number 15-191 entitled, “**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH VNA HOMECARE OPTIONS, LLC ON BEHALF OF THE WYOMING COUNTY OFFICE FOR THE AGING**,” passed by this Board of Supervisors on May 12, 2015 on

January 19, 2016

behalf of the Office for the Aging. Said contract is for home delivered and congregate meal services effective April 1, 2015 through December 31, 2015; now therefore

**BE IT RESOLVED**, That Resolution Number 15-191 be hereby rescinded effective immediately as the contract was never executed.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #10**

**RESOLUTION NO. 16-016  
(January 19, 2016)**

By Ms. Grant, Chairman of the Human Services Committee:

**RESOLUTION NUMBER 15-446 AMENDED**

**WHEREAS**, Resolution Number 15-446 entitled, “**MEMBERS APPOINTED/REAPPOINTED TO THE OFFICE FOR THE AGING ADVISORY COUNCIL**”, passed by this Board of Supervisors on December 8, 2015 on behalf of the Office for the Aging appointing members to the Office for the Aging Advisory Council; now therefore

**BE IT RESOLVED**, That Resolution Number 15-446 be amended to remove Carol Glor as her current term does not expire until December 31, 2016; and be it

**FURTHER RESOLVED**, That Donna Morgan, (T/Middlebury), 1098 Wyoming Road, Wyoming, NY 14591 is hereby appointed to the Office for the Aging Advisory Council as a Town Representative for a term of three (3) years; effective January 1, 2016 through December 31, 2018. All else remains the same.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #11**

**RESOLUTION NO. 16-017  
(January 19, 2016)**

By Ms. Grant, Chairman of the Human Services Committee:

**CHAIRMAN/COMMISSIONER OF SOCIAL SERVICES AUTHORIZED TO SIGN A WELFARE MANAGEMENT SYSTEM CONTRACT WITH**

**COMPANION CARE OF ROCHESTER ON BEHALF OF THE  
DEPARTMENT OF SOCIAL SERVICES**

**BE IT RESOLVED**, That the Chairman of this Board and Commissioner of Social Services, with the approval of the County Attorney, are hereby authorized and directed to sign a Welfare Management System contract with Companion Care of Rochester, 187 North Main Street, Geneva, NY 14456 on behalf of the Department of Social Services. Said contract is to provide consumer directed personal care for a select few Medicaid cases where personal care is not appropriate. Contract has a variable amount depending on services provided; effective January 1, 2016 through December 31, 2016.

Contingent upon the availability of funds.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

*There was a motion by Mrs. Ryan, T/Warsaw, to combine resolutions #12 through #15. Hearing no objection resolution titles were read.*

**#12**

**RESOLUTION NO. 16-018**

**(January 19, 2016)**

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

**MEMBERS APPOINTED/REAPPOINTED TO THE MENTAL HEALTH  
COMMUNITY SERVICES BOARD AND VARIOUS SUBCOMMITTEES**

**BE IT RESOLVED**, That the following members are hereby appointed/reappointed to the Mental Health Community Services Board and various Subcommittees as follows:

**Community Services Board**

***Four (4) year term January 1, 2016 through December 3, 2019***

- Jim Rutowski, 2071 Crittenden Road, Alden, NY 14004
- James Conway, 994 Creek Road, Attica, NY 14011

**Mental Health Subcommittee**

***Four (4) year term January 1, 2016 through December 3, 2019***

- Dave Rumsey, DSS Commissioner, Wyoming County Department of Social Services, 466 North Main Street, Warsaw, NY 14569
- Jim Conway, 994 Creek Road, Attica, NY 14011
- Lisa Gricius, Warsaw Public Library, 130 N. Main Street, Warsaw, NY 14569
- Rick Perez, Veteran's Services Director, 26 Linwood Avenue, Suite 2, Warsaw, NY 14569

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**MR/DD Subcommittee*****Four (4) year term January 1, 2016 through December 3, 2019***

- Jim Rutowski, 2071 Crittenden Road, Alden, NY 14004
- Jim Foley, 1691 Maxon Road, Attica, NY 14011

***Unexpired vacant four (4) year term effective January 1, 2016 through December 31, 2018***

- Martin Miskell, Livingston/Wyoming Arc Director, 18 Main Street, Mt. Morris, NY 14510 (*replacing C. Peterson*)

**Alcohol & Substance Abuse Subcommittee*****Four (4) year term January 1, 2016 through December 3, 2019***

- Ivan Carrasquillo, Wyoming County Sheriff Department, 151 North Main Street, Warsaw, NY 14569
- Rebecca DeMuth, 5362 Mungers Mill Road, Silver Springs, NY 14550

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #13**

**RESOLUTION NO. 16-019  
(January 19, 2016)**

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

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

**BE IT RESOLVED**, That the Chairman of this Board and the Commissioner of Health, with the approval of the County Attorney are hereby authorized and directed to sign a grant acceptance award with the New York State Department of Health, Division of Family Health, ESP, Corning Tower, Room 859, Albany, NY on behalf of the County Health Department. Said grant is for a one-year extension of the Title X Program in a minimum amount of one hundred sixty-three thousand eight hundred seventy-eight dollars (\$163,878.00); effective January 1, 2016 through December 31, 2016.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #14**

**RESOLUTION NO. 16-020  
(January 19, 2016)**

Regular Meeting

By Ms. Ryan, Chairman of the 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 January 01, 2016 through December 31, 2016.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #15**

**RESOLUTION NO. 16-021  
(January 19, 2016)**

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

**DR. DANIEL PAGNANI APPOINTED TO THE WYOMING COUNTY  
BOARD OF HEALTH**

**BE IT RESOLVED**, Dr. Daniel Pagnani, P. O. Box 531, Fishkill, NY 12524 be hereby appointed to the Board of Health as a member for a term of six (6) years; effective January 1, 2016 through December 31, 2021. (*replacing Dr. J. Wawrzyniak*)

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

*There was a motion by Mr. Brick, T/Perry, to combine resolutions #16 and #17. Hearing no objection resolution titles were read.*

**#16**

**RESOLUTION NO. 16-022  
(January 19, 2016)**

By Mr. Brick, Chairman of the Agriculture Committee:

**JOHN KNAB AND GREGORY MCKURTH REAPPOINTED TO THE  
SENECA TRAIL RESOURCE CONSERVATION  
AND DEVELOPMENT COUNCIL**

**BE IT RESOLVED**, That **John Knab**, 2246 Thomas Road, Varysburg, NY 14167 be hereby reappointed as a Regular Member to the Seneca Trail Resource Conservation and Development Council for a term of one (1) year; effective January 1, 2016 through December 31, 2016; and be it

January 19, 2016

**FURTHER RESOLVED**, That **Gregory McKurth** (Wyoming County Soil and Water), 31 Duncan Street Extension, Warsaw, NY 14569 be hereby reappointed to the Seneca Trail Resource Conservation and Development Council as a Soil and Water Member for a term of three (3) years; effective January 1, 2016 through December 31, 2018.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #17**

**RESOLUTION NO. 16-023  
(January 19, 2016)**

By Mr. Brick, Chairman of the Agriculture Committee:

**RONALD BARVIAN AND JOHN GILLEN REAPPOINTED TO THE  
REGION 9 ~ FISH & WILDLIFE MANAGEMENT BOARD**

**BE IT RESOLVED**, That **Ronald Barvian**, 360 Big Tree Road, Strykersville NY 14145 as the Sportsman Representative and **John Gillen**, 161 West Court Street, Warsaw, NY 14569 as the Sportsman Representative Alternate are hereby reappointed for a term of two (2) years; effective January 1, 2016 through December 31, 2017.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

*There was a motion by Mr. Leuer, T/Middlebury to withdraw resolutions numbered 19 & 20 and to combine resolutions #18 and 21 through #24. Hearing no objection resolution titles were read.*

**#18**

**RESOLUTION NO. 16-024  
(January 19, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**CHAIRMAN AUTHORIZED TO ENTER INTO A GRANT  
AGREEMENT WITH THE NEW YORK STATE HOUSING TRUST  
FUND CORPORATION FOR THE AWARD OF A SMALL CITIES  
COMMUNITY DEVELOPMENT BLOCK GRANT & TO ENTER INTO  
A SUBGRANTEE AGREEMENT WITH THE WYOMING COUNTY  
BUSINESS ASSISTANCE CORPORATION FOR IMPLEMENTATION  
OF THE GRANT**



**WHEREAS**, Wyoming County has received Federal grant assistance in the amount of two hundred thousand dollars (\$200,000.00) from the New York State Housing Trust Fund Corporation as represented by the New York State Office of Community Renewal (hereinafter the “OCR”) through the Community Development Block Grant (hereinafter “CDBG”) Program (OCR Grant #1279ME39-15) for the purpose of financing a Microenterprise Grant Program (hereinafter the “Program”) which will provide grants to artists and artisans who reside in or will reside in Wyoming County, and

**WHEREAS**, The Wyoming County Business Assistance Corporation (the “WCBAC”) has the capacity to implement the Program and to administer the OCR grant in the best interests of the County; and

**WHEREAS**, The WCBAC is a not-for-profit corporation eligible to receive grants of CDBG funds pursuant to Section 105(a)(15) of the Housing and Community Development of 1974, as amended (42 USC 5305); now therefore

**BE IT RESOLVED**, That the Chairman of this Board of Supervisors, with the approval of the County Attorney, is hereby authorized and directed, as the official representative of Wyoming County, New York, to execute the agreement between the OCR and the County evidencing the CDBG grant and all forms and documents related thereto, and be it

**FURTHER RESOLVED**, that the Chairman of this Board of Supervisors, with the approval of the County Attorney, is hereby authorized and directed, as the official representative of Wyoming County, New York, to execute an agreement between the County of Wyoming and the WCBAC for the implementation of the Program and administration of the OCR grant, such agreement to be in form and substance consistent with all rules, regulations, and policies of the CDBG program, and be it

**FURTHER RESOLVED**, that the Chairman of this Board of Supervisors is hereby designated as the County’s Certifying Officer for all environmental review decisions made pursuant to the National Environmental Policy Act of 1969, as amended for all existing and future CDBG grants received by the County.

**Carried: XXX**

**Ayes: 1599**

**Noes:**

**Absent:**

**Abstain:**  
#19

**RESOLUTION NO. 16-**  
**(January 19, 2016)**

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By Mr. Leuer, Chairman of the Planning Committee:

**MARYANN ALMETER AND MICHAEL DUEPPENGIESSER  
REAPPOINTED TO THE AG AND FARMLAND PROTECTION  
BOARD**

**BE IT RESOLVED**, That **Maryann Almeter**, 7508 Hiram Road, Arcade, NY 14007 and **Michael Dueppengiesser**, 5124 Bryan Road, Perry, NY 14530 are hereby reappointed to the Ag and Farmland Protection Board as Farm Members for a term of four (4) years; effective January 1, 2016 through December 31, 2019.

**Carried: Ayes: Noes: Absent: Abstain:** #20

**RESOLUTION NO. 16-  
(January 19, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**JAN VROOMAN AND WALTER STEVENS REAPPOINTED TO  
THE WYOMING COUNTY PLANNING BOARD**

**BE IT RESOLVED**, That **Jan Vrooman**, (T/Castile) 4356 Lakeshore Drive, Castile, NY 14827 and **Walter Stevens**, (T/Bennington) 67 Clinton Street, Alden, NY 14004 are hereby reappointed to the Wyoming County Planning Board as Voting Members for a term of three (3) years; effective January 1, 2016 through December 31, 2018.

**Carried: Ayes: Noes: Absent: Abstain:** #21

**RESOLUTION NO. 16-025  
(January 19, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**ARTHUR BUCKLEY REAPPOINTED TO THE GLOW SOLID WASTE  
PLANNING COMMITTEE AND GLOW REGIONAL SOLID WASTE  
MANAGEMENT COMMITTEE**

**BE IT RESOLVED**, That **Arthur Buckley** (Wyoming County Planner), 6470 Route 20A, Suite 4, Perry, NY 14530 is hereby reappointed to the GLOW Regional Solid Waste Planning Committee and the GLOW Regional

Solid Waste Management Committee as the Planning and Development Representative for a term of one (1) year; effective January 1, 2016 through December 31, 2016.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #22**

**RESOLUTION NO. 16-026  
(January 19, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**ARTHUR BUCKLEY AND JOAN PETZEN REAPPOINTED TO  
THE GLOW SOLID WASTE ADVISORY COMMITTEE**

**BE IT RESOLVED**, That **Arthur Buckley** (Wyoming County Planner), 6470 Route 20A, Suite 4, Perry, NY 14530 is hereby reappointed to the GLOW Regional Solid Waste Advisory Committee as the Planning and Development Representative for a term of one (1) year; effective January 1, 2016 through December 31, 2016; and be it

**FURTHER RESOLVED**, That **Joan Petzen** (Cornell Cooperative Extension), 401 North Main Street, Warsaw, NY 14569 is hereby reappointed to the GLOW Regional Solid Waste Advisory Committee as an Agency Representative for a term of one (1) year; effective January 1, 2016 through December 31, 2016.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #23**

**RESOLUTION NO. 16-027  
(January 19, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**TERRY MURPHY AND GILBERT STEARNS REAPPOINTED TO THE  
WYOMING COUNTY WATER RESOURCE AGENCY BOARD OF  
DIRECTORS**

**BE IT RESOLVED**, That **Terry Murphy** (Administrator/Village of Perry), 46 North Main Street, Perry, NY 14530 and **Gilbert Stearns** (Superintendent of Public Works/Village of Warsaw), 15 South Main Street, P.O. Box 49, Warsaw, NY 14569 are hereby reappointed to Wyoming County Countywide Water Resource Agency Board of Directors for a term of three (3) years; effective January 1, 2016 through December 31, 2018.

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**Carried: XXX****Ayes: 1599****Noes:****Absent:****Abstain:  
#24**

**RESOLUTION NO. 16-028  
(January 19, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN A SUBLEASE AGREEMENT  
WITH CORNELL UNIVERSITY ~ QUALITY MILK PRODUCTION  
SERVICES 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 Sublease Agreement with Cornell University, Quality Milk Production Services, c/o Real Estate Department, Box DH-Real Estate, Ithaca, NY 14850 on behalf of the County of Wyoming. Said sublease is for the lease of 1,935 sq. ft. of office space located at the Ag and Business Center, 36 Center Street, in the Village of Warsaw; effective December 17, 2015 through November 30, 2020 as follows:

- Commencing December 17, 2015
  - Pro-rated and payable with January 2016 rent
- 2016 through 2017
  - \$1,612.50 per month/\$19,350.00 per year
- Commencing December 1, 2018
  - \$1,689.90 per month/\$20,278.80 per year
- Commencing December 1, 2019
  - \$1,767.30 per month/\$21,207.60 per year

**Carried: XXX****Ayes: 1599****Noes:****Absent:****Abstain:**

*There was a motion by Mr. Copeland, T/Wethersfield, to combine resolutions #25 through #27. Hearing no objection resolution titles were read.*

**#25**

**RESOLUTION NO. 16-029  
(January 19, 2016)**

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

**CHAIRMAN AUTHORIZED TO SIGN A GRANT ACCEPTANCE  
AWARD WITH THE NEW YORK STATE DIVISION OF CRIMINAL  
JUSTICE SERVICES OFFICE OF PROGRAM DEVELOPMENT AND  
FUNDING ON BEHALF OF THE SHERIFF'S DEPARTMENT**

Regular Meeting

**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 Division of Criminal Justice Services Office of Program Development and Funding, Alfred E. Smith Building, 80 South Swan Street, Albany, NY 12210 on behalf of the Sheriff's Department. Said grant is for the funding of a shared School Resource Officer between the Attica Central School District and Letchworth School District in a minimum amount of fifty-eight thousand eight hundred seventy-one dollars (\$58,871.00); effective September 1, 2015 through June 30, 2016.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #26**

**RESOLUTION NO. 16-030  
(January 19, 2016)**

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

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

**BE IT RESOLVED**, That the Chairman of this Board, with the approval of the County Attorney, is hereby authorized and directed to sign a contract with Monroe County Sheriff's Office, 130 South Plymouth Avenue, Rochester, NY 14614-2209 on behalf of the County Jail. Said contract to provide inmate psychiatric services at the Rochester Psychiatric Center Forensic Unit in an amount not to exceed one hundred forty dollars (\$140.00) per day; effective January 1, 2016 through December 31, 2020.

Contingent upon the availability of funds.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #27**

**RESOLUTION NO. 16-031  
(January 19, 2016)**

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

**DAVID LINDER REAPPOINTED AS THE STOP-DWI  
COORDINATOR, PT**

**BE IT RESOLVED**, That David Linder, 563 Perry Road,

January 19, 2016

Strykersville, NY 14145 be hereby reappointed as the STOP-DWI Coordinator, PT for a term of one (1) year; effective January 1, 2016 through December 31, 2016.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

*There was a motion by Mr. Davis, T/Covington, to combine resolutions #28 through #31. Hearing no objection resolution titles were read.*

#28

**RESOLUTION NO. 16-032  
(January 19, 2016)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH U & S  
SERVICES, INC. ON BEHALF OF BUILDINGS & GROUNDS  
(CO. BLDGS.)**

**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 U & S Services, Inc., 95 Stark Street, Tonawanda, NY 14150 on behalf of Wyoming County Building and Grounds (Co. Bldgs.). Said contract is for HVAC controls preventive maintenance at the Department of Social Services, Jail, Health Department and Courthouse in an amount not to exceed eight thousand five hundred sixty-five dollars (\$8,565.00); effective January 1, 2016 through December 31, 2016.

Contingent upon the availability of funds.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:  
#29**

**RESOLUTION NO. 16-033  
(January 19, 2016)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH JOHN W.  
DANFORTH COMPANY ON BEHALF OF BUILDINGS AND  
GROUNDS (CO. BLDGS.)**

**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, 300 Colvin Woods Parkway,

Tonawanda, NY 14150 on behalf of Buildings and Grounds (Co. Bldgs.). Said contract is for air sealing and attic ventilation measures at Thomson Hall in an amount not to exceed nine thousand four hundred fifty-five dollars (\$9,455.00); effective January 19, 2016 through project completion.

Contingent upon the availability of funds.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:  
#30**

**RESOLUTION NO. 16-034  
(January 19, 2016)**

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

**CHAIRMAN AUTHORIZED TO AWARD BID AND SIGN CONTRACT  
WITH D & H EXCAVATING, INC. ON BEHALF OF  
COUNTY HIGHWAY**

**BE IT RESOLVED**, That the Chairman of this Board, with the approval of the County Attorney, is hereby authorized and directed to award bid and sign a contract with D & H Excavating, Inc., 11939 Route 98 South, Arcade, NY 14009 on behalf of County Highway. Said contract is for the replacement of Starr Road Bridge - Covington #15, PIN 4760.75; BIN 3366410 in an amount not to exceed six hundred eighty-seven thousand fifty-two dollars (\$687,052.00); effective January 19, 2016 through the completion of project.

Contingent upon the availability of funds.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:  
#31**

**RESOLUTION NO. 16-035  
(January 19, 2016)**

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

**RESOLUTION NUMBER 15-024 AMENDED**

**WHEREAS**, Resolution Number 15-024 entitled, “**CHAIRMAN AUTHORIZED TO SIGN CONTRACT WITH ERDMAN ANTHONY ON BEHALF OF THE HIGHWAY DEPARTMENT**,” passed by this Board of Supervisors on January 20, 2015 for engineering, design and right-of-way for Starr Road Bridge replacement (Town of Covington); BIN # 3366410; PIN

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4760.75 in an amount not to exceed one hundred seventy-seven thousand dollars (\$177,000.00); effective December 9, 2014 through completion of project; now therefore

**BE IT RESOLVED**, That Resolution Number 15-024 be hereby amended to authorize the Chairman to sign Supplemental Agreement Number 1 with Erdman Anthony, 15 Culver Road, Suite 200, Rochester, NY 14620 for an additional eighty-seven thousand dollars (\$87,000.00) for construction and construction inspection of the Starr Road Bridge replacement (Town of Covington) BIN # 3366410; PIN # 4760.75 for a total amount not to exceed two hundred sixty-four thousand dollars (\$264,000.00); contingent upon the availability of funds.

All else remains the same.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

*There was a motion by Mr. Kehl, T/Attica, to combine resolutions #32 through #42. Hearing no objection resolution titles were read.*

**#32**

**RESOLUTION NO. 16-036  
(January 19, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**RESOLUTION NUMBER 15-392 AMENDED**

**WHEREAS**, Resolution Number 15-392 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM,**” passed by this Board of Supervisors on October 13, 2015 and provides, in part, the following contract on behalf of the Wyoming County Community Health System:

- **DANIEL PAGNANI M.D., PLLC (or name of corporation yet to be formed)**, P.O. Box 531, Fishkill, NY 12524 for OBGYN clinic and hospital services through a legal entity to be formed for the purpose of providing the provider employment. The contract would provide for an annual compensation of \$290,000.00, plus standard benefits including malpractice insurance and moving expenses – (Employees of the corporation would not be eligible for membership in the New York State and Local Retirement System (NYSLRS)). The contract would be for two (2) years; however, it does provide for a 120-day termination



period. The contract would require services including 24/7 call services during the first 8 months except for one weekend per month and two weekdays per month; now therefore

**BE IT RESOLVED**, That Resolution Number 15-392 be hereby amended to change the name of the contracting party from Daniel Pagnani, M.D., PLLC to “**Women’s OB GYN of Warsaw, PLLC**”. All else remains the same.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #33**

**RESOLUTION NO. 16-037  
(January 19, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH  
WOMEN’S OB GYN OF WARSAW, PLLC 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,**” the Chairman of this Board with the approval of the County Attorney and/or Costello Cooney Fearon, PLLC, legal counsel, is hereby authorized and directed to sign a contract with Women’s OB GYN of Warsaw, PLLC, P.O. Box 531, Fishkill, NY 12524 and having an office for the transaction of business at 408 North Main Street, Warsaw, NY 14569 on behalf of the Wyoming County Community Health System. Said contract to provide OB/GYN staff office support services in the amount of seventeen dollars and fifty cents (\$17.50) per hour, not to exceed twenty-four (24) hours per week or twenty-four thousand dollars (\$24,000.00) per year; effective October 1, 2015 through September 30, 2016 with two (2) additional annual extensions.

Contingent upon the availability of funds.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #34**

**RESOLUTION NO. 16-038  
(January 19, 2016)**

January 19, 2016

By Mr. Kehl, Chairman of the Finance Committee:

**SALARY SCHEDULE “C” 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 “C”:**

***Wyoming County Community Health System***

- Set the salary of the **Director of Nursing** at \$82,000.00 annually; effective December 8, 2015.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #35**

**RESOLUTION NO. 16-039  
(January 19, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**WYOMING COUNTY COMMUNITY HEALTH SYSTEM  
PURCHASING POLICY FOR NON CAPITAL ASSET PURCHASES  
ADOPTED**

**BE IT RESOLVED**, That the Wyoming County Health System Purchasing Policy for Non Capital Asset Purchases attached hereto is adopted as presented.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

**WYOMING COUNTY COMMUNITY HEALTH SYSTEM  
SYSTEM POLICY**

**Title: Purchasing Policy – Non-Capital Asset Purchase Policy #: S-**

**Effective Date: 11/19/2015      Review Date: \_\_\_\_\_ By \_\_\_\_\_**

**Periodic Review: By: \_\_\_\_\_      Date: \_\_\_\_\_**

**Supersedes: Policy # Rev. 0      Dated 05/28/2013**

**Departments Affected: All**

**References: \_\_\_\_\_**

**Prepared / Sponsored by (print title, name, and initial):**

**Chief Executive Officer, Donald T. Eichenauer**

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**Senior Management Review and Approval by (print title, name, and initial)**

**Interim Chief Financial Officer, Amy Ellingworth**

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**Chief Executive Officer Approval / Date** **Donald T. Eichenauer**

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**Board of Manager Approval Date** **11/19/2015**

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## **POLICY**

This policy defines non-capital asset purchase requirements.

## **DEFINITIONS**

### **Non-Capital Assets**

Services (such as building or auto repairs, carpet installation), inventory (such as medical supplies, food for patient and cafeteria use, etc.), and other items (such as office supplies and items required to operate the facility) professional services and service contracts.

## **REFERENCES AND FORMS**

The Wyoming County Purchasing Policy is incorporated by reference in this policy. The Wyoming County Purchasing Policy addresses certain NYS laws and regulations as it relates to purchasing and disposal of assets. Individuals using this policy should have and be aware of the Wyoming County Purchasing Policy and adhere to that policy specifically the portions that relate to NYS laws and regulations and purchase of professional services and service contracts.

For Capital Asset Purchases refer to the Capital Asset Acquisition Policy.

## **PROCUREMENT**

Purchase of services, inventory, and other non-capital items must be done in accordance with this Non-Capital Asset Purchasing Policy.

Purchases of services, inventory, and other items which are routinely purchased or for which the purchase exceeds \$5,000 must be done in accordance with the Wyoming County Purchasing Policy and NYS laws and regulations. Generally, this will require these routine items to be purchased through a NYS contract or group purchasing contract (which must be bid or entered into as per NYS regulations) or through a purchase bid in accordance with NYS regulations.

From time to time purchases are required of items needed on a non-routine or one time type situation or when required items are not included in items

January 19, 2016

available through group purchase contracts. For these items the following procedure will be required.

### **Purchases up to \$1,000**

Department Managers may approve and submit a purchase requisition which either provides enough detail for the Materials Management (Purchasing) Department to research and make the purchase or with a proposed vendor and proposed price for the item. It is the department manager's responsibility prior to approving the purchase requisition to assure the item is within the department manager's budget authority and approved budget amounts and in the normal course of business. If the department manager includes a proposed vendor and price with their requisition it is their responsibility to assure the price is reasonable and appropriate for the item.

### **Purchases between \$1,001 and \$5,000**

Above approvals plus Senior Manager approval of the purchase requisition is required. The Senior Manager is responsible for assuring the item is within the department budget authority and approved budget amounts.

### **Purchases between \$5,001 and \$10,000**

Above approvals plus any one of the following Chief Financial Officer (CFO), Chief Executive Officer (CEO), or Chief Operating Officer (COO) approval of the purchase requisition is required. The signer (CFO, CEO, or COO) is also responsible for assuring the item is required and its purchase is in the best interest of the hospital.

### **All Purchases between \$1,000 and \$10,000**

The person submitting the purchase requisition is responsible for obtaining sufficient description, picture, make, model #, catalog information, etc. and providing it to the Materials Management (Purchasing) Department along with the required approved requisition form. Recommended vendors and price quotes may also be provided. The Materials Management (Purchasing) Department is responsible for initiating the purchase after verifying the completed requisition, verifying the quoted prices (on a test basis), or obtaining other quotes if they believe better pricing and terms are available.

### **Purchases in excess of \$10,000**

In addition to the approvals required for the previous levels of purchasing, CEO and Board of Manager (BOM) approval is required. In addition, purchases in excess of \$5,000 must be made in accordance with the Wyoming County Purchasing Policy and adhere to the portions of that policy related to NYS laws and regulations for bidding.

Emergency purchases (which are required to safeguard the facility, ensure patient safety, ensure efficient operations, etc.) may be approved by the CEO for

amounts up to \$25,000. The CEO should when practical, confer with the Executive Committee of the BOM regarding such purchases. In the absence of the CEO or his/her inability to approve, emergency purchases can be approved upon agreement of the CFO or COO and the Executive Committee of the BOM. Emergency purchases in excess of \$25,000 can be approved by the CEO and the Executive Committee of the BOM. All emergency purchases must be reviewed and retroactively approved by the BOM at their next regularly scheduled meeting.

### **Professional Services and Service Contracts:**

Professional services and service contracts will be handled in accordance with the Wyoming County Purchasing Policy. In addition, all purchases of professional services and service contracts in excess of \$5,000 will require the approval of the Hospital Board of Managers.

### **Wyoming County Community Hospital (WCCHS) Department Manager Listing for Signature Authority as of October 22, 2015**

#### **Administration:**

CEO	Donald Eichenauer
COO	Mike Corcimiglia
Director of Finance	Jim Cullen

#### **Senior Managers:**

Superintendent of Buildings and Grounds (County Building)	Daryl Rogers
County Human Resources Director	Denise Morley
County Information Technology Director	Todd MacConnell
Acting Acute Director of Nursing (DON)	Peggy Cunningham
Director of Regulatory Affairs	Peggy Cunningham
Director of Mental Health	Mary Richards
SNF Interim Director of Nursing (DON)/Program Director of the	
Adult Day Health Care	Dawn Kilner
SNF Administrator	Dawn James

#### **Department Managers by Functional Area:**

Admissions & Communication, Patient Accounts & Collections	Barb Bukiewicz
Clinics	Mike Corcimiglia
Corrections (Inpatient & Outpatient)	Michelle Grohs/Denise Prusak
Dietary & Cafeteria	Mike Winiecki
Emergency Department	Liz Gray
Fiscal Services	Ronda Subject
Housekeeping, Laundry, & Linen	Lucy Young
Imaging and Testing	Peggy Morgan-Hise

Infection Control  
 Hospital Informatics  
 Information Systems  
 Laboratory  
 Materials Management  
 Med Surg & ICU  
 Medical Records  
 Pharmacy  
 Plant Operations, Safety, & Bio Med  
 Regulatory Affairs & Patient Family Services  
 Respiratory Therapy  
 SNF Activities & Services  
 SNF (all areas)  
 SNF (Nursing and Adult Day Care)  
 Surgery, Labor, Delivery & Nursery  
 Therapies - all  
 Workplace Health

Connie Almeter  
 Patty Millen  
 Jane Beechler  
 Tracy Tingle  
 Kit Kaczmarek  
 Denise Prusak  
 Patty Millen (acting)  
 Dan Cole  
 Tim Cook  
 Peggy Cunningham  
 Deb Kwitowski  
 Sue Winiecki  
 Dawn James  
 Dawn Kilner  
 Michelle Grohs  
 Justin Bayliss/Rich Kingston  
 Peter Coggiola

<b>RECORD OF REVISION</b>
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REV. #	DESCRIPTION OF CHANGE	PAGE #S / SECTION #S IMPACTED BY CHANGE(S)	DATE
0	Original issue	All	05/28/2013
1	Revised approval/dollar limits	All	11/19/2015

#36

**RESOLUTION NO. 16-040**  
**(January 19, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**MEMBERS APPOINTED/REAPPOINTED TO THE INTER-  
 COUNTY ASSOCIATION OF WESTERN NEW YORK**

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

**Member**

***One (1) year term effective January 1, 2016 through December 31, 2016***

- Jerry Davis, (T/Covington), 7414 Court Road, P.O. Box 445, Pavilion, NY 14525
- Ellen Grant, (T/Bennington), 905 Old Alleghany Road, Attica, NY 14011

Regular Meeting

- John Copeland, (T/Wethersfield), 5888 Sheppard Road, Bliss, NY 14024 (*replacing J. Knab*)

**Alternate Member**

***One (1) year term effective January 1, 2016 through December 31, 2016***

- Cheryl Ketchum, 7409 Centerville Road, Bliss, NY 14024
- Rebecca Ryan, (T/Warsaw) 172 West Buffalo Street, Warsaw, NY 14569 (*replacing J. Kushner*)

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #37**

**RESOLUTION NO. 16-041  
(January 19, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN LETTERS OF  
UNDERSTANDING WITH CONTRACT AGENCIES FOR 2016**

**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 2016: Contingent upon the availability of funds.

<b>CONTRACT AGENCY</b>	<b>2016 EXPENDITURES</b>
Wyoming County Soil & Water	\$126,320.52
Wyoming County Fair Association	18,000.00
Arts Council for Wyoming County	11,432.00
Erie-Wyoming County Soil & Water	1,809.60
Wyoming County Tourist Promotion Agency	40,984.00
Wyoming County Business Education Council	4,300.00
Wyoming County Wildlife Federation	904.32
Wyoming County Business Center (LDC)	60,000.00
<b>TOTAL</b>	<b>\$263,750.44</b>

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #38**

**RESOLUTION NO. 16-042  
(January 19, 2016)**

January 19, 2016

By Mr. Kehl, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A MEMORANDUM OF  
AGREEMENT WITH CORNELL COOPERATIVE EXTENSION OF  
WYOMING COUNTY FOR THE YEAR 2016**

**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 North Main Street, Warsaw, NY 14569 for the payment of County appropriations in an amount not to exceed of three hundred sixty-four thousand four hundred dollars (\$364,400.00) to fund the Agricultural Department and 4-H Department; effective January 1, 2016 through December 31, 2016.

Contingent upon the availability of funds.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:  
#39**

**RESOLUTION NO. 16-043  
(January 19, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**COMMITTED FUNDS ESTABLISHED**

**WHEREAS**, The County wishes to commit funds for the Traffic Diversion Program; and

**WHEREAS**, The purpose of the Traffic Diversion Program commitment is to accumulate moneys to support and improve public safety initiatives for the County of Wyoming; now therefore,

**BE IT RESOLVED**, Effective January 1, 2016, the Board authorizes the establishment of the Traffic Diversion Program 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**, The 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**, 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 the Board of Supervisors.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #40**

**RESOLUTION NO. 16-044  
(January 19, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**HIPAA OFFICERS APPOINTED/REAPPOINTED**

**BE IT RESOLVED**, That the following persons are hereby appointed/reappointed to the following HIPAA Officer Positions, for a term of one (1) year; effective January 1, 2016 through December 31, 2016.

**Corporate Compliance Officer**

- David Tallman, 16 Beardsley Avenue, P.O. Box 177, Silver Springs, NY 14550 (*replacing S. Tarbell*)

**Privacy Officer**

- Joan Kibler (Probation Director), 143 North Main Street, Warsaw, NY 14569

**IT Security Officer**

- Todd MacConnell (Information Technology Director), 66 Mount View Avenue, Warsaw, NY 14569

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #41**

**RESOLUTION NO. 16-045  
(January 19, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

January 19, 2016

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

**BE IT RESOLVED**, That the following members are hereby appointed/reappointed to the Wyoming County Community Hospital Board of Managers:

### **Member**

***Five (5) year term effective January 1, 2016 through December 31, 2020***

- Mark Merrill, 5442 Sheppard Road, Bliss, NY 14042 (*replacing J. Miller*)

***Unexpired vacant five (5) year term; effective through December 31, 2018***

- A. Douglas Berwanger, 6608 East Arcade Road, Arcade, NY 14009 (*replacing S. Tarbell*)

### **Supervisor Member**

***One (1) year term effective January 1, 2016 through December 31, 2016***

- Bryan Kehl, 914 Route 98, Attica NY 14011 (*replacing J. Kushner*)

**Carried: XXX**

**Ayes: 1599**

**Noes:**

**Absent:**

**Abstain:  
#42**

## **RESOLUTION NO. 16-046 (January 19, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

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

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

### **INVESTMENT POLICY FOR WYOMING COUNTY**

#### **I. SCOPE**

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

#### **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</u>	<u>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	
Key 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
- \* 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 govern-mental 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:**

Regular Meeting



*Before the roll call vote was taken Chairman Berwanger asked the Supervisors if there were any questions or comments concerning resolutions number 32 through 42. Supervisor Leuer, T/Middlebury rose to be recognized. Chairman Berwanger recognized the Supervisor. Supervisor Leuer reminded the rest of the Board of the importance of increase funding to 2015 levels to the Contract Agencies when an opportunity presented itself to do so...*

*Before adjourning the meeting Chairman Berwanger recognized two department heads who have tendered their resignations or announced their retirements. Denise Morley, Human Resource Director and Dennis Halstead, Superintendent of Buildings and Grounds. The Chairman listed several renovation projects Supt. Halstead was responsible for...*

*There being no further business to come before this Board, Senior Supervisor Davis, T/Covington, adjourned the meeting at 3:06 PM with a rap on his desk.*

\*\*\*\*\*

Respectfully submitted,

*Cheryl J. Ketchum*

Cheryl J. Ketchum, <sup>CMC</sup>  
Clerk to the Board

January 19, 2016

**REGULAR SESSION**  
**(February 9, 2016)**  
**Tuesday**  
**2:30 PM**

The regular session of the Wyoming County Board of Supervisors was held at the Wyoming County Government Center in the Board of Supervisors' Chambers located at 143 North Main Street, Warsaw, New York with all Supervisors present. Also present were County Attorney Jim Wujcik, Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Lisa Perez.

At 2:33 PM Chairman Berwanger, T/Arcade, called the meeting to order.

The Veteran leading the Pledge of Allegiance for the February 9, 2016 Board Meeting is:

**Matthew Wagner**

Mr. Matthew Wagner was born in Calcutta, India and at the age of 3 months was adopted by Mr. and Mrs. Wagner of Bliss, New York. He attended Pioneer Central School and graduated in 2001. Shortly after graduation, he enlisted in the Army National Guard and reported to basic training at Fort Benning, Georgia, which has been home to the infantry since 1918. Advanced training was conducted at Fort Bliss, Texas where Mr. Wagner received extensive training as a Fire Support Specialist. After his initial training, he came back to Bliss, New York and worked for P & R Truss while drilling with the National Guard in Buffalo.

In March 2004, Mr. Wagner was called to active duty status reporting to Fort Dix, New Jersey and in April of the same year was deployed to Iraq. While in Iraq, Mr. Wagner was a Convoy Escort Specialist transporting supplies to various bases throughout Iraq. With his one-year tour complete, he returned to Bliss transitioning back to civilian life while working at P & R Truss but continued to drill with the National Guard.

In January 2008, Mr. Wagner was again called to active duty status that took him to Fort Bragg, North Carolina for training and then deployment to Afghanistan. While on this deployment, Mr. Wagner had many duties including security details, direct fire support and a personal driver for a senior officer.

After returning stateside in January 2009, Mr. Wagner was then deployed to the Mexican Border assisting border patrol apprehending illegal immigrants for processing.

In addition to an honorable discharge from the National Guard in May 2009, for his courage and valor to this country, Mr. Wagner earned the:

Afghanistan Campaign Medal with Campaign Star  
 Army Commendation Medal with an Oak Leaf Cluster  
 Army Good Conduct Medal  
 National Defense Service Medal  
 Global War on Terrorism Expeditionary Medal  
 Global War on Terrorism Service Medal  
 Army Service Ribbon  
 Armed Forces Reserve Medal with M Device  
 NATO Medal  
 Driver and Mechanics Badge with Driver Wheeled Vehicles Clasp

For the next 6 years, Mr. Wagner continued to work at P & R Truss. In 2015, he changed careers and is currently employed as commercial truck driver. He is an active member of the Eagle Memorial Post # 1720 in Bliss, New York and participates in meetings and various Veteran functions. When not on the road, Mr. Wagner enjoys working out, fishing, hiking and landscaping.

Someday he aspires to return to India to explore that culture.

***The pledge was said by all.***

*Chairman Berwanger invited Town of Eagle Supervisor, B. Hastings to join him in the presentation of the customary certificate of appreciation to Mr. Wagner and an opportunity to address the Board. At which time, Mr. Wagner thanked the Board for the invitation and explained that the military taught him how to grow up...*

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

**Communications ~**

- **None**

**#1**

## **RESOLUTION NO. 16-047 (February 9, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

### **FUNDS TRANSFERRED TO VARIOUS 2016 ACCOUNTS**

**BE IT RESOLVED**, That funds are hereby transferred to the various 2016 accounts as follows:

February 9, 2016

<b>District Attorney</b>			
<b>From:</b> 01.32.1167.8.89001 Medical 01.32.1167.8.82001 Disability	\$3,140.97 86.00		
<b>To:</b> 01.32.1167.4.40401 Training 01.32.1167.4.40402 Conf/Conv 01.32.1167.8.82002 CSEA Disability		\$1,700.00 1,440.97 86.00	
<b>Reason:</b> To match county budget center 1167 with state grant budget for VAWA Grant.			
<b>District Attorney Total</b>			<b>\$3,226.97</b>

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #2**

**RESOLUTION NO. 16-048  
(February 9, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**FUNDS APPROPRIATED TO VARIOUS 2015 ACCOUNTS**

**BE IT RESOLVED**, That funds are hereby appropriated to the various 2015 accounts as follows:

<b>Treasurer</b>			
<b>To:</b> 01.42.6420.4.40901 Bed Tax Allowance w/01.02.1000.1113 Bed Tax Revenue <b>Reason:</b> Appropriate bed tax from revenues to cover subsidy paid to Tourism at 95% of gross.	\$20,052.36	\$20,052.36	
<b>Treasurer Total</b>			<b>\$20,052.36</b>
<b>WCCH</b>			
<b>To:</b> 02.56.4510.4.42501 Hospital Contractual w/02.03.4510.163501 Hospital Income IGT <b>Reason:</b> To cover the increase in contractual expenses w/Hospital Income.	\$2,200,000.00	\$2,200,000.00	
<b>WCCH Total</b>			<b>\$2,200,000.00</b>

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #3**

**RESOLUTION NO. 16-049  
(February 9, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**FUNDS APPROPRIATED TO VARIOUS 2016 ACCOUNTS**

**BE IT RESOLVED**, That funds are hereby appropriated to the various 2016 accounts as follows:

Regular Session

<b>District Attorney</b>			
<b>To:</b> 01.32.1168.1.10604 Bonus Award	\$555.00		
01.32.1168.4.41010 Office Supplies	410.05		
01.32.1168.8.81001 Retirement	616.84		
01.32.1168.8.83001 FICA	34.41		
01.32.1168.8.85001 Medicare	8.05		
<i>w/ any funds available</i>		\$1,624.35	
<b>Reason:</b> To match state grant budget for ATP.			
<b>To:</b> 01.32.1167.4.41202 Printing	\$605.00		
01.32.1167.4.40402 Conferences	587.23		
01.32.1167.4.40405 Empl Exp.	430.00		
01.32.1167.4.40406 Employee Mileage	200.00		
01.32.1167.4.41010 Office Supplies	409.00		
<i>w/any funds available</i>		\$2,231.23	
<b>Reason:</b> To match state grant budget for VAWA.			
<b>District Attorney Total</b>			<b>\$3,855.58</b>
<b>County Attorney</b>			
<b>To:</b> 01.34.1420.4.40301 Prof. Svc. Contracts	\$4,425.00		
<i>w/any funds available</i>		\$4,425.00	
<b>Reason:</b> Rollover 2015 allocated expense for legal services associated with creation of a 501(c)(3) for the Ag Center with any funds available.			
<b>County Attorney Total</b>			<b>\$4,425.00</b>
<b>Historian</b>			
<b>To:</b> 01.46.7510.2.20401 Misc. Equipment	\$512.63		
<i>w/any funds available</i>		\$512.63	
<b>Reason:</b> Did not predict accurately while preparing budget in July as how much the microfilm reader/printer would be 6 months later with shipping.			
<b>Historian Total</b>			<b>\$512.63</b>
<b>Youth</b>			
<b>To:</b> 01.45.7310.4.42434 Stars	\$111.00		
w/01.09.7310.2705 Gifts and Donations		\$111.00	
<b>Reason:</b> To be used for the summer recreation program.			
<b>Youth Total</b>			<b>\$111.00</b>
<b>Public Health</b>			
<b>To:</b> 01.38.4010.1.10301 OT – Includes FT/PT	\$ 2,758.80		
01.38.4010.2.20201 Computer Equipment	11,000.00		
01.38.4010.4.42464 Public Health Preparedness	820.84		
01.38.4010.8.83001 FICA	171.05		
01.38.4010.8.85001 Medicare - FICA	40.00		
w/01.12.4010.448915 PH/PH Prep. - HRI		\$14,790.69	
<b>Reason:</b> For OT, Computer Equipment, PHEP and Fringe in connection with the NYSDOH / Health Research, Inc. (HRI), for the Provision of Funding for Public Health Emergency Preparedness (PHEP) Ebola Preparedness and Response Activities, with Revenue Act. (Resolution #15-097).			
<b>Public Health Total</b>			<b>\$14,790.69</b>
<b>Sheriff</b>			
<b>To:</b> 01.37.3110.4.40938 Sheriff's Posse	\$10,000.00		
w/ 01.11.3110.338901 State		\$10,000.00	
<b>Reason:</b> To cover expenses relating to the 2015-2016 Mounted Patrol LG Grant budget.			
<b>Sheriff Total</b>			<b>\$10,000.00</b>

<b>Emergency Services</b>			
<b>To:</b> 01.37.3645.2.20401G Misc. Equipment	\$4,588.22		
01.37.3645.2.23001G Motor Vehicles	45,000.00		
w/01.12.3645.43890G Federal Aid HSG2015		\$49,588.22	
<b>Reason:</b> To rollover unspent grant funds from 2015 budget year.			
<b>Emergency Services Total</b>			<b>\$49,588.22</b>

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

Mrs. King, T/Pike, Chairman of the Audit Committee, presented bills totaling **\$2,535,854.34** for the month of **January 2016**.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

**#4**

**RESOLUTION NO. 16-050  
(February 9, 2016)**

By Mr. Tallman, Chairman of the Human Resources Committee:

**EMPLOYEE COUNSELING/DISCIPLINARY PROTOCOLS,  
UNACCEPTABLE BEHAVIORS AND ATTENDANCE/PUNCTUALITY  
POLICIES ADOPTED**

**BE IT RESOLVED**, That this Board of Supervisors hereby adopts the following policies as presented and attached hereto.

- Employee Counseling and Disciplinary Protocols
- Unacceptable Behaviors
- Attendance and Punctuality

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

**WYOMING COUNTY  
ADMINISTRATIVE POLICY AND PROCEDURE**

<b>EFFECTIVE DATE:</b>  March 1, 2016	<b>REVIEWED BY:</b> Labor Attorney  CSEA	<b>DEPARTMENT(S) AFFECTED:</b>  All Departments except the Sheriff's Department
<b>DATE DEVELOPED:</b>  October 1992	Human Resource Committee of the Board of Supervisors	

Regular Session

<b>ADMINISTRATOR APPROVAL:</b>  A. Douglas Berwanger, Chairman of the Board of Supervisors	<b>PREPARED BY:</b>  Denise Morley Human Resource Director	<b>SUPERSEDES:</b>  January 24, 2005
		<b>REFERENCES:</b>  CSEA Union Contracts  Resolution 16-

## **POLICY                      EMPLOYEE COUNSELING AND DISCIPLINARY PROTOCOLS**

### **INTRODUCTION**

The type of discipline which will be imposed depends on various factors, including the nature and severity of the employee's conduct, the employee's prior work record, and other relevant facts and circumstances. Each case will be judged on its own merits, and the County reserves the right to impose discipline at the level it deems appropriate for each case. If an employee is disciplined, but not terminated, the reasons for the discipline will be discussed with the employee so that the employee has an opportunity to correct the problem.

### **PURPOSE**

- To ensure that progressive discipline is implemented fairly throughout the county.
- To provide a documented method of counseling to correct a discipline problem.
- To promote correction of existing problems.

### **PROCEDURE**

#### **Coaching Procedure:**

1. The Department Manager/Supervisor will be responsible for documented Coaching in regard to employee problems.
  - a. The Coaching documentation will be completed.
    - A copy will be retained by the department manager, and submit copy to HR
    - A copy is given to the employee.
  - b. This is not a disciplinary action.
  - c. CSEA representation may be requested by the employee.

February 9, 2016

Progressive Disciplinary Action Procedure (Contact HR before each step of the disciplinary process):

2. Documented Verbal Warning sessions are held prior to instituting the written disciplinary action. (Reference Form: Verbal Warning)

Documentation of the violation must be complete. The date of offense, the specific incident, names of witnesses, action taken and consequence of further violations must be accurate.

- a. Designate as occurrence #1 in upper right hand corner.
- b. The employee is given the opportunity to present information, which could negate Step 2.
- c. The action plan will be attached.
- d. CSEA representation will be offered to the employee to be scheduled within 24 hours. Union representation can be present for both bargaining units and this will continue for all steps of the disciplinary process.
- e. The completed Verbal Warning form will be placed in the employee's personnel file.
- f. Document under "consequence of further violation", next step will be a Written Warning.

3. If the same situation continues the next step of the progressive disciplinary process will be a Written Warning. (Reference Form: Written Warning)

Documentation of the violation must be complete. The date of offense, the specific incident, names of witnesses, action taken and consequence of further violations must be accurate.

- a. Designate as occurrence #2 in upper right hand corner.
- b. The employee is given the opportunity to present information, which could negate Step 3.
- c. Review action plan, revise as necessary.
- d. CSEA representation should be present (to be scheduled within 24 hours).
- e. The completed Written Warning form will be placed in the employee's personnel file.
- f. Document under "consequence of further violation", next step will be a second written warning/five day suspension.

4. If the same situation continues, the next step is a 5-Day Suspension Without Pay. (Reference Form 5-Day Suspension Without Pay)



Documentation of the violation must be complete. The date of offense, the specific incident, names of witnesses, action taken and consequence of further violations must be accurate. HR, Management and the Union will meet and discuss the disciplinary process and/or a Last Chance Agreement.

- a. Designate as occurrence #3 in upper right hand corner.
  - b. The employee is given the opportunity to present information, which could negate Step 4.
  - c. Review action plan, revise as necessary.
  - d. CSEA representation should be present (to be scheduled within 24 hours).
  - e. The completed 5-Day Suspension Without Pay form will be placed in the employee's personnel file.
  - f. Document under "consequence of further violation", the next step will be Termination.
  - g. Notify Payroll of the employee 5-day Suspension without pay and dates of suspension.
5. If the same situation continues, the next step is a Termination of Employment (Reference Form Termination) or the Last Chance Agreement to be determined by Management and reviewed with the Union.

Documentation of the violation must be complete. The date of offense, the specific incident, names of witnesses, action taken and consequence of further violations must be accurate. HR, Management and the Union will meet and discuss the disciplinary process

- a. Designate as occurrence #4 in upper right hand corner.
- b. The employee is given the opportunity to present information, which could negate Step 5.
- c. CSEA representative should be present.
- d. Document written counseling with the consequence being possible termination following completion of an investigation.
- e. Place the employee on an administrative leave with pay until investigation is completed.
- f. Inform the employee that he or she should forward any information to employer, which may influence a decision.
- g. Provide a notice of discipline to the employee by personal service, if possible. If such service cannot be effectuated by personal service, it shall be made by registered or certified mail – return receipt requested. The NOD is to contain the findings of the investigation, any corrective action, and decision regarding

continued employment. Copy letter to CSEA, and Human Resource Department.

- h. The completed counseling action form and any additional correspondence will be placed in the employee's personnel file.

**Last Chance Agreement**

Documentation of the violation must be complete. The date of offense, the specific incident, names of witnesses, action taken and consequence of further violations must be accurate. HR, Management and the Union will meet and discuss the disciplinary process

- a. A Last Chance Agreement pertaining to attendance will be completed by HR, Management, and Union representation.
  - b. Last Chance Agreements pertaining to all other incidents will be discussed with Management and HR, and then completed by the Union Labor Relations Specialist.
- ❖ Following an incident that may subject the employee to discipline the employer may place an employee on a paid "Administrative Leave" while an investigation is conducted.

Documentation of the violation must be complete. The date of offense, the specific incident, names of witnesses, action taken and consequence of further violations must be accurate. HR, Management and the Union will meet and discuss the disciplinary process.

Section 15.2 of the CSEA contract will be followed in regard to the employee's review of his/her personnel folder and removal of adverse comments from their files.

**WYOMING COUNTY  
ADMINISTRATIVE POLICY AND PROCEDURE**

<b>EFFECTIVE DATE:</b>	<b>REVIEWED BY:</b>	<b>DEPARTMENT (S)</b>
March 1, 2016	Labor Attorney	<b>AFFECTED:</b>
<b>DATE DEVELOPED:</b>	CSEA	All Departments except the Sheriff's Department
November 13, 2003	Human Resource Committee of the Board of Supervisors	

<b>ADMINISTRATOR APPROVAL:</b>  A. Douglas Berwanger, Chairman of the Board of Supervisors	<b>PREPARED BY:</b>  Denise Morley Human Resource Director	<b>SUPERSEDES:</b>  January 1, 2004
		<b>REFERENCES:</b>  Resolution 16-

## **POLICY                      UNACCEPTABLE BEHAVIORS**

### **PURPOSE**

To provide a consistent method to address unacceptable behaviors within all Wyoming County Departments.

### **PROCEDURES FOR IMPLEMENTATION**

When any of the following concerns has been validated, through existing regulatory and/or Human Resource policies, procedures and progressive discipline policy, as it relates to an employee of Wyoming County, immediate termination may result:

1. Physical assault against a patient, customer, visitor and/or fellow employee;
2. Possession of a lethal weapon on county or county leased property;
3. Falsifying a medical record or audit;
4. Verbal or written threats to do harm to a patient, customer, visitor and/or fellow employee;
5. Buying/selling illegal substances on county or county leased property;
6. Theft of county property/controlled substances;
7. Vandalism of patient, customer, visitor, fellow employee and/or county property;
8. HIPAA violation;
9. Aiding of a department of Corrections patient in escape from the Wyoming County Community Hospital;
10. Aiding of an inmate in escape from the Wyoming County Jail;

11. Solicitation or acceptance of monetary gifts from a client/patient, customer, vendor and/or family member of a client/patient, customer or vendor;
12. Intentionally clocking in for another employee;
13. Knowingly making a false statement(s) on the employment application, post-offer physical or any subsequent annual exam with the intent to deceive;
14. Performance of a willful act or engage in conduct detrimental to a patient, Nursing Facility resident, customer, visitor and/or fellow employee;
15. Sleeping on the job, except when on-call;
16. Patient neglect, mistreatment, or abuse (both verbal & physical);
17. Report for duty under the influence of intoxicants and/or bring them on county or county leased property;
18. Have been found, or admit to gambling on county or county leased property;
19. Have been found guilty &/or admit to divulging confidential information;
20. Have been found guilty &/or admit to an immoral act;
21. Leave your work area/duty station without permission before the end of a scheduled shift;
22. Refusal to carry out orders of authority, other than what is defined in the Employee Handbook;
23. Insubordination by threatening with abusive words or actions;
24. Upon completion of the final step of the Progressive Disciplinary Process.

**WYOMING COUNTY  
ADMINISTRATIVE POLICY AND PROCEDURE**

<b>EFFECTIVE DATE:</b>  March 1, 2016	<b>REVIEWED BY:</b>  Labor Attorney	<b>DEPARTMENT (S) AFFECTED:</b>
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<b>DATE DEVELOPED:</b>  February 10, 2006	CSEA  Human Resource Committee of the Board of Supervisors	All Departments except the Sheriff's Department
<b>ADMINISTRATOR APPROVAL:</b>  A. Douglas Berwanger, Chairman of the Board of Supervisors	<b>PREPARED BY:</b>  Denise Morley Human Resource Director	<b>SUPERSEDES:</b>  October 10, 2006
		<b>REFERENCES:</b>  CSEA Union Contracts  Resolution 16-

## 1.0 **POLICY** ATTENDANCE AND PUNCTUALITY

Timely and regular attendance is an expectation of performance for employees. To ensure adequate staffing, positive employee morale, and to meet expected productivity standards, employees will be held accountable for adhering to their workplace schedule. In the event an employee is unable to meet this expectation, he/she must obtain approval from his/her supervisor in advance of any requested schedule changes. This approval includes requests to use appropriate accruals, as well as late arrivals to, or early departures from work.

## 2.0 **PROCEDURE**

### 2.1 **Employee Reporting Requirements**

- 2.1.1 Employees are expected to be on the job, on time, and ready for work at their scheduled start time.
- 2.1.2 Employees must make a request in advance to their Department Head or designee and in accordance with Departmental procedure if they wish to arrive late or leave early from an assigned schedule.
- 2.1.3 A call from a spouse, friend or relative on the employee's behalf is unacceptable and unauthorized unless the employee is incapacitated and/or physically unable to call.

- 2.1.4 At the time of notification/call, the employee must notify his/her Department Head or designee of the reason for the absence and anticipated date and time of return to work.
- 2.1.5 When an intermittent absence is due to a documented/approved leave of absence (e.g. FMLA) employees are required to call in every day of absence in accordance with Departmental call-in procedure.
- 2.1.6 An employee who fails to properly notify his/her Department Head of an absence or tardy, or fails to provide notification and reports to work one (1) hour or more after the employee's scheduled start time will be disciplined for a **No Call / No Show** and be subject to discipline per the no call/no show discipline provisions in section 2.8.
- 2.1.7 Any employee requesting or using sick leave during three (3) or more consecutive work days shall be required to supply a statement from his/her physician, or, at the discretion of the County, that of a physician selected by the County, which certifies his/her fitness to return to work.

2.2 **Absence Occurrence** is a period of one or more consecutive days of unexcused absence separated by one or more consecutive days (or partial days) of attendance at work. Each period of unexcused consecutive absence will be regarded as one occurrence regardless of the number of days of duration.

- 2.2.1 When an employee leaves before completing his/her schedule, including for medical illness, it will be considered an absence occurrence, unless it qualifies as an excused absence as described in 2.3 of this policy.
- 2.2.2 When a scheduled medical or dental appointment (including travel time to and from the appointment) does not extend over the entire shift/day, and the employee takes the entire shift/day off from work, it will be treated as an absence occurrence unless the employee requests the use of other accrued benefit time in accordance with 2.1.2 of this policy, in addition to sick leave time, to cover the absence.

2.3 **Excused absences that are not subject to the Corrective Action Process:**

- 2.3.1 Scheduled and pre-approved leave, including sick leave, personal leave, bereavement leave, vacation, jury duty and military leave. This does not include short notice call offs for the day of the call off and any subsequent (if any), consecutive days of absence.
- 2.3.2 Leave authorized by statute, including the Family and Medical Leave Act.
- 2.3.3 Employees leaving work visibly and physically ill, with the approval of the Supervisor or designee,
- 2.3.4 Weather emergencies when county roads are closed by the Wyoming County Sheriff or as determined by the Chairman of the Board of Supervisors. See Employee Weather Emergencies and Adverse Weather Conditions policy.
- 2.3.5 Time off covered by an open claim for Workers' Compensation.
- 2.3.6 Personal leave use when it is impossible to give notice due to an emergency.
- 2.3.7 Use of sick time for the employee's verified medical or dental appointment that has been previously-scheduled, and approved by the Department Head, as far in advance as possible.

2.4 **Tardiness Occurrence** occurs when an employee:

- 2.4.1 Fails to report for work at the assigned/scheduled work time. Benefit time cannot be used to make up the lost work time. The employee will NOT be permitted to make up the lost work time.
- 2.4.2 Fails to clock in/out on the time clock at the beginning and/or end of their assigned shift.
- 2.4.3 Takes an extended work break (including a meal or rest break) or additional break(s) without prior approval.
- 2.4.4 **Three (3) tardiness occurrences** in a three (3) month period will be equivalent to **one (1) absence occurrence**.

2.5 **Patterned Absenteeism/Tardiness** will be equivalent to one (1)

absence occurrence when an employee demonstrates a pattern of absences or occurrences of tardiness, including but not limited to the following:

2.5.1 Two (2) or more absences or tardiness on a Monday, Friday, before or after a holiday/paydays/vacations/day(s) off, or a pattern of using more than one day for a call off.

2.6 **Forfeiture of accrued sick time for any month** occurs when there are two (2) or more absence occurrences in a month.

2.7 **The Corrective Action Process** for employees with absence and/or tardiness occurrences exceeding the limits set forth above will be as follow:

Absence Occurrences within a rolling 12-month period		Discipline
Working/Scheduled up to an 8 hr. shift		
3 Absence Occurrences		Verbal
4 Absence Occurrences		Written
5 Absence Occurrences		*Suspension
6 Absence Occurrences		Termination
No Call/ No Show	1 <sup>st</sup> Occurrence	**Suspension
	2 <sup>nd</sup> Occurrence	Termination
	2 Consecutive Work Days	Voluntary Resignation

2.8 **Rolling Twelve (12) Month Period** will be calculated by beginning with the date of the most recent absence occurrence and counting twelve (12) consecutive months backwards.

2.9 **Expectation of Department Heads**  
Department Heads are responsible for maintaining optimal attendance and resolution of attendance and absenteeism problems. If the attendance and punctuality work rules are not adhered to by employees, then the Department Head is to initiate disciplinary action. In addition,



Department Heads should:

- 2.9.1 Develop and maintain work schedules to meet the needs of the Department while ensuring that the needs of the employees and work duties are balanced.
- 2.9.2 Notify employees of Departmental work rules for attendance and keeping accurate records of all time, including time off.
- 2.9.3 Maintain a calendar of time off for all employees in the Department, monitor expectations as outlined above, and assure adequate employee counseling and/or discipline according to this policy.
- 2.9.4 Approving requests for time off within three (3) days following the receipt of the request. The exception to this is block vacation; refer to CSEA contract section 11.7(b).

2.10 **Regression of Discipline**

An employee, who works for twelve (12) consecutive months without receiving discipline under this policy, will have the last discipline that was issued reduced to the next lowest level of discipline and subsequent discipline would be progressed from that level.

*There was a motion by Ms. Grant, T/Bennington, to combine resolutions #3 and #4. Hearing no objection resolution titles were read.*

**#5**

**RESOLUTION NO. 16-051  
(February 9, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH  
ELDERWOOD HEALTH PLAN 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 Elderwood Health Plan, 7 Limestone Drive, Williamsville, NY 14221 on behalf of Office for the Aging. Said contract is for home delivered meals, congregate meals, nutrition services and transportation services for managed care enrollees; effective January 1, 2016 through December 31, 2016.

***Revenue Contract***

February 9, 2016

**Carried: XXX****Ayes: 1599****Noes:****Absent:****Abstain:**  
**#6****RESOLUTION NO. 16-052**  
**(February 9, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

**GAIL ROGERS APPOINTED TO THE OFFICE FOR THE  
AGING ADVISORY COUNCIL**

**BE IT RESOLVED**, That **Gail Rogers** (Genesee Falls), 6612 Portageville Road, Portageville, NY 14536 is hereby appointed to the Office for the Aging Advisory Council as a Town Representative to fill an unexpired vacant three (3) year term; effective January 1, 2016 through December 31, 2016 (*replacing Rita Simmons*).

**Carried: XXX****Ayes: 1599****Noes:****Absent:****Abstain:**  
**#7****RESOLUTION NO. 16-053**  
**(February 9, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH  
RICHARD HOFNER ON BEHALF OF THE YOUTH BUREAU**

**BE IT RESOLVED**, That the Chairman of this Board, with the approval of the County Attorney, is hereby authorized and directed to sign a contract with Richard Hofner, 3895 Dartmouth Street, Hamburg, NY 14075 on behalf of the Youth Bureau. Said contract is for pre-school related services in Wyoming County and is variable depending upon need; effective February 1, 2016 through June 30, 2018.

Contingent upon the availability of funds.

**Carried: XXX****Ayes: 1599****Noes:****Absent:****Abstain:**  
**#8****RESOLUTION NO. 16-054**  
**(February 9, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

Regular Session

**CHAIRMAN/COMMISSIONER OF SOCIAL SERVICES AUTHORIZED  
TO SIGN A CONTRACT WITH INTERPRETEK ~ COMMUNICATION  
SERVICES, INC. ON BEHALF OF THE DEPARTMENT OF  
SOCIAL SERVICES**

**BE IT RESOLVED**, That the Chairman of this Board and Commissioner of Social Services, with the approval of the County Attorney, are hereby authorized and directed to sign a contract with Interprettek ~ Communication Services, Inc., 75 Highpower Road, Rochester, NY 14623 on behalf of the Department of Social Services. Said contract is for sign language interpretation services to meet the Department of Social Services obligations to provide language assistance services in an amount not to exceed twelve thousand dollars (\$12,000.00); effective October 1, 2015 through December 31, 2016. Costs will vary depending upon services provided.

Contingent upon the availability of funds.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

*There was a motion by Ms. Ryan, T/Warsaw, to combine resolutions #9 through #12. Hearing no objection resolution titles were read.*

**#9**

**RESOLUTION NO. 16-055  
(February 9, 2016)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH CIPA  
WESTERN NEW YORK IPA, D/B/A CATHOLIC MEDICAL  
PARTNERS (CMP) ON BEHALF OF MENTAL HEALTH**

**BE IT RESOLVED**, That the Chairman of this Board, with the approval of the County Attorney, is hereby authorized and directed to sign a contract with CIPA Western New York IPA, d/b/a Catholic Medical Partners (CMP), 144 Genesee Street, Buffalo, NY 14203 on behalf of Mental Health. Said contract is to hire a part time (.5) prevention specialist in an amount not to exceed twenty thousand dollars (\$20,000.00); effective April 1, 2016 through March 31, 2017. This is a part of the DSRIP Program which is operated through Millennium Collaborative Care, LLC (MCC).

Contingent upon the availability of funds.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

February 9, 2016

**RESOLUTION NO. 16-056**  
**(February 9, 2016)**

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

**RESOLUTION NUMBER 15-406 AMENDED**

**WHEREAS**, Resolution Number 15-406 entitled, “**CHAIRMAN AUTHORIZED TO SIGN 2016 RENEWAL CONTRACTS ON BEHALF OF MENTAL HEALTH**,” passed by this Board of Supervisors on November 10, 2015 and provides for various contracts on behalf of Mental Health; now therefore

**BE IT RESOLVED**, That Resolution Number 15-406 be hereby amended to reflect the following changes:

**G. Living Opportunities of DePaul**, 2240 Old Union Road, Cheektowaga, NY 14227-2728 to increase the original contract amount of three hundred five thousand eight hundred seventeen dollars (\$305,817.00) by five hundred sixty-one dollars (\$561.00) for a new contract amount of three hundred six thousand three hundred seventy-eight dollars (\$306,378.00):

- **Four Bed Treatment Apartments** decreased by seventeen dollars (\$17.00) from four thousand nine hundred fifty-seven dollars (\$4,957.00) to four thousand nine hundred forty dollars (\$4,940.00).
- **Supported Housing Slots** (20 slots) increased by five hundred seventy-eight dollars (\$578.00) from one hundred eighty-five thousand eight hundred sixty dollars (\$185,860.00) to one hundred eighty-six thousand four hundred thirty-eight dollars (\$186,438.00).

All else remains the same.

**Carried:** XXX      **Ayes:** 1599      **Noes:**      **Absent:**      **Abstain:**  
**#11**

**RESOLUTION NO. 16-057**  
**(February 9, 2016)**

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

**SALARY SCHEDULE “G” 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 “G”:**

***Office for the Aging***

- Director of Aging and Youth (position code #014.098) annual stipend reduced from \$2,000.00 to \$1,000.00 annually; effective January 1, 2016.
- Deputy Director of Aging (position code #271.389) stipend reduced from \$2,000.00 to \$1,000.00 annually; effective January 1, 2016.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #12**

**RESOLUTION NO. 16-058  
(February 9, 2016)**

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

**REBECCA RYAN REAPPOINTED TO THE WYOMING COUNTY  
BOARD OF HEALTH**

**BE IT RESOLVED**, That **Rebecca Ryan** (T/Warsaw), 172 West Buffalo Street, Warsaw, New York 14569 be hereby reappointed as a Supervisor Member to the Wyoming County Board of Health; effective January 01, 2016 through December 31, 2016.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

*There was a motion by Mr. Brick, T/Perry to combine resolutions #13 through #18. Hearing no objection resolution titles were read.*

**#13**

**RESOLUTION NO. 16-059  
(February 9, 2016)**

By Mr. Brick, Chairman of the Agriculture Committee:

**JOHN COPELAND AND JAMES BRICK REAPPOINTED TO THE  
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION ADVISORY COMMITTEE**

**BE IT RESOLVED**, That **John Copeland** (T/Wethersfield), 5888

February 9, 2016

Sheppard Road, Bliss, NY 14024 is hereby reappointed to the New York State Department of Environmental Conservation Advisory Committee as a Supervisor Member for a term of one (1) year; effective January 1, 2016 through December 31, 2016; and be it

**FURTHER RESOLVED**, That **James Brick** (T/Perry), 7618 Route 20A, Perry, NY 14530 is hereby reappointed 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 1, 2016 through December 31, 2016.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #14**

**RESOLUTION NO. 16-060  
(February 9, 2016)**

By Mr. Brick, Chairman of the Agriculture Committee:

**JAMES BRICK REAPPOINTED TO THE  
REGION 9 FISH AND WILDLIFE MANAGEMENT BOARD**

**BE IT RESOLVED**, That **James Brick** (T/Perry), 7618 Route 20A, Perry NY 14530 be hereby reappointed to the Region 9 Fish and Wildlife Management Board as the Supervisor Member (Legislative Rep.) for a term of one (1) year; effective January 1, 2016 through December 31, 2016.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #15**

**RESOLUTION NO. 16-061  
(February 9, 2016)**

By Mr. Brick, Chairman of the Agriculture Committee:

**JAMES BRICK AND VANESSA MCCORMICK REAPPOINTED TO  
THE WYOMING COUNTY SOIL & WATER CONSERVATION  
DISTRICT BOARD**

**BE IT RESOLVED**, That **James Brick** (T/Perry), 7618 Route 20A, Perry, NY 14530 and **Vanessa McCormick** (T/Java), 2436 McCormick Road, North Java, NY 14113 are hereby appointed to the Wyoming County Soil and Water Conservation District Board as the Supervisor Members for a term of one (1) year; effective January 1, 2016 through December 31, 2016.

Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: 103  
#16

**RESOLUTION NO. 16-062**  
**(February 9, 2016)**

By Mr. Brick, Chairman of the Agriculture Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS WITH  
WYOMING COUNTY SOIL AND WATER  
CONSERVATION DISTRICT**

**BE IT RESOLVED**, That the Chairman of this Board, with the approval of the County Attorney, is hereby authorized and directed to sign the following contracts with Wyoming County Soil and Water Conservation District, 31 Duncan Street Extension, Warsaw, NY 14569 to provide agricultural district reviews on behalf of Wyoming County:

- For the year **2105** in an amount not to exceed fifteen thousand dollars (\$15,000.00); effective January 1, 2015 through December 31, 201.
- For the year **2016** in an amount not to exceed fifteen thousand dollars (\$15,000.00); effective January 1, 2016 through December 31, 2016.

Contingent upon the availability of funds.

Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: 17  
#17

**RESOLUTION NO. 16-063**  
**(February 9, 2016)**

By Mr. Brick, Chairman of the Agriculture Committee:

**JAMES BRICK REAPPOINTED TO THE CORNELL COOPERATIVE  
EXTENSION OF WYOMING COUNTY BOARD OF DIRECTORS**

**BE IT RESOLVED**, That **James Brick** (T/Perry), 7618 Route 20A, Perry, NY 14530 is hereby reappointed to the Cornell Cooperative Extension of Wyoming County Board of Directors as the Supervisor Member for a term of one (1) year; effective January 1, 2016 through December 31, 2016.

Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:

February 9, 2016

**RESOLUTION NO. 16-064**  
**(February 9, 2016)**

By Mr. Brick, Chairman of the Agriculture Committee:

**CHAIRMAN AUTHORIZED TO SIGN INTERMUNICIPAL  
 AGREEMENTS WITH THE SIXTEEN TOWNS IN WYOMING  
 COUNTY ON BEHALF OF WYOMING COUNTY ANIMAL CONTROL**

**BE IT RESOLVED**, That the Chairman of this Board, with the approval of the County Attorney, is hereby authorized and directed to sign Intermunicipal Agreements with the sixteen towns located in Wyoming County. Said Agreement is for animal control services as follows and is effective January 1, 2016 through December 31, 2020:

- Spayed/Neutered Dogs ~ \$6.00 each per year
- Unspayed/Unneutered Dogs ~ \$13.00 each per year

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

*There was a motion by Mr. Leuer, T/Middlebury, to combine resolutions #19 through #27. Hearing no objection resolution titles were read.*

**#19**

**RESOLUTION NO. 16-065**  
**(February 9, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

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

**WHEREAS**, The County of Wyoming has appropriated the sum of six thousand six hundred forty-seven dollars (\$6,647.00) as its share of the Year 2016 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: 1599      Noes:      Absent:      Abstain: #20**

**RESOLUTION NO. 16-066  
(February 9, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**REBECCA RYAN REAPPOINTED TO THE WYOMING COUNTY  
CHAMBER OF COMMERCE BOARD OF DIRECTORS**

**BE IT RESOLVED,** That **Rebecca Ryan** (T/Warsaw), 172 West Buffalo Street, Warsaw, NY 14569 be hereby reappointed to the Wyoming County Chamber of Commerce Board of Directors as the Board of Supervisors Member for a term of one (1) year; effective January 1, 2016 through December 31, 2016.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #21**

**RESOLUTION NO. 16-067  
(February 9, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**REBECCA RYAN AND A. DOUGLAS BERWANGER REAPPOINTED  
TO THE WYOMING COUNTY INDUSTRIAL DEVELOPMENT  
AGENCY BOARD OF DIRECTORS**

**BE IT RESOLVED,** That **Rebecca Ryan** (T/Warsaw) Supervisor, 172

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West Buffalo Street, Warsaw, NY 14569 and **A. Douglas Berwanger** (T/Arcade), Chairman of the Wyoming County Board of Supervisors, 6608 East Arcade Road, Arcade, NY 14009 are hereby reappointed as members of the Board of Directors for the Wyoming County Industrial Development Agency for a term of one (1) year; effective January 1, 2016 through December 31, 2016.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #22**

**RESOLUTION NO. 16-068  
(February 9, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**SANDY PIRDY REAPPOINTED TO THE WYOMING COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY BOARD OF DIRECTORS**

**BE IT RESOLVED**, That **Sandy Pirdy** (Creeside Fabrics & Quilts), 237 Main Street, Arcade, NY 14009 be hereby reappointed as a Member of the Industrial Development Agency Board of Directors for a term of three (3) years; effective February 7, 2016 through February 6, 2019.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #23**

**RESOLUTION NO. 16-069  
(February 9, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

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

**BE IT RESOLVED**, That the following members are hereby reappointed to the Genesee/Finger Lakes Regional Planning Council for a term of one (1) year; effective January 1, 2016 through December 31, 2016:

***Chairman Member***

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

***Chairman Member / Alternate***

- **Daniel Leuer** (T/Middlebury), 712 Transit Road, Wyoming, NY 14591

***Supervisor Member***

- **Jerry Davis** (T/Covington), 7414 Court Road, POB 445, Pavilion, NY 14525

***Executive Committee***

- **Jerry Davis** (T/Covington), 7414 Court Road, POB 445, Pavilion, NY 14525

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #24**

**RESOLUTION NO. 16-070  
(February 9, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**MEMBERS REAPPOINTED TO THE WYOMING COUNTY  
WATER RESOURCE AGENCY BOARD OF DIRECTORS**

**BE IT RESOLVED**, That the following members are hereby reappointed to the Wyoming County Water Resource Agency Board of Directors for a term of one (1) year; effective January 1, 2016 through December 31, 2016:

- **James Brick** (T/Perry), 7618 Route 20A, Perry, NY 14530
- **Daniel Leuer** (T/Middlebury), 712 Transit Road, Wyoming, NY 14591
- **Cheryl Ketchum** (T/Eagle), 7409 Centerville Road, Bliss, NY 14024

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #25**

**RESOLUTION NO. 16-071  
(February 9, 2016)**

By Mr. Leuer, Chairman of the 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:

Supervisor Member

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**One (1) year term effective January 1, 2016 through December 31, 2016**

- **Sandra King**, (T/Pike) 4643 Safford Road, Gainesville, NY 14066  
(replacing *Stephen Tarbell*)
- **Jerry Davis** (T/Covington), 7414 Court Road, POB 445, Pavilion, NY 14525

Alternate

**One (1) year term effective January 1, 2016 through December 31, 2016**

- Daniel Leuer, (T/Middlebury) 712 Transit Road, Wyoming, NY 14591

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #26**

**RESOLUTION NO. 16-072  
(February 9, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**REBECCA RYAN APPOINTED TO THE ARTS COUNCIL  
BOARD OF DIRECTORS**

**BE IT RESOLVED**, That **Rebecca Ryan** (T/Warsaw), 172 West Buffalo Street, Warsaw, NY 14569 be hereby appointed to the Arts Council Board of Directors as the Supervisor Member for a term of one (1) year; effective January 1, 2016 through December 31, 2016 (*replacing Joseph Kushner*).

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #27**

**RESOLUTION NO. 16-073  
(February 9, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**VANESSA MCCORMICK AND BRETT HASTINGS APPOINTED/  
REAPPOINTED TO THE BUSINESS EDUCATION COUNCIL**

**BE IT RESOLVED**, That **Vanessa McCormick** (T/Java), 2436 McCormick Road, North Java, NY 14113 be hereby reappointed to the Business Education Council as the Supervisor Member for a term of one (1) year; effective January 1, 2016 through December 31, 2016; and be it

**FURTHER RESOLVED**, That **Brett Hastings** (T/Eagle), 6032 Horton Road, Bliss, NY 14024 be hereby appointed to the Business Education

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Council as the Supervisor Member/Alternate for a term of one (1) year; effective January 1, 2016 through December 31, 2016 (*replacing Stephen Tarbell*).

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

*At this time, Chairman Berwanger acknowledged Supervisor Leuer, T/Middlebury and Chairman of the Planning Committee and introduced President and CEO of the Chamber of Commerce, Scott Gardner to announce the winners of the “Shop Wyoming & Win” Contest. Supervisor Leuer gave the floor to President and CEO Gardner to begin the drawing.*

*President and CEO Gardner spoke about the results of the contest. He stated that there were 458 entries and the total amount of purchases for the contest, which ran from Black Friday through Christmas Eve, totaled \$327,468.00. This is a 30% increase in shopping sales from last year which in turn generated \$26,200.00 in sales tax...way to go people of Wyoming County!*

### ***Shop Wyoming & Win Contest Winners ~***

*President and CEO Scott Gardner requested the three most senior members of the Board to come forward to draw the winners.*

*Supervisor Davis, T/Covington drew the first winner...*

***First Place ~ 43” TV from Phil’s TV and Appliance in Arcade***

- Heidi Walton from Warsaw

*Chairman Berwanger, T/Arcade drew the second winner...*

***Second Place ~ Rocker Recliner from in Harding’s Attica Furniture in Attica***

- Laura Regatuso from Silver Springs

*Supervisor Copeland, T/Wethersfield drew the third winner...*

***Third Place ~ \$100 Wyoming County Gift Card***

- Kathy Luce of Varysburg

*President and CEO Gardner thanked the Board and reminded everyone that the new Tourist Guides were now available and on the table.*

*Chairman Berwanger announced the next resolutions for consideration by the Board...*

*There was a motion by Mr. Copeland, T/Wethersfield to combine resolutions #28 and #35. Hearing no objection resolution titles were read.*

#28

**RESOLUTION NO. 16-074  
(February 9, 2016)**

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

**RESOLUTION NUMBER 15-325 AMENDED**

**WHEREAS**, Resolution Number 15-325 entitled, “**SALARY SCHEDULE “G” AMENDED**,” passed by this Board of Supervisors on September 8, 2015 and provided, in part, as follows:

***District Attorney’s Office***

- ATP Stipends plus corresponding fringe to be paid after January 1, 2016 as follows:
  - Assistant District Attorney (1<sup>st</sup>)      \$15,000.00
  - Assistant District Attorney (2<sup>nd</sup>)      \$3,500.00
  - Administrative Assistant to DA      \$3,230.00
  - Secretary to DA      \$1,000.00
- ATP Stipends plus corresponding fringe to be paid after April 1, 2016 as follows:
  - Assistant District Attorney (1<sup>st</sup>)      \$3,290.00
  - Assistant District Attorney (2<sup>nd</sup>)      \$3,575.00
  - Administrative Assistant to DA      \$3,250.00
  - Secretary to DA      \$1,250.00

now therefore,

**BE IT RESOLVED**, That Resolution Number 15-325 be hereby amended as follows:

- For ATP Stipends plus corresponding fringe to be paid after January 1, 2016:
  - Increase Assistant District Attorney (2<sup>nd</sup>) from \$3,500.00 to \$3,575.00
  - Increase Secretary to DA from \$1,000.00 to \$1,250.00
- For ATP Stipends plus corresponding fringe to be paid after April 1, 2016:
  - Increase Assistant District Attorney (1<sup>st</sup>) from \$3,290.00 to \$3,450.00

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- Increase Assistant District Attorney (2<sup>nd</sup>) from \$3,575.00 to \$5,900.00
- Delete Administrative Assistant to DA in the amount of \$3,250.00
- Increase Secretary to DA from \$1,250.00 to \$2,250.00

All else remains the same.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #29**

**RESOLUTION NO. 16-075  
(February 9, 2016)**

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

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND  
ACCEPTANCE AWARD WITH THE NEW YORK STATE DIVISION  
OF CRIMINAL JUSTICE SERVICES (DCJS) 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, 80 South Swan Street, Albany, NY 12210 on behalf of the District Attorney's Office. Said grant is for the funding for domestic violence advocacy in a minimum amount of thirty-two thousand six hundred twenty-three dollars and eighty-four cents (\$32,623.84); effective January 1, 2016 through December 31, 2016.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #30**

**RESOLUTION NO. 16-076  
(February 9, 2016)**

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

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND  
ACCEPTANCE AWARD WITH THE NEW YORK STATE DIVISION  
OF CRIMINAL JUSTICE SERVICES (DCJS) 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

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grant application and acceptance award with New York State Division of Criminal Justice Services, 80 South Swan Street, Albany, NY 12210 on behalf of the Sheriff's Department. Said grant is for the funding of Specialized Training Equipment for the Wyoming County Sheriff's Office Mounted Unit in a minimum amount of ten thousand dollars (\$10,000.00); effective October 1, 2015 through September 30, 2016.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #31**

**RESOLUTION NO. 16-077  
(February 9, 2016)**

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

**CHAIRMAN AUTHORIZED TO SIGN A GRANT ACCEPTANCE  
AWARD WITH THE NEW YORK STATE DIVISION OF CRIMINAL  
JUSTICE SERVICES (DCJS) ON BEHALF OF THE  
SHERIFF'S DEPARTMENT**

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign an acceptance award with New York State Division of Criminal Justice Services (DCJS), 80 South Swan Street, Albany, NY 12210 on behalf of the Sheriff's Department. Said award is for the funding of the Livescan Equipment Program in a minimum amount of eight thousand one hundred twenty-four dollars (\$8,124.00); effective October 1, 2015 through September 30, 2016.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #32**

**RESOLUTION NO. 16-078  
(February 9, 2016)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH UNITED  
UNIFORM DISTRIBUTION, LLC ON BEHALF OF THE SHERIFF'S  
DEPARTMENT**

**BE IT RESOLVED**, That the Chairman of this Board, with the approval of the County Attorney, is hereby authorized and directed to sign a contract with United Uniform Distribution, LLC (formerly d/b/a United Uniform Co., Inc.), 495 North French Road, Buffalo NY 14228 on behalf of the



Sheriff's Department. Said contract will provide uniforms for Sheriff and Jail personnel in amounts not to exceed bid list and is the second of two (2) contract extensions; effective March 1, 2016 through February 28, 2017.

Contingent upon the availability of funds.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**  
#33

**RESOLUTION NO. 16-079**  
**(February 9, 2016)**

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

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

**BE IT RESOLVED**, That the Chairman of this Board, with the approval of the County Attorney, is hereby authorized and directed to sign a contract with Livingston County Sheriff's Department, 4 Court Street, Geneseo, NY 14454 on behalf of the County Jail. Said contract is for prisoner housing of Wyoming County Inmates at Livingston County Jail in an amount not to exceed eighty-five dollars (\$85.00) per day, per prisoner; effective January 1, 2016 through December 31, 2016.

Contingent upon the availability of funds.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**  
#34

**RESOLUTION NO. 16-080**  
**(February 9, 2016)**

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

**CHAIRMAN AUTHORIZED TO SIGN A GRANT ACCEPTANCE  
AWARD WITH THE NEW YORK STATE DIVISION OF HOMELAND  
SECURITY AND EMERGENCY SERVICES OFFICE OF  
INTEROPERABLE AND EMERGENCY COMMUNICATIONS ON  
BEHALF OF EMERGENCY SERVICES**

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

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grant acceptance award with New York State Division of Homeland Security and Emergency Services Office of Interoperable and Emergency Communications, 1220 Washington Avenue, State Office Building Campus, Building 7A, Suite 710, Albany, New York, 12242 on behalf of Wyoming County Emergency Services. Said grant is for funding State support for eligible public safety call-taking and dispatching expenses in a minimum amount of one hundred fifty-five thousand dollars (\$155,000.00); effective January 1, 2016 through December 31, 2016. There are no matching funds for this grant.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**  
#35

**RESOLUTION NO. 16-081**  
**(February 9, 2016)**

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

**CHAIRMAN AUTHORIZED TO SIGN A GRANT ACCEPTANCE  
AWARD WITH THE NEW YORK STATE DIVISION 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 acceptance award with New York State Division of Homeland Security and Emergency Services on behalf of Wyoming County Emergency Services. Said grant will provide Wyoming County, on a temporary loan basis, a copy of Mutualink Edge Software with up to five (5) User Subscriptions for County use and network interface controllers (NIC) to tie into available County media capabilities. Services shall commence on the first Monday immediately following approval by the New York State Office of the State Comptroller and shall terminate twelve (12) months from the day therefrom.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

*There was a motion by Mr. Davis, T/Covington to combine resolutions #36 and #37. Hearing no objection resolution titles were read.*

#36

**RESOLUTION NO. 16-082**  
**(February 9, 2016)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH  
CREEKSIDO BOUNDARY LAND SURVEYING, PLLC ON BEHALF OF  
COUNTY HIGHWAY**

**BE IT RESOLVED**, That the Chairman of this Board, with the approval of the County Attorney, is hereby authorized and directed to sign a contract with Creekside Boundary Land Surveying, PLLC, 1746 Higgins Road, Warsaw, NY 14569 on behalf of County Highway. Said contract to provide surveying services for West Park Road in the Village of Castile under the Reconstruction Capital Improvement Project in an amount not to exceed six thousand dollars (\$6,000.00); effective through project completion.

Contingent upon the availability of funds.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**  
#37

**RESOLUTION NO. 16-083  
(February 9, 2016)**

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

**RESOLUTION CALLING ON THE STATE OF NEW YORK TO  
RESTORE FUNDING PARITY BETWEEN THE CAPITAL PLANS OF  
THE METROPOLITAN TRANSPORTATION AUTHORITY (MTA) AND  
THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION**

**WHEREAS**, Governor Andrew Cuomo and Mayor de Blasio recently announced an agreement to jointly subsidize the Metropolitan Transportation Authority's (MTA) nearly \$11 billion funding gap for its 2015-19 five-year capital program; and

**WHEREAS**, As part of this agreement, the Governor is committing \$8.3 billion in state resources to cover the MTA plan's multi-year deficit; and

**WHEREAS**, While we may agree that this vital investment in downstate transit is needed, the state has yet to develop a new Department of Transportation 5-Year Capital Plan designed to assess current conditions and determine investments needed to provide for the future needs of a modern, safe, reliable and efficient multimodal transportation system; and

**WHEREAS**, The enactment of the FAST Act, a fully funded five-year authorization of federal surface transportation programs that provides long-term federal funding predictability, should now facilitate the state to develop and fund

February 9, 2016

a Transportation 5-Year Capital Plan; and

**WHEREAS,** Locally-owned roads and bridges account for 87 percent of the State's 110,000 miles of roadways and 50 percent of the State's 18,000 bridges and are responsible for a vast system of aging culverts. These locally-owned transportation facilities are deteriorating at a rapid rate as counties continue to struggle to find adequate funding for their maintenance and replacement; and

**WHEREAS,** Three of the last four DOT/MTA five-year capital programs were virtually identical in size; and

**WHEREAS,** For nearly two decades, through 2009, the parity agreement was honored and both five-year capital programs were similar in size as well as adopted within a month of each other. It is necessary to once again restore parity between the programs; and

**WHEREAS,** According to a 2014 Comptroller's report, thirty four percent (34%) of bridges are deficient and forty-eight percent (48%) of road pavements in the state are rated fair or poor and getting worse.

**NOW, THEREFORE, BE IT RESOLVED,** That the Wyoming County Board of Supervisors calls upon Governor Cuomo and our State Legislative Delegation to work with our County and other local governments in order to develop and fully-fund a 5 Year Capital Plan that will provide the necessary and proper funding to New York's counties by substantially increasing CHIPS and Marchiselli funding and establishing a 5 year State Aid to Local Bridge and Culvert Program to give them the ability to adequately maintain their infrastructure; and be it

**FURTHER RESOLVED,** That restoring parity between the Department of Transportation's (DOT) highway and bridge five-year capital program and the MTA's capital program will assure each program is funded at a \$26.1 billion level, providing enough resources to help fund the local needs as described above; and be it

**FURTHER RESOLVED,** That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

**RESOLUTION NO. 16-  
(February 9, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**RESOLUTION DELEGATING TO THE COUNTY  
TREASURER OF THE COUNTY OF WYOMING, NEW  
YORK, THE POWER TO AUTHORIZE THE  
ISSUANCE AND SALE OF UP TO \$4,000,000 REVENUE  
ANTICIPATION NOTES OF SAID COUNTY IN  
ANTICIPATION OF STATE GRANT FUNDS  
EXPECTED TO BE RECEIVED BY SAID COUNTY IN  
THE CURRENT 2016 FISCAL YEAR OF SAID  
COUNTY.**

**BE IT RESOLVED**, By the affirmative vote of the Board of Supervisors of the County of Wyoming, New York (the "County"), as follows:

Section 1. The power to authorize the sale and issuance of up to \$4,000,000 revenue anticipation notes of the County of Wyoming, New York, including renewals thereof, in anticipation of revenues expected to be received by said County as State grants during the current 2016 fiscal year of said County, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such amount(s), terms, form and contents as may be determined by said County Treasurer, pursuant to the provisions of the Local Finance Law.

Section 2. This resolution shall take effect immediately.

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

*There was a motion by Mr. Kehl, T/Attica to combine resolutions #39 through #49. Hearing no objection resolution titles were read.*

**#39**

**RESOLUTION NO. 16-084  
(February 9, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH THERON  
A. FOOTE, ATTORNEY AT LAW (MASON MEYER) ON BEHALF OF  
THE COUNTY TREASURER**

February 9, 2016

**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, Attorney at Law (Mason Meyer), 23 West Court Street, Warsaw NY 14569 on behalf of the County Treasurer. Said contract is for legal services for bankruptcies relative to the REM Tax Foreclosure proceeding services in an amount not to exceed one hundred fifty dollars (\$150.00) per hour and seven thousand five hundred dollars (\$7,500.00) per year; effective January 1, 2016 through December 31, 2016.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #40**

**RESOLUTION NO. 16-085  
(February 9, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**RESOLUTION NUMBER 15-301 AMENDED**

**WHEREAS**, Resolution Number 15-301 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM,**” passed by this Board of Supervisors on August 18, 2015 and provided, in part, for the following contract on behalf of the Wyoming County Community Health System:

- **University of Rochester Medical Center** (a division of the University of Rochester ), 601 Elmwood Avenue, PO Box 670, Rochester, NY 14642
  - *Administrative Services Agreement* in an amount not to exceed four hundred thousand dollars (\$400,000.00); effective through December 31, 2015;

now therefore

**BE IT RESOLVED**, That Resolution Number 15-301 be hereby amended to remove the University of Rochester Medical Center contract. All else remains the same.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #41**

**RESOLUTION NO. 16-086  
(February 9, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

Regular Session

# **RESOLUTION NUMBER 15-004 AMENDED**

**WHEREAS**, Resolution Number 15-004 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM,**” passed by this Board of Supervisors on January 2, 2015 and provided, in part, for the following contract on behalf of the Wyoming County Community Health System:

- **University of Rochester Medical Center** (a division of the University of Rochester) 601 Elmwood Avenue, P. O. Box 670, Rochester, NY 14642 for an *Interim Consulting Agreement* in an amount not to exceed two hundred thousand dollars (\$200,000.00); effective January 2, 2015.

now therefore

**BE IT RESOLVED**, That Resolution Number 15-004 be hereby amended as follows:

## **Original Term:**

- Add the end date of June 30, 2015.

## **Amendment No. 1:**

- Amend the title of the contract from “*Interim Consulting Agreement*” to “*Administrative Services Agreement*”.
- Extend term from July 1, 2015 through December 31, 2015.
- Increase the dollar amount to \$400,000.00.

## **Amendment No. 2:**

- Extend term of the *Administrative Services Agreement* from January 1, 2016 through June 30, 2016 in an amount not to exceed \$400,000.00.

All else remains the same.

**Carried:** XXX

**Ayes:** 1599

**Noes:**

**Absent:**

**Abstain:**

**#42**

# **RESOLUTION NO. 16-087 (February 9, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

## **SALARY SCHEDULE “P” BENEFIT PACKAGE SUMMARY ADOPTED**

February 9, 2016

**BE IT RESOLVED**, That this Board of Supervisors hereby adopts the following Schedule “P” Benefit Package Summary as presented and attached hereto.

**Carried:** XXX      **Ayes:** 1599      **Noes:**      **Absent:**      **Abstain:**

**WYOMING COUNTY COMMUNITY HEALTH SYSTEM  
400 NORTH MAIN STREET, WARSAW, NY 14569  
BENEFIT PACKAGE SUMMARY- Schedule P**

Applies to Physician and Mid-level employees who are considered to be exempt employees under the Fair Labor Standards Act.

**PAID TIME OFF (PTO)**

Thirty (30) Days of paid time off will be granted at the beginning of each calendar year for full time employees; pro-rated for part time employment. PTO includes vacation, holiday and sick days. PTO must be used during the calendar year or it will be forfeited. Requests for planned time off must be pre-approved. Pro-rated during the first year of employment.

**HEALTH INSURANCE**

The current health plan is Blue Cross Blue Shield High Deductible Health Plan with a Health Reimbursement Account (HRA). The county will contribute on an annual basis an amount equal to the plan deductible to the HRA. Any unused amounts in the HRA at the end of the each plan year shall be forfeited. Employees will contribute 8% of the total premium for a Single Plan and 20% of the total premium for a Family Plan. Premiums will be deducted over 26 pay periods per year on a pre-tax basis. Repudiation is not available.

**DENTAL INSURANCE**

The current Univera Dental Insurance Plan offer two options: a High Option and a Low Option. The employee will pay the total premium and it will be deducted over 26 pay periods per year on a pre-tax basis.

**NEW YORK STATE RETIREMENT**

The County offers retirement benefits in accordance with the requirements of the New York State Retirement System. For more information go to their website at <http://www.osc.state.ny.us/retire>.

**DEFERRED COMPENSATION RETIREMENT PLAN 457**

All employees are eligible to participate in the voluntary supplemental retirement savings plan at any time. This program allows employees to save and invest a portion of their earnings toward retirement. Pre-tax contributions are automatically deducted from each pay check and deposited to your account.



## **WORKERS COMPENSATION**

Workers compensation insurance covers lost wages and medical care payments for employees injured on-the-job. These benefits are based on New York State Workers' Compensation Law.

## **DISABILITY INSURANCE**

Full time employees are covered under the enhanced Disability Insurance Plan for an injury or illness NOT arising out of or in the course of employment. The weekly benefit is 50% of basic weekly earnings up to a maximum of \$500 per week for up to 52 weeks. Accrued sick time must be exhausted prior to receiving benefits under this plan. These benefits are subject to the terms of the plan. This insurance coverage is provided at no cost to the employee.

Part time employees are NOT eligible for statutory NYS Disability Insurance.

## **CONTINUING MEDICAL EDUCATION (CME)**

Continuing medical education is available annually up to \$1,500 and one week or five days of additional paid time off each calendar year for full time employees; pro-rated for part time employment. Reimbursement will be paid upon successful completion/attendance and presentation of receipts. Unused CME benefits will not carry over from year to year. Benefits will be pro-rated in the first year of employment.

## **DUES AND SUBSCRIPTIONS**

Professional membership dues and subscription requests will be reviewed and approved through the annual budget process.

**#43**

## **RESOLUTION NO. 16-088**

**(February 9, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

## **CHAIRMAN AUTHORIZED TO SIGN VARIOUS 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,"** the Chairman of this Board with the approval of the County Attorney and/or Costello Cooney Fearon, PLLC, legal counsel, is hereby authorized and directed to sign the following contracts on behalf of the Wyoming County Community Health System:

February 9, 2016

- **Kimberly Heeb, CST, RN, WHNP, CNM**, 1844 Maxon Road, Attica, NY 14011 to provide inpatient and outpatient midwifery services in an amount not to exceed one hundred twenty-five dollars (\$125,000.00) per year, effective the date she completes insurance credentialing and becomes available for work; no later than ninety-five (95) days from January 14, 2016.
- **Haun Specialty Gases, Inc.**, 5921 Court Street Road, Syracuse, NY 13206 for the liquid or gaseous form in cylinders size or quantity for WCCHS in an amount not to exceed one hundred eighty-five thousand dollars (\$185,000.00) per term based on current spend; effective January 1, 2016 through December 31, 2017.
- **Dentserv Dental Services, PC**, 15 Canal Road, Pelham Manor, NY 10803 to provide dental services to the residents of the Skilled Nursing Facility in an amount not to exceed thirty-seven thousand two hundred dollars (\$37,200.00) per year; effective April 1, 2016 through May 31, 2018.
- **Marie Lowe, ANP**, 46 Windsor Street, Attica, NY 14011 to provide nurse practitioner assistance with physical examinations during fireman's clinics in an amount not to exceed sixty dollars (\$60.00) per hour and six thousand dollars (\$6,000.00) per year; effective February 1, 2016 through January 31, 2021.
- **Michael Parkot, PA**, 344 Sumner Road, Corfu, NY 14036 to provide physician assistant assistance with physical examinations during fireman's clinics in an amount not to exceed sixty dollars (\$60.00) per hour and six thousand dollars (\$6,000.00) per year; effective February 1, 2016 through January 31, 2021.
- **Natalie Reynolds, PA**, 2638 Wende Road, Alden, NY 14004 to provide physician assistant assistance with physical examinations during fireman's clinics in an amount not to exceed sixty dollars (\$60.00) per hour and six thousand dollars (\$6,000.00) per year; effective February 1, 2016 through January 31, 2021.
- **Department of Corrections and Community Supervision (DOCCS)**, The Harriman State Campus, 1220 Washington Avenue, Albany, NY 12226-2050 to add the professional services of an Otolaryngologist (Ear, Nose, and Throat provider) to inmates with the DOCCS. Cost will be reimbursed as negotiated in Attachment #3 of said agreement: 125% of the prevailing Medicare rates for any procedures; effective 12/28/2015.

- **Kim Chamberlain Danser, CNM**, 2811 Pratt Road, Batavia, NY 14020 to provide inpatient and outpatient midwifery services in an amount not to exceed one hundred twenty-five thousand dollars (\$125,000.00) per year, effective May 1, 2016 through April 30, 2018.
- **F. F. Thompson Health System, Inc.**, 350 Parrish Street, Canandaigua, New York 14424 related to the provision of management and operational services in the areas of health information management (HIM), patient accounts and registration in an amount not to exceed one million two hundred eleven thousand nine hundred forty-three dollars (\$1,211,943.00) in year one; one million two hundred forty-two thousand two hundred forty-one dollars (\$1,242,241.00) in year two; and one million two hundred seventy-three thousand two hundred ninety-seven dollars (\$1,273,297.00) in year three; effective May 2, 2016 through May 1 2019.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #44**

**RESOLUTION NO. 16-089  
(February 9, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**J. THOMAS REAGAN, MD REAPPOINTED TO THE WYOMING  
COUNTY COMMUNITY HOSPITAL BOARD OF MANAGERS**

**BE IT RESOLVED**, That J. Thomas Reagan, MD, 3148 Merchant Road, Warsaw, NY 14569 be hereby reappointed to the Wyoming County Community Hospital Board of Managers for a term of five (5) years; effective January 01, 2016 through December 31, 2020.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #45**

**RESOLUTION NO. 16-090  
(February 9, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**RESOLUTION NUMBER 15-301 AMENDED**

**WHEREAS**, Resolution Number 15-301 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM,**” passed

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by this Board of Supervisors on August 18, 2015 and provided, in part, the following contract on behalf of the Wyoming County Community Health System:

- **HOWARD ANG, MD**, with an office at 400 North Main Street, Warsaw, NY 14569
  - Anesthesia services on each work day and call coverage and anesthesia services on nights and weekends fifty percent (50%) of the time during those two (2) months, in an amount not to exceed twenty-one thousand five hundred thirty dollars (\$21,530.00) per month; effective ***July 1, 2015 through August 31, 2015*** Revenue generated by provider will be retained by WCCHS.

**WHEREAS**, That Resolution Number 15-301 was previously amended by the Board of Supervisors on September 8, 2015 by Resolution Number 15-329 to extend the agreement with **Howard Ang, MD**, for an additional two (2) month period; effective ***September 1, 2015 through October 31, 2015***; and

**WHEREAS**, That Resolution Number 15-301 as amended by Resolution Number 15-329 and Resolution Number 15-464 be hereby further amended to extend the agreement with **Howard Ang, MD**, for an additional two (2) month period; effective ***November 1, 2015 through December 31, 2015***; now therefore,

**BE IT RESOLVED**, That Resolution Number 15-301 as amended by Resolution Number 15-329 and Resolution Number 15-464 be hereby further amended to extend the agreement with **Howard Ang, MD**, for an additional two (2) month period; effective ***January 1, 2016 through February 29, 2016***.

All else remains the same.

**Carried:** XXX

**Ayes:** 1599

**Noes:**

**Absent:**

**Abstain:**

**#46**

## **RESOLUTION NO. 16-091**

**(February 9, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

## **CORRECTION OF ERRORS IN THE TOWN OF EAGLE APPROVED**

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

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

<b>PARCEL ONE:</b>	Town of Eagle Tax Map Number 186.-1-6.11
<b>LOCATION:</b>	Wing Street ( <i>multiple seasonal residences</i> )
<b>ASSESSED TO:</b>	Gary and Guy Holler 126 East Niagara Street Tonawanda, NY 14150
<b>ERROR TYPE:</b>	Incorrect Assessment and School Relevy
<b>AUTHORITY:</b>	RPTL §550.2(a) " <i>an incorrect entry of assessed valuation on an assessment roll or tax roll which, because of a mistake in transcription, does not conform to the entry for the same parcel which appears on the property record card, field book or other final work product of the assessor.</i> "
<b>ACTION:</b>	Correction of 2016 Town/County Tax Bill Original Bill      \$8,135.37 Corrected Bill <u>\$6,601.19</u> Credit              \$1,534.18

<b>Carried: XXX</b>	<b>Ayes: 1599</b>	<b>Noes:</b>	<b>Absent:</b>	<b>Abstain:</b> #47
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**RESOLUTION NO. 16-092**  
**(February 9, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**JANIS COOK REAPPOINTED COUNTY AUDITOR**

**BE IT RESOLVED**, That Janis Cook, 6 East Court Street, Warsaw, NY 14569 is hereby reappointed County Auditor; effective January 1, 2016 through December 31, 2016.

<b>Carried: XXX</b>	<b>Ayes: 1599</b>	<b>Noes:</b>	<b>Absent:</b>	<b>Abstain:</b> #48
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**RESOLUTION NO. 16-093**  
**(February 9, 2016)**

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By Mr. Kehl, Chairman of the Finance Committee:

### **POSITION CREATIONS AND ABOLISHED APPROVED**

**BE IT RESOLVED**, That the following positions are hereby created, extended, reclassified and/or reassigned in the following Wyoming County Departments:

#### **Jail**

Abolish one (1) position of Correction Sergeant (Temp), full time (position code #065.066) on Wyoming County Sheriff's Employees Assoc. grade 6 at (\$23.85/hr.).

Create one (1) position of Correction Sergeant, full time on Wyoming County Sheriff's Employees Assoc. grade 6 at (\$23.85/hr.) effective January 1, 2016.

#### **Probation**

Create one (1) Finance Clerk I (Probation), full time to be placed on Salary Schedule S at \$33,500/yr. effective February 10, 2016.

**Carried:** XXX

**Ayes:** 1599

**Noes:**

**Absent:**

**Abstain:**

**#49**

### **RESOLUTION NO. 16-094 (February 9, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

### **CHAIRMAN AUTHORIZED TO SIGN 2016 DENTAL INSURANCE RATES ON BEHALF OF THE COUNTY INSURANCE OFFICE**

**BE IT RESOLVED**, That the Chairman of the Board, with the approval of the County Attorney, is hereby authorized and directed to sign dental insurance rates with Univera Healthcare, 205 Park Club Lane, Buffalo, NY 14221 for County employees; effective March 1, 2016 to February 28, 2017:

#### ***Dental Select / High Option:***

- o Single: \$32.74
- o Employee/Spouse \$59.24
- o Employee/Child(ren) \$68.04
- o Family \$93.96

#### ***Dental Select / Low Option:***

- o Single: \$21.22
- o Employee/Spouse \$41.14
- o Employee/Child(ren) \$48.52
- o Family \$68.48

**Carried: XXX****Ayes: 1599****Noes:****Absent:****Abstain:**

*At this time, Chairman Berwanger reminded everyone that because this resolution involves borrowing it requires a two-third majority vote of this Board to pass.*

**2/3 Majority  
#50**

**RESOLUTION NO. 16-095  
(February 9, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**BOND RESOLUTION OF THE COUNTY OF WYOMING, NEW YORK,  
DATED FEBRUARY 9, 2016, FOR THE ISSUANCE AND SALE OF  
BONDS OF THE COUNTY OF WYOMING, NEW YORK, IN THE  
AMOUNT OF \$300,000.00 FOR THE ACQUISITION OF HIGHWAY  
DEPARTMENT EQUIPMENT FOR COUNTY PURPOSES**

**RESOLVED BY THE BOARD OF SUPERVISORS OF THE  
COUNTY OF WYOMING, NEW YORK** (by the favorable vote of not less  
than two-thirds of the voting strength of said Board) **AS FOLLOWS:**

Section 1. The County of Wyoming, New York is hereby authorized to acquire by purchase the following equipment for the Wyoming County Highway Department.

<b>Item</b>	<b>Estimated Maximum Cost</b>
<b>Highway Equipment:</b>	
1. (2) Ten Wheel Dump Truck	\$252,800.00
2. Service Utility Truck	\$ 35,000.00
3. Custom Trailer	\$ 10,000.00
4. Small Plate Stamper	\$ 2,200.00
<b>Sub Total</b>	<b>\$300,000.00</b>

The estimated maximum cost of the acquisition of such equipment is the sum of \$300,000.00 and said amount is hereby appropriated therefore. The plan of financing involves the issuance of \$300,000.00 in serial bonds of the County of Wyoming to finance the appropriation, and the levy and collection of taxes upon all the taxable real property in the County in an amount sufficient to pay the principal of and interest of said bonds.

Section 2. Serial bonds of said County of Wyoming in the principal amount of \$300,000.00 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law of the State of New York, to finance the said appropriation.

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Section 3. The following additional matters are hereby determined and declared:

- a. In accordance with Section 11 of the Local Finance Law, the period of probable usefulness for which said bonds are to be issued, is hereinabove set forth in Section 1 for each item or items to be acquired, such period of probable usefulness being the period of five (5) years. Also, set forth for each item is the maximum estimated cost of each item or items.
- b. No current funds need be provided because the period of probable usefulness for each item does not exceed five (5) years.

Section 4. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of such bonds shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law, and said serial bonds and any notes issued in anticipation of said bonds shall be general obligations of the County payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation of rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and pursuant to Section 30.00 of the Local Finance Law relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Section 56.00 to Section 60.00 of said law, the powers and duties of the Board of Supervisors relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the serial bonds authorized by this resolution and of any notes authorized and issued in anticipation of the sale of said bonds, and the renewals thereof, are hereby delegated to the County Treasurer, as the Chief Fiscal Officer of the County.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds may be contested only if: (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. The specific object or purpose of the purchase herein authorized is to



provide equipment for use at Wyoming County Highway Department.

Section 8. This resolution shall take effect immediately.

**Carried: XXX      Ayes: 1471      Noes:      Absent:      Abstain:**

### **Special Recognition ~**

- Janet Miller

*Chairman Berwanger acknowledged that the next item on the agenda is a very bittersweet exercise. He invited Janet Miller to the podium.*

*Chairman Berwanger acknowledged that Janet Miller has held many positions in Wyoming County over the last several decades...all unpaid! He took a moment to read her bio...*

- 23-years of dedicated service to the Wyoming County Community Health System.
- A Member of the Board of Managers from 1993 to 2015. During this tenure, she served as:
  - Secretary from 2010 through 2011
  - Vice President from 2012 through 2013
  - President from 2014 through 2015
- 2011 Chairman of the Board of Managers Finance and Audit Committees.
- 2012 Chairman of the Board of Managers Personnel and Physician Recruitment Committees.
- 2013 Chairman of the Board of Managers Finance and Audit Committees.
- 2014 Chairman of the Board of Managers Executive, Audit, Finance/Personnel, Compensation and Joint Conference Committees.
- 2015 Chairman of the Board of Managers Executive, Compensation and Joint Conference Committees.
- Member of the Executive Committee
- Co-Chair of the Wyoming Community Hospital Foundation Capital Campaign:
  - Organization began in fall of 2005
  - Kicked off fundraising in May 2006
  - Declared victory in November 2007
  - Followed through until the campaign officially closed in 2013
    - Close to \$5,000,000.00 was raised
- Member of the 100<sup>th</sup> Anniversary Celebration Committee
- Member of the Groundbreaking Ceremony Committee
- Spiritual Life Volunteer at WCCHS

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- *Past or Present Member of Pioneer Christian Fellowship, Farm Bureau and NYS Ag Society*
- *Recognized by the Iroquois Trail Council as a Wyoming County's "Distinguished Citizen" in 2008.*
- *Recognized by Senator Patrick Gallivan with one of New York State's highest honors as a "Woman of Distinction" in May 2011 for her volunteerism and devotion to Wyoming County.*

*At this time, Chairman Berwanger presented Janet Miller with a plaque as a small token of the Board's appreciation and stated that Janet is what is truly good about Wyoming County and he could not be more proud to have gotten to know her and acknowledged what a wonderful person she is.*

*Chairman Berwanger gave the floor to Mrs. Miller...*

*Janet Miller thanked the Board and acknowledged what a special thing it is to have an opportunity to serve your community or an institution such as WCCHS whose mission it is to provide quality healthcare and to make a difference in the community. Despite the ongoing fiscal challenges and the ever-changing dynamic and scenery around healthcare, she believes with all her heart that Wyoming County Community Health System has embarked on a pathway that will sustain it. You can argue the sustainability of the hospital "six ways to Sunday" but it is not until you become a patient that needs the institution that you really have perspective. She became that patient sometime last month and lost count of the number of visits to the hospital and tests. The best part about it was she discovered something she did not know and referred to Roswell to receive the help that she needed. There is no argument with the person who has needed the hospital and you are only one moment away from becoming that person if you have not already. She will continually be an advocate for the hospital and it will always hold a sensitive and special place in her heart and it belongs here, in the heart of Wyoming County.*

*Janet Miller graciously thanked the Board. Chairman Berwanger said if we had 41,000 people like her in Wyoming County, we would really have something! He thanked Janet again.*

### **Regional Presentation of Governor Cuomo's 2016-2017 Executive Budget ~**

- *Retired Army Colonel Eric J. Hesse*

*Chairman Berwanger then introduced retired Army Colonel Eric J. Hesse, Director of the New York State Division of Veterans' Affairs as appointed by Governor Cuomo a few years ago. He is not here to speak about Veteran issues today, he has been chosen by the Governor along with several other cabinet*

*members to convey the*

*Governor's budget message*

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*directly to the residents and taxpayers of New York State communities. Chairman Berwanger also introduced Lauren Kelly, Governor Cuomo's Finger Lakes Regional Representative.*

*Colonel, welcome to Wyoming County!*

*Colonel Hesse addressed the Board explaining that the presentation takes about twenty minutes and since the day after the "State of the State" address was delivered, they have been out on the road delivering the Governor's "Built to Lead" agenda to as many people as they can.*

*Colonel Hesse began by thanking all the veterans in the room and gave a special thank you to Mr. Wagner for doing the pledge. He stated that it is stories like his that makes our military the greatest military in the world. Colonel Hesse thanked Mr. Wagner for his service.*

*Colonel Hesse then continued with the Governor's "Built to Lead" agenda...*

*At the conclusion of this presentation, Colonel Hesse and Chairman Berwanger opened the floor to questions.*

*An unidentified gentlemen asked about repealing the "Safe Act". Colonel Hesse stated that he did not have anything to add on the "Safe Act" except people aren't always going to agree...*

*Bill Wilkinson asked to hear more about Veteran issues and the funding for the eight localities. Colonel Hesse stated that until end of the legislation session and the final budget is actually done, he is unable to say. He did mention that he is proud of the work his office has done and they are getting ready to roll out a Veteran's app. People will be able to find out about local services, what is going on regarding Veteran affairs and other information by using this app.*

*An unidentified gentlemen asked why more and more money is being taken away from Veterans services. Colonel Hesse responded that he is not sure that the statement is accurate and as far as the agency's budget goes, it is remaining the same and feels what is out there currently will remain the same going forward. \*

*Chairman Berwanger thanked Colonel Hesse for coming here today and for the presentation.*

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

\*\*\*\*\*

Respectfully submitted,  
*Cheryl J. Ketchum*  
Cheryl J. Ketchum, <sup>CMC</sup>  
Clerk to the Board

**REGULAR SESSION**  
**(March 08, 2016)**  
**Tuesday**  
**2:30 PM**

The regular session of the Wyoming County Board of Supervisors was held at the Wyoming County Government Center in the Board of Supervisors' Chambers located at 143 North Main Street, Warsaw, New York with all Supervisors present. Also present were County Attorney Jim Wujcik, Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Lisa Perez.

At 2:47 PM Chairman Berwanger, T/Arcade, called the meeting to order.

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

**Richard "Dick" Givens**

Mr. Givens was born in Corning NY, an only child during the Great Depression. Mr. Givens participated in basketball and playing football in a leather helmet. Growing up, he was especially fond of the outdoors and participating in Boy Scouts where he achieved the level of Eagle Scout.

During the Korean War, Mr. Givens enlisted in the US Coast Guard. In 1794, the Coast Guard was known as the United States Revenue Cutter Service and given the mission of preventing trading in slaves from Africa to the United States. Between 1794 and 1865, the Service captured approximately 500 slave ships. The Coast Guard now operates under the U.S. Department of Homeland Security during peacetime, and can be transferred to the U.S. Department of the Navy by the U.S. President at any time, or by the U.S. Congress during times of war.

Mr. Givens was trained to build electronic devices prior to the computer age. He worked on high tech power supplies to "Long Range Aerospace Ground and Navigation" equipment. Mr. Givens frequently teamed with Army and Navy specialists on missile technology and special assignments. He spent nearly three and a half of the next four years at sea. Cruising the Pacific one day, he and some comrades went ashore a small island whose indigenous inhabitants had never seen outsiders.

Motivation, dedication and specialized experience earned Mr. Givens a promotion from enlisted to the officer ranks. He was honorably discharged in July 1958 as an Ensign Second Class. For his courage and valor to his country, Mr. Givens earned the:

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Good Conduct Medal  
National Defense Service Medal

Leaving behind military service, Mr. Givens was hired as sales manager by International Harvester out of Cherry Hill New Jersey. One night while at a restaurant, the tall Givens noticed a beautiful flower on the far side of the room. It was his soon to be wife, Rose. The couple moved back to Perry where Mr. Givens became a partner at Walkley Farm Equipment. Twenty-five successful years passed when he finally decided to sell the business and retire.

These days Mr. Givens and his wife RoseMary enjoy a few winter months relaxing in Florida before returning to Perry to help their four sons with their eight grandchildren. The energetic duo also spends time renovating their new home in Perry.

*The pledge was said by all.*

Chairman Berwanger invited Town of Perry Supervisor, J. Brick to join him in the presentation of the customary certificate of appreciation to Mr. Givens and an opportunity to address the Board. At which time, Mr. Givens provided a grateful thank you to the Board and offered them a round of applause for all of their hard work...

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

### **Communications ~**

1. **Assemblyman DiPietro** ~ Letter dated February 17, 2016 regarding receipt of a Board of Supervisors' resolution

**#1**

### **RESOLUTION NO. 16-096 (March 8, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

### **FUNDS APPROPRIATED TO VARIOUS 2016 ACCOUNTS**

**BE IT RESOLVED**, That funds are hereby appropriated to the various 2016 accounts as follows:

<b>Information &amp; Technology</b>			
<b>To:</b> 01.34.1681.4.41402 Computers w/01.08.1681.2650 Sale of Materials <b>Reason:</b> LCD Monitor lawsuit claim revenue to computers capital account.	\$8,273.56	\$8,273.56	
<b>Information &amp; Technology Total</b>			<b>\$8,273.56</b>

Regular Session

<b>Human Resource</b>			
<b>To:</b> 01.34.1431.1.10601 Unused Benefit Time 01.34.1431.8.83001 FICA 01.34.1431.8.85001 Medicare <i>w/any funds available</i> <b>Reason:</b> To cover unused benefit time paid to employee upon resignation.	\$12,743.50 790.10 184.78	\$13,718.38	
<b>Human Resource Total</b>			<b>\$13,718.38</b>
<b>Mental Health</b>			
<b>To:</b> 01.38.4250.4.42405 Alcohol Treatment w/01.11.4250.3490 State Aid <b>Reason:</b> To allow for \$499.00 increase in OASAS funding 013M Fund Code for 3520 project code.	\$499.00	\$499.00	
<b>To:</b> 01.38.4220.4.40932 Youth Contracts-MH w/01.03.4220.1289 Other Dept. Income <b>Reason:</b> To accommodate the receipt of funding for the 2016 You(th) Decide Problem Gambling Grant.	\$15,000.00	\$15,000.00	
<b>To:</b> 01.38.4321.4.42422 Suburban Adult Services w/01.11.4321.3490 State Aid <b>Reason:</b> To match OPWDD funding.	\$953.00	\$953.00	
<b>Mental Health Total</b>			<b>\$16,452.00</b>
<b>Record Retention</b>			
<b>To:</b> 01.34.1460.2.20401 Misc. Equipment <i>w/ any funds available</i> <b>Reason:</b> To purchase a new shredder.	\$3,639.00	\$3,639.00	
<b>Records Retention Total</b>			<b>\$3,639.00</b>
<b>Board of Supervisors</b>			
<b>To:</b> 01.31.1010.4.40301 Prof. Svc. Contracts <i>w/any funds available</i> <b>Reason:</b> To cover 01/2016 and 02/2016 Hinman Straub contract.	\$9,000.00	\$9,000.00	
<b>Board of Supervisors Total</b>			<b>\$9,000.00</b>

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain:**

Mr. Davis, T/Covington, Vice Chairman of the Audit Committee, presented bills totaling **\$2,549,358.84** for the month of **February 2016**.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain:**  
*There was a motion by Mr. Tallman, T/Gainesville, to pull resolution number 5 and to combine resolutions #2 through 4 and #6. Hearing no objection resolution titles were read.*

**#2**

**RESOLUTION NO. 16-097  
(March 8, 2016)**

March 8, 2016

By Mr. Tallman, Chairman of the Human Resources Committee:

**RESOLUTION CALLING FOR AN INCREASE IN THE SHARE OF  
REVENUE COUNTIES RETAIN FOR PROVIDING STATE DMV  
SERVICES**

**WHEREAS**, 52 of the 62 New York counties are mandated by the State to operate a local Department of Motor Vehicles (DMV) Office; and

**WHEREAS**, This local DMV operation is one of many examples of shared services that counties provide for the State; and

**WHEREAS**, Under current law, the State of New York takes 87.3% of all fees collected from the work performed by county operated DMV's; and

**WHEREAS**, The remaining 12.7% county share has not been increased since 1999, yet the amount of work required by local DMV offices has increased in that same time period; and

**WHEREAS**, The Governor and the State Legislature have repeatedly stated that lowering the property tax burden on local residents is a key priority; and

**WHEREAS**, Increasing the county DMV revenue sharing rate will provide counties with needed revenue to continue to provide necessary local government services and reduce pressure on property taxes without increasing costs or fees to local residents; and

**WHEREAS**, There is a clear inequity present when a county DMV provides all the services, including overhead and staffing needs, to fulfill these DMV services needed for state residents, yet the State takes 87.3% of the revenue generated from providing these services; and

**WHEREAS**, The State Senate recognized this inequity placed on counties and attempted to reduce the burden of local property taxpayers by overwhelmingly passing Senator Patty Richie's bill S.4964, which would raise the 12.7% county share up to a 25% share; and

**WHEREAS**, Counties recognize the important function of the state DMV in providing both support to counties and resident services; accordingly, any loss in the state DMV operational budget that occurs from an increased



county revenue should be made whole through the State General Fund; now therefore

**BE IT RESOLVED**, That the Wyoming County Board of Supervisors calls on Governor Andrew M. Cuomo and members of the State Legislature to require a substantial increase of the county DMV revenue share with the State; and be it

**FURTHER RESOLVED**, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #3**

**RESOLUTION NO. 16-098**  
**(March 8, 2016)**

By Mr. Tallman, Chairman of the Human Resources Committee:

**RESOLUTION URGING NEW YORK STATE TO CONSOLIDATE THE  
FEDERAL AND STATE PRIMARIES AND COVER THE ADDED  
COSTS OF EARLY VOTING**

**WHEREAS**, State Election Law requires that a primary election be held on the First Tuesday after the second Monday in September before every general election unless otherwise changed by an act of the legislature; and

**WHEREAS**, New York must conduct its federal primary election on a date no later than thirty-five days prior to the 45-day advance deadline set by the Federal Military and Overseas Voter Empowerment (MOVE) Act for transmitting ballots to the State's military and overseas voters, or at least eighty days before the federal general election; and

**WHEREAS**, In 2016, New York State must hold a presidential primary in April and a federal primary election for congressional candidates for congressional races on or before August 18<sup>th</sup> to adhere to the MOVE Act; and

**WHEREAS**, The federal primary cannot be held on the current State and local primary date in September and remain in compliance with federal

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election law; and

**WHEREAS,** Election Law Section 8-100 permits the date of the New York primary to be changed by an act of the State Legislature; and

**WHEREAS,** County boards of elections are responsible for managing election operations and paying for all or most of the costs of these operations; and

**WHEREAS,** If the State Legislature fails to move the normal September primary elections to coincide with the Federal primary, there will be three primary elections in New York in 2016, which will increase costs for county boards of elections; and

**WHEREAS,** The proposed 2016-17 State Budget requires counties to provide early voting sites for up to twelve days prior to all special, primary and general elections; and

**WHEREAS,** The number of early voting polling sites is based on the number of registered voters in each county (no less than one polling site per county, and at least one polling station per 50,000 registered voters, not to exceed seven sites per county); and

**WHEREAS,** At the polling places must be open at least eight hours per weekday (with extended hours at least twice a week) and at least five hours per weekend or holiday during the early voting period; and

**WHEREAS,** The effective date for most of the early voting provisions is April 1, 2017; and

**WHEREAS,** The State estimates the cost of implementing early voting to cost counties between \$3-4 million statewide; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors calls upon Governor Andrew M. Cuomo and the New York State Legislature to amend the Election Law to permit the federal primary election and the New York primary election to be held on the same date; and be it

**FURTHER RESOLVED,** That if the Governor and the State Legislature do not wish for the federal congressional primary election and the New York State and local primary election to be held on the same day, that New York State absorb the costs of holding the New York primary election; and be it

**FURTHER IT RESOLVED,** That if the Governor and State Legislature agree to the early voting provisions proposed in the Executive

Budget, then the State must reimburse counties for the added costs of this new mandate; and be it

**FURTHER RESOLVED**, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #4**

**RESOLUTION NO. 16-099  
(March 8, 2016)**

By Mr. Tallman, Chairman of the Human Resources Committee:

**RESOLUTION CALLING FOR THE FULL REPEAL OF THE NEW  
YORK STATE SCAFFOLD LAW OR REFORM TO INCLUDE A PURE  
STANDARD OF COMPARATIVE NEGLIGENCE**

**WHEREAS**, New York Labor Law §240 and §241, commonly known as the "Scaffold Law," outlines liability for injuries caused by an employee's fall from a height; and

**WHEREAS**, The laws impose strict liability on employers and owners of buildings if a worker falls from any height; and

**WHEREAS**, The law was first imposed in 1885 at a time when worker safety was largely neglected in New York State and at a time when modern safety equipment and scaffolding techniques did not exist; and

**WHEREAS**, The New York State Legislature did not implement any positive reform to the New York Scaffold Law in 2015; and

**WHEREAS**, The Scaffold Law has caused a dramatic increase in construction costs due to increased insurance required for employers in the construction business, causing New York State to have the highest general liability insurance costs in the nation; and

**WHEREAS**, The Scaffold Law is a boon to personal injury lawyers as half of the 30 largest law suits in the State stem from Scaffold Law issues, and while scaffold related injuries have decreased in the past 20 years the number of Scaffold Law claims has increased 500%; and

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**WHEREAS,** New York is the only state in the country to impose a construction law like the Scaffold Law that imposes strict liability on the employer and additionally it is one of a very few laws that mandate strict liability in the State of New York; and

**WHEREAS,** The increase in costs in New York drives away investment in our infrastructure when developers and contractors can get better rates in neighboring states; and

**WHEREAS,** Not only does the law drive away out-of-state investment in infrastructure but the lost investment to other states also serves to decrease the number of new construction jobs created every year, making it more difficult for many of New York's skilled laborers to find appropriate employment; and

**WHEREAS,** This negligence standard under the Scaffold Law would not ban recovery for an injured worker due to their own negligence, but would allow the employer to bring issues with employee culpability to mitigate the damages in cases where the worker's actions contributed to his or her injury; and

**WHEREAS,** Federal regulations have been enacted that attempt to protect workers from injury due to falls by requiring certain precautions to be in place for people working at a height above the ground and allows an outlet for workers concerned about their safety to engage federal review of any worksite for compliance with these regulations; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors is in support of Scaffold Law reform as well as meaningful protection of construction workers; and be it

**FURTHER RESOLVED,** That the Wyoming County Board of Supervisors supports the full repeal of the Scaffold Law or its modification to include a pure standard of comparative negligence; and be it

**FURTHER RESOLVED,** That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain:**

**RESOLUTION NO. 16-  
(March 8, 2016)**

By Mr. Tallman, Chairman of the Human Resources Committee:

**SET PUBLIC HEARING ~ INTRODUCTORY LOCAL LAW NO. A,  
YEAR 2016**

**WHEREAS**, There has been duly presented and introduced at a meeting of this Board of Supervisors of Wyoming County on the 8<sup>th</sup> day of March, 2016, a proposed local law entitled, “Local Law Introductory No. A, Year 2016, *“A Local Law to Rescind and Repeal Local Law 1, Year 2003 ~ Establishing a Motor Vehicle Use Tax,”* and

**WHEREAS**, Subdivision 1, Section 20 of the Municipal Home Rule Law requires a public hearing to be held on such local law; now therefore

**BETTER RESOLVED**, That a Public Hearing will be held on the said proposed Local Law by this Wyoming County Board of Supervisors on the 12<sup>th</sup> day of April, 2016 at 2:30 pm in the Supervisors’ Chambers, 2<sup>nd</sup> Floor of the Wyoming County Government Center, 143 North Main Street, Warsaw, New York.

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

**INTRODUCTORY LOCAL LAW NO. A OF THE YEAR 2016**

**A Local Law Establishing a Motor Vehicle Use Tax**

Be it enacted by the Board of Supervisors for the County of Wyoming as follows:

**SECTION 1.                      PURPOSE.**

The purpose of this Local Law is to repeal and rescind Local Law No. 1 of the year 2003, entitled “A Local Law Establishing a Motor Vehicle Use Fee” and to establish a new Local Law entitled “A Local Law Establishing a Motor Vehicle Use Fee”.

**Section 1. Definitions.**

a. When used in this local law, the following terms shall have the following meanings:

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*Buses.* The term “buses” shall have the same meaning as defined in §104 of the Vehicle and Traffic Law, as amended.

*Commissioner.* The County Treasurer of the County of Wyoming.

*Passenger Motor Vehicle.* Any motor vehicle subject to the registration fee as provided for in §401, Subdivision 6 of the Vehicle and Traffic Law.

*Sheriff.* The Sheriff or his or her successor in office.

*Truck.* The term “truck” shall have the same meaning as defined in §158 of the Vehicle and Traffic Law, as amended.

## **Section 2. Imposition of Tax.**

a. A motor vehicle use tax pursuant to §§1202(a) and 1201(e) of the Tax Law is hereby imposed in the following manner:

1. A tax of \$5.00 per annum for the use of passenger motor vehicles of a type commonly used for noncommercial purposes owned by residents of the County for each such vehicle weighing 3,500 pounds or less and a tax of \$10.00 per annum for such vehicles in excess of 3,500 pounds;

2. A tax of \$10.00 per annum for the use of trucks, buses and other such commercial vehicles used principally in connection with a business carried on within the County, except when owned and used in connection with the operation of a farm by the owner or tenant thereof and carrying a farm plate.

## **Section 3. Exemptions.**

The tax imposed by this local law shall not be imposed upon any vehicle exempt from the registration fee pursuant to the Vehicle and Traffic Law.

## **Section 4. Payment of Tax and Evidence of Tax Payment.**

a. Every owner of a motor vehicle subject to tax hereunder shall pay the tax thereon to the Commissioner of Motor Vehicles of the State of New York on or before the date upon which he or she registers or renews his or her registration thereof or is required to register or renew his or her registration thereof pursuant to §401 of the Vehicle and Traffic Law.

b. Notwithstanding the provisions of §400 of the Vehicle and Traffic Law to the contrary, the payment of such tax shall be a condition precedent to the registration or renewal thereof of such motor vehicle and to the issuance of any certificate of registration and plates or removable tag specified in Subdivision 3 of §401 and §§403 and 404 of the Vehicle and Traffic Law, and no such

certificate of registration, plates or tag shall be issued unless such tax has been paid. The Commissioner of Motor Vehicles shall not issue a registration certificate for any motor vehicle for which the registrant's address is within the County except upon proof in a form approved by the Commissioner of Motor Vehicles that such tax has been paid or is not due, with respect to such motor vehicle. The Commissioner of Motor Vehicles, upon the application of any person exempt therefrom, shall furnish to each taxpayer paying the tax a receipt for such tax and to each such taxpayer or exempt person a statement, document or other form approved by the Commissioner of Motor Vehicles, pursuant to the last sentence, showing that such tax has been paid or is not due, with respect to such motor vehicle.

### **Section 5. Returns.**

- a. At the time the payment of the tax imposed by this local law becomes due, every person subject to tax hereunder shall file a return with the Commissioner of Motor Vehicles in such form and containing such information as may be prescribed by such Commissioner of Motor Vehicles. The taxpayer's application for registration or the renewal of registration shall constitute the return required under this local law, unless the Commissioner of Motor Vehicles, by regulation, shall otherwise provide.
- b. Returns shall be preserved for three years and thereafter until the Commissioner of Motor Vehicles permits them to be destroyed.
- c. The Commissioner of Motor Vehicles may require amended returns or certificates of facts to be filed within twenty (20) days after notice and to contain the information specified in the notice. Any such certificate shall be deemed to be part of the return required to be filed.
- d. If a return required by this local law is not filed or if a return when filed is incorrect or insufficient on its face, the Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, shall take the necessary steps to enforce the filing of such a return or of a corrected return.

**Section 6. Determination of Tax.** If a return required by this local law is not filed or if a return when filed is incorrect or insufficient or if a tax or any part thereof due hereunder be not paid when required, the amount of tax due shall be determined by the Commissioner of Motor Vehicles or by the County Treasurer, if designated as his or her agent, from such information as may be obtainable, including motor vehicle registration with the Department of Motor Vehicles of the State of New York and/or other factors. Notice of such determination shall be given to the person liable for the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty (30) days after the giving of notice of such determination, shall apply to

the Commissioner of Motor Vehicles or to the County Treasurer, if designated as his or her agent, for a hearing or unless such commissioner or agent, as the case may be, of his or her own motions shall redetermine the same. After such hearing, the Commissioner of Motor Vehicles, if he or she holds the hearing, or the County Treasurer, if the County Treasurer holds the hearing, shall give notice of the determination of such application to the person against whom the tax is assessed. Such determination shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article 78 of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within four (4) months after the giving of the notice of such determination. A proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless the amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited with the Commissioner of Motor Vehicles and there shall be filed with the Commissioner of Motor Vehicles an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve, to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding; or at the option of the applicant, such undertaking filed with the Commissioner of Motor Vehicles may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination, plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such taxes, penalties and interest as a condition precedent to the application.

**Section 7. Refund of Certain Unused Registrations.** Whenever any fee or portion of a fee paid for the registration of a motor vehicle under the provisions of the Vehicle and Traffic Law is refunded pursuant to the provisions of Subdivision 1 of §428 thereof, the amount of any tax paid pursuant to this local law upon such registration shall also be refunded by the Commissioner of Motor Vehicles.

**Section 8. Refunds.**

a. In the manner provided in this section, the Commissioner of Motor Vehicles shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application for such refund shall be made within one (1) year from the payment thereof to the Commissioner of Motor Vehicles or to the County Treasurer, if designated as his or her agent. Whenever a refund is made, the reasons therefor shall be stated, in writing, by the Commissioner of Motor Vehicles or by the County Treasurer, as the case may be, who, in lieu of any refund, may allow credit therefor on payments due from the applicant.



b. An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty or interest complained of and the Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, shall hold a hearing and receive evidence with respect thereto. After such hearing, the Commissioner of Motor Vehicles, if he or she holds the hearing, or the County Treasurer, if the County Treasurer holds the hearing, shall give notice of the determination of such application to the applicant who shall be entitled to review such determination by a proceeding pursuant to Article 78 of the Civil Practice Law and Rules, provided that such proceeding is instituted within four months after the giving of notice in such determination, and provided that a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the Commissioner of Motor Vehicles in such amount and with such sureties as a Justice of the Supreme Court shall approve, to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

c. A person shall not be entitled to a revision, refund or credit under this section of a tax, interest or penalty which has been determined to be due pursuant to the provisions of Section 6 of this local law where he or she has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail himself or herself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination made pursuant to Section 6 of this local law, unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper after a hearing or, on his or her own motion, by the Commissioner of Motor Vehicles or by the County Treasurer, as the case may be, or in a proceeding under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

**Section 9. Reserves.** In cases where a taxpayer has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review a determination adverse to such taxpayer on his or her application for refund, the County Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

**Section 10. Remedies Exclusive.** The remedies provided by Sections 6 and 8 of this local law shall be exclusive remedies available to any person for the review of tax liability imposed by this local law, and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a

proceeding in the nature of a certiorari proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that a taxpayer, may proceed by declaratory judgment if he or she institutes suit within thirty (30) days after a deficiency assessment is made and pays the amount of the deficiency assessment to the Commissioner of Motor Vehicles prior to the institution of such suit and posts a bond for costs as provided in Section 6 of this local law.

#### **Section 11. Proceeding to Recover Tax.**

a. Whenever any person shall fail to pay any tax, penalty or interest imposed by this local law as herein provided, the County Attorney, upon the request of the Commissioner of Motor Vehicles or of the County Treasurer, if designated as his or her agent, shall bring or cause to be brought an action in accordance with the Laws of Wyoming County to enforce the payment of the same on behalf of the County of Wyoming in any court of the State of New York or of any other state of the United States. However, if in his or her discretion the, Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, believes that any such person subject to the provisions of this local law is about to cease business, leave the State or remove or dissipate the assets out of which the tax or penalty might be satisfied and that any such tax or penalty will not be paid when due, he or she may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.

b. As an additional or alternate remedy, the Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, may issue a warrant, directed to the Sheriff commanding him or her to levy upon and sell the real and personal property of the person liable for the tax which may be found within the County for the payment of the amount thereof, with any penalty and interest, and the cost of executing the warrant, and to return such warrant to the person who issued it and to pay to him or her the money collected by virtue thereof within sixty (60) days after the receipt of such warrant. The Sheriff shall within five (5) days after the receipt of the warrant, file with the County Clerk a copy thereof, and thereupon such clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalty and interest for which the warrant is issued and the date when such copy is filed. Thereupon, the amount of such warrant so docketed shall become a lien upon the title to and the interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant in the same manner, and with like effect as that provided by law in respect to executions issued against property upon judgments of a court of record, and for services in executing the warrant, such Sheriff shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the Commissioner of Motor Vehicles or the County Treasurer, as the case may be, may from time to time issue new warrants and shall also have the same remedies to enforce the amount

due thereunder as if he or she had recovered judgment therefor and execution thereon had been returned unsatisfied.

### **Section 12. General Powers of the Commissioner of Motor Vehicles.**

a. In addition to the powers granted to the Commissioner of Motor Vehicles in this local law, he or she is hereby authorized and empowered:

1. To make, adopt and amend rules and regulations appropriate to the carrying out of this local law;
2. For cause shown, to remit penalties, and to compromise disputed claims in connection with the taxes hereby imposed;
3. To request information concerning motor vehicles and persons subject to the provisions of this local law from the Department of Motor Vehicles of any other state or the Treasury Department of the United States or any city or county of the State of New York, and to afford such information to such other state, Treasury Department, city or county any provision of this local law to the contrary notwithstanding;
4. To delegate his or her functions hereunder to a deputy commissioner in the Department of Motor Vehicles or any employee or employees of his or her department;
5. To prescribe methods for determining the tax to keep such records as he or she may prescribe and to furnish such information upon his or her request;
6. To require all persons owning motor vehicles subject to tax to keep such records as he or she may prescribe and to furnish such information upon his or her request;
7. To request the Wyoming County Sheriff to assist in the enforcement of the provisions of this local law.

### **Section 13. Administration of Oaths and Compelling Testimony.**

a. The Commissioner of Motor Vehicles or his or her employees or agents duly designated and authorized by such commissioner shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the powers and duties under this local law. The Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, shall have the power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his or her duties hereunder and of the enforcement of this local law and to examine them in relation thereto and to issue commissions for the examination of witnesses who are out of the State or unable to attend before him or her or excused from attendance.

b. A Justice of the Supreme Court, either in court or at chambers, shall have power summarily to enforce by proper proceedings the attendance and testimony

of witnesses and production and examination of books, papers and documents called for by the subpoena of the Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent under this local law.

c. The officers who serve the summons or subpoena of the Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the County Treasurer and his or her duly appointed deputies or any officers or employees of the Department of Motor Vehicles designated by the Commissioner of Motor Vehicles to serve such process or any officers or employees of the Treasurer's Office of the County designated by the County Treasurer to serve such process.

#### **Section 14. Penalties and Interest.**

a. Any person failing to file a return or to pay any tax or any portion thereof within the time required by this local law shall be subject to a penalty of five (5) times the amount of the tax due, plus interest of five percent (5%) of such tax for each month of delay or fraction thereof, but the Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, if satisfied that the delay excusable, may remit all or any part of such penalty, but not interest at the rate of six percent per year. Penalties and interest shall be paid and disposed of in the same manner as other revenues under this local law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this local law.

b. The certificate of the Commissioner of Motor Vehicles or of the County Treasurer, if designated as his or her agent, to the effect that a tax has not been paid or that a return required by this local law has not been filed or that information has not been supplied pursuant to the provisions, of this local law shall be presumptive evidence thereof.

**Section 15. Returns to be Secret.** Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the Commissioner of Motor Vehicles, any officer or employee of the Department of Motor Vehicles, the County Treasurer, any officer or employee of the Treasurer's Office, any agent of the Commissioner of Motor Vehicles or any person who, pursuant to this section, is permitted to inspect any return or to whom a copy, an abstract or portion of any return is furnished or to whom any information contained in any return is furnished to divulge or make known in any manner any information contained in or relating to any return provided for by this chapter. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Commissioner of

Motor Vehicles or the County Treasurer in an action or proceeding under the provisions of this local law or on behalf of any party to an action or proceeding under the provisions of this local law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of and may admit in evidence so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more. The Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, may, nevertheless, publish a copy or a summary of any determination or decision rendered after a formal hearing held pursuant to Section 6 or 8 to this local law. Nothing herein shall be construed to prohibit the delivery to a person or his or her duly authorized representative of a certified copy of any return filed by him or her pursuant to this chapter or of the receipt, document or other form issued pursuant to Section 4 of this local law or a duplicate copy thereof, nor to prohibit the delivery of such a certified copy of such return or any information contained in or relating thereto to the United States of America or any department thereof, the State of New York or any department thereof or the County of Wyoming or any department thereof, provided that the same is required for official business, nor to prohibit the inspection for official business of such returns by the Corporation Counsel or other legal representatives of the County or by the District Attorney, nor to exhibit the publication of statistics so classified as to prevent the identification of particular returns or items thereof.

#### **Section 16. Notices and Limitations of Time.**

a. Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him or her pursuant to the provisions of this local law, in any application made by him or her pursuant or in any application for registration made by him or her pursuant to §401 of the Vehicle and Traffic Law or, if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this local law by the giving of notice shall commence to run from the date of mailing of such notice.

b. The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this local law. However, except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return;

provided, however, that where no return has been filed as provided by law, the tax may be assessed at any time.

c. Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented, in writing, that such period be extended, the amount of such additional tax may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents, in writing, made before the expiration of the extended period.

d. If any return, claim, statement, notice, application or other document required to be filed or any payment required to be made within a prescribed period or on or before a prescribed date under authority of any provision of this title is, after such period or such date, delivered by United States Mail to the Commissioner of Motor Vehicles, County Treasurer, bureau, office, officer or person with which or with whom such document is required to be made, the date of the United States postmark stamped on the envelope shall be deemed to be the date of delivery. This subsection shall apply only if the postmark date falls within the prescribed period or on or before the prescribed date for the filing of such document or for making the payment, including any extension granted for such filing or payment, and only if such document or payment was deposited in the mail, postage prepaid, properly addressed to the Commissioner of Motor Vehicles, County Treasurer, bureau, office, officer or person with which or with whom such payment is required to be made. If any document is sent by United States registered mail, such registration shall be prima facie evidence that such document was delivered to the Commissioner of Motor Vehicles, County Treasurer, bureau, office, officer, or person to which or to whom addressed, and the date of registration shall be deemed the postmark date. The Commissioner of Motor Vehicles is authorized to provide by regulation the extent to which the provisions of the preceding sentence with respect to prima facie evidence of delivery and the postmark date shall apply to certified mail. This subsection shall apply in the case of postmarks not made by the United States Postal Service only if and to the extent provided by regulation of the Commissioner of Motor Vehicles.

e. When the last day prescribed under authority of this title (including any extension of time) for performing any act falls on a Saturday, Sunday or legal holiday in the State of New York, the performance of such act shall be considered timely if it is performed on the next succeeding day which is not a Saturday, Sunday or legal holiday.

#### **Section 17. County Treasurer as Agent.**

a. The Commissioner of Motor Vehicles is hereby authorized to designate the Wyoming County Treasurer as his or her agent to exercise any or all of his or

her functions and powers specified or provided for in subsection (d) of Section 5 and in Sections 6, 8, 11, 13, 14 and 16 of this local law. Where the County Treasurer has been so designated as agent, the County Treasurer, in addition to the powers elsewhere granted to him or her in this local law, is hereby authorized and empowered:

1. To delegate such functions and powers to any employee or employees of the Treasurer's Office;
2. For cause shown, to remit penalties and to compromise disputed claims in connection with the taxes hereby imposed;
3. To request information concerning motor vehicles and persons subject to the provisions of this local law from the Department of Transportation of the United States or any city or county of the State of New York, and to afford such information to such other state, treasury department, city or county any provision of this local law to the contrary notwithstanding;
4. To request the Sheriff's Department of the County to assist in the enforcement of the provisions of this local law.

**Section 18. Agreement between County Treasurer and Commissioner of Motor Vehicles.** The County Treasurer is hereby authorized and empowered to enter into an agreement with the Commissioner of Motor Vehicles to govern the administration and collection of the taxes imposed by this local law, which agreement shall provide for the exclusive method of collection of such taxes, custody and remittal of the proceeds of such tax; for the payment by the County of the reasonable expenses incurred by the Department of Motor Vehicles in collecting and administering such tax; and for the audit, upon request of the County Treasurer or his or her delegate, of the accuracy of the payment distributions and remittances to the County Treasurer pursuant to the provisions of this local law, to be conducted at a time agreed upon by the State Comptroller and to be allowed not more frequently than once in each calendar year. Such agreement shall have the force and effect of a rule or regulation of the Commissioner of Motor Vehicles and shall be filed and published in accordance with any statutory requirements relating thereto.

**Section 19. Notification to County Attorney.** The Commissioner of Motor Vehicles shall promptly notify the County Attorney of any litigation instituted against him or her which challenges the constitutionality or validity of any provision of this local law or which attempts to limit or question the applicability of such law, and such notification shall include a copy of the papers served upon him.

**Section 20. Disposition of Revenues.** All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of the County and shall be credited to and deposited in the general fund of the County.

**Section 21. Severability.** If any provision of this local law or the application thereof to any person or circumstances is held invalid, the remainder of this local law and the application of such provisions to other persons and circumstances shall not be affected thereby.

**Section 21. Effective Date.** This law shall take effect upon the filing of the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

DATED at Warsaw, New York  
 March 8, 2016 (Introduced)  
 Cheryl J. Ketchum, <sup>CMC</sup>  
 Board Clerk

#6

**RESOLUTION NO. 16-100  
 (March 8, 2016)**

By Mr. Tallman, Chairman of the Human Resources Committee:

**RESOLUTION NUMBER 16-042 AMENDED**

**WHEREAS**, Resolution Number 16-042 entitled, “**CHAIRMAN AUTHORIZED TO SIGN A MEMORANDUM OF AGREEMENT WITH CORNELL COOPERATIVE EXTENSION OF WYOMING COUNTY FOR THE YEAR 2016,**” passed by this Board of Supervisors on January 19, 2016 to provide County Appropriations in an amount not to exceed of three hundred sixty-four thousand four hundred dollars (\$364,400.00) to fund the Agricultural Department and 4-H Department; effective January 1, 2016 through December 31, 2016; now therefore

**BE IT RESOLVED**, That Resolution Number 16-042 be hereby amended to add twenty-six thousand dollars (\$26,000.00) to fund receptionist services at the Ag. and Business Center; effective for one year from date of signing. All else remains the same.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain:**

*There was a motion by Ms. Grant, T/Bennington, to combine resolutions #7 through #19. Hearing no objection resolution titles were read.*



**RESOLUTION NO. 16-101**  
**(March 8, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

**RESOLUTION URGING THE DEPARTMENT OF HEALTH AND THE  
DIVISION OF BUDGET TO PRIORITIZE REIMBURSING COUNTY  
COSTS FOR EARLY INTERVENTION SERVICES THAT WERE  
PROVIDED AND PAID FOR PRIOR TO THE STATE FISCAL AGENT  
ADMINISTRATIVE TAKEOVER AND REMAIN OUTSTANDING**

**WHEREAS**, Prior to 2013, counties funded 100% of the cost of the State's Early Intervention Program and then sought reimbursement beginning in the following county fiscal year as required under State law; and

**WHEREAS**, The State implemented a State Fiscal Agent Administrative Model in April 2013 that centralized billing and contracting at the State level, rather than at the county level; and

**WHEREAS**, Due to limitations of the New York State Department of Health (NYSDOH) New York Early Intervention System (NYEIS) system, and inaccuracies in reporting and data that continue since its launch in 2010, counties have sought to settle these outstanding reimbursements for almost three years, but are reliant on the NYSDOH to provide data to identify the exact claims outstanding; and

**WHEREAS**, NYSDOH and a special work group of counties that has been in place for over two years, has made minimal progress due to a lack of dedicating resources and prioritizing the issue by NYSDOH; and

**WHEREAS**, This initial work is finding that up to 20% of claims submitted by counties for state share reimbursement remain outstanding after several years for a variety of NYEIS computer system technical problems; and

**WHEREAS**, Some of these unreimbursed claims are nearly five years old and Counties estimate that tens of millions of dollars remain unreimbursed by the State as a result; and

**WHEREAS**, Counties cannot afford to wait any longer for reimbursement from the State, while also trying to maintain the State imposed property tax cap; now therefore

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**BE IT RESOLVED,** That the Wyoming County Board of Supervisors calls on the Department of Health and the Division of Budget to dedicate the resources to the repayment of these outstanding claims to all counties including New York City a top priority with payments issued in the first quarter of the 2016-17 State Fiscal Year; and be it

**FURTHER RESOLVED,** That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #8**

**RESOLUTION NO. 16-102  
(March 8, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

**RESOLUTION URGING THE DEPARTMENT OF HEALTH AND THE  
DIVISION OF BUDGET TO REQUIRE PROVIDERS TO MAXIMIZE  
REIMBURSEMENT FROM ALL THIRD-PARTY PAYERS**

**WHEREAS,** Prior to 2013, counties funded 100% of the cost of the State's Early Intervention Program and then sought reimbursement beginning in the following county fiscal year as required under State law; and

**WHEREAS,** The State implemented a State Fiscal Agent Administrative Model in April 2013 that centralized billing and contracting at the State level, rather than at the county level; and

**WHEREAS,** The State Fiscal Agent used their own administrative and reimbursement information technology system to collect funds from counties and make payments to providers due to limitations with the New York State Department of Health's Early Intervention System (NYEIS); and

**WHEREAS,** Counties cannot afford to wait any longer for reimbursement from the State, while also trying to maintain the State imposed property tax cap; and

**WHEREAS,** Recent problems have arisen under the State Fiscal Agent platform related to service providers filing for payment from insurance companies in the first instance as the law requires and a lack of follow through by providers when insurers ask for more information; and

**WHEREAS,** Any extensive delay in providing such information to insurance companies can result in a denial by the insurance company due to untimely filing, these claims then fall to the State and counties to pay; and

**WHEREAS,** We commend the Governor's budget proposals for timely provider claims to enforce current insurance regulations regarding payment of Early Intervention service claims and attempt to increase commercial insurance collections; now therefore

**BE IT RESOLVED,** That New York State implement policies and procedures to ensure that provider claims are filed in a timely manner to commercial insurance providers and Medicaid; and be it

**FURTHER RESOLVED,** The State Fiscal Agent must implement systematic changes to the billing system to track claims and, as outlined in the State Early Intervention Reform Proposal, ensure providers exhaust all appeals in a timely manner before moving on to the next payer of record; and be it

**FURTHER RESOLVED,** That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #9**

### **RESOLUTION NO. 16-103**

**(March 8, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

### **RESOLUTION URGING THE GOVERNOR AND STATE LEGISLATURE TO GRADUALLY ELIMINATE THE COUNTY FISCAL RESPONSIBILITY FOR PRESCHOOL SPECIAL EDUCATION AND SUMMER SCHOOL SPECIAL EDUCATION PROGRAMS**

**WHEREAS,** Chapter 23 of the Laws of 1989 established the Preschool Program for Children with Handicapping Conditions as 4410 of the Education Law; and

**WHEREAS,** The original law included a provision to limit the county fiscal responsibility to 25% by the 1993-94 school year; and

**WHEREAS,** A gubernatorial statewide task force on reforming preschool special education determined that counties should be removed

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completely from financing the State's Preschool Special Education Program; and

**WHEREAS,** We commend the Governor and New York State Legislature for the recent reimbursement reforms, including SEIS regional rates, in the preschool special education program; and

**WHEREAS,** The State has enacted legislation to provide universal prekindergarten for all four year old children in New York State to be financed 100% with state resources; and

**WHEREAS,** The State also requires counties to support 10% of summer school special education 4408 program costs for all children; and

**WHEREAS,** The fact that other states do not require county government to pay for these special education expenses and the failure of New York State to fully fund its promised share of preschool special education program costs contributes directly to New York's highest in the nation property tax burden; and

**WHEREAS,** Over the last decade the failure of the State to fund these costs has shifted more than \$1.5 billion to county property taxpayers, exceeding \$250 million annually today, raising costs for homeowners and small business throughout New York; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors calls upon Governor Andrew M. Cuomo and the New York State Legislature to implement a plan to gradually remove counties from the fiscal responsibility of paying for preschool and summer school special education programs; and be it

**FURTHER RESOLVED,** The first phase should include capping county fiscal liability for preschool special education at no more than what each county paid in 2013 and then implementing a three-year plan to incrementally reduce the county fiscal liability for this program to no more than 25% as intended at the inception of the program to help reduce pressure on property taxes; and be it

**FURTHER RESOLVED,** The second phase should gradually reduce the county fiscal responsibility to zero for both preschool and summer school special education costs; and be it

**FURTHER RESOLVED,** That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and

proper.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #10**

**RESOLUTION NO. 16-104**

**(March 8, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

**RESOLUTION CALLING FOR THE REVAMPING OF OUTDATED  
NYSED PRE-SCHOOL SPECIAL EDUCATION SERVICE PROGRAM  
REIMBURSEMENTS AND WAIVER REVIEW PROCESS FOR  
CONTRACTED SERVICE PROVIDERS**

**WHEREAS**, The New York State Education Department (NYSED) has been entrusted with designing and overseeing the implementation of important pre-school special education programs, such as speech and occupational therapy, to be administered at the local level for children between 3 and 5 years of age; and

**WHEREAS**, County officials throughout the State of New York have both the responsibility and burden of insuring that local private and not-for-profit service providers efficiently manage such programs and, in so doing, adhere to the strict guidelines established by NYSED; and

**WHEREAS**, Counties throughout the State of New York are mandated to initially fund 100% of the costs of such important services for special needs children in hopes that within a two to three year period counties will eventually be reimbursed by NYSED for 59.5% of the pre-school special education program closed out years before; and

**WHEREAS**, Successful monitoring of these important pre-school education programs by counties requires input, support and sound direction from NYSED looking at all related aspects of these important programs in a timely, collaborative and transparent fashion to positively impact and/or respond to a myriad of issues that arise over the course of a program year; and

**WHEREAS**, On too many occasions NYSED has chosen not to examine all relevant facts in matters of importance and dispute at the local level with said services providers, especially in regards to its post-contract year waiver review process wherein NYSED has unilaterally altered contract terms with preschool service providers, thus forcing host counties to endure unplanned financial hardships with no defined appeals process for the county; and

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**WHEREAS,** Counties, for years, have been consistently calling for reforms to both the programming and funding of pre-school special education programs for special needs children ages 3-5 years throughout the State of New York; and

**WHEREAS,** The New York State Comptroller's Office has uncovered significant misappropriation of public dollars by local pre-school special education providers across the State, highlighting the stressful conditions that continue to exist because of the lack of important reforms to the way these programs were designed long ago by the State; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors calls on the State Legislature to undertake a thorough review of how NYSED and the State can improve transparency and accountability in the preschool special education program, including matters of retroactive rate-setting for providers, and supporting county efforts to improve accountability to local taxpayers; and be it

**FURTHER RESOLVED,** That the NYSED and the State Comptroller work with counties to identify and recoup any funds owed as a result of audit findings; and be it

**FURTHER RESOLVED,** That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX      Ayes: 1551      Noes:      Absent: 48 (Pike)      Abstain: #11**

## **RESOLUTION NO. 16-105**

**(March 8, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

### **RESOLUTION URGING THE GOVERNOR AND LEGISLATURE TO GRADUALLY RESTORE THE 50/50 STATE/COUNTY COST SHARING FOR THE SAFETY NET PROGRAM AND TO INCREASE SHELTER GRANT REIMBURSEMENTS TO COUNTIES**

**WHEREAS,** The 2011-12 State Budget dramatically lowered the State's fiscal responsibility in the Safety Net Program by shifting the cost to 71% county / 29% state, severing the historic 50% state / 50% county partnership; and

**WHEREAS,** This continues a long line of State legislative actions that

has transferred the State's constitutional and fiscal responsibility to care for the needy to county taxpayers, while providing counties virtually no control over eligibility for services and benefit levels; and

**WHEREAS,** The Safety Net funding shift also builds upon recent trends where the State has leveraged significant savings from maximizing available federal resources largely for state financial plan purposes only, at the expense of local property taxpayers; and

**WHEREAS,** The net effect of this State practice forces local property taxes to be higher than they should because available savings are being spent by the State rather than used to lower the cost of State mandates which can provide direct relief to local property taxpayers; and

**WHEREAS,** Nearly half of the states do not have Safety Net programs and New York is one of only 11 states that provide benefits to childless adults that do not have some disability; and

**WHEREAS,** Most other states do not require counties to fund such a large share of public assistance costs; and

**WHEREAS,** Counties in New York are required to finance the vast majority of Safety Net costs, putting in twice as much funding as the State; and

**WHEREAS,** For the first half of 2015, state data indicates that county Safety Net costs have increased by nearly 9% over the prior year; and

**WHEREAS,** Counties believe that the rising cost of providing shelter assistance to recipients is a major contributor to this increase; and

**WHEREAS,** The reduction of state funding support for Safety Net Assistance is part of a larger trend where the State has reduced its fiscal commitment for nearly every public assistance program including child welfare, adoption subsidies, food stamp administration, Safety Net, Child Support Enforcement, juvenile justice and programs designed to help recently released state incarcerated offenders return to the community; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors calls on the State to gradually restore the historic 50/50 state/county cost sharing for the Safety Net program over a five year period, starting with an increase in county reimbursement for shelter assistance, which has not been raised in over a decade, in order to help lower the local property tax burden for homeowners and small businesses; and be it

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**FURTHER RESOLVED,** That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #12**

**RESOLUTION NO. 16-106  
(March 8, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

**RESOLUTION URGING THE STATE TO PROVIDE TECHNICAL AND  
FINANCIAL ASSISTANCE TO COUNTIES TO HOLD LOCALITIES  
HARMLESS FROM NEW COSTS ASSOCIATED WITH FEDERAL  
CHILD CARE LAW CHANGES TO ENSURE LOCAL CHILD CARE  
SLOTS ARE NOT LOST DUE TO INCREASED COSTS OF MEETING  
THE NEW FEDERAL MANDATES**

**WHEREAS,** The federal government is implementing new child care safety and quality standards that are intended to improve child care services nationwide; and

**WHEREAS,** The new federal standards will require all child care providers to be checked against a variety of databases including FBI fingerprinting, National Crime Information Center, National Sex Offender Registry, state criminal and sex offender registry, and child abuse and neglect registry in each state an applicant has resided over the past five years; and

**WHEREAS,** The State estimates there are over 220,000 regulated and legally-exempt providers as well as household members over the age of 18 that would be required to have a background check at a cost of nearly \$102 per person; and

**WHEREAS,** These federal standards will require annual, unannounced full inspections of all facilities, including legally-exempt providers, which will require New York to conduct 25,000 additional inspections each year; and

**WHEREAS,** New federal rules will require a mandatory pre-service/orientation and ongoing health and safety training for all child care staff in a variety of topical areas including first aid/CPR; and



**WHEREAS,** In New York the cost of First Aid/CPR classroom training is estimated at \$125 per person and would apply to as many as 220,000 individuals; and

**WHEREAS,** The State has estimated that meeting these new standards could increase costs for the State, counties and child care providers by up to \$90 million; and

**WHEREAS,** While the federal regulation focuses on child development, it is essential that we recognize that child care is critical as a work support and that the added costs of implementation will reduce subsidies to low income families who need child care in order to go to work; and

**WHEREAS,** Due to significantly constrained property tax cap limits, counties do not have the ability to absorb new costs of this magnitude while also meeting new federal subsidy requirements including 12-month eligibility redetermination and the graduated phase-out of families leaving the subsidy program; and

**WHEREAS,** Without additional federal or state funding support to cover these increased costs counties may be forced to close intake (including closing active cases) or lower income thresholds, which will reduce the number of low income working families receiving subsidized child care services; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors calls on the Governor and State Legislature to hold counties harmless from a fiscal perspective to ensure that existing child care slots and subsidies provided by counties are not jeopardized over the coming years as these new federal standards are implemented; and be it

**FURTHER RESOLVED,** That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #13**

**RESOLUTION NO. 16-107**  
**(March 8, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

March 8, 2016

**RESOLUTION URGING THE GOVERNOR AND LEGISLATURE TO  
ELIMINATE ADMINISTRATIVE FUNDING CAPS ON STATE  
REIMBURSEMENTS TO LOCAL SOCIAL SERVICE DISTRICTS FOR  
SAFETY AND SECURITY IMPROVEMENTS**

**WHEREAS**, State financial support for local social service district administrative costs was essentially eliminated several years ago to help balance State budget shortfalls; and

**WHEREAS**, With the exception of local costs for administration of the State Medicaid program, local social service district administrative responsibilities for a variety of state and federal programs continue to increase each year with no commensurate financial support; and

**WHEREAS**, In 2015 alone, more than 50 new Administrative Directives (ADMs) or guidance letters from OCFS, OTDA and DOH were sent to counties for implementation; and

**WHEREAS**, County social service districts are struggling with implementing these new directives without any new fiscal support from the State or federal government; and

**WHEREAS**, Counties are dealing with the tightest property tax cap since the program was implemented; and

**WHEREAS**, Recent security breaches, including violence committed against county employees at local social service districts, both nationally and locally highlight the increased need for enhanced safety and security investments at local social service district offices; and

**WHEREAS**, Current State administrative reimbursement caps to local social service districts makes such safety and security investments highly challenging; and

**WHEREAS**, While the safety of all public employees is a priority, the need in certain county offices is more critical; now therefore

**BE IT RESOLVED**, That the Wyoming County Board of Supervisors urges the Governor and State Legislature to exempt certain local investments that enhance the safety and security of local social services district employees and clients from State administrative reimbursement caps; and be it

**FURTHER RESOLVED**, That upon an act of violence perpetrated upon a local social services district employee in New York (or when an incident

of national attention occurs against similar public employees), for safety and security reasons the State should acknowledge the act and notify all local district social services of the activity; and be it

**FURTHER RESOLVED**, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #14**

**RESOLUTION NO. 16-108  
(March 8, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

**RESOLUTION IN SUPPORT OF NEW YORK STATE SENATOR,  
PATRICK GALLIVAN'S CO-SPONSORED LEGISLATION RELATING  
TO VETERAN'S ISSUES**

**WHEREAS**, The sacrifices of the members of our military, as well as those of their families and communities continue to be given willingly and selflessly to protect the freedoms that this country enjoys; and

**WHEREAS**, This sacrifice can result in loss of life and permanent physical injuries as well as significant physical, emotional and spiritual stress for many who serve; and

**WHEREAS**, We can never fully compensate our veterans and their families for the sacrifices they have made, but we can and must do more to recognize their service to our great nation; and

**WHEREAS**, Senator Patrick M. Gallivan is co-sponsoring legislation that would benefit New York veterans and their families with a package of five bills ranging from increased compensation for the families of service men and women killed during a time of war to the creation of service medals for certain conflicts; and

**WHEREAS**, The members of the Wyoming County Board of Supervisors strongly supports our veterans who sacrifice so much to ensure our freedom and encourages the passage of the following legislation:

- **S.1199A** ~ This legislation would allow the Gold Star Parent Annuity

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to increase by the annual cost of living. Under existing law, an annual income eligible annuity of \$500 is provided to Gold Star Parents, those who have lost a son or daughter in the armed services during a time of war. The annuity is recognition of the emotional loss and the financial implications to parents of the deceased. The annuity has not been increased since its implementation in 2008.

- **S.1200A** ~ This bill raises the annual annuity for blind veteran from \$1299 to \$1500. The blind annuity was established in 1923 to provide a yearly payment for legally blind New York State wartime veterans or their surviving un-married spouses.
- **S.1214A** ~ The bill creates a New York State Korean War Service Medal to recognize the service and sacrifice of Korean War veterans. Approximately 1.8 million Americans served in the conflict.
- **S.1382** ~ The legislation would create the New York State Vietnam War Service Medal to show appreciation to veterans of the Vietnam War. Over 2.7 million Americans served in Vietnam between 1965 and 1974.
- **S.1383** ~ This bill would allow New York veterans who served during the Iranian Hostage Crisis and from November 21, 1979 to October 20, 1981 to earn civil service credit and promotional points. Currently, veterans who served during the Lebanon, Granada and Panama crisis may be eligible for certain benefits, but not those who served during the Iranian Hostage Crisis.

**NOW, THEREFORE, BE IT RESOLVED,** That the Wyoming County Board of Supervisors calls upon Governor Cuomo and our State Legislative delegation to support these initiatives and pass these bills as soon as possible; and be it

**FURTHER RESOLVED,** That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #15**

**RESOLUTION NO. 16-109  
(March 8, 2016)**

By Ms. Grant, Chairman of the Human Service 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**

Regular Session

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant acceptance award with the New York State Office for the Aging, 2 Empire State Plaza, Albany, NY 12223-1251 on behalf of Wyoming County Office for the Aging. Said funding is for MIPPA (Medicare Improvements for Patients and Provider Act) which includes outreach and counseling to Medicare beneficiaries who are low income and potentially eligible for subsidy programs in a *maximum amount* of nine thousand nine hundred seventeen dollars (\$9,917.00) for fiscal year 2015-2016; contract period effective September 30, 2014 through December 31, 2017.

Carried: **XXX**    Ayes: **1551**    Noes:    Absent: **48 (Pike)**    Abstain: **#16**

**RESOLUTION NO. 16-110  
(March 8, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

**RESOLUTION NUMBER 15-161 AMENDED**

**WHEREAS**, Resolution Number 15-161 entitled, “**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND ACCEPTANCE AWARD WITH THE NEW YORK STATE OFFICE FOR THE AGING ON BEHALF OF WYOMING COUNTY OFFICE FOR THE AGING,**” passed by this Board of Supervisors on April 14, 2015 on behalf of the Office for the Aging; now therefore

**BE IT RESOLVED**, That Resolution Number 15-161 be hereby amended to extend the expiration date of the grant application and acceptance award from March 31, 2016 to June 20, 2017. All else remains the same.

Carried: **XXX**    Ayes: **1551**    Noes:    Absent: **48 (Pike)**    Abstain: **#17**

**RESOLUTION NO. 16-111  
(March 8, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH  
LAMAR ADVERTISING COMPANY ON BEHALF OF THE  
OFFICE FOR THE AGING**

March 8, 2016

**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 Lamar Advertising Company, 289 Exchange Street, Buffalo, NY 14204 on behalf of the Office for the Aging. Said contract is for billboard advertising services in an amount not to exceed seven thousand nine hundred fifty-six dollars (\$7,956.00); effective February 18, 2016 through December 31, 2016. Contingent upon the availability of funds.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #18**

**RESOLUTION NO. 16-112  
(March 8, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

**ELLEN GRANT APPOINTED TO THE OFFICE FOR THE  
AGING ADVISORY COUNCIL**

**BE IT RESOLVED**, That **Ellen Grant** (T/Bennington), 134 Clinton Street, Alden, NY 14004 is hereby appointed to the Office for the Aging Advisory Council as the Supervisor Member effective January 1, 2016 through December 31, 2016.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #19**

**RESOLUTION NO. 16-113  
(March 8, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

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

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign the following contracts on behalf of the Youth Bureau:

- **Clinical Associates of the Finger Lakes**, 590 Fishers Station Drive, Suite 130, Victor, NY 14564 for the provision of preschool related services contract for speech and occupational therapy (OT) in an amount not to exceed 2016 ~ 2018 budget; effective March 1, 2016 through June 30, 2018.

- **Bornhava**, 25 Chateau Terrace, Amherst, NY 14426
  - For preschool related services for speech in an amount not to exceed 2016 ~ 2018 budget; effective February 8, 2016 through June 30, 2018.
  - For preschool special education programs provided to preschoolers with disabilities for evaluation services; in an amount not to exceed 2015 ~ 2018; effective December 13, 2015 through June 30, 2018.

Contingent upon the availability of funds.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain:**  
**Joint Resolution**  
**#20**

**RESOLUTION NO. 16-114**  
**(March 8, 2016)**

By Ms. Grant, Chairman of the Human Service Committee and Mrs. Ryan, Chairman of the Public Health Committee:

**CHAIRMAN/COMMISSIONER OF HEALTH AUTHORIZED TO SIGN  
 A CONTRACT WITH FINGER LAKES PERFORMING PROVIDER  
 SYSTEM ON BEHALF OF THE OFFICE FOR THE AGING AND  
 COUNTY HEALTH DEPARTMENT**

**BE IT RESOLVED**, That the Chairman of this Board and Commissioner of Health with the approval of the County Attorney are hereby authorized and directed to sign a contract with the Finger Lakes Performing Provider System, 2100 Brighton Henrietta Town Line Road, Unit #100, Rochester, NY 14623 on behalf of the County Health Department. Said contract is to implement Delivery System Reform Incentive Payment Program projects; effective April 1, 2015 through December 31, 2020.

***Revenue Contract** (dependent upon project metrics and outcomes in each performance period).*

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain:**  
*There was a motion by Mrs. Ryan, T/Warsaw, to combine resolutions #21 and #27. Hearing no objection resolution titles were read.*

**#21**

**RESOLUTION NO. 16-115**  
**(March 8, 2016)**

March 8, 2016

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

**RESOLUTION THANKING THE GOVERNOR AND THE STATE  
LEGISLATURE FOR MAKING HEROIN AND OPIOID ABUSE  
PREVENTION A TOP PUBLIC SAFETY, PUBLIC HEALTH AND  
MENTAL HEALTH PRIORITY IN NEW YORK STATE IN 2016**

**WHEREAS,** Communities across the nation and New York State are seeing a dramatic use of heroin and opioid abuse; and

**WHEREAS,** Between 2005-2014 heroin treatment admissions among upstate New York residents increased by 115% and admissions on Long Island increased by 13.6%, according to the New York State Office of Alcoholism and Substance Abuse Services; and

**WHEREAS,** Heroin and opioid abuse and addiction does not discriminate: it can happen in any household, in any family, in any neighborhood, and in any community; and

**WHEREAS,** The illegal use, addiction and abuse of heroin and opioids affect many areas of county government ranging from public safety, public health, mental health and corrections; and

**WHEREAS,** Opioid and heroin addiction often starts from the dependence of such painkillers as Oxycodone, OxyContin and Percocet; and

**WHEREAS,** When prescription opioids become too expensive and difficult to obtain, opioid addicted individuals often turn to heroin, which is more readily available and much cheaper to obtain; and

**WHEREAS,** The opioid and heroin addiction have reached crisis proportions and the Federal Government, New York State and several counties have begun programs designed to combat the illegal use of these drugs; and

**WHEREAS,** In order to help monitor the growing problem with heroin and opioids, in 2013 the State instituted the Internet System for Tracking Over-Prescribing (ISTOP) and the Prescription Drug Monitoring Program (PDMP) to prevent prescription opioid abuse by tracking the prescribing and dispensing of controlled prescription drugs to patients; and

**WHEREAS,** In 2014, Attorney General Schneiderman established the Community Overdoses Prevention (COP) program that gives eligible law enforcement agencies funding for access to naloxone, which is also known as naran; and



**WHEREAS,** By leveraging \$5 million of funds appropriated from crime seizure monies through the 2014/15 Enacted State Budget, the Attorney General provided funding to offset the cost of a "naloxone kit" for every sworn officer in the State; and

**WHEREAS,** In addition, during the 2014 Legislative Session the Senate, Assembly and Governor worked together to sign a comprehensive package of bills that ensure treatment for those affected by addiction, prevents the spread of drug use, and gives law enforcement the tools they may need to curb this growing epidemic; and

**WHEREAS,** In July of 2015, the U.S Centers for Disease Control (CDC) released a study showing the continued increase in heroin use and overdose deaths; and

**WHEREAS,** The CDC report showed from 2002-2004, 379,000 Americans reported using heroin within a 12-month period, a statistic that nearly doubled by 2011-2012, when the number increased to 663,000 Americans reporting using the drug; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors thanks the Governor and the State Legislature for making heroin and opioid abuse a top public safety, public health and mental health priority in the State in 2016; and be it

**FURTHER RESOLVED,** That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #22**

### **RESOLUTION NO. 16-116**

**(March 8, 2016)**

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

### **RESOLUTION CALLING ON THE STATE TO CREATE A STATE AND LOCAL PUBLIC WATER INTEGRITY TASKFORCE TO ASSURE THE DELIVERY OF SAFE DRINKING WATER FOR THE WELL-BEING OF ALL NEW YORKERS**

March 8, 2016

**WHEREAS,** The United States Environmental Protection Agency (EPA) established the public water system supervision program under the authority of the 1974 Safe Drinking Water Act (SDWA), and under the SDWA, the EPA sets national limits on contaminant levels in drinking water to ensure that the water is safe for human consumption; and

**WHEREAS,** The New York State Department of Health in cooperation with county health departments, regulates the operation, design and quality of public water supplies; and

**WHEREAS,** Both locally and across the country there has been noteworthy cases of unsafe and contaminated drinking water that has caused serious public health concerns; and

**WHEREAS,** New York State has some of the oldest water infrastructure in the nation, and pipes under New York's cities and towns are failing at an alarming rate; and

**WHEREAS,** New York State is an old industrial state, housing many non-operational manufacturing plants; and

**WHEREAS,** There are thousands of chemicals in drinking water that not tested for, but are harmful if consumed; and

**WHEREAS,** Hoosick Falls, New York is currently undergoing a drinking water crisis due to contamination of their local water supply and as the EPA has declared their drinking water unsafe for human consumption; and

**WHEREAS,** Governor Cuomo has directed New York State agencies to use Superfund money to install filtration systems and for testing to address the presence of a toxic chemical in Hoosick Fall's local water supply; and

**WHEREAS,** In Flint, Michigan high levels of lead have plagued Flint's municipal water supply for at least a year, prompting extensive emergency measures to keep residents safe; and

**WHEREAS,** With New York's aging water infrastructure and long established history as a manufacturing state, the time to review our current drinking water requirements is now; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors calls for enhanced reimbursement to counties and our municipalities for water testing; and be it

**FURTHER RESOLVED**, That the Wyoming County Board of Supervisors urges the State to create a state and local public water integrity taskforce to assure the delivery of safe drinking water for the well-being of all New Yorkers; and be it

**FURTHER RESOLVED**, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #23**

**RESOLUTION NO. 16-117  
(March 8, 2016)**

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

**RESOLUTION SUPPORTING AN END TO EXECUTIVE  
ADMINISTRATIVE CUTS, AN INCREASE IN THE BASE GRANT, PER  
CAPITA RATE, AND STATE AID FORMULA THAT CONSTITUTE  
ARTICLE 6 STATE AID REIMBURSEMENT FOR MANDATED  
GENERAL PUBLIC HEALTH WORK UNDERTAKEN BY LOCAL  
HEALTH DEPARTMENTS AS POPULATION HEALTH PARTNERS  
OF NEW YORK STATE**

**WHEREAS**, The prevention and population health activities of local health departments in NYC and 57 other counties in New York State are essential to the overall health of the State's residents and communities, and crucial to the success of the State's Medicaid Redesign Team efforts; and

**WHEREAS**, Unhealthy community environments lead to incidents such as the recent outbreak of Legionnaire's Disease in the Bronx that resulted in the deaths of 12 individuals whose general health was compromised by underlying medical conditions that are aggravated by poor air quality and other characteristics of an unhealthy environment; and

**WHEREAS**, New Yorkers can be, and have been, exposed to deadly communicable diseases such as Ebola that may arrive from other nations via global travelers at any time; and

**WHEREAS**, Stable and timely funding to support core public health services delivered by local health departments under Article 6 of the Public

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Health Law is necessary for the protection of all communities within New York State; and

**WHEREAS**, Article 6 of the Public Health Law currently provides a base grant of either a set amount or a per capita rate of local health department (LHD) expenditures on core public health services, and then State reimbursement for 36% of LHD costs beyond the base grant; and

**WHEREAS**, The State has reduced its annual appropriations for Article 6 Public Health spending by 40% over the last several years; and

**WHEREAS**, New York State does not allow local government to recover any of its necessary expenditures on fringe benefits for local health department personnel who provide core public health services mandated under Article 6; and

**WHEREAS**, In State fiscal year 2011-12, the State eliminated the allowance of state aid for so-called "optional services" by local health departments, such as early intervention (mandated services), medical examiners, dental health services, some environmental health activities, certified home health agencies, and more; and

**WHEREAS**, Administrative actions by the New York State Department of Health (NYSDOH) such as the reduction since 2012 and eventual elimination, of revenue offset; the refusal to cover costs associated with the contribution that other local governmental offices make to the work of their local health department Maintenance in Lieu of Rent (i.e. "MILOR"); and a recent refusal to cover technical assistance in rural counties for well water and septic tank problems that can compromise the sanitation and health of communities throughout rural areas of the State; and

**WHEREAS**, The reduction and eventual elimination of the revenue offset and other administrative actions leads to a reduction in the generation of fee and penalty revenue that, in turn increases the need for local budget cuts, including staff reductions that compromise the capacity of local governments to ensure the provision of the core services necessary to protect the public's health; and

**WHEREAS**, NYSDOH has frequently applied changing and inconsistent standards in what it allows as state aid claims without advance notice, from quarter to quarter, region to region, or county to county; and

**WHEREAS**, Inflation-adjusted payments by New York State for Article 6 state aid to local health departments have declined since 2011, and as a result, local expenditures for public health services and subsequent claims for

such state aid have declined dramatically, with New York City claims alone dropping by \$85 million and state aid payments to New York City declining by \$120 million; and

**WHEREAS**, Executive administrative reductions to Article 6 state aid reimbursement have a negative impact on the ability of local health departments to protect the public including:

- enforcing regulations intended to reduce the incidence and risk of Legionnaire's Disease;
- eliminating the HIV/AIDS epidemic;
- preventing and controlling the spread of communicable diseases;
- responding to the current heroin and opioid epidemic;
- ensuring the safety of the food we eat, the water we drink and the air we breathe;
- ensuring the safety of New Yorkers in camps, beaches and other recreational venues;
- preventing major causes of death and chronic disease such as heart disease, diabetes, asthma and cancer;
- monitoring and control of insect-borne diseases such as Lyme Disease, West Nile Virus, EEE;
- monitoring the public health impact of an influx of unaccompanied minors into the United States and specifically New York State;
- monitoring and responding to international health threats and emergencies, among other public health needs; and

**WHEREAS**, Local health departments deserve respect for their dedication to public health and their expertise in population health; and

**WHEREAS**, Local health departments require adequate state funding as key partners of the New York State Department of Health in population health efforts to achieve statewide goals set in the New York State Prevention Agenda; and

**WHEREAS**, The current limits on base grants and state aid combined with increasing administrative cuts and disallowances are creating a cascading negative financial impact on local health departments and eroding their local public health infrastructure; and

**WHEREAS**, New York State has imposed a cap on property taxes that further restricts the ability of local government to fund core public health services; now therefore

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**BE IT RESOLVED,** That the Wyoming County Board of Supervisors calls on the Governor to compensate, within the 2016-17 Executive Budget and subsequent budget years, for significant State funding cuts to local health departments since 2010 by taking the following steps in the Article 6 State Aid for General Public Health Work base grants and reimbursement rates:

- Instruct the Division of Budget and NYSDOH to end administrative actions that will result in further erosion of state aid to local health departments;
- Increase the base grant with 100% reimbursement of local expenditures on core public health services for partial service counties from \$500,000 to \$550,000; for full service counties from \$650,000 to 750,000; and the per capita rate of the base grant from 65 cents per capita to \$1.30 per capita;
- Increase the state aid reimbursement rate for local health department expenditures beyond the base grant from 36% to 38%;
- Reimbursement for new state mandated activities required of Local Health Departments at 100%; and be it

**FURTHER RESOLVED,** That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #24**

**RESOLUTION NO. 16-118  
(March 8, 2016)**

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

**RESOLUTION SUPPORTING RABIES PREVENTION ACROSS THE  
STATE AND PROVIDING APPROPRIATE FUNDING NECESSARY  
TO ACHIEVE THIS GOAL**

**WHEREAS,** Rabies is a deadly disease caused by a virus that attacks the central nervous system, and is almost always fatal once symptoms appear; and

**WHEREAS,** Rabies is most often seen among wild animals such as raccoons, bats, skunks, and foxes; and infected mammals can transmit the rabies virus to humans and other mammals including cattle, cats and dogs; and

**WHEREAS,** The first signs of a rabies infection is usually change in an animal's behavior, an animal may become aggressive or tame, it may lose its

fear of humans, or froth at the mouth; and

**WHEREAS,** Without vaccination dairy farms are at great risk when sending their cattle out to pasture where they could come in contact with rabid animals; and

**WHEREAS,** Rabies vaccination shots are expensive and can cost farms thousands of dollars annually; and

**WHEREAS,** Losing a single animal can be a significant financial burden for a farmer; and

**WHEREAS,** Luckily, humans are typically only exposed to rabies when an infected animal bites them, or when saliva from an infected animal enters an open cut or mucous membrane such as one's eyes, nose or mouth, but those who work on farms are at a greater risk of contracting rabies if working with unvaccinated livestock; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors calls on the Governor to increase funding available to counties for rabies awareness and vaccination in the 2016-17 State budget; and be it

**FURTHER RESOLVED,** That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #25**

**RESOLUTION NO. 16-119**  
**(March 8, 2016)**

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

**RESOLUTION CALLING ON THE NEW YORK STATE OFFICE OF  
PEOPLE WITH DEVELOPMENTAL DISABILITIES AND THE  
GOVERNOR OF THE STATE OF NEW YORK TO IMPLEMENT A  
PROCESS OF TRANSPARENCY, INFORMATION-SHARING AND  
COLLABORATION WITH THE LOCAL GOVERNMENTAL UNITS  
(LGUS) TO ENSURE THE ADEQUACY OF COMMUNITY-BASED  
PROGRAMS AND SERVICES FOR PEOPLE WITH**

March 8, 2016

**DEVELOPMENTAL DISABILITIES WHO ARE BEING  
TRANSITIONED FROM INSTITUTIONAL SETTINGS  
INTO THE COMMUNITY**

**WHEREAS,** Under *Olmstead v. L.C.*, the United States Supreme Court held that unjustified segregation of people with disabilities constitutes discrimination in violation of Title II of the Americans with Disabilities Act, and public entities must provide services in the most integrated setting appropriate to a person's needs; and

**WHEREAS,** In order to comply with the *Olmstead* Decision, the Office of People with Developmental Disabilities (OPWDD) is implementing a comprehensive Transformation Agenda to enable self-direction and move people to the most integrated settings, including transitioning people with developmental disabilities to the community from state-operated Developmental Centers; and

**WHEREAS,** The implementation of OPWDD's Transformation Agenda represents a major shift in the structure of the service delivery system for OPWDD from institutional care in Developmental Centers to community-based care for people with developmental disabilities with complex needs; and

**WHEREAS,** To implement this major shift to community-based care, new services need to be developed and funded in the community to successfully and safely transition people with developmental disabilities from institutional to community settings; and

**WHEREAS,** Article 41 of the Mental Hygiene Law charges the Local Governmental Unit (LGU) with the responsibility for the planning, development, implementation and oversight of the system of services for individuals with mental illness, substance use disorders and developmental disabilities who are living in the community; and

**WHEREAS,** In order to identify and meet the service needs of people with developmental disabilities (as well as with mental illness and substance use disorders) the Local Governmental Unit is required to conduct a comprehensive local services planning process which is reliant on both data and the input of local consumers, family members, advocates, service providers and state agency representatives; and

**WHEREAS,** OPWDD is not sharing information and working collaboratively with the LGUs to ensure that adequate community-based programs and services are available to meet the needs of people with developmental disabilities before they are transitioned into the community from



institutional settings; and

**WHEREAS**, When the Office of Mental Health (OMH) began downsizing the State psychiatric centers, OMH used a transparent, data-informed process, involved the LGUs and community stakeholders in the planning and development of needed services, and invested funding for those services prior to transitioning individuals into the community from State facilities; and

**WHEREAS**, OPWDD should adopt a model of collaboration with the LGUs, families and other stakeholders to facilitate a transparent process to ensure services are available in the community to successfully transition individuals with developmental disabilities; and

**WHEREAS**, LGUs are ready to partner with OPWDD and community organizations to deliver needed services to people with developmental disabilities who are transitioning from institutional to community settings; now therefore

**BE IT RESOLVED**, That the Wyoming County Board of Supervisors calls on the Governor and the Office of People With Developmental Disabilities to develop a transparent process, share detailed information and collaborate with the Local Governmental Units to ensure that adequate services are funded and available for individuals with developmental disabilities who are transitioning from an institutional setting into the community; and be it

**FURTHER RESOLVED**, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, Office of People with Developmental Disabilities, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #26**

**RESOLUTION NO. 16-120  
(March 8, 2016)**

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

**RESOLUTION NUMBER 15-406 AMENDED**

**WHEREAS**, Resolution Number 14-371 entitled, “**CHAIRMAN AUTHORIZED TO SIGN 2016 RENEWAL CONTRACTS ON BEHALF OF MENTAL HEALTH**” passed by this Board of Supervisors on November

March 8, 2016

10, 2015 and provides for various for FY 2016 for Mental Health; now therefore,

**BE IT RESOLVED**, That Resolution Number 15-406 be hereby amended to reflect the following changes:

B. **Suburban Adult Services, Inc.**, 960 West Maple Court, Elma, NY 14059, contract renewal for Sheltered Work in an amount not to exceed thirty-eight thousand ninety dollars (\$38,090.00); effective January 1, 2016 through December 31, 2016.

- Total contract amount of \$38,090.00 increased by \$953.00 for a new total amount of \$39,043.00.

F. **Spectrum Human Services, Inc.**, 227 Thorn Avenue, Orchard Park, NY 14127, contract renewal in an amount not to exceed five hundred sixty-five thousand five hundred forty-two dollars (\$565,542.00); effective January 1, 2016 through December 31, 2016.

- Total contract amount of \$565,542.00 decreased by \$8,441.00 for a new total amount of \$557,101.00 as follows:

7. **PROS ~ \$59,912.00**

- OMH funding decreased by \$8,940.00 for a new total of \$50,972.00.

8. **Alcohol and Substance Abuse Treatment ~ \$207,722.00**

- OASAS funding increased by \$499.00 for a new total of \$208,221.00.

H. **Coordinated Care Services, Inc. of Rochester**, 1099 Jay Street, Building J, Rochester, NY 14611-1153 contract renewal in an amount not to exceed three hundred seventy-eight thousand five hundred ninety-six dollars (\$378,596.00); effective January 1, 2016 through December 31, 2016.

- Total contract amount of \$378,596.00 increased by \$6,300.00 for a new total amount of \$384,896.00 as follows:

6. **Problem Gambling/Student Intern ~ \$6,300.00**

- Addition of this subcategory for prevention services for the 2016 You(th) Decide project.

All else remains the same.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #27**

**RESOLUTION NO. 16-121**  
**(March 8, 2016)**  
Regular Session

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

**CHAIRMAN AUTHORIZED TO SIGN A GRANT ACCEPTANCE  
AWARD WITH THE NEW YORK COUNCIL ON PROBLEM  
GAMBLING ON BEHALF OF MENTAL HEALTH**

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant acceptance award with New York Council on Problem Gambling, 100 Great Oakes Boulevard, Suite 126, Albany, NY 12203 on behalf of Mental Health. Said grant is for correcting common youth misconceptions and belief's surrounding gambling and increase awareness in a minimum amount of fifteen thousand dollars (\$15,000.00); effective February 1, 2016 through November 5, 2016.

**Carried: XXX      Ayes: 1551      Noes:      Absent: 48 (Pike)      Abstain:  
#28**

**RESOLUTION NO. 16-122  
(March 8, 2016)**

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

**DEVELOPMENTAL DISABILITIES MONTH PROCLAIMED**

**WHEREAS**, Approximately four million Americans have developmental disabilities that challenge their ability to live, work, learn and recreate without assistance; and

**WHEREAS**, Wyoming County recognizes that each person who has a developmental disability has gifts and skills to be shared and, with the correct support, makes valuable contributions to family, friends, employers, schools and communities; and

**WHEREAS**, Wyoming County has an exemplary system of service providers such as Livingston/Wyoming ARC and Suburban Adult Services, Inc., that seek to understand the capacities and dreams of each individual who has a developmental disability so that their services are person-centered and supportive of their aspirations; and

**WHEREAS**, People with developmental disabilities, their families, friends and service providers, seek to be in partnership with State and national legislators and policy makers to ensure that continued progress toward inclusion remains a priority; and

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**WHEREAS,** People who have developmental disabilities seek not only the rights and privileges of citizenship but also the responsibilities thereof; and

**WHEREAS,** Wyoming County is proud of the achievements and contribution of its citizens who have developmental disabilities and encourages continued progress toward empowerment in every aspect of community life, work, relationships, spirituality and recreation; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors do hereby proclaim March 2016 to be **DEVELOPMENTAL DISABILITIES AWARENESS MONTH** in Wyoming County and urges all Citizens 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: 1551    Noes:    Absent: 48 (Pike)    Abstain: #29**

**RESOLUTION NO. 16-123  
(March 8, 2016)**

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

**CHAIRMAN/COMMISSIONER OF HEALTH AUTHORIZED TO SIGN  
A CONTRACT WITH ALS GROUP USA CORP, D/B/A ALS  
ENVIRONMENTAL ON BEHALF OF THE  
COUNTY HEALTH DEPARTMENT**

**BE IT RESOLVED,** That the Chairman of this Board and Commissioner of Health with the approval of the County Attorney are hereby authorized and directed to sign a contract with ALS Group USA Corp dba ALS Environmental, 1565 Jefferson Road, Building 300, Suite 360, Rochester, NY 14623 on behalf of the County Health. Said contract is for Environmental Laboratory Testing Services according to the fee schedule. Annual expense subject to testing volume, not to exceed amount budgeted; effective March 8, 2016 through December 31, 2017. Contingent upon the availability of funds.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #30**

**RESOLUTION NO. 16-124  
(March 8, 2016)**

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

## SALARY SCHEDULE “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 “G”:**

#### ***Public Health/OFA/Navigator Grant***

- Remove Aging Services Aide Stipend (position code #005.015) at \$11,145.00/annually and previously paid through the New York State Department of Health Navigator Grant.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain:**

*Chairman Berwanger invited Supervisor Ryan, T/Warsaw to the podium to present the Developmental Disabilities Awareness Month proclamation. Supervisor Ryan, in turn invited representatives from the Livingston/Wyoming Arc (Martin Miskell, Eric Parker, Wally G. (a self-advocate) and Julia Pinpinto) to join her for the presentation.*

**#31**

## **RESOLUTION NO. 16-125 (March 8, 2016)**

By Mr. Brick, Chairman of the Agriculture Committee:

### **RESOLUTION TO SUPPORT FUNDING FOR FARMLAND PRESERVATION AND AGRICULTURE LOCAL ASSISTANCE PROGRAMS**

**WHEREAS**, The enacted 2015/16 State budget included \$50 million from the Special Infrastructure Account for farmland preservation and other strategic initiatives to protect farms and related businesses in the Southern Tier and Hudson Valley; and

**WHEREAS**, When combined with the \$15 million allocation for farmland protection from the Environmental Protection Fund, the enacted budget represented the largest investment in farmland protection in New York State history; and

**WHEREAS**, New York State's funding for agriculture local assistance programs has not seen an increase in many years; and

**WHEREAS**, Annually, the Executive-proposed state budget does not

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include funding for many core programs, leaving it to the legislature to restore funding before the budget is enacted; and

**WHEREAS,** The enacted 2015/16 State budget allocated \$30,231,000 in funding for agriculture local assistance programs, a significant increase over the \$16,183,000 included in the Governor's initial proposal; and

**WHEREAS,** The Governor's 2016/17 proposed budget, released on January 13, 2016, allocated \$20 million to farmland preservation, and \$19,863,000 to agriculture local assistance programs; and

**WHEREAS,** The agriculture industry remains a top contributor to the New York State economy, providing critical jobs, revenues and food for our State and beyond; and

**WHEREAS,** New York's farmland protection and agriculture assistance programs help sustain this vital industry, and are deserving of a higher level of funding that can be continued in future years; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors supports the historic commitment New York State made in 2015 toward farmland preservation, and urges State lawmakers to sustain this commitment; and be it

**FURTHER RESOLVED,** That the Wyoming County Board of Supervisors calls upon the Governor and State Legislature to continue New York's commitment to local farms and the agricultural sector and provide a robust level of funding both for farmland preservation and local assistance programs; and be it

**FURTHER RESOLVED,** That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain:**  
*Supervisor Brick, T/Perry provided each of today's presenters with certificates of recognition for the attendance at today's board of Supervisors' meeting.*

#### **4-H Presentations ~**

*Roxanne Dueppengiesser provided the introduction of today's presenters and of the 4-H Public Presentations program.*

- Nathan Perl ~ 8 year old son of Ken & Desiree Perl, Town of Bliss
  - Butter Creamers 4~H Club
    - Presentation Title: “*Honey Bees*”
- Hunter Anderson ~ 16-year old son of Doug & Annette Anderson, Town of Gainesville
  - Butter Creamers 4~H Club
    - Presentation Title: “*Maple Syrup*”

*There was a motion by Mr. Leuer, T/Middlebury, to combine resolutions #32 through #36. Hearing no objection resolution titles were read.*

*Prior to the roll call vote Chairman Berwanger thanked Supervisor Leuer, T/Middlebury for his participation in working towards providing the unserved and underserved areas of Wyoming County with access to Broadband through the Governor’s “New” New York Broadband program.*

#32

**RESOLUTION NO. 16-126**  
**(March 8, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**RESOLUTION CALLING FOR AMENDMENTS TO THE NEW YORK  
STATE ELECTRONIC EQUIPMENT RECYCLING AND REUSE ACT  
AND URGING THE DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION TO EXPEDITE THE PROMULGATION OF  
RELATED REGULATIONS**

**WHEREAS**, The New York State Electronic Equipment Recycling and Reuse Act (Act) was adopted by the State Legislature in 2010 in order to assist local governments with managing the fast-growing electronics waste stream by requiring electronics manufacturers to fund a recycling infrastructure and relieve municipalities from the recycling and end-of-life management costs; and

**WHEREAS**, The Act has succeeded in significantly increasing electronics recovery and recycling in the State, but the collection infrastructure is unstable and local governments and other collectors are faced with mounting fees in the absence of consistent manufacturer funding and limited markets for cathode ray tubes (CRTs); and

**WHEREAS**, While the Act intended to place the burden of electronics recycling on the manufacturers of electronic devices, the Act failed to stipulate

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adequate education requirements to inform the public of the process by which they could recycle their electronics with the manufacturers; and

**WHEREAS,** The Act created a ban on disposal of electronic waste in landfills, effective January 2015, which resulted in a growing number of waste stream planning units throughout New York's counties bearing more of the financial responsibility for continued e-scrap collection in their communities; and

**WHEREAS,** The Act requires, and the State relies on, electronics manufacturers to fund e--scraper recycling programs that are effective, continuous and reasonably convenient to all consumers across the State; and

**WHEREAS,** Once manufacturers have met their performance standard (goal), which in a number of cases is midway through the year, they no longer provide financial support to continue their collection programs, thus shifting management costs to cash-strapped local governments; and

**WHEREAS,** While the NYS Department of Environmental Conservation (DEC) indicates there are no longer performance goals, some manufacturers continue to dodge their legal responsibility to accept electronic waste; and

**WHEREAS,** The Act empowers the DEC to promulgate regulations that could address many of the shortcomings in the law, and in October 2015 DEC officials indicated that such rules were being drafted by department officials; and

**WHEREAS,** The issue is exacerbated by the fact that electronics sold today weigh much less than the obsolete CRT devices that make up approximately 70% of the weight of e-scraper generated, which are cost intensive to responsibly manage; and

**WHEREAS,** This has resulted in many local governments across the State having grappled with the burden to fund or cease e-scraper collection, which has been particularly difficult in rural communities that do not benefit from retail collectors or economies of scale; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors calls upon Governor Andrew M. Cuomo, the New York State Assembly, the New York State Senate and the State Department of Environmental Conservation to improve the current law intended to create a more stable and comprehensive manufacturer implemented electronics recycling infrastructure; and be it

**FURTHER RESOLVED,** That Wyoming County Board of

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Supervisors calls on State lawmakers to help alleviate the financial and administrative burden on municipalities who are dealing with these electronics and implement actions to strengthen communication among stakeholders, clarify key statutory provisions in their present rulemaking efforts, and promote the adoption of changes to the Act that will provide for year round, no-cost collection of electronics, consistent with convenience standards for both rural and urban populations -- that help alleviate the immediate financial pressures faced by local governments; and be it

**FURTHER RESOLVED**, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX      Ayes: 1551      Noes:      Absent: 48 (Pike)      Abstain: #33**

**RESOLUTION NO. 16-127  
(March 8, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**RESOLUTION SUPPORTING EFFORTS TO INCREASE ACCESS TO  
BROADBAND THROUGHOUT NEW YORK STATE THROUGH “THE  
NEW NY BROADBAND PROGRAM” AND CALLING ON GOVERNOR  
CUOMO AND STATE LAWMAKERS TO CONTINUE THEIR  
COMMITMENT TO PRIORITIZING AND EXPANDING BROADBAND  
COVERAGE IN UNSERVED AND UNDERSERVED AREAS  
STATEWIDE**

**WHEREAS**, Individuals, businesses and other entities in New York that lack high speed Internet access have become largely disenfranchised as full and active participants in today's economy, educational systems and government processes than their counterparts with access to broadband; and

**WHEREAS**, While access to both cable and digital subscriber line (DSL) service is available in nearly every urban and suburban community, rural sections of the State have been cut out of this type of access due to the low return on providers' investments in less populated areas; and

**WHEREAS**, Web access to all kinds of services, including those provided by every level of government, employment listings and web-based

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business expansion continues to grow, making it imperative that all New Yorkers have access to quality high-speed Internet; and

**WHEREAS,** With the enactment of legislation creating the "New NY Broadband Program" in the 2015 /16 State budget, funded at \$500 million, Broadband Program Office (BPO) officials have worked to develop a plan to incentivize the private sector to expand quality high-speed Internet services in unserved and underserved areas; and

**WHEREAS,** The BPO released a request for information (RFI) on September 24, 2015 to solicit input from stakeholders on how to craft the program, and subsequently issued a request for proposals (RFP) to formally allow applications for this funding; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors supports the "New NY Broadband Program" and calls on Governor Cuomo and leadership within the BPO to continue their commitment to prioritizing broadband services to unserved and underserved areas statewide; and be it

**FURTHER RESOLVED,** That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX      Ayes: 1551      Noes:      Absent: 48 (Pike)      Abstain: #34**

**RESOLUTION NO. 16-128  
(March 8, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**RESOLUTION URGING ENHANCED STATE INVESTMENT IN  
AIRPORTS TO PROMOTE ECONOMIC DEVELOPMENT  
AND JOB CREATION**

**WHEREAS,** Airports play a critical role in New York State's economy, job growth and transportation infrastructure, providing commercial air service, business aviation functions and supporting homeland security and critical emergency response for all of New York's local and regional communities and for the nation; and

**WHEREAS,** The State has not yet developed a new 5-Year

Transportation Capital Plan designed to assess current conditions and determine what level of investment will be needed over this period to provide for the future needs of a modern, safe, reliable and efficient multimodal transportation system, and

**WHEREAS,** A New York State Department of Transportation (DOT) study quantifying New York airports' and the aviation industry's contribution to the State's economy found that \$50 billion in annual economic activity for New York State; and

**WHEREAS,** This DOT study justifies calls for increases in public investments in airports; and

**WHEREAS,** New York has no dedicated funding source or permanent state capital program for airports; and

**WHEREAS,** New York State airports rely on annual appropriations in the State budget for funding critical airport projects -- a total of \$10 million each of the last two years through the Aviation Capital Grant Program and for the State match of Federal Airport Improvement Program (AIP) grants; and

**WHEREAS,** The Executive 2016-17 State Budget proposes to award five airports approximately \$40 million each to fund projects that enhance safety, improve operations and access, reduce environmental impact, and create better passenger experiences; and

**WHEREAS,** While this funding is welcomed and much needed for airport infrastructure and critical safety enhancements and business and economic development projects, we have concerns that too many of our airports would not get the funding they need; and

**WHEREAS,** The large number of airport projects that go unfunded year after year and 93 eligible public-use airports across the State compete for these limited funds further supports to the need for more funding for capital projects at airports; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors does hereby call upon the Governor and the Legislature to provide recurring and reliable funding for the maintenance and development of the State's airports; and be it

**FURTHER RESOLVED,** That fully-funding the aviation capital grant program and federal airport capital improvement state match would greatly contribute to promoting a safe and efficient air transportation system that would create high-level employment opportunities in regions throughout New York; and be it

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**FURTHER RESOLVED**, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #35**

**RESOLUTION NO. 16-129  
(March 8, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**MEMBERS APPOINTED/REAPPOINTED TO THE  
WYOMING COUNTY AG. & FARMLAND PROTECTION BOARD**

**BE IT RESOLVED**, That the following members are hereby appointed/reappointed to the Wyoming County Ag. & Farmland Protection Board:

**Voting Members**

***Four (4) year term effective January 1, 2016 through December 31, 2019***

- Maryann Almeter, 7508 Hiram Road, Arcade, NY 14009
- Michael Dueppengiesser, 5124 Bryan Road, Perry, NY 14530

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #36**

**RESOLUTION NO. 16-130  
(March 8, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**CARL WUEST APPOINTED TO THE WYOMING COUNTY  
PLANNING BOARD**

**BE IT RESOLVED**, That **Carl Wuest** (T/Bennington), 387 Geise Road, Darien Center, NY 14040 is hereby appointed to the Wyoming County Planning Board as a Voting Member for a three (3) year term; effective January 1, 2016 through December 31, 2018 (*replacing Walt Stevens*).

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain:**

*There was a motion by Mr. Copeland, T/Wethersfield, to combine resolutions #37 and #45. Hearing no objection resolution titles were read.*

#37

**RESOLUTION NO. 16-131  
(March 8, 2016)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH LYNN MILLER 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 contract with Lynn Miller, 147 North Main Street, Warsaw, New York 14569 on behalf of the District Attorney's Office. Said contract is for stenographic services in an amount not to exceed ten thousand dollars (\$10,000.00) each calendar year; effective January 1, 2016 through December 31, 2019.

Contingent upon the availability of funds.

**Carried:** XXX    **Ayes:** 1551    **Noes:**    **Absent:** 48 (Pike)    **Abstain:**  
#38

**RESOLUTION NO. 16-132  
(March 8, 2016)**

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

**RESOLUTION NUMBER 15-064 AMENDED**

**WHEREAS**, Resolution Number 15-064 entitled, "**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE DISTRICT ATTORNEY,**" passed by this Board of Supervisors on February 10, 2015 and provides for the following contracts on behalf of the District Attorney's Office:

- **Tracy Moore**, 147 North Main Street, Warsaw, NY 14569 for the provision of transcription services in an amount not to exceed ten thousand dollars (\$10,000.00); effective January 1, 2015 through December 31, 2015.
- **Edith Forbes**, 21 Woodcrest Drive, Batavia, NY 14020 for the provision of transcription services in an amount not to exceed twenty

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thousand dollars (\$20,000.00); effective January 1, 2015 through December 31, 2015;

now therefore

**BE IT RESOLVED**, That Resolution Number 15-064 be hereby amended as follows:

- **Tracy Moore**, 147 North Main Street, Warsaw, NY 14569 for the provision of transcription services in an amount not to exceed ten thousand dollars (\$10,000.00) *per year*; effective January 1, 2015 through *December 31, 2019*.
- **Edith Forbes**, 21 Woodcrest Drive, Batavia, NY 14020 for the provision of transcription services in an amount not to exceed twenty thousand dollars (\$20,000.00) *per year*; effective January 1, 2015 through *December 31, 2019*;

All else remains the same.

**Carried:** XXX    **Ayes:** 1551    **Noes:**    **Absent:** 48 (Pike)    **Abstain:**  
#39

**RESOLUTION NO. 16-133**  
**(March 8, 2016)**

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

**RESOLUTION CALLING ON THE STATE OF NEW YORK TO ENACT  
CHANGES TO BECOME REAL ID COMPLIANT**

**WHEREAS**, The REAL ID Act was enacted in 2005 on the 9/11 Commission's recommendation that the Federal Government "set standards for the issuance of sources of identification"; and

**WHEREAS**, The Act established minimum security standards for state-issued driver's licenses and identification cards, and prohibited Federal agencies from accepting for official purposes licenses and identification cards from states that do not meet these standards; and

**WHEREAS**, The Act is intended to increase public safety within the United States and improve travel security; and

**WHEREAS**, According to the United States Division of Homeland

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Security, starting January 22, 2018, passengers who have driver's licenses issued by a state that is not yet compliant with REAL ID, and that state has not received an extension will need to show an alternative form of acceptable identification for domestic air travel; and

**WHEREAS**, Starting October 1, 2020, every air traveler will need to present a REAL ID-compliant license or another acceptable form of identification for domestic air travel; and

**WHEREAS**, 52 counties run DMV offices and serve agents for the State, providing drivers' licenses and other forms of identification; and

**WHEREAS**, Driver's license applications processed at county DMVs provide an opportunity for New Yorkers to register as organ and tissue donors; and

**WHEREAS**, County officials are aware of the growing concern with their residents that New York State must make multiple changes to state issued identification documents, including drivers' licenses, to increase security and become REAL ID compliant; now therefore

**BE IT RESOLVED**, That the Wyoming County Board of Supervisors, in conjunction with its affiliate New York State Association of County Clerks, urges the Governor and the State Legislature to develop a plan and set aside resources so the State can implement necessary changes to State issued identification as soon as practicable in order to become fully compliant with REAL ID and increase safety and security throughout the State; and be it

**FURTHER RESOLVED**, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #40**

**RESOLUTION NO. 16-134  
(March 8, 2016)**

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

**RESOLUTION CALLING ON GOVERNOR ANDREW M. CUOMO AND  
THE STATE LEGISLATURE TO MORE EQUITABLY AND  
EFFICIENTLY IMPOSE THE 911 SURCHARGE ON ALL WIRELESS**

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**COMMUNICATIONS DEVICES AND USE REVENUES  
TO FINANCE COUNTY 911**

**WHEREAS,** The State of New York imposes a \$1.20 public safety surcharge on wireless "contract telephones," which, when it was enabled in statute, was intended to fund 911 operations and help dispatchers, first responders and law enforcement officers to communicate and respond to emergencies; and

**WHEREAS,** The "pre-paid" cellular phone market is currently not contributing resources to support 911 service; and

**WHEREAS,** It's estimated at least 1/3 of all cell phones are "pre-paid" and do not pay the \$1.20 state surcharge or the \$.30 local surcharge; and

**WHEREAS,** More than 30 states have expanded their 911 surcharge to "pre-paid" phones; and

**WHEREAS,** The growth of smart phones into the "prepaid" marketplace in recent years is accelerating and providers are moving away from annual contracts toward "prepaid" monthly programs; and

**WHEREAS,** The State's revenues from the \$1.20 surcharge totals nearly \$200 million annually but is declining, with the majority of which is used by the State for purposes other than 911; and

**WHEREAS,** Current funding mechanisms do provide enough funding to address the essential needs of all counties nor the implementation of NextGen 911; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors calls upon Governor Andrew M. Cuomo and the State Legislature to determine a way to ensure adequate funds are available for emergency needs and authorize all counties the authority to impose a local surcharge up to a \$1.20 on ALL wireless devices that are capable of accessing 911 services; and be it

**FURTHER RESOLVED,** That any expansion of the State surcharge to prepaid plans should commensurately authorize local surcharges for the same purpose; and be it

**FURTHER RESOLVED,** That the State should provide optional authority for the local wireless \$.30 surcharge for the 8 counties that do not currently impose this surcharge; and be it



**FURTHER RESOLVED**, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman David DiPietro, the Commissioner of the Division of Homeland Security and Emergency Services, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #41**

## **RESOLUTION NO. 16-135**

**(March 8, 2016)**

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

### **RESOLUTION CALLING ON THE STATE TO INCREASE INDIGENT LEGAL DEFENSE SYSTEM FUNDING**

**WHEREAS**, The United States Supreme Court held in Gideon v. Wainwright that the right to counsel for one charged with a crime is fundamental and that it is the State's responsibility to supply lawyers for those unable to afford them; and

**WHEREAS**, In 1965 the State of New York delegated this state responsibility to counties; and

**WHEREAS**, The decision to place responsibility at the county level in the State of New York has resulted in a system by which the county and local property taxpayers are burdened with the vast majority of costs for this state responsibility; and

**WHEREAS**, The shift of costs for this state mandated service has become so imbalanced that the counties of New York now cover over 80% of the cost; and

**WHEREAS**, Implementation of the constitutional right to counsel under Gideon is a state, not county, obligation; and

**WHEREAS**, Assembly member Patricia Fahy and Senator John DeFrancisco recently sponsored a same-as bill (A.6202B/S.6341) recognizing that indigent defense is a State fiscal responsibility and requiring the State, not the county, to pay for such service; and

**WHEREAS**, We commend Assembly member Fahy and Senator DeFrancisco for championing a State fiscal takeover of indigent defense services, which will directly lead to improvements to this vital service for

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residents in need, and provide meaningful fiscal mandate relief for counties and real property taxpayers; and

**WHEREAS,** The State and multiple counties were sued, and ultimately settled, Hurrell-Harring, et. al v. State of New York, which sought to transform the indigent defense system and called for more government funding to be invested in the system; and

**WHEREAS,** The Hurrell-Harring settlement requires the parties involved in the suit to provide additional indigent defense services and costly increases including first arraignment counsel, case load caps for public defenders, and additional staff and support for public defenders; and

**WHEREAS,** The proposed 2015-16 Budget only allocates increased funding to the five counties involved in the Hurrell-Harring lawsuit for expanding indigent defense; and

**WHEREAS,** The remaining 52 counties need increased funding so that expanded indigent defense services are uniform throughout the State; and

**WHEREAS,** The Governor has stated recently that the entire New York State justice system needs to be examined to insure it provides the most equitable and fair treatment possible; and

**WHEREAS,** The State can improve the public defense system by incrementally increasing state funding, designing a cost-effective way to finance the system over time, and relieving counties of a responsibility delegated to them since 1965; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors supports increased state funding to the indigent legal defense system and for the State to ensure counties will not be forced to pay for the additional requirements resulting from the Hurrell-Harring settlement; and be it

**FURTHER RESOLVED,** That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried:** XXX    **Ayes:** 1551    **Noes:**    **Absent:** 48 (Pike)    **Abstain:**

**RESOLUTION NO. 16-136  
(March 8, 2016)**

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

**RESOLUTION URGING NEW YORK STATE TO FULLY FUND ALL  
COSTS RELATED TO RAISING THE AGE OF CRIMINAL  
RESPONSIBILITY AND ENSURE THAT ANY STATUTORY OR  
ADMINISTRATIVE CHANGES FULLY RECOGNIZE THE  
RESPONSIBILITY OF LOCALLY ELECTED DISTRICT ATTORNEYS  
TO PROMOTE PUBLIC SAFETY, MAINTAIN VICTIMS' RIGHTS AND  
ENSURE ACCOUNTABILITY IN THE JUSTICE SYSTEM**

**WHEREAS**, The Governor is prioritizing fundamental reform of the juvenile justice system in New York State, including a statutory change to the age of criminal responsibility; and

**WHEREAS**, Structural changes to raising the age of criminal responsibility will require a significant investment in services based on a children and families social services model; and

**WHEREAS**, These services will produce the need for job-training skills, high school equivalency education, transportation, drug and alcohol treatment, family and individual counseling, coordinated mental health services, case management, and other interventions resulting in higher expenses; and

**WHEREAS**, Many regions of the State currently do not have adequate capacity to provide such services in their local communities; and

**WHEREAS**, The State currently caps funding for foster care and youth detention, and also limits reimbursement for other child welfare and probation costs, resulting in a significant unfunded mandate on counties which will grow worse if the State changes the age of criminal responsibility while not also providing full funding to alleviate these new costs; and

**WHEREAS**, Locally elected district attorneys are responsible for protecting the public safety, maintaining victim's rights and ensuring accountability for all in the criminal justice system; and

**WHEREAS**, The District Attorney's Association of the State of New York has provided recommendations to State legislative leaders on their proposals to reform the juvenile justice system including;

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- providing local prosecutorial consent for the removal of all violent felonies and some non-violent felonies from criminal court to family court;
- not allowing adjustment for violent and serious non-violent felonies;
- any new presumption for granting youthful offender status should be limited to certain classes of non-violent felony offenses;
- reduced sentencing should not be offered for certain violent crimes; and
- ensuring that some level of secure detention options be maintained for certain cases; and

**WHEREAS,** These recommendations are intended to preserve the delicate balance between offender rehabilitation and accountability and public safety; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors calls on the State of New York to fully cover all new costs associated with changing the age of criminal responsibility to avoid the imposition of a new unfunded mandate on counties; and be it

**FURTHER RESOLVED,** That fiscal caps must be removed for foster care and youth detention as part of this age of criminal responsibility reform, and state funding must be provided to build capacity for infrastructure and services under child welfare and probation services, and to identify mental health and drug and alcohol issues and strategies to minimize absences without leave from the education system; and be it

**FURTHER RESOLVED,** The State must also reverse State budget reimbursement rate cuts it made to counties for local child welfare services, restoring the State reimbursement rate to 65% from the current 62% level to ensure counties have more resources to provide critical services to children and families in need of services; and be it

**FURTHER RESOLVED,** That recommendations from local District Attorneys should be provided due consideration and inclusion if the reform proposal moves forward; and be it

**FURTHER RESOLVED,** There will need to be flexibility in recognition of the differences between small and large counties and rural versus urban areas, such that, a staggered roll-out may be appropriate in some counties depending on local conditions and service capacity; and be it

**FURTHER RESOLVED,** That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the

New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #43**

**RESOLUTION NO. 16-137  
(March 8, 2016)**

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

**RESOLUTION CALLING ON GOVERNOR ANDREW M. CUOMO AND  
THE STATE LEGISLATURE TO PLAN FOR NEXT GENERATION 911  
IN NEW YORK STATE AND CREATE A NEW YORK STATE 911  
DEPARTMENT THAT SUPPORTS COUNTY PUBLIC SAFETY  
ANSWERING POINTS AND ENHANCES LOCAL EMERGENCY  
DISPATCH SERVICES**

**WHEREAS**, Counties provide 911 services in New York State by operating Public Safety Answering Points (PSAPs) that serve all residents in times of emergency by dispatching emergency medical, fire, and police assistance; and

**WHEREAS**, Counties continue to incur substantial costs to upgrade and maintain communications systems, as well as keep up to date with technological changes; and

**WHEREAS**, These changes are a fundamental shift toward an IP based 911 system that is commonly referred to as Next Generation (NG) 911; and

**WHEREAS**, NG 911 requires greater planning and investment on the part of local governments in order to keep pace with rapidly evolving consumer technologies; and

**WHEREAS**, The majority of states across the country have aggressively begun preparing for NG-911 and in numerous instances deploying significant infrastructure and policies to build the foundation for a NG 911 system; and

**WHEREAS**, New York State has done comparatively little to prepare for NG 911 and is facing significant risk in becoming a straggler in the deployment of NG 911 technologies; and

**WHEREAS**, A lag in planning and investment in NG 911 places New

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York's citizens at risk as they rely on a legacy 911 system that is rapidly becoming obsolete; and

**WHEREAS,** The NYS Public Service Commission (PSC) conducted a telecommunications study on 911 that required the insight of public safety and 911 experts to relay relevant public safety information to the PSC as they make 911 related telecommunications decisions; and

**WHEREAS,** The NYS Public Service Commission (PSC) intends to work collaboratively with the Department of Homeland Security and Emergency Services (DHSES), the 911 Advisory Board and the Public Safety Broadband Working Group to further advance the implementation of NG 911 in New York State, while maintaining their oversight of 911 system affordability and reliability as it pertains to providers of 911 services; and

**WHEREAS,** A New York State effort to provide coordinated leadership in the area of 911 would be most appropriately empowered to both support the mission of the PSAPs in the State as well as transition the current State's 911 legacy system to a NG 911 system that will better serve its citizens for years to come; and

**WHEREAS,** Leadership from New York State is crucial to ensure success and to prevent future tragedies related to the 911 network in New York State; and

**WHEREAS,** Counties urge New York State to adopt the Automated Secure Alarm Protocol (ASAP) which automates all alarms coming from alarm companies and allows for an electronic link between the Central States Alarm Association, the NLETS system and the PSAP's via the NYS e-justice system; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors calls upon Governor Andrew M. Cuomo, the State Legislature and the Division of Homeland Security and Emergency Services to create a New York State 911 Department that best serves the public interest and supports PSAPs in New York State while continuing to allow the City of New York and the 57 counties outside of NYC to receive emergency 911 calls and dispatch emergency services in a manner that is most appropriately determined by those municipalities; and be it

**FURTHER RESOLVED,** That the Wyoming County Board of Supervisors calls upon the State Legislature and the Governor to enable a State 911 Department that would:

- Provide funding;

- Issue RFPs and award contracts as necessary to support 911;
- Establish standards for 911;
- Apply for and distribute Federal Grant Funds;
- Coordinate and provide training for 911 directors, supervisors and call takers;
- Provide Public Education;
- Provide necessary networks to support 911 both in a legacy and NG 911 environment;
- Provide a statewide ESInet to support interoperability within and outside of New York State;
- Create, maintain and distribute GIS databases;
- Create and maintain NG 911 and other appropriate databases to support 911 efforts;
- Provide and propose appropriate regulation/legislation/tariffs to support 911;
- Represent New York State in efforts to support and advance 911 at a national level including participating in events sponsored by NASNA, NENA, APCO and the FCC;
- Provide consultative services to PSAPs in NYS in regards to industry trends, products, techniques, and standards;
- Help manage Civil Service exams;
- Manage the TERT program;
- Provide legal expertise in 911 related matters;
- Serve as the liaison to 911 service providers (TELCOs, Wireless Carriers, TCCs, VoIP providers, CPE manufacturers, etc.);
- Provide coordination with the Public Service Commission and work closely with them on tariffs, legislation and other business as it pertains to the 911 field.
- Provide for connectivity via the e-justice system to allow for the Automated Secure Alarm Protocol (ASAP); and be it

**FURTHER RESOLVED,** That the Wyoming County Board of Supervisors supports the extension of 911 surcharges to any device capable of connecting to 911, including prepaid devices as essential to preserving current resources for 911 services; and be it

**FURTHER RESOLVED,** That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the Commissioner of the Division of Homeland Security and Emergency Services, the New York State Association of Counties and all others deemed necessary and proper.

March 8, 2016

**RESOLUTION NO. 16-138**  
**(March 8, 2016)**

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

**RESOLUTION IN SUPPORT OF EFFORTS TO IMPROVE  
 PROBATION AND ALTERNATIVES TO INCARCERATION IN NEW  
 YORK STATE IN ORDER TO PROTECT THE PUBLIC AND REDUCE  
 RELIANCE ON PRISONS AND JAILS**

**WHEREAS**, County Probation Departments are an integral part of the Criminal Justice System and operate within the legal framework of the Criminal Procedure Law, the Penal Law, and the Family Court Act; and

**WHEREAS**, It is the mission of Probation to protect the community through intervention in the lives of those under supervision by facilitating compliance with court orders and serving as a catalyst for positive change; and

**WHEREAS**, State funding for Probation was drastically reduced between 1990 and 2015 from a 46.5% State share in 1990 to less than 12% in 2015, putting a huge strain on counties and cost to county property taxpayers; and

**WHEREAS**, At the same time there have been increases in the number of mandated programs and services County Probation Departments are required to provide; and

**WHEREAS**, The New York State Council of Probation Administrators, representing NYS Probation Directors, Administrators and Commissioners has diligently worked with NYSAC and State leaders to bring more awareness to the important work that Probation does to protect the public; now therefore

**BE IT RESOLVED**, That the Wyoming County Board of Supervisors supports proposals put forward by the Governor to immediately enact statutory and regulatory changes that improve Probation and Alternatives to Incarceration in the following ways:

- Eliminate the mandate that pre-sentence investigations must be conducted when a sentence of up to one year in jail has been negotiated;

In response to Violation of Probation Petitions:

- Require counties to develop swift, certain graduated responses;
- Require the courts to dispose of the VOP's within 90 days;
- Enable Probation to administratively modify Conditions of Probation in the



provision of graduated responses;

- Establish a dedicated funding stream for juvenile services provided directly to Probation through DCJS/OPCA;
- Eliminate the requirement for dual supervision of Ignition Interlock parolees by delegating direct supervision to NYS Parole only of defendants sentenced to DOCS; and be it

**FURTHER RESOLVED**, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, Deputy Secretary for Public Safety Terrance O'Leary, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #45**

**RESOLUTION NO. 16-139  
(March 8, 2016)**

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

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND  
ACCEPTANCE AWARD WITH THE NEW YORK STATE OFFICE OF  
INDIGENT LEGAL SERVICES ON BEHALF OF THE PUBLIC  
DEFENDER'S OFFICE**

**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 Indigent Legal Services, 80 South Swan Street, 11<sup>th</sup> Floor, Albany, NY on behalf of the Public Defender's Office as follows:

- ILSF Distribution #6 in a minimum amount of seventeen thousand twenty dollars (\$17,020.00) per year for a total amount of fifty-one thousand sixty dollars (\$51,060.00); effective January 1, 2016 to December 31, 2018.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain:**  
*There was a motion by Mr. Davis, T/Covington, to combine resolutions #46 through #51. Hearing no objection resolution titles were read.*

**#46**

**RESOLUTION NO. 16-140  
(March 8, 2016)**

March 8, 2016

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

**RESOLUTION CALLING ON THE STATE OF NEW YORK TO  
RESTORE FUNDING PARITY BETWEEN THE CAPITAL PLANS OF  
THE METROPOLITAN TRANSPORTATION AUTHORITY (MTA)  
AND THE NY STATE DEPARTMENT OF TRANSPORTATION  
(NYSDOT)**

**WHEREAS**, Governor Andrew Cuomo and Mayor de Blasio recently announced an agreement to jointly subsidize the Metropolitan Transportation Authority's (MTA) nearly \$11 billion funding gap for its 2015-19 five-year capital program; and

**WHEREAS**, As part of this agreement, the Governor is committing \$8.3 billion in state resources to cover the MTA plan's multi-year deficit; and

**WHEREAS**, While we may agree that this vital investment in downstate transit is needed, the State's new Department of Transportation 5-Year Capital Plan being developed must assess current conditions and provide for the future needs of a modern, safe, reliable and efficient multimodal transportation system; and

**WHEREAS**, The enactment of the FAST Act, a fully funded five-year authorization of federal surface transportation programs that provides long-term federal funding predictability, should now facilitate the State to develop and fund a Transportation 5-Year Capital Plan; and

**WHEREAS**, For nearly two decades, through 2009, a parity agreement for the five-year capital programs of the MTA and the NYS Department of Transportation (DOT) were similar in size as well as adopted within a month of each other; and

**WHEREAS**, Three of the last four DOT/MTA five-year capital programs were virtually identical in size; and

**WHEREAS**, Since 2009 that parity agreement has not been honored;  
and

**WHEREAS**, Locally-owned roads and bridges are deteriorating at a rapid rate as counties continue to struggle to find adequate funding for their maintenance and replacement; and

**WHEREAS**, A 2014 Comptroller's report states that thirty-four percent (34%) of bridges are deficient and forty-eight percent (48%) of road pavements in the State are rated fair or poor and getting worse; and

**WHEREAS,** The proposed 2016-17 State Budget calls for \$22 billion for a multi-year transportation capital plan to upgrade roads, bridges and other vital transportation infrastructure throughout the New York; and

**WHEREAS,** The full funding mechanisms for this capital plan has not been included in the 2016-17 State budget or the five-year State Fiscal Plan; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors does hereby call upon the Governor and the Legislature to support a level of funding that restores parity between the NYSDOT transportation capital program and the MTA's capital program, so that local governments have enough resources to fund the local needs as described above; and be it

**FURTHER RESOLVED,** That the State work with counties to develop and fully-fund the 5-Year Capital Plan that will provide the necessary and proper funding to New York's counties by substantially increasing CHIPS and Marchiselli funding and establishing a 5-year State Aid to Local Bridge and Culvert Program to give them the ability to adequately maintain their vast transportation infrastructure; and be it

**FURTHER RESOLVED,** That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX      Ayes: 1551      Noes:      Absent: 48 (Pike)      Abstain: #47**

**RESOLUTION NO. 16-141**  
**(March 8, 2016)**

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

**RESOLUTION URGING THE GOVERNOR AND THE LEGISLATURE  
TO ALLOCATE THE LOCAL PORTIONS OF THE PROPOSED  
TRANSPORTATION FUNDING THROUGH THE EXISTING CHIPS  
FORMULA**

**WHEREAS,** This Executive's proposed 2016-17 State Budget includes \$438,097,000.00 for CHIPS funding and \$39,700,000.00 for Marchiselli funding, which is consistent with last year's budget; and

March 8, 2016

**WHEREAS,** The proposed budget calls for \$22 billion for a multi-year transportation capital plan to upgrade roads, bridges and other vital transportation infrastructure throughout the New York; and

**WHEREAS,** The \$22 billion plan includes \$1 billion each for the BRIDGE NY and PAVE NY programs to replace, rehabilitate, pave and maintain state and local bridges and roads; and

**WHEREAS,** \$500 million of each program would go to fund state roads and bridges and \$500 million of each would go to fund local road and bridges; and

**WHEREAS,** The funding formula for allocating the total \$1 billion in local road and bridge funding has yet not been made clear; and

**WHEREAS,** The State budget proposal also includes \$500 million for the Extreme Weather Infrastructure Hardening program, which will make investments in roadways across the State susceptible to flooding and other extreme weather related events; and

**WHEREAS,** While this funding is welcomed and needed for our transportation infrastructure, it needs to be allocated in a fair and equitable method so that all local governments receive increases in transportation funding; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors does hereby call upon the Governor and the Legislature to allocate the local portions of the proposed PAVE NY funding through the existing CHIPS formula, which is based on local highway mileage (for all municipalities) and motor vehicle registrations (for counties and NYC); and be it

**FURTHER RESOLVED,** That BRIDGE NY local funding that is proposed to be distributed via a competitive solicitation must assure regional level decision-making and include local highway department representation, or be distributed through a CHIPS-like formula similar to PAVE NY as another way to assure real state/local equality, regional balance, and improved local decision-making and flexibility; and be it

**FURTHER RESOLVED,** That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #48**

**RESOLUTION NO. 16-142  
(March 8, 2016)**

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

**RESCIND RESOLUTION NUMBER 16-033**

**WHEREAS**, Resolution Number 16-033 entitled, “**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH JOHN W. DANFORTH COMPANY ON BEHALF OF BUILDINGS AND GROUNDS (CO. BLDGS.)**,” passed by this Board of Supervisors on January 19, 2016 and provides air sealing and attic ventilation measures at Thomson Hall in an amount not to exceed nine thousand four hundred fifty-five dollars (\$9,455.00); effective January 19, 2016 through project completion; now therefore

**BE IT RESOLVED**, That Resolution Number 16-033 be hereby rescinded immediately and the contract deemed null and void.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #49**

**RESOLUTION NO. 16-143  
(March 8, 2016)**

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

**RESOLUTION NUMBER 15-291 AMENDED**

**WHEREAS**, Resolution Number 15-291 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF BUILDINGS & GROUNDS (CO. BLDGS.)**” passed by this Board of Supervisors on January 19, 2016 and provides, in part, for the following contract:

- **T.C.C.T., Inc.**, 46 North Maple Street, Warsaw, NY 14569 for cleaning services at the Office for the Aging, Public Defender Building, Health Department, Highway Administration Office, Courthouse and Mental Health in an amount not to exceed seventy-eight thousand five hundred two dollars and fifty-six cents (\$78,502.56); effective October 14, 2015 through October 13, 2016; now therefore

**BE IT RESOLVED**, That Resolution Number 16-033 be hereby

March 8, 2016

amended to incorporate the cleaning of the Ag. and Business Center in an amount not to exceed twenty-six thousand two hundred fifty-nine dollars and thirty-five cents (\$26,259.35) for a new annual contract amount of one hundred four thousand seven hundred sixty-one dollars and ninety-one cents (\$104,761.91); effective February 26, 2016 through October 13, 2016.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #50**

**RESOLUTION NO. 16-144  
(March 8, 2016)**

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

**CHAIRMAN AUTHORIZED TO SIGN NECESSARY DOCUMENTS TO  
CONVEY A PERMANENT EASEMENT TO ROCHESTER GAS AND  
ELECTRIC (RG&E) ON BEHALF OF COUNTY HIGHWAY**

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign the necessary documents for conveying a permanent easement to Rochester Gas and Electric on property owned by the County of Wyoming and situated on the corner of Route 39 and Simmons Road in the Village of Perry. Said parcel is also identified by Tax Map Number 88.16-1-24.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #51**

**RESOLUTION NO. 16-145  
(March 8, 2016)**

By Mr. Davis, Chairman of the 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 Starr Road Bridge over Kelly Brook, Town of Covington, Wyoming County, P.I.N. 4760.75; BIN 3366410 (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 and Construction/Construction Inspection.

**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 nine hundred fifty-five thousand six hundred fifty-two dollars (\$955,652.00) 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 be it

**FURTHER RESOLVED,** That this Resolution shall take effect immediately.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain:**

**SPECIAL RECOGNITION ~**

March 8, 2016

- Dennis Halstead
  - Retiring Superintendent of Wyoming County Buildings & Grounds (CIP)

*Chairman Berwanger invited Public Works Chairman, Supervisor Davis, T/Covington to join him at the podium for this presentation. Chairman Berwanger recounted the number of projects Mr. Halstead was actively involved in.*

Construction of the Courthouse	\$ 3,500,000
Renovation of the Government Center	\$ 2,000,000
Renovation of the Kaplan Building	\$ 600,000
Renovation of 408 North Main Medical Building	\$ 300,000
Demolition and Reconstruction of the DSS Building	\$ 4,500,000
Renovation of the Wyoming County Community Health System	\$31,000,000
Renovation of Thomson Hall	\$ 300,000
Renovation of the Public Health Building	\$ 350,000
Construction of the Records Management Building	\$ 900,000
Reconstruction of the County Highway Building	\$ 1,000,000
Reconstruction of the Public Defender's Office	<u>\$ 250,000</u>
<b>Grand Total</b>	<b>\$44,700,000</b>

*There was a motion by Mr. Kehl, T/Attica, to combine resolutions #52 through #58. Hearing no objection resolution titles were read.*

**#52**

### RESOLUTION NO. 16-146 (March 8, 2016)

By Mr. Kehl, Chairman of the Finance Committee:

#### SALARY SCHEDULE “S” AMENDED

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

#### Salary Schedule “S”:

##### *Information and Technology*

- Set the salary of the Network Administrator in the IT Department at \$60,000.00 as of March 12, 2016 to match the salary of the Network Administrator at WCCHS.

**Carried: XXX      Ayes: 1551      Noes:      Absent: 48 (Pike)      Abstain:**

Regular Session



**RESOLUTION NO. 16-147**  
**(March 8, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**POSITION(S) CREATED/ABOLISHED/EXTENDED APPROVED**

**BE IT RESOLVED**, That the following positions are hereby created, extended, reclassified and/or reassigned in the following Wyoming County Departments:

**Real Property Tax**

- One (1) position of Real Property Tax Service Aide (Temp) (.43 FTE) at a rate of \$12,800/annually with only those benefits mandated by law; effective 02/12/2016 through medical leave of current employee within the department *through medical leave of current employee within the department.*

**Human Resources**

- Six (6) positions of Exam Monitor (PT) at the rate of \$50/session with only those benefits mandated by law; effective 02/01/2016.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain:**  
**#54**

**RESOLUTION NO. 16-148**  
**(March 8, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS 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,”** the Chairman of this Board with the approval of the County Attorney and/or Costello Cooney Fearon, PLLC, legal counsel, is hereby authorized and directed to sign the following contracts on behalf of the Wyoming County Community Health System (WCCHS):

March 8, 2016

- **Practicefirst Medical Management Solutions**, 275 Northpointe Parkway, Suite, Amherst, NY 14228 to provide billing and accounts receivable services for WCCHS contracted or employed providers in an amount not to exceed one hundred thousand dollars (\$100,000.00) annually; effective March 1, 2016 through February 28, 2018.
- **University of Rochester** (through the University of Rochester Medical Center), 601 Elmwood Avenue, Box 706, Rochester, NY 14624 to provide medical director services to WCCHS as follows:
  - Annual compensation in an amount not to exceed forty-eight thousand dollars (\$48,000.00) plus eligible WCCH business expenses; effective August 15, 2015 through December 31, 2015.
  - Annual compensation shall be increased by three percent (3%) annually plus eligible WCCH business expenses; effective January 1, 2016 through August 14, 2018.
- **Warsaw OB/GYN, P.C. (Mridu Agarwal, M.D.)**, 408 North Main Street, Warsaw, NY 14569, a Memorandum of Understanding and Medical Records Storage and Access Agreement to purchase the practice, assume the lease space, purchase equipment and furnishings (subject to equipment evaluation) and take responsibility for patient charts and records in an amount not to exceed thirty thousand dollars (\$30,000.00), effective June 30, 2016 or earlier based on the date of retirement.
- **Rajendra M. Agrawal, M.D.**, 408 North Main Street, Warsaw, NY 14569, a Memorandum of Understanding and Medical Records Storage and Access Agreement to purchase the practice, assume the lease space, purchase equipment and furnishings (subject to equipment evaluation) and take responsibility for patient charts and records in an amount not to exceed five thousand dollars (\$5,000.00); effective June 30, 2016 or earlier based on the date of retirement.
- **Rajendra M. Agrawal, M.D.**, 408 North Main Street, Warsaw, NY 14569 for assistance and consulting related to surgery recommendations and recruiting in an amount not to exceed five thousand dollars (\$5,000.00) per year; effective January 1, 2017 through December 31, 2018.
- **Edmund A. Junciewicz, D.O., M. Eng., P.E.**, 5103 Forest Road, Lewiston, New York 14092 to provide anesthesia services in an amount not to exceed three hundred thirty thousand dollars (\$330,000.00) per year; effective May 1, 2016 through April 30, 2018.

- **Costello, Cooney, Fearon, PLLC**, 500 Plum Street, Suite 300, Syracuse, NY 13204-1401
  - for legal representation, advice and assistance regarding, but not limited to, physician contracts in an amount not to exceed twenty-five thousand dollars (\$25,000.00) per year; effective September 30, 2013
  - Increase contract in an amount not to exceed sixty thousand dollars (\$60,000.00) per year; effective January 1, 2014 through December 31, 2015 as a result of incurring additional costs related to legal action brought by a provider regarding medical staff status.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #55**

**RESOLUTION NO. 16-149  
(March 8, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**RESOLUTION NUMBER 15-327 AMENDED**

**WHEREAS**, Resolution Number 15-327 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM,**” passed by this Board of Supervisors on September 15, 2015 on behalf of the Wyoming County Community Health System and provided, in part, for the following contract:

- **Department of Corrections and Community Supervision (DOCCS)**, The Harriman State Campus, 1220 Washington Avenue, Albany, NY 12226-2050 to provide inpatient, outpatient and emergency medical services to inmates with the DOCCS in an amount to be reimbursed as negotiated in the contract; effective September 1, 2015 through August 31, 2017; now therefore

**BE IT RESOLVED**, That Resolution Number 15-327 be hereby amended to extend the contract expiration date from August 31, 2017 to August 31, 2019. All else remains the same.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain:**

March 8, 2016

**RESOLUTION NO. 16-150**  
**(March 8, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**RESOLUTION URGING STATE LEGISLATIVE LEADERS TO  
IMPLEMENT FISCAL REFORMS THAT WILL LEAD TO  
PERMANENT AND HISTORIC PROPERTY TAX REDUCTIONS BY  
ASSUMING THE COST OF STATE PROGRAMS THAT COUNTIES  
ARE CURRENTLY REQUIRED TO PAY FOR UNDER STATE LAW**

**WHEREAS**, State Legislative leaders have identified property taxes as the number one fiscal burden for homeowners and small businesses, as well as the largest impediment to economic growth and job creation in Upstate New York and Long Island; and

**WHEREAS**, The Governor and State Legislature have enacted several laws over the last couple of decades designed to address New York's highest in the nation property taxes, including the creation of STAR school tax relief, a property tax cap, a temporary two-year property tax freeze program, and a new temporary tax rebate program; and

**WHEREAS**, Over the next several years, the State will have implemented state tax rebate check programs and tax breaks for select special interest groups and industrial sectors, not including STAR, that will exceed \$3 billion on an annual basis -- none of which will actually reduce any homeowner's or small businesses' property tax bills; and

**WHEREAS**, County elected leaders have strongly advocated in support of ways to lower the property tax burden for homeowners and businesses across the State going back nearly 50 years when the largest state mandate, Medicaid, was first imposed on counties, growing from \$100 million then to over \$7.5 billion today; and

**WHEREAS**, Since that time the State has required county taxpayers to finance with local tax dollars dozens of other state programs that, for the most part, counties in other states are not required to finance; and

**WHEREAS**, State elected officials do recognize that mandating local governments to finance state designed and controlled programs does lead to higher property taxes and, as result, they have enacted important mandate relief for county property taxpayers, including the implementation of two separate

caps on the growth in the local share of Medicaid costs and major pension reforms; and

**WHEREAS**, Since the enactment of these mandate relief initiatives the growth rate in aggregate county property taxes has slowed dramatically, generally averaging under 2.2% per year over the last decade, less than the rate of inflation over that time frame; and

**WHEREAS**, In 2015, the culmination of these recent mandate relief efforts and county government efficiencies allowed 28% of counties to cut or hold their property tax levy flat; in addition, 47% of counties cut or held their property tax rate flat, compared to the prior year; and

**WHEREAS**, County officials believe that one of the best ways to improve New York's economic climate and competitiveness is to not just slow the rate of growth in property taxes, but to actually lower them from today's levels; and

**WHEREAS**, Permanent and historic reductions in property taxes can only be achieved through fundamental reforms of the major State mandates that drive up local property taxes, in conjunction with realigning how and what level of government pays for these state mandated services; and

**WHEREAS**, Recognizing the need for property tax relief is in line with the Governor's and Legislative Leader's call for governments to be fiscally accountable to taxpayers; and

**WHEREAS**, Counties believe that aligning the cost of the State's human services programs with the governmental entity that defines and controls them will result in a historic and sustainable reduction in county property taxes and a more appropriate and equitable distribution of the cost of the State's human services programs; and

**WHEREAS**, The cost of paying for the State Medicaid program in a typical county (outside of New York City) equals about one half of the county property tax levy; and

**WHEREAS**, The benefits, scope and ultimate cost of Medicaid has been set and controlled by the State for nearly so years, but not fully financed with state resources, therefore transferring a significant cost burden to local property taxpayers and contributing greatly to the disparity between property taxes in New York State and other states; and

**WHEREAS,** Cornell University researchers have documented in numerous reports how New York's practice of shifting fiscal responsibilities from the State to lower levels of government including counties creates severe imbalances between New York and other states in relation to property taxes; and

**WHEREAS,** The Pew Charitable Trust also documented in a report last year that New York State relies on locally raised taxes to support state initiatives and programs on a scale that dwarfs other states -- relying on locally raised taxes to subsidize the State budget; and

**WHEREAS,** The practice of using local revenues to subsidize the State budget and State responsibilities is the number one reason why New York's property taxes are the highest in the nation; and

**WHEREAS,** The State also extends this requirement on New York City taxpayers that also dedicate a large amount of locally raised taxes to support the State Medicaid program; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors calls on the Governor and State Legislature to enact a phased-in state takeover of the costs of its own mandated human services, starting with Medicaid, that would provide immediate, permanent and measurable property tax reduction helping to narrow the negative tax gap with our competitor states; and be it

**FURTHER RESOLVED,** That the State should also provide fiscal relief to New York City for a portion of the local taxes they commit to State mandated programs; and be it

**FURTHER RESOLVED,** That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #57**

**RESOLUTION NO. 16-151  
(March 8, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**RESOLUTION CALLING ON STATE LEGISLATIVE LEADERS TO  
REFORM THE HOME RULE REVENUE PROCESS BY ENACTING A**

Regular Session

#### **4-YEAR AUTHORIZATION PERIOD FOR ALL LOCAL SALES TAX EXTENDERS**

**WHEREAS,** Counties continue to face significant challenges in balancing their budgets while also meeting the goals of the property tax cap and property tax freeze; and

**WHEREAS,** Counties must administer and pay for more than 40 state programs that can consume up to 85% of a county's entire budget; and

**WHEREAS,** Counties' ability to raise revenues from the property tax are limited by the State imposed property tax cap -- which resulted in an inflation growth factor of only 0.73% in 2016 (three times smaller than the State's self-imposed 2% spending cap); and

**WHEREAS,** Locally raised revenues are necessary to implement and deliver State mandated programs as well as local public health and safety, economic development and "quality of life" services demanded and expected in our communities; and

**WHEREAS,** Counties often share the local sales tax with other local governments, where more than one out of every four local sales tax dollars collected are shared with cities, towns, villages and some local school districts to help pay for services delivered by these municipalities, or to directly lower the amount of property taxes levied in these jurisdictions; and

**WHEREAS,** The pass through of local sales tax revenue from counties to cities, towns, villages and school districts will approach \$2 billion in 2015; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors calls upon the Governor and State Legislature to reform the home rule process so it works as efficiently as possible for local taxpayers, eliminate unnecessary and duplicative legislative activity at the State and local level that is currently required under state law, and allow county elected officials, in conjunction with residents in their respective communities, to determine the mix of locally raised revenues they deem least burdensome; and be it

**FURTHER RESOLVED,** That the State should, upon the next renewal of local sales tax rates, provide a four year (rather than a two year) authorization for all counties; and be it

**FURTHER RESOLVED,** That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State

March 8, 2016

Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain: #58**

**RESOLUTION NO. 16-152  
(March 8, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**RESOLUTION URGING THE STATE TO RESOLVE RECENT FAA  
CLARIFICATIONS REGARDING THE DISPOSITION OF AVIATION  
FUEL SALES TAX RECEIPTS IN A WAY THAT PRESERVES  
CURRENT LOCAL SALES TAX RECEIPTS AND AUTHORITY**

**WHEREAS,** In November 2014, the Federal Aviation Administration (FAA) issued a rule clarifying their policy on existing federal law restricting revenues raised by the State and local taxation of aviation fuel from being diverted to non-aviation uses; and

**WHEREAS,** The update was intended to make clear that "airport operators that have accepted federal assistance generally may use airport revenues only for airport-related proposes..." and that local taxes on aviation fuel are subject to airport revenue use requirements; and

**WHEREAS,** The FAA set a December 8, 2015 date for states to submit a plan for meeting the new requirements and New York State officials have requested an extension to April 1, 2016; and

**WHEREAS,** It is expected that meeting the new requirements may impose significant administrative burdens on tracking and accounting for all sales taxes collected on noncommercial aviation fuel and their subsequent reinvestment in aviation uses only; and

**WHEREAS,** With the State imposed property tax cap limiting local revenue capacity, given up any portion of local sales tax is not an option; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors calls on the State to continue working with the FAA and counties to come up with a solution to preserve these local sales tax receipts and local sales tax authority in a way that meets the intent of federal law in the least burdensome way for counties; and be it



**FURTHER RESOLVED**, That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain:**

*Chairman Berwanger asked if there was any Supervisor who objects to the presentation of unanimous consent resolution #59 and 60. Hearing none, the Chairman asked Board Clerk Ketchum to read unanimous consent resolution #59 and #60 individually prior to the roll call vote.*

**UC #59**

**RESOLUTION NO. 16-153  
(March 8, 2016)**

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

**RESOLUTION IN SUPPORT OF NEW YORK STATE SENATE BILL  
S.6549 AND NEW YORK STATE ASSEMBLY BILL A.9419,  
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**, 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 S.6549 and Assembly Bill A.9419 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 S.6549 and Assembly Bill A.9419 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

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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: 1551    Noes:    Absent: 48 (Pike)    Abstain:**

Chairman Berwanger offered an amendment to resolution #60 and said that it should read, “*Schedule D employees who have accrued at least 90% of the maximum allowed, shall be permitted to receive vacation pay without taking vacation for which they are eligible up to a maximum of 5 days,*” instead of 10 days.

**UC #60**

**RESOLUTION NO. 16-154  
(March 8, 2016)**

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

**LIFT THE SUSPENSION TO BUY BACK ACCRUED VACATION TIME  
FOR EMPLOYEES UNDER SALARY SCHEDULES “S” AND “D”**

**WHEREAS**, As a result of formulating the 2016 County Budget early in 2015, it was the recommendation of the Finance Committee to suspend the buyback accrued vacation time option for Salary Schedule “S” and “D” employees which was authorized by Resolution Number 15-145, dated March 10, 2015; now therefore;

**BE IT RESOLVED**, That the Wyoming County Board of Supervisors hereby reinstates the buyback accrued vacation time option according to the Salary Schedule “S” and “D” Handbooks, as adopted on January 20, 2015 by Resolution Number 15-010; effective April 1, 2015 with the follow change in language:

***Salary Schedule “S” Employees shall be allowed to accrue an aggregate of 60 days (420 hrs./35 hr. work week & 480 hrs./40 hr. work week):***

- **Effective April 1, 2016**, Schedule S employees **who have accrued at least 90% of the maximum allowed**, shall be permitted to receive vacation pay without taking vacation for which they are eligible up to a maximum of 5 days in any fiscal year. A schedule S employee must submit the request to tender benefit time to their Department Head.

**The Department Head will determine if the employee has the required amount of vacation accrued: for a 35 hour/week employee, 378 hours and for a 40 hour/week employee, 432 hours.**

Upon approval the Department Head will add the vacation buy-back amount to the payroll and submit to the Treasurer's Office for payment.

***Salary Schedule "D" Employees shall be allowed to accrue an aggregate of 60 days (420 hrs./35 hr. work week & 480 hrs./40 hr. work week):***

- Effective **April 1, 2016**, Schedule D employees **who have accrued at least 90% of the maximum allowed**, shall be permitted to receive vacation pay without taking vacation for which they are eligible up to a maximum of 5 days in any fiscal year. A schedule D employee must submit the request to tender benefit time to the Chairman of the Board of Supervisors. **The Chairman will determine if the employee has the required amount of vacation accrued: for a 35 hour/week employee, 378 hours and for a 40 hour/week employee, 432 hours.**

Upon approval the Department Head will add the vacation buy-back amount to the payroll and submit to the Treasurer's Office for payment.

Effective April 01, 2016

**Carried: XXX    Ayes: 1551    Noes:    Absent: 48 (Pike)    Abstain:**

*Prior to adjourning the meeting Chairman Berwanger announced that the county received word last Friday that they were awarded the \$20 million dollar grant for debt defeasement for the hospital. On the record, he thanked Governor Cuomo, Lt. Gov. Hochul and NYS Senator Gallivan. All of whom worked very hard to secure this vital funding for Wyoming County.*

*Additionally, Chairman Berwanger thanked the Supervisors that supported hiring of the grant writer, CEO Eichenauer and his staff for putting the numbers together.*

*There being no further business to come before this Board, Senior Supervisor Davis, T/Covington, adjourned the meeting at 3:46 PM with a rap on his desk.*

\*\*\*\*\*

Respectfully submitted,

*Cheryl J. Ketchum*

Cheryl J. Ketchum, <sup>CMC</sup>

Clerk to the Board

March 8, 2016

**REGULAR SESSION**  
**(April 12, 2016)**  
**Tuesday**  
**2:30 PM**

The regular session of the Wyoming County Board of Supervisors was held at the Wyoming County Government Center in the Board of Supervisors' Chambers located at 143 North Main Street, Warsaw, New York with all Supervisors present. Also present were County Attorney Jim Wujcik, Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Lisa Perez.

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:

**James Jarnot**

James Jarnot was born in South Buffalo, the second son of a tough Buffalo City Fireman, from whom he learned the importance of discipline and hard work. As a young lad, his father often said, "Leadership is in our blood." His older brother, already in the Navy, often shared stories of travel and excitement. At seventeen years old, Mr. Jarnot followed his brother's footsteps and joined the United States Navy.

Mr. Jarnot quickly adjusted to military life at Naval Station Great Lakes. He graduated at the top of his class earning the rank of E-3 straight out of "Boot Camp". Naval Base San Diego, home of the Pacific Fleet, is where Mr. Jarnot was assigned to a "Guided Missile Cruiser USS Jewett" where he worked in the engineering field as a machinist mate. Journeying to foreign countries to mingle with diverse cultures was the most fulfilling part of military life.

On one deployment, the USS Jewett steamed toward the Persian Gulf to bombard Beirut Lebanon. Unknown to Mr. Jarnot, his older brother, a 30-year Navy veteran *Senior Chief* was assigned to an aircraft carrier on the same mission. They docked in Japan together on what became a high point in both their careers. He completed his four-year commitment and received an Honorable Discharge. For his courage and valor to his country, Mr. Jarnot received:

Battle "E" Ribbon  
 Sea Service Deployment Ribbon with one Star  
 Good Conduct Medal

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Mr. Jarnot returned to Western New York to make Wyoming County his new home. He worked at a printing company “FlexoTransparent” in Buffalo for nearly twenty years, the last six of which he also worked part-time as a Wyoming County Sheriff.

Currently, a full time Sergeant with the Wyoming County Sheriff Department, Mr. Jarnot believes he makes a difference in peoples’ lives. “Seeing someone turn their life around to become a success story is very rewarding”. He spends most off duty time with his wife, attending school activities with two teenage daughters and hunting when he gets a chance.

***The pledge was said by all.***

Chairman Berwanger invited Town of Bennington Supervisor, E. Grant to join him in the presentation of the customary certificate of appreciation to Mr. Jarnot and an opportunity to address the Board. At which time, Mr. Jarnot thanked the Board for being asked to lead the pledge. He went on to say more than ever we need to support the men and women in uniform who have sacrificed so much to protect the liberties we sometimes take for granted. Mr. Jarnot also said we should not forget those who made the ultimate sacrifice so that we can live the lives we are so accustomed to living today.

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

*Chairman Berwanger addressed the board and asked for a moment of silence in memory of Wyoming County Planner, Arthur J. Buckley, who died suddenly the week before. Mr. Buckley served as the County Planner since 2008.*

**Communications ~**

1. ***Senator Gallivan*** will be holding a conference call in the Thomson Hall Conference Room for the Supervisors on April 18<sup>th</sup> 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 Number 12-110 in support of full casino gaming at Batavia Downs.

April 12, 2016

*Clerk Ketchum also noted the Departmental and Contract Agency flyers that have been placed at the end of the board packet that might be of interest...*

#1

**RESOLUTION NO. 16-155**  
**(April 12, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**FUNDS TRANSFERRED TO VARIOUS 2016 ACCOUNTS**

**BE IT RESOLVED**, That funds are hereby transferred to the various 2016 accounts as follows:

<b>Human Resource</b>			
<b>From:</b> 01.34.1431.4.40701 Exam Monitor Exp. <b>To:</b> 01.34.1431.1.10001 Salary S/D/I <b>Reason:</b> To cover payroll expense for exam monitors previously paid by voucher.	\$950.00	\$950.00	
<b>Human Resource Total</b>			<b>\$950.00</b>

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**  
#2

**RESOLUTION NO. 16-156**  
**(April 12, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**FUNDS APPROPRIATED TO VARIOUS 2016 ACCOUNTS**

**BE IT RESOLVED**, That funds are hereby appropriated to the various 2016 accounts as follows:

<b>Historian</b>			
<b>To:</b> 01.46.7510.2.20401 Misc. Equipment <i>w/any funds available</i> <b>Reason:</b> The manual film advance attachment is no longer made, only motorized, which increased the price.	\$715.37	\$715.37	
<b>Historian Total</b>			<b>\$715.37</b>
<b>Mental Health</b>			
<b>To:</b> 01.38.4325.4.42441 MICA CM/WCCH 01.38.4325.4.42441 MICA CM/SHS 01.38.4325.4.42445 Supported Housing/LOPD 01.38.4325.4.42409 Advocacy/SHS w/01.11.4325.3490 State Aid Revenue <b>Reason:</b> To appropriate State Aid Funds to match 3/2016 State Aid Letter.	\$1,328.00 148.00 772.00 1,761.00	\$4,009.00	
<b>Mental Health Total</b>			<b>\$4,009.00</b>

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<b>Highway</b>			
<b>To:</b> 03.54.5130.2.20401 Misc. Equip. <i>w/any funds available</i>	\$8,000.00	\$8,000.00	
<b>Reason:</b> To pay unbudgeted snow pusher for Ag. & Business Center plowing.			
<b>Highway Total</b>			<b>\$8,000.00</b>
<b>Board of Supervisors</b>			
<b>To:</b> 01.31.1010.4.40201 Dues <i>w/any funds available</i>	\$843.00	\$843.00	
<b>Reason:</b> NACO Membership fee.			
<b>To:</b> 01.31.1010.4.41204 Advertising <i>w/any funds available</i>	\$4,000.00	\$4,000.00	
<b>Reason:</b> HR Director recruitment advertising.			
<b>Board of Supervisors Total</b>			<b>\$4,843.00</b>
<b>WCCH</b>			
<b>To:</b> 01.52.9950.9.99002 Transfer to Hospital <i>w/any funds available</i>	\$100,000.00	\$100,000.00	
<b>Reason:</b> To offset physician recruitment and IT roll-over funds from 2015.			
<b>To:</b> 02.56.4510.4.42501 Hospital Contractual w/02.13.4510.5031 Interfund Revenue	\$100,000.00	\$100,000.00	
<b>Reason:</b> To offset physician recruitment and IT roll-over funds from 2015.			
<b>WCCH Total</b>			<b>\$100,000.00</b>
<b>Cornell Cooperative Ext.</b>			
<b>To:</b> 01.49.8751.4.40955 Ag. Related Assistance <i>w/any funds available</i>	\$19,500.00	\$19,500.00	
<b>Reason:</b> To cover the cost of MOU for receptionist services.			
<b>Cornell Cooperative Ext. Total</b>			<b>\$19,500.00</b>
<b>Ag. and Business Center</b>			
<b>To:</b> 01.42.6422.4.40305 Contractual – Other w/01.11.6422.3089 Other State Aid 01.11.6422.349702 State Energy Funds	\$600,000.00	\$450,000.00 \$150,000.00	
<b>Reason:</b> To appropriate State Funding for the Ag. and Business Center			
<b>Ag. and Business Center Total</b>			<b>\$600,000.00</b>

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

Mrs. King, T/Pike, Chairman of the Audit Committee, presented bills totaling **\$2,752,400.29** for the month of **March 2016**.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**  
*There was a motion by Mr. Tallman, T/Gainesville, to combine resolutions #3 and 4. Hearing no objection resolution titles were read.*

**#3**

### RESOLUTION NO. 16-157 (April 12, 2016)

By Mr. Tallman, Chairman of the Human Resources Committee:

April 12, 2016

**SET PUBLIC HEARING ~ INTRODUCTORY LOCAL LAW NO. A,  
YEAR 2016**

**WHEREAS**, There has been duly presented and introduced at a meeting of this Board of Supervisors of Wyoming County on this 12<sup>th</sup> day of April, 2016, a proposed local law entitled, “Local Law Introductory No. A, Year 2016, *“A Local Law to Rescind and Replace Local Law 1, Year 2003 ~ Establishing a Motor Vehicle Use Tax,”* 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 *10<sup>th</sup> day of May, 2016 at 2:30 pm in the Supervisors’ Chambers, 2<sup>nd</sup> Floor of the Wyoming County Government Center, 143 North Main Street, Warsaw, New York.*

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

**INTRODUCTORY LOCAL LAW NO. A OF THE YEAR 2016**

**A Local Law Establishing a Motor Vehicle Use Tax**

Be it enacted by the Board of Supervisors for the County of Wyoming as follows:

**SECTION 1.      PURPOSE.**

The purpose of this Local Law is to repeal and rescind Local Law No. 1 of the year 2003, entitled “A Local Law Establishing a Motor Vehicle Use Fee” and to establish a new Local Law entitled “A Local Law Establishing a Motor Vehicle Use Fee”.

**Section 1. Definitions.**

a. When used in this local law, the following terms shall have the following meanings:

*Buses.* The term “buses” shall have the same meaning as defined in §104 of the Vehicle and Traffic Law, as amended.

*Commissioner.* The County Treasurer of the County of Wyoming.

*Passenger Motor Vehicle.* Any motor vehicle subject to the registration fee as provided for in §401, Subdivision 6 of the Vehicle and Traffic Law.



*Sheriff.* The Sheriff or his or her successor in office.

*Truck.* The term “truck” shall have the same meaning as defined in §158 of the Vehicle and Traffic Law, as amended.

## **Section 2. Imposition of Tax.**

a. A motor vehicle use tax pursuant to §§1202(a) and 1201(e) of the Tax Law is hereby imposed in the following manner:

1. A tax of \$5.00 per annum for the use of passenger motor vehicles of a type commonly used for noncommercial purposes owned by residents of the County for each such vehicle weighing 3,500 pounds or less and a tax of \$10.00 per annum for such vehicles in excess of 3,500 pounds;

2. A tax of \$10.00 per annum for the use of trucks, buses and other such commercial vehicles used principally in connection with a business carried on within the County, except when owned and used in connection with the operation of a farm by the owner or tenant thereof and carrying a farm plate.

## **Section 3. Exemptions.**

The tax imposed by this local law shall not be imposed upon any vehicle exempt from the registration fee pursuant to the Vehicle and Traffic Law.

## **Section 4. Payment of Tax and Evidence of Tax Payment.**

a. Every owner of a motor vehicle subject to tax hereunder shall pay the tax thereon to the Commissioner of Motor Vehicles of the State of New York on or before the date upon which he or she registers or renews his or her registration thereof or is required to register or renew his or her registration thereof pursuant to §401 of the Vehicle and Traffic Law.

b. Notwithstanding the provisions of §400 of the Vehicle and Traffic Law to the contrary, the payment of such tax shall be a condition precedent to the registration or renewal thereof of such motor vehicle and to the issuance of any certificate of registration and plates or removable tag specified in Subdivision 3 of §401 and §§403 and 404 of the Vehicle and Traffic Law, and no such certificate of registration, plates or tag shall be issued unless such tax has been paid. The Commissioner of Motor Vehicles shall not issue a registration certificate for any motor vehicle for which the registrant's address is within the County except upon proof in a form approved by the Commissioner of Motor Vehicles that such tax has been paid or is not due, with respect to such motor vehicle. The Commissioner of Motor Vehicles, upon the application of any person exempt therefrom, shall furnish to each taxpayer paying the tax a receipt for such tax and to each such taxpayer or exempt person a statement, document or other form approved by the Commissioner of Motor Vehicles, pursuant to the

last sentence, showing that such tax has been paid or is not due, with respect to such motor vehicle.

### **Section 5. Returns.**

a. At the time the payment of the tax imposed by this local law becomes due, every person subject to tax hereunder shall file a return with the Commissioner of Motor Vehicles in such form and containing such information as may be prescribed by such Commissioner of Motor Vehicles. The taxpayer's application for registration or the renewal of registration shall constitute the return required under this local law, unless the Commissioner of Motor Vehicles, by regulation, shall otherwise provide.

b. Returns shall be preserved for three years and thereafter until the Commissioner of Motor Vehicles permits them to be destroyed.

c. The Commissioner of Motor Vehicles may require amended returns or certificates of facts to be filed within twenty (20) days after notice and to contain the information specified in the notice. Any such certificate shall be deemed to be part of the return required to be filed.

d. If a return required by this local law is not filed or if a return when filed is incorrect or insufficient on its face, the Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, shall take the necessary steps to enforce the filing of such a return or of a corrected return.

### **Section 6. Determination of Tax.**

If a return required by this local law is not filed or if a return when filed is incorrect or insufficient or if a tax or any part thereof due hereunder be not paid when required, the amount of tax due shall be determined by the Commissioner of Motor Vehicles or by the County Treasurer, if designated as his or her agent, from such information as may be obtainable, including motor vehicle registration with the Department of Motor Vehicles of the State of New York and/or other factors. Notice of such determination shall be given to the person liable for the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty (30) days after the giving of notice of such determination, shall apply to the Commissioner of Motor Vehicles or to the County Treasurer, if designated as his or her agent, for a hearing or unless such commissioner or agent, as the case may be, of his or her own motions shall redetermine the same. After such hearing, the Commissioner of Motor Vehicles, if he or she holds the hearing, or the County Treasurer, if the County Treasurer holds the hearing, shall give notice of the determination of such application to the person against whom the tax is assessed. Such determination shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article 78 of the Civil

Practice Law and Rules if application therefor is made to the Supreme Court within four (4) months after the giving of the notice of such determination. A proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless the amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited with the Commissioner of Motor Vehicles and there shall be filed with the Commissioner of Motor Vehicles an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve, to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding; or at the option of the applicant, such undertaking filed with the Commissioner of Motor Vehicles may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination, plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such taxes, penalties and interest as a condition precedent to the application.

#### **Section 7. Refund of Certain Unused Registrations.**

Whenever any fee or portion of a fee paid for the registration of a motor vehicle under the provisions of the Vehicle and Traffic Law is refunded pursuant to the provisions of Subdivision 1 of §428 thereof, the amount of any tax paid pursuant to this local law upon such registration shall also be refunded by the Commissioner of Motor Vehicles.

#### **Section 8. Refunds.**

a. In the manner provided in this section, the Commissioner of Motor Vehicles shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application for such refund shall be made within one (1) year from the payment thereof to the Commissioner of Motor Vehicles or to the County Treasurer, if designated as his or her agent. Whenever a refund is made, the reasons therefor shall be stated, in writing, by the Commissioner of Motor Vehicles or by the County Treasurer, as the case may be, who, in lieu of any refund, may allow credit therefor on payments due from the applicant.

b. An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty or interest complained of and the Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, shall hold a hearing and receive evidence with respect thereto. After such hearing, the Commissioner of Motor Vehicles, if he or she holds the hearing, or the County Treasurer, if the County Treasurer holds the hearing, shall give notice of the determination of such application to the applicant who shall be entitled to review such determination by a proceeding

pursuant to Article 78 of the Civil Practice Law and Rules, provided that such proceeding is instituted within four months after the giving of notice in such determination, and provided that a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the Commissioner of Motor Vehicles in such amount and with such sureties as a Justice of the Supreme Court shall approve, to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

c. A person shall not be entitled to a revision, refund or credit under this section of a tax, interest or penalty which has been determined to be due pursuant to the provisions of Section 6 of this local law where he or she has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail himself or herself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination made pursuant to Section 6 of this local law, unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper after a hearing or, on his or her own motion, by the Commissioner of Motor Vehicles or by the County Treasurer, as the case may be, or in a proceeding under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

### **Section 9. Reserves.**

In cases where a taxpayer has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review a determination adverse to such taxpayer on his or her application for refund, the County Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

### **Section 10. Remedies Exclusive.**

The remedies provided by Sections 6 and 8 of this local law shall be exclusive remedies available to any person for the review of tax liability imposed by this local law, and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding in the nature of a certiorari proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that a taxpayer, may proceed by declaratory judgment if he or she institutes suit within thirty (30) days after a deficiency assessment is made and pays the amount of the deficiency assessment to the Commissioner of Motor Vehicles prior to the institution of such suit and posts a bond for costs as provided in Section 6 of this local law.

**Section 11. Proceeding to Recover Tax.**

a. Whenever any person shall fail to pay any tax, penalty or interest imposed by this local law as herein provided, the County Attorney, upon the request of the Commissioner of Motor Vehicles or of the County Treasurer, if designated as his or her agent, shall bring or cause to be brought an action in accordance with the Laws of Wyoming County to enforce the payment of the same on behalf of the County of Wyoming in any court of the State of New York or of any other state of the United States. However, if in his or her discretion the, Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, believes that any such person subject to the provisions of this local law is about to cease business, leave the State or remove or dissipate the assets out of which the tax or penalty might be satisfied and that any such tax or penalty will not be paid when due, he or she may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.

b. As an additional or alternate remedy, the Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, may issue a warrant, directed to the Sheriff commanding him or her to levy upon and sell the real and personal property of the person liable for the tax which may be found within the County for the payment of the amount thereof, with any penalty and interest, and the cost of executing the warrant, and to return such warrant to the person who issued it and to pay to him or her the money collected by virtue thereof within sixty (60) days after the receipt of such warrant. The Sheriff shall within five (5) days after the receipt of the warrant, file with the County Clerk a copy thereof, and thereupon such clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalty and interest for which the warrant is issued and the date when such copy is filed. Thereupon, the amount of such warrant so docketed shall become a lien upon the title to and the interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant in the same manner, and with like effect as that provided by law in respect to executions issued against property upon judgments of a court of record, and for services in executing the warrant, such Sheriff shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the Commissioner of Motor Vehicles or the County Treasurer, as the case may be, may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if he or she had recovered judgment therefor and execution thereon had been returned unsatisfied.

**Section 12. General Powers of the Commissioner of Motor Vehicles.**

a. In addition to the powers granted to the Commissioner of Motor Vehicles in this local law, he or she is hereby authorized and empowered:

1. To make, adopt and amend rules and regulations appropriate to the carrying out of this local law;
2. For cause shown, to remit penalties, and to compromise disputed claims in connection with the taxes hereby imposed;
3. To request information concerning motor vehicles and persons subject to the provisions of this local law from the Department of Motor Vehicles of any other state or the Treasury Department of the United States or any city or county of the State of New York, and to afford such information to such other state, Treasury Department, city or county any provision of this local law to the contrary notwithstanding;
4. To delegate his or her functions hereunder to a deputy commissioner in the Department of Motor Vehicles or any employee or employees of his or her department;
5. To prescribe methods for determining the tax to keep such records as he or she may prescribe and to furnish such information upon his or her request;
6. To require all persons owning motor vehicles subject to tax to keep such records as he or she may prescribe and to furnish such information upon his or her request;
7. To request the Wyoming County Sheriff to assist in the enforcement of the provisions of this local law.

### **Section 13. Administration of Oaths and Compelling Testimony.**

- a. The Commissioner of Motor Vehicles or his or her employees or agents duly designated and authorized by such commissioner shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the powers and duties under this local law. The Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, shall have the power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his or her duties hereunder and of the enforcement of this local law and to examine them in relation thereto and to issue commissions for the examination of witnesses who are out of the State or unable to attend before him or her or excused from attendance.
- b. A Justice of the Supreme Court, either in court or at chambers, shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and production and examination of books, papers and documents called for by the subpoena of the Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent under this local law.
- c. The officers who serve the summons or subpoena of the Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as

herein otherwise provided. Such officers shall be the County Treasurer and his or her duly appointed deputies or any officers or employees of the Department of Motor Vehicles designated by the Commissioner of Motor Vehicles to serve such process or any officers or employees of the Treasurer's Office of the County designated by the County Treasurer to serve such process.

#### **Section 14. Penalties and Interest.**

a. Any person failing to file a return or to pay any tax or any portion thereof within the time required by this local law shall be subject to a penalty of five (5) times the amount of the tax due, plus interest of five percent (5%) of such tax for each month of delay or fraction thereof, but the Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, if satisfied that the delay excusable, may remit all or any part of such penalty, but not interest at the rate of six percent per year. Penalties and interest shall be paid and disposed of in the same manner as other revenues under this local law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this local law.

b. The certificate of the Commissioner of Motor Vehicles or of the County Treasurer, if designated as his or her agent, to the effect that a tax has not been paid or that a return required by this local law has not been filed or that information has not been supplied pursuant to the provisions, of this local law shall be presumptive evidence thereof.

#### **Section 15. Returns to be Secret.**

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the Commissioner of Motor Vehicles, any officer or employee of the Department of Motor Vehicles, the County Treasurer, any officer or employee of the Treasurer's Office, any agent of the Commissioner of Motor Vehicles or any person who, pursuant to this section, is permitted to inspect any return or to whom a copy, an abstract or portion of any return is furnished or to whom any information contained in any return is furnished to divulge or make known in any manner any information contained in or relating to any return provided for by this chapter. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Commissioner of Motor Vehicles or the County Treasurer in an action or proceeding under the provisions of this local law or on behalf of any party to an action or proceeding under the provisions of this local law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of and may admit in evidence so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more. The Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, may,

nevertheless, publish a copy or a summary of any determination or decision rendered after a formal hearing held pursuant to Section 6 or 8 to this local law. Nothing herein shall be construed to prohibit the delivery to a person or his or her duly authorized representative of a certified copy of any return filed by him or her pursuant to this chapter or of the receipt, document or other form issued pursuant to Section 4 of this local law or a duplicate copy thereof, nor to prohibit the delivery of such a certified copy of such return or any information contained in or relating thereto to the United States of America or any department thereof, the State of New York or any department thereof or the County of Wyoming or any department thereof, provided that the same is required for official business, nor to prohibit the inspection for official business of such returns by the Corporation Counsel or other legal representatives of the County or by the District Attorney, nor to exhibit the publication of statistics so classified as to prevent the identification of particular returns or items thereof.

#### **Section 16. Notices and Limitations of Time.**

a. Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him or her pursuant to the provisions of this local law, in any application made by him or her pursuant or in any application for registration made by him or her pursuant to §401 of the Vehicle and Traffic Law or, if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this local law by the giving of notice shall commence to run from the date of mailing of such notice.

b. The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this local law. However, except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return; provided, however, that where no return has been filed as provided by law, the tax may be assessed at any time.

c. Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented, in writing, that such period be extended, the amount of such additional tax may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents, in writing, made before the expiration of the



extended period.

d. If any return, claim, statement, notice, application or other document required to be filed or any payment required to be made within a prescribed period or on or before a prescribed date under authority of any provision of this title is, after such period or such date, delivered by United States Mail to the Commissioner of Motor Vehicles, County Treasurer, bureau, office, officer or person with which or with whom such document is required to be made, the date of the United States postmark stamped on the envelope shall be deemed to be the date of delivery. This subsection shall apply only if the postmark date falls within the prescribed period or on or before the prescribed date for the filing of such document or for making the payment, including any extension granted for such filing or payment, and only if such document or payment was deposited in the mail, postage prepaid, properly addressed to the Commissioner of Motor Vehicles, County Treasurer, bureau, office, officer or person with which or with whom such payment is required to be made. If any document is sent by United States registered mail, such registration shall be prima facie evidence that such document was delivered to the Commissioner of Motor Vehicles, County Treasurer, bureau, office, officer, or person to which or to whom addressed, and the date of registration shall be deemed the postmark date. The Commissioner of Motor Vehicles is authorized to provide by regulation the extent to which the provisions of the preceding sentence with respect to prima facie evidence of delivery and the postmark date shall apply to certified mail. This subsection shall apply in the case of postmarks not made by the United States Postal Service only if and to the extent provided by regulation of the Commissioner of Motor Vehicles.

e. When the last day prescribed under authority of this title (including any extension of time) for performing any act falls on a Saturday, Sunday or legal holiday in the State of New York, the performance of such act shall be considered timely if it is performed on the next succeeding day which is not a Saturday, Sunday or legal holiday.

### **Section 17. County Treasurer as Agent.**

a. The Commissioner of Motor Vehicles is hereby authorized to designate the Wyoming County Treasurer as his or her agent to exercise any or all of his or her functions and powers specified or provided for in subsection (d) of Section 5 and in Sections 6, 8, 11, 13, 14 and 16 of this local law. Where the County Treasurer has been so designated as agent, the County Treasurer, in addition to the powers elsewhere granted to him or her in this local law, is hereby authorized and empowered:

1. To delegate such functions and powers to any employee or employees of the Treasurer's Office;

2. For cause shown, to remit penalties and to compromise disputed claims in connection with the taxes hereby imposed;
3. To request information concerning motor vehicles and persons subject to the provisions of this local law from the Department of Transportation of the United States or any city or county of the State of New York, and to afford such information to such other state, treasury department, city or county any provision of this local law to the contrary notwithstanding;
4. To request the Sheriff's Department of the County to assist in the enforcement of the provisions of this local law.

**Section 18. Agreement between County Treasurer and Commissioner of Motor Vehicles.**

The County Treasurer is hereby authorized and empowered to enter into an agreement with the Commissioner of Motor Vehicles to govern the administration and collection of the taxes imposed by this local law, which agreement shall provide for the exclusive method of collection of such taxes, custody and remittal of the proceeds of such tax; for the payment by the County of the reasonable expenses incurred by the Department of Motor Vehicles in collecting and administering such tax; and for the audit, upon request of the County Treasurer or his or her delegate, of the accuracy of the payment distributions and remittances to the County Treasurer pursuant to the provisions of this local law, to be conducted at a time agreed upon by the State Comptroller and to be allowed not more frequently than once in each calendar year. Such agreement shall have the force and effect of a rule or regulation of the Commissioner of Motor Vehicles and shall be filed and published in accordance with any statutory requirements relating thereto.

**Section 19. Notification to County Attorney.**

The Commissioner of Motor Vehicles shall promptly notify the County Attorney of any litigation instituted against him or her which challenges the constitutionality or validity of any provision of this local law or which attempts to limit or question the applicability of such law, and such notification shall include a copy of the papers served upon him.

**Section 20. Disposition of Revenues.**

All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of the County and shall be credited to and deposited in the general fund of the County.

**Section 21. Severability.**

If any provision of this local law or the application thereof to any person or circumstances is held invalid, the remainder of this local law and the application of such provisions to other persons and circumstances shall not be affected thereby.

**Section 21. Effective Date.**

This law shall take effect upon the filing of the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

DATED at Warsaw, New York

April 12, 2016 (Introduced)

Cheryl J. Ketchum, <sup>CMC</sup>

Board Clerk

#4

**RESOLUTION NO. 16-158**

**(April 12, 2016)**

By Mr. Tallman, Chairman of the Human Resources Committee:

**2016 UNITED WAY CAMPAIGN SUPPORTED**

**WHEREAS,** 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 2016 campaign goal of one hundred fifty thousand dollars (\$150,000.00) for these much needed services to County residents; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors does hereby endorse and support the 2016 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: 1599      Noes:      Absent:      Abstain:**

*Chairman Berwanger invited Supervisor Tallman, T/Gainesville to the microphone to read the United Way Proclamation. Supervisor Tallman asked Linda Nash from Human Resource and Andrea Aldinger, Dir. of Office for the Aging to join him at the podium. Supervisor Tallman read the proclamation.*

*Andrea Aldinger, Dir. of Office for the Aging addressed the Board and spoke about how important the services are the United Way supports. Every year she is humbled by the spirit and generosity of the folks in Wyoming County. She shared a personal story about a grandparent raising a grandchild. The grandmother was not sure where she was going to get formula, diapers and food*

April 12, 2016

*living on a limited fixed income. Dir. Aldinger sent her to Community Action and Warsaw Food Pantry, which are both United Way funded agencies. Both agencies have helped this woman. Every dollar that is raised here stays here.*

*Dir. Aldinger then introduced Linda Nash from Human Resource who also serves on the Executive Committee for United Way. Ms. Nash advised that the employee campaign began on April 8<sup>th</sup> and packets have gone out. Last year, Wyoming County employees, not including the hospital, raised \$14,481.00. This money helped people right here in Wyoming County! Employees can also designate what agencies their donation will go to. Linda advised if anyone has any questions, to give her a call and thanked the Board for their support.*

*There was a motion by Ms. Grant, T/Bennington, to combine resolutions #5 through #8. Hearing no objection resolution titles were read.*

#5

**RESOLUTION NO. 16-159  
(April 12, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

**RESOLUTION NUMBER 16-109 AMENDED**

**WHEREAS**, Resolution Number 16-109 entitled, “**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,**” passed by this Board of Supervisors on March 8, 2016 on behalf of the Wyoming County Office for the Aging. Said funding is for MIPPA (Medicare Improvements for Patients and Provider Act) which includes outreach and counseling to Medicare beneficiaries who are low income and potentially eligible for subsidy programs in a *maximum amount* of nine thousand nine hundred seventeen dollars (\$9,917.00) for fiscal year 2015-2016; contract period effective September 30, 2014 through December 31, 2017; now therefore

**BE IT RESOLVED**, That Resolution Number 16-109 be hereby amended to correct the contract end date from December 31, 2017 to September 29, 2017.

All else remains the same.

**Carried: XXX**

**Ayes: 1599**

**Noes:**

**Absent:**

**Abstain:**

**RESOLUTION NO. 16-160**  
**(April 12, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

**PASTOR LEONARD ROBERTO APPOINTED TO THE  
OFFICE FOR THE AGING ADVISORY COUNCIL**

**BE IT RESOLVED**, That **Pastor Leonard Roberto** (T/Bennington), 1366 Folsomdale Road, Cowlesville, NY 14037 is hereby appointed to the Office for the Aging Advisory Council as a Town Representative to fill a vacant unexpired three (3) year term; effective January 1, 2016 through December 31, 2018. (*replacing Linda Plewa*)

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**  
#7

**RESOLUTION NO. 16-161**  
**(April 12, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

**CHAIRMAN/COMMISSIONER OF SOCIAL SERVICES AUTHORIZED  
TO SIGN A CONTRACT WITH THE WILLIAM GEORGE AGENCY  
FOR CHILDREN'S SERVICES, INC. ON BEHALF OF THE  
DEPARTMENT OF SOCIAL SERVICES**

**BE IT RESOLVED**, That the Chairman of this Board and Commissioner of Social Services, with the approval of the County Attorney, are hereby authorized and directed to sign a contract with The William George Agency for Children's Services, Inc. on behalf of the Department of Social Services. Said contract is for providing residential foster care services for Wyoming County children/youth in an amount not to exceed thirty-eight thousand eight hundred seventy-three dollars (\$38,873.00) for one (1) child; effective March 1, 2016 through June 30, 2016. Contingent upon the availability of funds.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**  
#8

**RESOLUTION NO. 16-162**  
**(April 12, 2016)**

April 12, 2016

By Ms. Grant, Chairman of the Human Service Committee:

## **CHILD ABUSE AND 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 Wyoming County Board of Supervisors do hereby proclaim the Month of April 2016 as **CHILD ABUSE AND NEGLECT PREVENTION MONTH** in Wyoming County and commend this observance to the citizens of this County.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

*Chairman Berwanger invited Supervisor Grant, T/Bennington to the microphone to read the Child Abuse and Neglect Prevention Proclamation. Supervisor Grant asked Commissioner Rumsey to join her at the podium and read the proclamation.*

*Commissioner Rumsey thanked the Chairman and the entire Board for their*

*continued support of the Department of Social Services as we continue the fight against child abuse and neglect.*

*There was a motion by Mrs. Ryan, T/Warsaw, to combine resolutions #9 through #16.*

*Hearing no objection resolution titles were read.*

#9

**RESOLUTION NO. 16-163  
(April 12, 2016)**

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

**RESOLUTION NUMBER 16-121 AMENDED**

**WHEREAS**, Resolution Number 16-121 entitled, **CHAIRMAN AUTHORIZED TO SIGN A GRANT ACCEPTANCE AWARD WITH THE NEW YORK COUNCIL ON PROBLEM GAMBLING ON BEHALF OF MENTAL HEALTH**, passed by this Board of Supervisors on March 8, 2016 and authorized a grant acceptance award with the New York Council on Problem Gambling, 100 Great Oakes Boulevard, Suite 126, Albany, NY 12203 on behalf of Mental Health. Said grant is for correcting common youth misconceptions and belief's surrounding gambling and increase awareness in a minimum amount of fifteen thousand dollars (\$15,000.00); effective February 1, 2016 through November 5, 2016; now therefore

**BE IT RESOLVED**, That Resolution Number 16-121 be hereby amended to correct the expiration date of the grant from November 5, 2016 to November 15, 2016.

All else remains the same.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #10**

**RESOLUTION NO. 16-164  
(April 12, 2016)**

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

**REBECCA RYAN REAPPOINTED TO THE MENTAL HEALTH  
COMMUNITY SERVICES BOARD AND MENTAL HEALTH  
SUBCOMMITTEE**

April 12, 2016

**BE IT RESOLVED**, That **Rebecca Ryan**, T/Warsaw, 172 West Buffalo Street, NY 14569 is hereby reappointed to the Mental Health Community Services Board and Mental Health Subcommittee as the Supervisor Member for a term of one (1) year; effective January 1, 2016 through December 31, 2016.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #11**

**RESOLUTION NO. 16-165  
(April 12, 2016)**

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

**RESOLUTION NUMBER 15-406 AMENDED**

**WHEREAS**, Resolution Number 15-406 entitled, “**CHAIRMAN AUTHORIZED TO SIGN 2016 RENEWAL CONTRACTS ON BEHALF OF MENTAL HEALTH**” passed by this Board of Supervisors on November 10, 2015 and provides for various renewal contracts for FY 2016 for Mental Health; and

**WHEREAS**, Resolution Number 15-406 was previously amended by the Board of Supervisors on March 8, 2016 by Resolution Number 16-120 to reflect the following changes:

- B.      **Suburban Adult Services, Inc.**, contract renewal in an amount not to exceed \$38,090.00; effective January 1, 2016 through December 31, 2016:
  - Total contract amount increased by \$953.00 for a new total amount of **\$39,043.00**
- F.      **Spectrum Human Services, Inc.**, contract renewal in an amount not to exceed \$565,542.00; effective January 1, 2016 through December 31, 2016:
  - Total contract amount decreased by \$8,441.00 for a new total amount of **\$557,101.00**
- H.      **Coordinated Care Services, Inc. of Rochester**, contract renewal in an amount not to exceed \$378,596.00; effective January 1, 2016 through December 31, 2016.
  - Total contract amount increased by \$6,300.00 for a new total amount of **\$384,896.00**

now therefore,

**BE IT RESOLVED**, That Resolution Number 15-406 be further

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amended to reflect the following changes:

C. **Wyoming County Community Hospital**, contract renewal in an amount not to exceed \$171,573.00; effective January 1, 2016 through December 31, 2016 as follows:

- Total contract amount decreased by \$820.00 for a new total amount of **\$170,753.00**

G. **Living Opportunities of DePaul**, contract renewal in an amount not to exceed \$305,817.00; effective January 1, 2016 through December 31, 2016 as follows:

- Original contract amount corrected to \$306,378.00
- Corrected contract amount increased by \$211.00 for a new total amount of **\$306,589.00**

All else remains the same.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #12**

**RESOLUTION NO. 16-166**  
**(April 12, 2016)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH FINGER LAKES PERFORMING PROVIDER SYSTEM ON BEHALF OF MENTAL HEALTH**

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Finger Lakes Performing Provider System, 2100 Brighton Henrietta Town Line Road, Unit #100, Rochester, NY 14623 on behalf of Mental Health. Said contract to implement the Delivery System Reform Incentive Payment Program Projects; effective April 1, 2015 through December 31, 2020.

*Revenue Contract (dependent upon project metrics and outcomes in each performance period).*

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #13**

**RESOLUTION NO. 16- 167**  
**(April 12, 2016)**

April 12, 2016

By Ms. Ryan, Chairman of the 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,** Wyoming County supports national efforts to prevent alcoholism among youth by responding to the Surgeon General's Call to Action to Stop and reduce underage drinking, so as to spread new information related to the public health risks associated with alcohol; and

**WHEREAS,** All Wyoming County residents join to recognize credentialed alcoholism and substance abuse prevention professionals and counselors who-along with other specialists in schools, communities and workplace-serve an important role in fighting alcoholism and related problems, therefore enabling many people to recover and lead productive and healthy lives; now therefore

**BE IT RESOLVED**, That the Wyoming County Board of Supervisors do hereby proclaim April 2016 as:

**ALCOHOL AWARENESS MONTH IN WYOMING COUNTY**

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #14**

**RESOLUTION NO. 16-168  
(April 12, 2016)**

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

**RESOLUTION NUMBER 13-265 AMENDED**

**WHEREAS**, Resolution Number 13-265 entitled, **“CHAIRMAN/COMMISSIONER OF HEALTH AUTHORIZED TO SIGN A GRANT APPLICATION AND ACCEPTANCE AWARD WITH THE NEW YORK STATE DEPARTMENT OF HEALTH, BUREAU OF COMMUNITY ENVIRONMENTAL HEALTH AND FOOD PROTECTION ON BEHALF OF THE COUNTY HEALTH DEPARTMENT,”** passed by this Board of Supervisors on August 13, 2013 to authorize a grant application and acceptance award with New York State Department of Health, Bureau of Community Environmental Health & Food Protection, Empire State Plaza, Corning Tower Building, Room 1395, Albany, New York 12237 on behalf of the County Health Department to fund the Tobacco Enforcement Program in a minimum amount of twenty-seven thousand five hundred thirty-nine dollars (\$27,539.00); effective April 1, 2013 through March 31, 2014; and

**WHEREAS**, That Resolution Number 13-265 was previously amended by the Board of Supervisors on March 11, 2014 by Resolution Number 14-115 to extend the contract as follows:

- 04/01/2014 ~ 03/31/2015      \$29,539.00
- 04/01/2015 ~ 03/31/2016      \$31,539.00
- 04/01/2016 ~ 03/31/2017      \$33,539.00
- 04/01/2017 ~ 03/31/2018      \$35,539.00

Making the grant term from April 1, 2013 through March 31, 2018 in the maximum amount of one hundred fifty-seven thousand six hundred ninety-five dollars (\$157,695.00) with all other terms and conditions remaining the same; and

**WHEREAS**, Resolution Number 13-265 as amended by Resolution

April 12, 2016

Number 14-155 was further amended by Resolution Number 15-164 by the Board of Supervisors on April 14, 2015 to reflect the following reductions in annual funding:

- 04/01/2014 ~ 03/31/2015 \$29,539.00 reduced by \$3,986.00 to \$25,553.00
- 04/01/2015 ~ 03/31/2016 \$31,539.00 reduced by \$4,303.00 to \$27,236.00

now, therefore

**BE IT RESOLVED**, That Resolution Number 13-265 as previously amended by Resolution Numbers 14-115 and 15-164 be further amended to reflect the following reductions in annual funding:

- 04/01/2016 ~ 03/31/2017 \$33,539.00 reduced by \$5,721.00 to \$27,818.00

All else remains the same.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #15**

**RESOLUTION NO. 16-169  
(April 12, 2016)**

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

**CHAIRMAN/COMMISSIONER OF HEALTH AUTHORIZED TO SIGN  
GRANT APPLICATIONS AND ACCEPTANCE AWARDS ON BEHALF  
OF THE COUNTY HEALTH DEPARTMENT**

**BE IT RESOLVED**, That the Chairman of this Board and the Commissioner of Health with the approval of the County Attorney are hereby authorized and directed to sign grant applications and acceptance awards on behalf of the County Health Department as follows:

- **New York State Department of Health, Center for Community Health, Division of Chronic Disease Prevention**, ESP Corning Tower, Room 1025, Albany, NY 12237 for the Livingston Wyoming Cancer Services Program:
  - Clinical services provider payments in a minimum amount of fifteen thousand dollars (\$15,000.00); effective April 1, 2016 through March 31, 2017.
  - Infrastructure expense for the Livingston ~Wyoming Cancer Services Partnership as follows:

- 04/01/2016 ~ 03/31/2017 \$110,000.00
- 04/01/2017 ~ 03/31/2018 \$110,000.00
- 04/01/2018 ~ 09/30/2018 \$ 55,000.00

- **New York State Department of Health**, Corning Tower ESP, Albany, NY 12237 for the provision of funding for Lead Poisoning Prevention Services; effective October 1, 2015 through September 30, 2020. Master Contract funding amount of one hundred sixty thousand nine hundred sixty dollars (\$160,960.00) as follows:

○ 10/01/2015 ~ 09/30/2016	\$32,192.00
○ 10/01/2016 ~ 09/30/2017	\$32,192.00
○ 10/01/2017 ~ 09/30/2018	\$32,192.00
○ 10/01/2018 ~ 09/30/2019	\$32,192.00
○ 10/01/2019 ~ 09/30/2020	\$32,192.00

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #16**

**RESOLUTION NO. 16-170  
(April 12, 2016)**

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

**CHAIRMAN/COMMISSIONER OF HEALTH AUTHORIZED TO SIGN  
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, Mount Morris, NY 14510 on behalf of the County Health Department. Said Sub Agreement is for reimbursement of Livingston Wyoming Cancer Services Program activities in a *maximum* amount of thirty-five thousand six hundred eighty-four dollars (\$35,684.00); effective April 1, 2016 through March 31, 2017. Expense is fully reimbursed by the Cancer Services Program Infrastructure Grant from New York State Department of Health as required by the approved New York State Department of Health Work Plan.

Contingent upon the availability of funds.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

April 12, 2016

*Chairman Berwanger invited Supervisor Ryan, T/Warsaw to the microphone to read the Alcohol Awareness Proclamation. Supervisor Ryan asked Dir. of Community Services, Nancy Balbick and Substance Abuse Prevention Coordinator Julia Calvert to join her at the podium. Supervisor read the proclamation.*

*Substance Abuse Prevention Coordinator Calvert addressed the Board and reported that the Fall 2015 surveys for the schools in Wyoming County show a decrease in underage drinking rates for the eight consecutive year.*

*There was a motion by Mr. Leuer, T/Middlebury, to combine resolutions #17 through #21. Hearing no objection resolution titles were read.*

#17

**RESOLUTION NO. 16-171**  
**(April 12, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**TRAVEL AND TOURISM WEEK PROCLAIMED**

**WHEREAS**, National Travel and Tourism Week is May 1 ~ 7, 2016. It is an annual tradition that was established by a Congressional Resolution in 1983 and first celebrated the following year. This nationwide week of events serves to champion the power of the travel and tourism industry; and

**WHEREAS**, Travel and tourism is one of America's largest industries, generating \$2.1 trillion in economic output, with \$887.9 billion spent directly by domestic and international travelers that spur an additional \$1.2 trillion in other industries; and

**WHEREAS**, According to the US Travel Association, tourism directly generated \$134 billion in tax revenue for local, state and federal governments in 2013. Travel and tourism is America's largest services export industry and is one of America's largest employers. Travel is among the top 10 industries and supported 14.9 million jobs, including 7.9 million directly in the travel industry and 7 million in other industries. One out of every 9 jobs in the U.S. depends on travel and tourism. Each U.S. household would pay \$1,093 more in taxes without the tax revenue generated by the travel and tourism industry; and

**WHEREAS**, Tourism is critical to the economic health of Wyoming County. There are almost two-hundred tourism related businesses in Wyoming County. Travelers spend \$37 million annually in Wyoming County which generates \$17 million in labor income. Wyoming County sees a return of \$4.3

million in state and local sales tax, and the average savings per Wyoming County household from tourism generated taxes is \$527; and

**WHEREAS,** From the natural beauty of Letchworth State Park to the historic landmarks, rural character and agriculture, family friendly attractions, restaurants and lodging, Wyoming County is a true four season destination for outdoor adventure and family fun; and

**WHEREAS,** To recognize "Travel and Tourism Week" from May 1 ~ 7<sup>th</sup>, 2016, a week to celebrate and support the almost two-hundred tourism related attractions and businesses that create jobs, boost the economy, and bring visitors to Wyoming County; and

**WHEREAS,** The Wyoming County Board of Supervisors wishes to recognize the importance of tourism as a critical industry in Wyoming County and urges all our citizens to join with us in this observance; now therefore

**BE IT RESOLVED,** That May 1 ~ 7<sup>th</sup>, 2016 is hereby designated as

**TRAVEL AND TOURISM WEEK**  
in Wyoming County

in conjunction with the Wyoming County Chamber & Tourism, the State of New York and the United States who have declared this as an important week in celebration and recognition of Travel and Tourism.

**Carried:** XXX      **Ayes:** 1599      **Noes:**      **Absent:**      **Abstain:**  
#18

**RESOLUTION NO. 16-172**  
**(April 12, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**DAVID DEGOLYER APPOINTED TO THE**  
**AGRICULTURAL AND FARMLAND PROTECTION BOARD**

**BE IT RESOLVED,** That **David DeGolyer** (WNY Crop Management), 5242 Curtis Road, Warsaw, NY 14569 be hereby appointed to the Agricultural and Farmland Protection Board as the Agri-Businessman Representative to fill a vacant unexpired four (4) year term; effective April 12, 2016 through December 31, 2016. (*replacing Mark Merrill*)

**Carried:** XXX      **Ayes:** 1599      **Noes:**      **Absent:**      **Abstain:**

April 12, 2016

**RESOLUTION NO. 16-173**  
**(April 12, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN AGREEMENT WITH  
ENVIRONMENTAL ENTERPRISES FOR GLOW REGION 2016  
HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM**

**WHEREAS**, The GLOW Region Solid Waste Management Committee has received funding from the New York State Department of Environmental Conservation (NYSDEC) for the 2016 Household Hazardous Waste Collection Program; and

**WHEREAS**, The GLOW Committee has recommended that a contract with Environmental Enterprises Inc., 4650 Spring Grove Avenue, Cincinnati, OH 45232 be extended to provide collection services for the September 17, 2016 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 2016 GLOW Household Hazardous Waste Collection Program in an amount not to exceed twenty-nine thousand five hundred seventy-five dollars (\$29,575.00).

Contingent upon the availability of funds.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**  
**#20**

**RESOLUTION NO. 16-174**  
**(April 12, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN SUBLEASE AGREEMENTS  
WITH CORNELL COOPERATIVE EXTENSION AND WYOMING  
COUNTY SOIL & WATER CONSERVATION DISTRICT ON BEHALF  
OF THE WYOMING COUNTY AG AND BUSINESS CENTER**

**BE IT RESOLVED**, That the Chairman of this Board, with the

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approval of the County Attorney, is hereby authorized and directed to sign a Sublease Agreement with ***Cornell Cooperative Extension of Wyoming County*** for 6,521 sq. ft. of office space located in the Wyoming County Ag. and Business Center, 36 Center Street, Suite B, Warsaw NY 14569. Base rent is in the amount of eleven dollars and forty-four cents (\$11.44) per square foot and utilities are at two dollars and eighty cents (\$2.80) per square foot; effective March 18, 2016 through March 17, 2021; and be it

**FURTHER RESOLVED**, That the Chairman of this Board, with the approval of the County Attorney, is hereby authorized and directed to sign a Sublease agreement with ***Wyoming County Soil and Water Conservation District*** for 1,260 sq. ft. of office space located in the Wyoming County Ag. and Business Center, 36 Center Street, Suite D, Warsaw NY 14569. Base rent is in the amount of eleven dollars and forty-four cents (\$11.44) per square foot and utilities are at two dollars and eighty cents (\$2.80) per square foot; effective March 1, 2016 through February 28, 2021.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #21**

**RESOLUTION NO. 16-175**  
**(April 12, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH WILLIAM MADDISON ON BEHALF OF THE WYOMING COUNTY AG AND BUSINESS CENTER**

**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 William Maddison, 144 Highview Drive, Rochester, NY 14609 on behalf of the Wyoming County Ag. and Business Center. Said contract is for consulting services to coordinate all functions associated with the continued coordination of the Agriculture and Business Center (“Center”), 36 Center Street, Warsaw, NY 14569 as they relate to the county’s interests in the amount of twenty-five dollars (\$25.00) per hour, not to exceed six thousand dollars (\$6,000.00) annually plus mileage, tolls, etc.; effective January 1, 2016 through December 31, 2016.

Contingent upon the availability of funds.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

*Chairman Berwanger invited Supervisor Leuer, T/Middlebury to the microphone to read the Travel and Tourism Week Proclamation. Supervisor*

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*Leuer asked President and CEO, Scott Gardner and VP of Tourism and Marketing Megan Nulty, both of Chamber of Commerce to join him at the podium. President and CEO, S. Gardner read the proclamation.*

*VP of Tourism and Marketing M. Nulty thanked the Chairman and the Board for their continued support of travel and tourism industry in Wyoming County. May 1<sup>st</sup> is the official roll out of the “Wyoming County Approved” promotion to get everyone thinking what it is about Wyoming County that they like to explore. The summer season is the biggest season in the County and she appreciates the recognition.*

*There was a motion by Mr. Copeland, T/Wethersfield, to withdrawn resolution #27 and combine resolutions #22 through #26 and resolutions #28 and #29. Hearing no objection resolution titles were read.*

#22

### **RESOLUTION NO. 16-176 (April 12, 2016)**

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

#### **CRIME VICTIMS’ RIGHTS WEEK PROCLAIMED**

**WHEREAS,** Americans are the victims of more than 20 million crimes each year, and crime can touch the lives of anyone regardless of age, national origin, race, creed, religion, gender, sexual orientation, immigration, or economic status; and

**WHEREAS,** Many victims face challenges in finding appropriate services, including victims with disabilities, young victims of color, deaf and hard of hearing victims, LGBTQ victims, tribal victims, elder victims, victims with mental illness, immigrant victims, teen victims, victims with limited English proficiency, and others; and

**WHEREAS,** Too many communities feel disconnected from the justice and social response systems, and have lost trust in the ability of those systems to recognize them and respond to their needs; and

**WHEREAS,** Victims of repeat victimization who fail to receive supportive services are at greater risk for long-term consequences of crime; and

**WHEREAS,** The victim services community has worked for decades to create an environment for victims that is safe, supportive, and effective; and

**WHEREAS,** Intervening early with services that support and empower victims provides a pathway to recovery from crime and abuse; and

**WHEREAS,** Honoring the rights of victims, including the right to be heard and to be treated with fairness, dignity, and respect, and working to meet their needs rebuilds their trust in the criminal justice and social service systems; and

**WHEREAS,** Serving victims and rebuilding their trust restores hope to victims and survivors, as well as their communities; and

**WHEREAS,** National Crime Victims' Rights Week, April 10~16, 2016, is an opportune time to commit to ensuring that all victims of crime -- even those who are challenging to reach or serve -- are offered culturally and linguistically accessible and appropriate services in the aftermath of crime; and

**WHEREAS,** The Wyoming County Board of Supervisors is hereby dedicated to serving victims, building trust, and restoring hope for justice and healing; now therefore

**BE IT RESOLVED,** That the Wyoming County Board do hereby proclaim the week of April 10~16, 2016, as **Crime Victims' Rights Week** in Wyoming County; and be it

**FURTHER RESOLVED,** That the Wyoming County Board of Supervisors reaffirms its commitment to creating a victim service and criminal justice response that assists all victims of crime during Crime Victims' Rights Week and throughout the year; and be it

**FURTHER RESOLVED,** That the Wyoming County Board of Supervisors express their sincere gratitude and appreciation for those community members, victim service providers and criminal justice professionals who are committed to improving our response to all victims of crime so that they may find relevant assistance, support, justice and peace.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #23**

**RESOLUTION NO. 16-177  
(April 12, 2016)**

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

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

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

- **EM Systems, Inc.**, 4043 Maple Road, Suite 211 Amherst, NY 14226-4499 for annual maintenance of the LEMS Record Management System and the Sex Offender Program Software in an amount not to exceed twelve thousand six hundred dollars (\$12,600.00); effective January 1, 2016 through December 31, 2016.
- **Town of Covington**, 7083 Court Road Pavilion, NY 14525 for additional enforcement of the New York State Vehicle and Traffic Laws for Route 63 in an amount not to exceed twenty-nine dollars and eighty-four cents to forty-four dollars and ninety cent (\$29.84-\$44.90) per hour; effective January 1, 2016 through December 31, 2016

Contingent upon the availability of funds.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #24**

**RESOLUTION NO. 16-178  
(April 12, 2016)**

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

**CHAIRMAN AUTHORIZED TO SIGN A GRANT ACCEPTANCE  
AWARD WITH THE GOVERNOR'S TRAFFIC SAFETY COMMITTEE  
2015 ~ 2016 GRANT PROGRAM ON BEHALF OF THE SHERIFF'S  
DEPARTMENT**

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant acceptance award with the Governor's Traffic Safety Committee 2015 ~ 2016 Grant Program, 6 Empire State Plaza, Room 414, Albany, NY 12228 on behalf of the Sheriff's Department. Said grant is for Selective Traffic Enforcement Program (STEP) in a minimum amount of eight thousand dollars (\$8,000.00); effective October 1, 2015 through September 5, 2016.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #25**

**RESOLUTION NO. 16-179  
(April 12, 2016)**

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

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

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

- **Lexis Nexis**, 1275 Broadway Road, Albany, NY 12204 for the Jail Law Library in an amount not to exceed fourteen thousand four hundred dollars (\$14,400.00) effective January 1, 2016 through December 31, 2017.
- **Steuben County Sheriff**, 7007 Rumsey Street Extension, Bath, NY 14810 for prisoner housing for Wyoming County inmates in an amount not to exceed eighty-five dollars (\$85.00) per day; effective January 1, 2016 through December 31, 2016.
- **Tyco Simplex Grinnell LP**, 90 Goodway Drive, Rochester, NY 14623 for fire alarm maintenance for the building in an amount not to exceed five thousand one hundred thirty-five dollars (\$5,135.00) per year; effective January 1, 2016 through December 31, 2017.

Contingent upon the availability of funds.

**Carried:** XXX      **Ayes:** 1599      **Noes:**      **Absent:**      **Abstain:**  
#26

**RESOLUTION NO. 16-180  
(April 12, 2016)**

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

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

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Wilmac, 73 State Street, Rochester, NY 14614 on behalf of Emergency Services. Said contract is for the maintenance of the NRX and Inform for 24/7 on-site and remote support coverage in an amount not to exceed nineteen thousand nine hundred thirty-five dollars (\$19,935.00); effective June 1, 2016 through May 31, 2019.

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Contingent upon the availability of funds.

**Carried: XXX**

**Ayes: 1599**

**Noes:**

**Absent:**

**Abstain:**  
#27

**RESOLUTION NO. 16-  
(April 12, 2016)**

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

**CHAIRMAN TO ACCEPT THE “Town of Hamburg Police Department’s Bid Award for the Purchase of 2016 Chevrolet Tahoes” AND EXERCISE THE RIGHT TO “PIGGYBACK” AS AN ELIGIBLE POLITICAL SUBDIVISION UNDER GML §103(16)**

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the Joint Attorneys, are hereby authorized and directed to accept the “Town of Hamburg Bid Award for the Purchase of 2016 Chevrolet Tahoes” and exercise the right to “piggyback” the award as an eligible political subdivision under GML §103(16). Bid awarded to Joe Basil Chevrolet, Inc., 5111 Transit Road, Denew, NY 14043 in an amount not to exceed forty-six thousand four hundred sixty-six dollars and forty cents (\$46,466.40); effective April 12, 2016 through delivery of the vehicle.

**Carried:**

**Ayes:**

**Noes:**

**Absent:**

**Abstain:**

#28

**RESOLUTION NO. 16-181  
(April 12, 2016)**

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

**RESOLUTION NUMBER 13-403 AMENDED**

**WHEREAS**, Resolution Number 13-403 entitled, “**CHAIRMAN AUTHORIZED TO SIGN GRANT ACCEPTANCE AWARDS WITH NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES ON BEHALF OF THE PUBLIC DEFENDER’S OFFICE**,” passed by this Board of Supervisors on December 10, 2013 and provides grant acceptance awards with New York State Office of Indigent Legal Services, Capitol Building, Room 128, Albany, New York on behalf of the Public Defender’s Office; and

**WHEREAS**, That Resolution Number 13-403 was previously amended by the Board of Supervisors on April 8, 2014 by Resolution Number 14-161 to revise the effective date of the Public Defender Counsel at First Appearance

Contract from June 1, 2013 to May 31, 2016; now therefore

**BE IT RESOLVED**, That Resolution Number 13-403 be further amended to extend the date of the Public Defender Counsel at First Appearance Contract from May 31, 2016 to December 31, 2018.

All else remains the same.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #29**

**RESOLUTION NO. 16-182  
(April 12, 2016)**

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

**RESOLUTION NUMBER 14-088 AMENDED**

**WHEREAS**, Resolution Number 14-088 entitled, “**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATIONS AND ACCEPTANCES AWARD WITH THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES ON BEHALF OF THE PUBLIC DEFENDER’S OFFICE**,” passed by this Board of Supervisors on February 11, 2014 and provided in part, for the following on behalf of the Public Defender’s Office:

- **2013 ILSF Distribution** Contract Number C000356 in a minimum amount of fifty-one thousand sixty dollars (\$51,060.00) (\$17,020.00 per year); effective June 1, 2013 to May 31, 2016. ***Distribution #3***

now, therefore

**BE IT RESOLVED**, That Resolution Number 14-088 be hereby amended to extend the expiration date of the 2013 ILSF Distribution Contract Number C000356 for ***Distribution #3*** from May 31, 2016 to December 31, 2018.

All else remains the same.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

*Chairman Berwanger invited Supervisor Copeland, T/Wethersfield to the microphone to read the Crime Victims’ Rights Week Proclamation. Supervisor Copeland asked Sheriff Rudolph to join him at the podium and read the proclamation. Supervisor Copeland stated that this is fitting as deputies and*

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*patrol officers are usually the first on the scene and the way they handle the situation makes all the difference in the investigation.*

*Chairman Berwanger asked Sheriff Rudolph to give a statement about the inmate who escaped from the Wyoming County Community Hospital. Sheriff Rudolph stated that a Wyoming Correctional inmate was receiving treatment at the hospital and escaped. The inmate was apprehended by Deputy Matt Felix. Sheriff Rudolph then asked Deputy Felix to come to the podium.*

*Sheriff Rudolph went on to say that Deputy Felix has been with the Sheriff's Department for 21-years and has served in many capacities; patrol division, canine officer, investigator, court security, etc. His current assignment is a roving security position going from county building to county building performing various security duties that includes the hospital. Sheriff Rudolph then read a "Good Performance Notice" that was presented to Deputy Felix for his good conduct, initiative and exceptional work:*

***On March 9, 2016, the Wyoming Correctional Facility had a state inmate escape from custody just after receiving treatment at the Wyoming County Community Hospital. Deputy Felix immediately responded, observed the escape inmate and captured said inmate all within five minutes of the initial 911 call. Deputy Felix's actions were exceptional in preventing further escape of this convict, keeping the community safe and saving taxpayers' dollars on many levels and an inevitable manhunt.***

*Sheriff Rudolph then gave the floor to Deputy Felix...*

*Deputy Felix thanked Sheriff Rudolph for the support and recognition. He said that it is a tough day and age to be a police officer. We are lucky around here that we have a lot of support from the public, coworkers and the Board of Supervisors. We do a good job here in Wyoming County and it all starts at the top with the Sheriff and the Board of Supervisors. We have a good group of people at the Sheriff Department and all the other police departments in the County.*

*Deputy Felix received a standing ovation...*

*Chairman Berwanger stated it is this type of public service that makes the Board of Supervisors very proud. He then invited all attending law enforcement officials to come forward for a picture.*

*There was a brief interruption of the meeting as attending press took pictures of Wyoming County Sheriff's Department deputies Matt Heim, Andy Houghton, Matt Sage, Matt Felix and Sheriff Rudolph.*



*There was a motion by Mr. Davis, T/Covington, to combine resolutions #30 through #32.*

*Hearing no objection resolution titles were read.*

#30

# **RESOLUTION NO. 16-183**

**(April 12, 2016)**

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

## **CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF BUILDINGS AND GROUNDS (CO. BLDGS.)**

**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 Buildings and Grounds (Co. Bldgs.):

- **N.O.M.A.D. Enterprises, Inc.**, 6270 Abbott Road, Silver Springs, NY 14550 for lawn maintenance services at various County buildings in an amount not to exceed eight thousand one hundred sixty dollars (\$8,160.00); effective April 1, 2016 through November 30, 2016.
- **N.O.M.A.D. Enterprises, Inc. ~ Warsaw Dry Cleaners**, 102 South Academy Street, Wyoming, NY 14591 for entry mat services at the Ag and Business Center and any other County owned/occupied buildings in an amount not to exceed ten thousand dollars (\$10,000.00) annually; effective April 12, 2016 through April 11, 2019.

**Carried: XXX**

**Ayes: 1599**

**Noes:**

**Absent:**

**Abstain:**

#31

# **RESOLUTION NO. 16-184**

**(April 12, 2016)**

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

## **ANNUAL HIGHWAY MATERIAL BIDS APPROVED**

**BE IT RESOLVED**, That the attached yearly County Highway material bids are hereby approved effective April 02, 2016 through April 01, 2017, all ties were awarded by lot at the March 31, 2016 Public Works Committee, and be it

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**FURTHER RESOLVED**, That the County of Wyoming reserves the right to allow all municipalities within the County to purchase any goods or services at the prices stated herein pursuant to section 103 of the General Municipal Law.

**Carried: XXX**

**Ayes: 1599**

**Noes:**

**Absent:**

**Abstain:**  
**#32**

**RESOLUTION NO. 16-185**  
**(April 12, 2016)**

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

**UNDERTAKING FOR THE BENEFIT OF THE  
NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
IN CONNECTION WITH WORK AFFECTING STATE HIGHWAYS**

**WHEREAS**, Wyoming County from time to time receives permits from the New York State Department of Transportation (NYSDOT) and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities, and

**WHEREAS**, Permittee's access and operation upon state right-of-way is conditioned upon compliance with Highway Law Sections 52, 103, 203 and /or 234, including the conditions that Permittee assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee's operations, (b) complete restoration of state facilities to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses, now therefore

**BE IT RESOLVED**, in relation to all operations and/or actions undertaken within state right-of-way, Permittee hereby agrees to the following terms and conditions:

- 1. Permit Applications.** Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days' notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such application shall

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identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration.

2. **Applicable Rules, Regulations & Conditions.** Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.
3. **Site Restoration.** Permittee shall, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee. In the event that the Permittee fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Permittee, may restore the property to substantially the same or equivalent condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.
4. **Payment & Release of Liens.** Permittee shall be responsible for the payment of all costs and materials relating to its work in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all lien claims made by persons supplying services or materials to Permittee in connection with Permittee's work.
5. **Indemnity.** In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations, whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way associated with the Permittee's, activities or operations under any and all permits issued using this Undertaking; and be it

**FURTHER RESOLVED**, Permittee hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general operations. This Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked by the Permittee or rejected by NYSDOT upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of the Undertaking. Unless terminated for the purposes of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply; and be it

**FURTHER RESOLVED**, that the Chairman of the Wyoming County Board of Supervisors is hereby authorized to sign said Undertaking.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

*There was a motion by Mr. Kehl, T/Attica, to combine resolutions #33 through #39.*

*Hearing no objection resolution titles were read.*

*Chairman Berwanger commented on resolution #37 that pertains to Schedule C at the hospital. He stated that even though it is not so noted, not every position on the list is receiving an increase. The purpose for this is several of these people have not received an increase since 2014. Some of these position such the Skilled Nursing Director, CEO and other received an adjustment within the last year. However, many positions have no seen a pay increase since 2014 while union employees see increases in accordance with their union contract. Going forward, and in light of the fact that the hospital has received the twenty million grant to defease their debt, it should be a part of our operating procedure that whatever increase is given by the union should also be given to Schedule D and S employees at the County and Schedule C employees at the hospital to create continuity as the County hospital is a County department.*

**#33**

**RESOLUTION NO. 16-186  
(April 12, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH ESRI, 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 with ESRI, Inc., 380 New York Street, Redlands, CA 92373 on behalf of Information Technology. Said contract is for GIS Software in an amount not to exceed five thousand nine hundred dollars (\$5,900.00); effective June 15, 2016 through June 14, 2017 per New York State Contract #PM67345.

Contingent upon the availability of funds.

**Carried:** XXX      **Ayes:** 1599      **Noes:**      **Absent:**      **Abstain:**  
#34

**RESOLUTION NO. 16-187**  
**(April 12, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

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

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

**Salary Schedule “D”:**

***Human Resource Department***

- To set a stipend for the Workers Compensation Program Administrator to provide Human Resource Director support during the vacancy of the Human Resource Director position in the amount of \$1,000.00/month; effective February 08, 2016 until a new Human Resource Director is hired.

**Salary Schedule “G”:**

***Public Health***

- To increase the hourly rate of Student Aid (Seasonal) – Temporary to \$9.50 per hour with an additional \$0.25 for each previous season worked based on an increase in the minimum wage as of December 31, 2015.
  - Salary & fringe expenses associated with this position are reimbursed by Article 6 State Aid and NYSDOH Drinking Water Enhancement Grant.

**Salary Schedule “S”:**

***Human Resource Department***

April 12, 2016

- To set the salary for Exam Monitors under the Human Resource Department at a rate of \$50.00/session; effective February 01, 2016 (the date of original creation by Res. # 16-004).

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #35**

**RESOLUTION NO. 16-188  
(April 12, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**POSITION CREATION(S)/ABOLISHED/EXTENSION(S) APPROVED**

**BE IT RESOLVED**, That the following positions are hereby created, extended, reclassified and/or reassigned in the following Wyoming County Departments:

**Sheriff:**

- Create two (2) positions of Dispatcher, PT within the Wyoming County Sheriff's Employees Association, grade 2 (\$16.24 - \$21.96); effective April 13, 2016.

**Highway:**

- Create one (1) position of Sign Maintenance Supervisor, full time (position code # 009.276) within CSEA Schedule B, grade 11 (\$18.33 - \$20.60); effective April 01, 2016.
- Create two (2) positions of Motor Equipment Operator (Seasonal) for a period not to exceed twenty-six weeks, 40 hours per week at a rate of \$12.50/hr. plus \$0.25 for each previous season worked with only those benefits mandated by law; effective April 06, 2016.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain: #36**

**RESOLUTION NO. 16-189  
(April 12, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**RESOLUTION NUMBER 15-301 AMENDED**

**WHEREAS**, Resolution Number 15-301 entitled, **“CHAIRMAN**  
Regular Session

**AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM,”** passed by this Board of Supervisors on August 18, 2015 and provided, in part, the following contract on behalf of the Wyoming County Community Health System:

- **HOWARD ANG, MD**, with an office at 400 North Main Street, Warsaw, NY 14569
  - Anesthesia services on each work day and call coverage and anesthesia services on nights and weekends fifty percent (50%) of the time during those two (2) months, in an amount not to exceed twenty-one thousand five hundred thirty dollars (\$21,530.00) per month; effective ***July 1, 2015 through August 31, 2015*** Revenue generated by provider will be retained by WCCHS.

**WHEREAS**, That Resolution Number 15-301 was previously amended by the Board of Supervisors on September 8, 2015 by Resolution Number 15-329 to extend the agreement with **Howard Ang, MD**, for an additional two (2) month period; effective ***September 1, 2015 through October 31, 2015***; and

**WHEREAS**, That Resolution Number 15-301 as previously amended by Resolution Number 15-329 was further amended by the Board of Supervisors on December 8, 2015 by Resolution Number 15-464 to extend the agreement with **Howard Ang, MD**, for an additional two (2) month period; effective ***November 1, 2015 through December 31, 2015***; and

**WHEREAS**, That Resolution Number 15-301 as previously amended by Resolution Number 15-329 and Resolution Number 15-464 was further amended by the Board of Supervisors on February 9, 2016 by Resolution Number 16-090 to extend the agreement with **Howard Ang, MD**, for an additional two (2) month period; effective ***January 1, 2016 through February 29, 2016***; now therefore,

**BE IT RESOLVED**, That Resolution Number 15-301 as previously amended by Resolution Number 15-329, Resolution Number 15-464 and Resolution Number 16-090 be hereby further amended to extend the agreement with **Howard Ang, MD**, for an additional two (2) month period; effective ***March 1, 2016 through April 30, 2016***.

All else remains the same.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**

April 12, 2016

**RESOLUTION NO. 16-190**  
**(April 12, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**SALARY SCHEDULE “C” AMENDED**

**BE IT RESOLVED**, That the Wyoming County Salary Plan which became effective January 1, 1967, as amended, is hereby amended as follows:

- Salary Schedule “C” annexed hereto shall be substituted for the existing Schedule “C”. Commencing January 1, 2016, 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: 1599      Noes:      Absent:      Abstain:**

TITLE	SET SALARY EFFECTIVE 01/01/2016	COMMENTS
	Except *	
Director of Nursing	\$83,640.00	**
Administrative Secretary - Medical Staff	\$36,695.40	
Director of Emergency Services	\$70,012.80	*
Director of Healthcare Information Systems	\$71,267.30	
Revenue Cycle/Business Office Manager	\$69,800.64	
Financial Analyst	\$61,199.88	
Maintenance Supervisor	\$57,221.88	
Chief Operating Officer	\$101,657.92	
Director of WPHS, Clinic Quality & Corporate Compliance	\$86,561.28	
Network Admin II	\$60,000.00	
Administrative Secretary - Nursing	\$33,097.81	



Director of Quality Improvement, Staff Education, Employee Enhancement & Community Outreach	\$82,820.00
Director of Surgical Services/Maternity & Women's Health, Risk Manager	\$82,186.73
Administrative Secretary - SNF	\$38,445.72
Director of Outpatient Services	\$70,114.64
SNF Administrator	\$115,000.00
SNF Director of Nursing & Program Director of the Adult Day Health Care	\$76,500.00
Director of Utilization Review and Health Information Management	\$80,000.00
Administrative Assistant	\$49,999.76
Director of Medical/Surgical, Intensive Care & Infection Prevention	\$81,600.00
Director of Behavioral Health	\$74,695.59
SNF Assistant Director of Nursing	\$67,626.00
Assistant Director of Finance	\$62,576.80
Healthcare Information Specialist	\$77,034.65
Mid-Level Provider	\$10,342.80

**Comments:**

\*\* Plus \$5,000 upon successful completion of 6  
month goals

\* Effective 02/01/2016

#38

**RESOLUTION NO. 16-191**  
**(April 12, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**MEMORANDUM OF UNDERSTANDING BY AND BETWEEN CSEA  
AND THE COUNTY OF WYOMING APPROVED**

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney and County Labor Attorney is hereby authorized and directed to sign a Memorandum of Understanding by and between the Civil Service Employee's Association and the County of Wyoming amending the current collective bargaining agreement as follows:

- Establish a clinical ladder program for Licensed Practical Nurses (LPNs) and Certified Nursing Assistant (CNA) employed at Wyoming County Skilled Nursing Facility. All else remains unchanged.

**Carried: XXX****Ayes: 1599****Noes:****Absent:****Abstain:**

April 12, 2016

**RESOLUTION NO. 16-192**  
**(April 12, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A RENEWAL TAX BILL  
 INSERT AND PRINTING AGREEMENT WITH APPLIED BUSINESS  
 SYSTEMS, INC. (ABS) 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 and Printing Agreement with Applied Business Systems, Inc. (ABS), 26 Harvester Avenue, Batavia, NY 14020 on behalf of Real Property Tax Services. Said contact is in an amount not to exceed thirteen thousand dollars (\$13,000.00); effective March 30, 2016 through March 30, 2017.

Contingent upon the availability of funds.

**Carried: XXX      Ayes: 1599      Noes:      Absent:      Abstain:**  
***Non Consent***  
**#40**

**RESOLUTION NO. 16-193**  
**(April 12, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**SALARY SCHEDULE “S” AMENDED**

**BE IT RESOLVED**, That the Wyoming County Salary Plan which became effective January 1, 1967, as amended, is hereby amended as follows:

**Salary Schedule “S”**

- Amend Assistant County Historian, PT (21 hrs./wk.; .6 FTE) to Assistant County Historian, FT (35 hrs./wk.; 1.00 FTE) (position code #001.081) at \$9.25/hr., with an annualize salary of \$16,900.00; effective immediately.

**Carried: XXX      Ayes: 1459      Noes: 140 (Bennington)      Absent:      Abstain:**

Regular Session

*There being no further business to come before this Board, Senior Supervisor Davis, T/Covington, adjourned the meeting at 3:28 PM with a rap on his desk.*

\*\*\*\*\*

Respectfully submitted,

*Cheryl J. Ketchum*

Cheryl J. Ketchum, <sup>CMC</sup>

Clerk to the Board

April 12, 2016

**REGULAR SESSION**  
**(May 10, 2016)**  
**Tuesday**  
**2:30 PM**

The regular session of the Wyoming County Board of Supervisors was held at the Wyoming County Government Center in the Board of Supervisors' Chambers located at 143 North Main Street, Warsaw, New York with all Supervisors present. Also present were County Attorney Jim Wujcik, Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Lisa Perez.

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:

**Major Michael A. Phillips**

Major Michael Phillips was born in Manchester Connecticut and raised in the Village of Perry. There he enjoyed going to school, playing sports and spending time with friends and family. He earned a Bachelor's degree in Elementary and Special Education from SUNY Geneseo. Major Phillips was inspired by a family tradition of military service and the events of 9/11 to enlist in the US Marine Corps.

Following graduation from "The Basic School" (TBS) at Quantico, Major Phillips successfully completed Aviation Intelligence Officer training at NAS Oceana in Dam Neck, Virginia. His first duty assignment was to Cherry Point, North Carolina where he provided daily real time intelligence briefs to the Commanding General and served as Analysis Section Officer in Charge.

In July of 2007, Major Phillips was reassigned to Military Transition Team 0311, 3<sup>rd</sup> Battalion Quick Reaction Force; 1<sup>st</sup> Iraqi Army Division as a Special Intelligence Advisor to the 3<sup>rd</sup> Battalion, 1<sup>st</sup> Brigade, 1<sup>st</sup> Iraqi Army. He and the team deployed to Iraq operating in various locations ranging from Ar Ramadi, Al Basra, Al Baquah and Al Fallujah in support of Operation Iraqi Freedom, participating in Operations; LION'S VOICE and CHARGE OF THE KNIGHTS.

Following deployment, Major Phillips returned to Cherry Point for six months before returning to Al Asad, Iraq as Deputy Chief of Staff for the 2<sup>nd</sup> Marine Air Wing in support of Operation Iraqi Freedom.

In 2009, Major Phillips reported to Marine Corps Air Station Yuma, Arizona as a Weapons and Tactics Instructor. In April 2010, he returned to TBS as a Platoon Commander and Executive Officer. Major Phillips was the Warfighting Instructor and Primary Package Instructor for Intelligence and Counterinsurgency and also holds a black belt as a Marine Corps Martial Arts Instructor.

Upon successful graduation from Marine Air/Ground Task Force Intelligence School, Major Phillips reported to Bravo Company, Marine Special Operations Command Support Battalion at Stone Bay, NC. He was assigned team leader and deployed to *Special Operations Command Forward-Western Africa*. He was hand selected to serve as the “Team Abuja - Insert Team Leader,” Intelligence Officer at the U.S. Embassy in Abuja, Nigeria for the presidentially mandated mission Operation JUNIPER NIMBUS.

The mission successfully completed, Major Phillips returned to Stone Bay as Special Ops Team Kilo OIC to train the team for another mission. During that time, he was identified as non-medically deployable and served as Operations Officer. As a result of intense training including the rigorous “Survival, Evasion, Resistance and Escape School” and several deployments, Major Phillips was forced to undergo multiple surgeries. The military career of Major Michael Phillips will officially end Honorably on July 30, 2016, the expiration date of active service. For courageous service to his country, Major Phillips earned the:

- Joint Service Commendation Medal
- Navy and Marine Corp Commendation Medal with Combat V-Device and 2 Gold Stars
- Navy and Marine Corp Achievement Medal
- Combat Action Ribbon
- National Defense Service Medal
- Iraqi Campaign Medal with 2 Bronze Stars
- Navy Unit Commendation Award with 3 Bronze Stars
- Global War on Terrorism Service Medal
- Global War on Terrorism Expeditionary Medal (Nigeria)
- Sea Service Deployment Ribbon with 3 Bronze Stars

Major Phillips is now enrolled at Nazareth College in Rochester where he is pursuing a PhD as a licensed Physical Therapist. He enjoys spending time riding his Harleys and is looking forward to this new chapter in his life.

***The pledge was said by all.***

May 10, 2016

*Chairman Berwanger invited Major Phillip's parents, Deputy Clerk to the Board, L. Perez and Veteran Services Director, R. Perez along with Town of Perry Supervisor, J. Brick to join him in the presentation of the customary certificate of appreciation to Major Phillips and offered the Major an opportunity to address the Board. At which time Major Phillips thanked the Board for being asked to lead the pledge and acknowledged the significance of the certificate to him as he transitions to civilian life. He spoke about the importance of his fellow Marines who served with him and acknowledged the strain military life puts on their families. He credited being raised in Wyoming County for his strong work ethic and leadership skills.*

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

#### Communications ~

- None

#### Open Public Hearing ~

- Local Law No. 1, Year 2016 (Introductory A, Year 2016) Entitled, ***"A Local Law to Rescind and Replace Local Law 1, Year 2003 Establishing a Motor Vehicle Use Tax"***

*The Chairman explained that there would be an opportunity for public comment later in the meeting.*

#### Presentation by the U.S. Attorney's Office ~

- William J. Hochul, Jr.

*United States Attorney, Bill Hochul thanked the Chairman for an opportunity to speak at the Board Meeting. He first acknowledged the great team Wyoming County has in dealing with the opioid/opiate (heroin) epidemic: Chairman Berwanger, District Attorney O'Geen and Sheriff Rudolph. He also acknowledged Major Phillips as being the true hero and he was honored to follow him.*

*US Attorney Hochul stated that there are two main issues: over prescribing and over use. The over prescribing is a medical professional issue. There are currently five doctors convicted for illegally prescribing prescription drugs. He spoke about statistics from 2014 to 2016. In 2015 there were 40 murders and 262 overdose deaths in Erie County. They are on pace to have 500 overdose related deaths in 2016.*

*This is the greatest threat facing law enforcement. The United States is 4% of the world's population but we use 99.9% of the hydrocodone that is prescribed.*

*In Scioto County, Ohio, every family has a member who is addicted to pain medication.*

*One out of every five high school students illegally uses prescription drugs without a prescription. Many young adults are facing new challenges such as social media and bullying. Some are self-medicating to cope. Ask what your teenager is involved in and access their social media accounts to better understand the issues they may be facing.*

*What can be done? Become your own best advocate and question your medical provider. Ask for alternatives. "See something...Say something." Ignoring the issue will not make it go away. We need to educate ourselves about the dependency and know the warning signs. Don't keep unused prescription drugs as they could become a temptation.*

*US Attorney Hochul closed by saying he wished he had better news and a happy ending. This epidemic is all over Western New York and he does not know when it will end...*

*Supervisor Brick, T/Perry asked if the County hospital should have more security and if procedures were in place? Someone was taken to a Rochester hospital with a gun.*

*US Attorney Hochul stated that is a good question.*

*Chairman Berwanger acknowledged District Attorney O'Geen, CEO Eichenauer and Sheriff Rudolph's presence at the meeting and that this will be the next discussion with them.*

#1

## **RESOLUTION NO. 16-194 (May 10, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

### **FUNDS TRANSFERRED TO VARIOUS 2016 ACCOUNTS**

**BE IT RESOLVED**, That funds are hereby transferred to the various 2016 accounts as follows:

<b>Office for the Aging</b>			
<b>From:</b> 01.44.6772.4.42402 OFA Grant Programs	\$8,453.00		
<b>To:</b> 01.44.6772.2.20401 Misc. Equipment		\$8,453.00	
<b>Reason:</b> For anticipated costs of copier.			
<b>Office for the Aging Total</b>			<b>\$8,453.00</b>

May 10, 2016

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain:**  
#2

**RESOLUTION NO. 16-195**  
**(May 10, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**FUNDS APPROPRIATED TO VARIOUS 2016 ACCOUNTS**

**BE IT RESOLVED**, That funds are hereby appropriated to the various 2016 accounts as follows:

<b>Board of Supervisors</b>			
<b>To:</b> 01.31.1010.4.40301 Prof. Service Contract <i>w/any funds available</i> <b>Reason:</b> To cover the balance of Hinman Straub charges.	\$8,551.20	\$8,551.20	
<b>Board of Supervisors Total</b>			<b>\$8,551.20</b>
<b>Sheriff</b>			
<b>To:</b> 01.37.3112.4.40009I Cellphone 2014 01.37.3112.4.40009J Cellphone 2015 01.37.3112.4.40016I Internet Svc 2014 01.37.3112.4.40016J Internet Svc 2015 <b>w/01.12.3112.43890I Homeland Security 2014</b> <b>01.12.3112.43890J Homeland Security 2015</b> <b>Reason:</b> To cover expenses relating to Homeland Security	\$1,170.00 3,100.00 8,911.56 14,400.00	\$10,081.56 17,500.00	
<b>Sheriff Total</b>			<b>\$27,581.56</b>
<b>District Attorney</b>			
<b>To:</b> 01.32.1165.1.10001 Salaries S/D/I 01.32.1165.8.81001 Retirement 01.32.1165.8.83001 FICA 01.32.1165.8.85001 Medicare – FICA <i>w/any funds available</i> <b>Reason:</b> To cover the DA salary increase from April to December.	\$23,167.0 0 3,703.00 1,437.00 336.00	\$28,643.00	
<b>To:</b> 01.32.1165.1.10601 Unused Benefit Time <i>w/any funds available</i> <b>Reason:</b> To cover the unused benefit time of R. Schell when she left her position and the buyback of one-week vacation for K. Eastman.	\$3,656.12	\$3,656.12	
<b>District Attorney Total</b>			<b>\$32,299.12</b>
<b>Highway</b>			
<b>To:</b> 04.53.5110.4.41904 Bituminous Products <b>w/04.11.5110.3501 Consolidated Highway Aid</b> <b>Reason:</b> To allocated funds for CHIPS increased funding for 2016 PAVE-NY appropriation.	\$186,154. 00	\$186,154.0 0	
<b>Highway Total</b>			<b>\$186,154.00</b>

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain:**  
Regular Session



Mrs. King, T/Pike, Chairman of the Audit Committee, presented bills totaling **\$2,881,978.87** for the month of **April 2016**.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain:**

*There was a motion by Mr. Tallman, T/Gainesville, to combine resolutions #3 through 6. Hearing no objection resolution titles were read.*

#3

**RESOLUTION NO. 16-196**  
**(May 10, 2016)**

By Mr. Tallman, Chairman of the Human Resources Committee:

**THOMAS DUTTON REAPPOINTED TO THE  
CIVIL SERVICE COMMISSION**

**BE IT RESOLVED**, That Thomas Dutton, 3062 Route 39, Bliss, NY 14042 is hereby reappointed to the Civil Service Commission as a Civil Service Commissioner; effective June 1, 2016 through May 31, 2022 according to Civil Service Law §15.1; and be it

**FURTHER RESOLVED**, That the Commissioner will be compensated at the rate of one hundred twenty-five dollars (\$125.00) per meeting, with only those benefits mandated by law.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain:**  
#4

**RESOLUTION NO. 16-197**  
**(May 10, 2016)**

By Mr. Tallman, Chairman of the Human Resources Committee:

**RESOLUTION NUMBER 15-071 AMENDED**

**WHEREAS**, Resolution Number 15-071 entitled, “**POSITION CREATION(S)/ABOLISHED/EXTENSION(S) APPROVED**,” passed by this Board of Supervisors on February 10, 2015 and provided, in part, that the following positions be hereby created, extended, reclassified and/or reassigned in the following Wyoming County Departments:

**Human Resource:**

May 10, 2016

- Create three (3) positions of **Civil Service Commissioner**, (unclassified), currently serving six year staggered terms to be placed on Salary Schedule S at \$125.00 per monthly Civil Service Commission meeting.

now therefore,

**BE IT RESOLVED**, That Resolution Number 15-071 be hereby amended to move the three (3) positions of **Civil Service Commissioner** to Salary Schedule D from Salary Schedule S.

All else remains the same.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain:**  
#5

**RESOLUTION NO. 16-198**  
**(May 10, 2016)**

By Mr. Tallman, Chairman of the Human Resources Committee:

**RESOLUTION NUMBER 07-188 AMENDED**

**WHEREAS**, Resolution Number 07-188 entitled, **“ONE (1) POSITION OF COUNTY FIRE COORDINATOR, PT (.75 fte) CREATED IN EMERGENCY SERVICES”**, passed by this Board of Supervisors on May 8, 2007 and provided that one (1) position of County Fire Coordinator, PT (.75 fte) be hereby created in the Department of Emergency Services and be placed on Salary Schedule “S” with an annual salary of \$26,000.00 with only those benefits mandated by law; effective April 30, 2007; now therefore,

**BE IT RESOLVED**, That Resolution Number 07-188 be hereby amended to remove language stating, **“with only those benefits mandated by law,”** from the resolution.  
All else remains the same.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain:**  
#6

**RESOLUTION NO. 16-199**  
**(May 10, 2016)**

By Mr. Tallman, Chairman of the Human Resources Committee:

## **PETER J. BENDYNA APPOINTED HUMAN RESOURCE DIRECTOR**

**BE IT RESOLVED**, That Peter J. Bendyna, 306 North Ogden Street, Buffalo NY 14206 is appointed to the position of Human Resource Director and amend salary schedule “D” to reflect a \$77,500.00 annual salary; effective May 11, 2016; and be it

**FURTHER RESOLVED**, That after completion of six (6) months of full time work, salary to be increased by \$5,000.00 to an annual salary of \$82,500.00, contingent upon satisfactory performance and meeting pre-established goals; and be it

**FURTHER RESOLVED**, That after one (1) year of successful performance, salary will increase by \$2,500.00 to an annual salary of \$85,000.00, contingent upon satisfactory performance and meeting pre-established goals; and be it

**FURTHER RESOLVED**, That beginning in the following year, incumbent will be eligible for annual pay increases consistent with Schedule D positions; and be it

**FURTHER RESOLVED**, That Wyoming County residency must be established within one (1) year of start date.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain:**

*Chairman Berwanger welcomed newly appointed Human Resource Director, Peter Bendyna and invited him to the podium to offer a few remarks. Director Bendyna thanked the board for the appointment and stated that he was looking forward to working with all Wyoming County and hospital employees.*

*There was a motion by Ms. Grant, T/Bennington, to combine resolutions #7 through 9. Hearing no objection resolution titles were read.*

**#7**

### **RESOLUTION NO. 16-200 (May 10, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

### **ARMED FORCES DAY PROCLAIMED**

**WHEREAS**, Since our nation's founding, the U.S. Military has been dispatched all over the world to defend our freedom and that of our allies; and

May 10, 2016

**WHEREAS,** In battles big and small, our men and women of the U.S. Armed Forces have distinguished themselves through their strength, commitment, loyalty and valor; and

**WHEREAS,** Many members of our Armed Forces have come from all areas within our county, to fill the ranks of the Army, Navy, Air Force, Marines, and Coast Guard. Many being injured or even paying the ultimate sacrifice in the defense of our freedom in our great country; and

**WHEREAS,** Armed Forces Day having its origin when President Truman declared May 20, 1950 as the first official day to celebrate and honor all branches of the Armed Forces under one department, The Department of Defense; and

**WHEREAS,** Citizens of our county are presently serving in all branches of the Armed Forces, in places all around the world, many in “harm’s way”; and

**WHEREAS,** The members of the Wyoming County Board of Supervisors and the citizens of Wyoming County, in keeping with the tradition of our State and Nation, strongly support all our Veterans who sacrifice so much to ensure our freedom; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors does hereby proclaim May 21, 2016 as "**ARMED FORCES DAY**" in Wyoming County.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain: #8**

**RESOLUTION NO. 16-201**  
**(May 10, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

**OLDER AMERICANS MONTH PROCLAIMED**

**WHEREAS,** Wyoming County includes a community of older Americans who deserve recognition for their contributions to our nation; and

**WHEREAS,** Wyoming County recognizes that older adults are trailblazers ~ advocating for themselves, their peers, and their communities ~ paving the way for future generations; and

**WHEREAS**, Wyoming County is committed to raising awareness about issues facing older Americans and helping all individuals to thrive in communities of their choice for as long as possible; and

**WHEREAS**, We appreciate the value of inclusion and support in helping older adults successfully contribute to and benefit from their communities; and

**WHEREAS**, Our community can provide opportunities to enrich the lives of individuals of all ages by:

- Promoting and engaging in activity, wellness, and social involvement.
- Emphasizing home and community based services that support independent living.
- Ensuring community members can benefit from the contributions and experience of older adults; now therefore

**BE IT RESOLVED**, That the Wyoming County Board of Supervisors do hereby proclaim May 2016 to be **OLDER AMERICANS MONTH** and urges every resident to take time this month to acknowledge older adults and the people who serve them as powerful and vital individuals who greatly contribute to our community.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain: #9**

### **RESOLUTION NO. 16-202 (May 10, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

#### **FOSTER CARE AWARENESS MONTH PROCLAIMED**

**WHEREAS**, The family serving as the primary source of love, identity, self-esteem and support, is the very foundation of our community and our State; and

**WHEREAS**, In Wyoming County there are 44 children and youth in foster care being provided with safe, secure and stable environments, along with the compassion and nurturing of 17 foster families from voluntary agencies and 5 residential treatment facilities; 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

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children and families heal and reconnect and launching children into successful adulthood; and

**WHEREAS,** Dedicated foster families frequently adopt foster children, resulting in a greater need for more foster families; and

**WHEREAS,** There are numerous individuals, public and private organizations whom work to increase public awareness of the needs of children in and leaving foster care, as well as, the enduring and valuable contribution of foster parents, and the foster care “system” is only as good as those who choose to be part of it; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors do hereby proclaim **May 2016** as **FOSTER CARE AWARENESS MONTH** in Wyoming County; and be it

**FURTHER RESOLVED,** That the Wyoming County Board of Supervisors urge all citizens to come forward and do something positive that will help change a lifetime for children and youth in foster care.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain:**

*After the passage of Resolutions #7 through #9, Chairman Berwanger invited Supervisor Grant, T/Bennington to the podium to present the three proclamations. Supervisor Grant one at a time invited Director Perez from Veteran Services, Director Aldinger from the Office for the Aging and Commissioner Rumsey from the Department of Social Services to join her at the podium for their individual proclamations.*

*Director Perez read the Armed Forces Day Proclamation.*

*Director Aldinger read the Oder Americans Month Proclamation. She offered her thanks to the Board for their continued support of the programs provided by the Office for the Aging.*

*Commissioner Rumsey read the Foster Care Awareness Month Proclamation. He thanked the Board for their continued support.*

*There was a motion by Mrs. Ryan, T/Warsaw, to combine resolutions #10 through #14. Hearing no objection resolution titles were read.*

**#10**

**RESOLUTION NO. 16-203**  
**(May 10, 2016)**

Regular Session

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

## **RESOLUTION NUMBER 15-406 AMENDED**

**WHEREAS**, Resolution Number 15-406 entitled, “**CHAIRMAN AUTHORIZED TO SIGN 2016 RENEWAL CONTRACTS ON BEHALF OF MENTAL HEALTH**” passed by this Board of Supervisors on November 10, 2015 and provides for various renewal contracts for FY 2016 for Mental Health; and

**WHEREAS**, Resolution Number 15-406 was previously amended by the Board of Supervisors on March 8, 2016 by Resolution Number 16-120 to reflect the following changes:

B. **Suburban Adult Services, Inc.**, contract renewal in an amount not to exceed \$38,090.00; effective January 1, 2016 through December 31, 2016:

- Total contract amount increased by \$953.00 for a new total amount of **\$39,043.00**

F. **Spectrum Human Services, Inc.**, contract renewal in an amount not to exceed \$565,542.00; effective January 1, 2016 through December 31, 2016:

- Total contract amount decreased by \$8,441.00 for a new total amount of **\$557,101.00**

H. **Coordinated Care Services, Inc. of Rochester**, contract renewal in an amount not to exceed \$378,596.00; effective January 1, 2016 through December 31, 2016.

- Total contract amount increased by \$6,300.00 for a new total amount of **\$384,896.00**

and

**WHEREAS**, That Resolution Number 15-406, as amended by Resolution Number 16-120 was further amended by the Board of Supervisors on April 12, 2016 by Resolution Number 16-165 to reflect the following changes:

C. **Wyoming County Community Hospital**, contract renewal in an amount not to exceed \$171,573.00; effective January 1, 2016 through December 31, 2016 as follows:

- Total contract amount decreased by \$820.00 for a new total amount of **\$170,753.00**

G. **Living Opportunities of DePaul**, contract renewal in an amount not to exceed \$305,817.00; effective January 1, 2016 through

May 10, 2016

December 31, 2016 as follows:

- Original contract amount corrected to \$306,378.00
- Corrected contract amount increased by \$211.00 for a new total amount of **\$306,589.00**

now therefore,

**BE IT RESOLVED**, That Resolution Number 15-406 as previously amended by Resolution Number 16-120 and Resolution Number 16-165 be hereby further amended to reflect the following changes:

F. **Spectrum Human Services, Inc.**, contract renewal in an *amended* amount not to exceed \$557,101.00; effective January 1, 2016 through December 31, 2016:

- Total *amended* contract amount increased by \$1,909.00 for a new total amount of **\$559,010.00**

H. **Coordinated Care Services, Inc. of Rochester**, contract renewal in an *amended* amount not to exceed \$384,896.00; effective January 1, 2016 through December 31, 2016:

- Total *amended* contract amount increased by \$20,000.00 for a new total amount of **\$404,896.00**

All else remains the same.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain: #11**

**RESOLUTION NO. 16-204  
(May 10, 2016)**

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

**RESOLUTION NUMBER 16-056 RESCINDED**

**WHEREAS**, Resolution Number 16-056 entitled, **“RESOLUTION NUMBER 15-406 AMENDED,”** passed by this Board of Supervisors on February 9, 2016 and provides for an amendment to the following contract:

G. **Living Opportunities of DePaul**, 2240 Old Union Road, Cheektowaga, NY 14227-2728 to increase the original contract amount of three hundred five thousand eight hundred seventeen dollars (\$305,817.00) by five hundred sixty-one dollars (\$561.00) for a new contract amount of three hundred six thousand three hundred seventy-eight dollars (\$306,378.00); now therefore

**BE IT RESOLVED**, That Resolution Number 16-056 be hereby

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rescinded effective February 9, 2016 as the amendment to the contract outlined in resolution 16-056 was included in the original contract making it unnecessary.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain: #12**

**RESOLUTION NO. 16-205  
(May 10, 2016)**

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

**MENTAL HEALTH AWARENESS MONTH PROCLAIMED**

**WHEREAS**, Mental health is essential to everyone's overall health and well-being; and

**WHEREAS**, All American's experience times of difficulty and stress in their lives; and

**WHEREAS**, Prevention is an effective way to reduce the burden of mental illness; and

**WHEREAS**, There is a strong body of research that supports specific tools that all Americans can use to better handle challenges, and protect their health and well-being; and

**WHEREAS**, Mental illnesses are real and prevalent in our nation; and

**WHEREAS**, With early and effective treatment, those individuals with mental illness, can recover and lead full, productive lives; and

**WHEREAS**, Each business, school, government agency, healthcare provider, organization and citizen shares the burden of mental illness and has a responsibility to promote mental wellness and support prevention efforts; now therefore

**BE IT RESOLVED**, That the Wyoming County Board of Supervisors do hereby proclaim May 2016 as **MENTAL HEALTH AWARENESS MONTH**.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain:**

May 10, 2016

**RESOLUTION NO. 16-206  
(May 10, 2016)**

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

**CHAIRMAN/COMMISSIONER OF HEALTH AUTHORIZED TO SIGN  
A CONTRACT WITH PICTOMETRY INTERNATIONAL SERVICES  
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 Pictometry International Services, 25 Methodist Hill Drive, Rochester, NY on behalf of the County Health Department. Said contract is for a web-based pictometry connection, licenses and image library services in an amount not to exceed seven thousand four hundred twenty-five dollars (\$7,425.00), for three (3) years, payable at two thousand four hundred seventy-five dollars (\$2,475.00) annually; effective June 22, 2016 through June 22, 2019.

**Carried: XXX   Ayes: 1580   Noes:   Absent: 19 (Genesee Falls)   Abstain: #14**

**RESOLUTION NO. 16-207  
(May 10, 2016)**

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

**RESOLUTION NUMBER 15-197 AMENDED**

**WHEREAS**, Resolution Number 15-197 entitled,  
“**CHAIRMAN/COMMISSIONER OF HEALTH AUTHORIZED TO SIGN  
A GRANT APPLICATION AND ACCEPTANCE AWARD WITH THE  
NEW YORK STATE DEPARTMENT OF HEALTH, BUREAU OF  
WATER SUPPLY PROTECTION ON BEHALF OF THE COUNTY  
HEALTH DEPARTMENT**,” passed by this Board of Supervisors on January  
19, 2016; now therefore

**BE IT RESOLVED**, That Resolution Number 15-197 be hereby amended to reflect a term of April 1, 2015 through March 31, 2020 with annual funding in a minimum amount of one hundred and one thousand dollars (\$101,000.00).

All else remains the same.

**Carried:** XXX   **Ayes:** 1580   **Noes:**   **Absent:** 19 (Genesee Falls)   **Abstain:**

*After the passage of Resolutions #10 through #14 Chairman Berwanger invited Supervisor Ryan, T/Warsaw to the podium to present the Mental Health Awareness Month proclamation. Supervisor Ryan invited Director of Community Services Balbick and the Mental Health Fiscal Officer L. Schreiber to join her for the reading of the proclamation.*

*Director Balbick thanked the Board for the proclamation and bringing awareness to mental health challenges. Fiscal Officer Schreiber also thanked the Board for their continued support.*

**#15**

**RESOLUTION NO. 16-208**  
**(May 10, 2016)**

By Mr. Brick, Chairman of the Agriculture Committee:

**AUTHORIZING THE BOARD OF SUPERVISORS TO ENDORSE THE  
APPLICATION FOR A FARMLAND PROTECTION  
IMPLEMENTATION GRANT THROUGH THE NEW YORK STATE  
DEPARTMENT OF AGRICULTURE AND MARKETS FOR THE  
SMITHGALL/OLD ACRES FARM IN PERRY, NY AS PART OF THE  
COUNTY'S PURCHASE OF DEVELOPMENT RIGHTS PROGRAM**

**WHEREAS**, Article 25-AAA of the New York State Agriculture and Markets Law provides for the development of county agricultural and farmland protection plans; and

**WHEREAS**, Wyoming County Board of Supervisors' Resolution Number 05-309 approved the Wyoming County Agricultural Development and Farmland Protection Plan, and by letter dated October 25, 2005, Nathan L. Rudgers, Commissioner of the New York State Department of Agriculture and Markets, approved the Wyoming County Agricultural Development and Farmland Protection Plan; and

**WHEREAS**, The Wyoming County Agricultural Development & Farmland Protection Plan recommended support of a Purchase of Development Rights (PDR) program to protect productive agricultural land in Wyoming County; and

**WHEREAS**, The Wyoming County Board of Supervisors supports a

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Purchase of Development Rights program and authorizes the Wyoming County Ag. and Farmland Protection Board (AFPB) to solicit applications from county property owners who wish to voluntarily participate in the PDR program; now therefore

**BE IT RESOLVED**, That the County of Wyoming endorses the application for a Farmland Protection Implementation Grant of approximately 821 acres of the Smithgall/Old Acres Farm located in the Town of Perry, NY as recommended by the Wyoming County Agriculture and Farmland Protection Board on April 21, 2016 and per the County's participation in the New York State Purchase of Development Rights (PDR) Program.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain:**

*There was a motion by Mr. Leuer, T/Middlebury, to combine resolutions #16 through #20. Hearing no objection resolution titles were read.*

*Chairman Berwanger addressed the board concerning resolution #17 and acknowledged how important it is. The County's current curbside collection service provider, Waste Management, does not handle electronic equipment recycling and that something needs to be done to address this need. Chairman Berwanger reported on a conversation he had with NYSAC Executive Director Stephen J. Acquario yesterday, and stated that he asked that electronic equipment recycling be one of NYSAC's legislative priorities for the 2016-17 session.*

**#16**

**RESOLUTION NO. 16-209  
(May 10, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**RESOLUTION NUMBER 16-175 AMENDED**

**WHEREAS**, Resolution Number 16-175 entitled, "**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH WILLIAM MADDISON ON BEHALF OF THE WYOMING COUNTY AG AND BUSINESS CENTER**" passed by this Board of Supervisors on April 12, 2016; now therefore

**BE IT RESOLVED**, That Resolution Number 16-175 be hereby amended to increase the amount of the contract to nine thousand one hundred fifty-three dollars and forty cents (\$9,153.40) to reflect actual charges through Mr. Maddison's April 15, 2016 retirement date.

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All else remains the same.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain:**  
**#17**

**RESOLUTION NO. 16-210**  
**(May 10, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**AUTHORIZING THE CHAIRMAN TO SIGN LETTERS TO STATE  
LEGISLATIVE REPRESENTATIVES URGING THEM TO  
AMEND THE NEW YORK STATE ELECTRONIC  
EQUIPMENT RECYCLING AND REUSE ACT**

**WHEREAS,** The main reasons for the adoption of the New York State Electronic Equipment Recycling and Reuse Act (Act) were to assist local governments with managing the fast growing electronics waste stream by relying on the electronics manufacturers to fund a recycling infrastructure and relieve municipalities of the recycling and end-of-life costs; and

**WHEREAS,** The County of Wyoming believes that the Act has succeeded in significantly increasing electronics recovery and recycling in the State but that the recycling infrastructure is unstable and local governments and other collectors are faced with mounting fees in the absence of consistent manufacturer funding and limited markets for cathode ray tubes (CRTs); and

**WHEREAS,** The consequence, specifically following the January 2015 Disposal Ban, is significant and a growing number of local municipal solid waste systems are, or likely will be faced with bearing more of the financial responsibility for continued e-scrap collection in their communities; and

**WHEREAS,** The Act requires, and the State relies on, electronics manufacturers to fund e-scrap recycling programs that are effective, continuous and reasonably convenient to all consumers across the state; and

**WHEREAS,** Once manufacturers have met their performance standard (goal), which in a number of cases is midway through the year, they no longer provide financial support to continue their collection programs, thus shifting unexpected management costs to cash strapped local governments; and

**WHEREAS,** The issue is worsened by the fact that electronics sold today weigh much less than the obsolete CRT devices that make up

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approximately 70% of the weight of e-scrap generated, which are cost intensive to responsibly manage; and

**WHEREAS,** There are ever increasing quantities of unwanted electronics due to “planned obsolescence” of many consumer products by manufacturers; and

**WHEREAS,** This has resulted in local governments across the State grappling with the burden of funding or ceasing e-scrap collection, which has been particularly difficult in rural communities that do not benefit from retail collectors or economies of scale; now therefore

**BE IT RESOLVED,** That the County of Wyoming does hereby call upon Governor Cuomo, the New York State Assembly, the New York State Senate and the New York State Department of Environmental Conservation to improve the current Electronic Equipment Recycling and Reuse Act intended to build toward the long term goals of creating a more stable and comprehensive, manufacturer implemented electronics recycling infrastructure by implementing actions to strengthen communication among stakeholders, clarify key statutory provisions in their present rulemaking efforts, and promote the adoption of the Proposed Statutory Changes to the Act to provide for year round, no cost collection of electronics, consistent with convenience standards for both rural and urban populations-that help alleviate the immediate financial pressures faced by local governments; and be it

**BE IT FURTHER RESOLVED,** That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, Environmental Conservation Committee Chairmen Senator Thomas O’Mara and Assemblyman Steven Englebright, New York State Senator Patrick Gallivan, New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain:**  
**#18**

**RESOLUTION NO. 16-211**  
**(May 10, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH LINEAGE**  
**ON BEHALF OF THE WYOMING COUNTY**  
**AG AND BUSINESS CENTER**

**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 Lineage, 150 Lawrence Bell Drive, Suite 100, Williamsville, NY 14221 on behalf of the Wyoming County Ag and Business Center. Said contract is for a postage machine (NeoPost-IN600 AF) located at the Wyoming County Ag and Business Center in an amount not to exceed one hundred fifty-two dollars and forty-three cents (\$152.43) per month for sixty-three (63) months for a total contract amount not to exceed nine thousand six hundred three dollars and nine cents (\$9,603.09); effective May 31, 2016 through August 31, 2021. Contingent upon the availability of funds.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain: #19**

**RESOLUTION NO. 16-212  
(May 10, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**MEMBERS REAPPOINTED TO THE  
WYOMING COUNTY BUSINESS CENTER BOARD OF DIRECTORS**

**BE IT RESOLVED**, That the following members are hereby reappointed to the Wyoming County Business Center (Local Development Corporation) Board of Directors for a term of three (3) years; effective May 10, 2016 through May 9, 2019:

**Supervisor Member**

- **James Brick** (T/Perry), 7618 Route 20A, Perry, NY 14530 (reappointment)

**Private Sector Member**

- **Sam Gullo** (Family Furniture), 9 S. Main Street, PO Box 81, Perry, NY 14530 (reappointment)

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain: #20**

**RESOLUTION NO. 16-213  
(May 10, 2016)**

By Mr. Leuer, Chairman of the Planning Committee:

**CHAIRMAN AUTHORIZED TO SIGN A SUBLEASE AGREEMENT  
WITH WYOMING COUNTY CHAMBER OF COMMERCE ON  
BEHALF OF THE WYOMING COUNTY AG AND BUSINESS CENTER**

May 10, 2016

**BE IT RESOLVED**, That the Chairman of this Board, with the approval of the County Attorney, is hereby authorized and directed to sign a Sublease Agreement with **Wyoming County Chamber of Commerce** for 1,283 sq. ft. of office space located in the Wyoming County Ag and Business Center, 36 Center Street, Suite B, Warsaw NY 14569. Base rent is in the amount of eleven dollars and forty-four cents (\$11.44) per square foot with utilities at two dollars and eighty cents (\$2.80) per square foot; effective February 19, 2016 through March 17, 2021.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain:**

**Marketing Video Presentation ~**

- Industrial Development Agency Executive Director Jim Pierce

*Chairman Berwanger invited IDA Executive Director Pierce to the podium for the presentation of the IDA Marketing Video.*

*At the end of the presentation, Executive Director Pierce provided the following link... [www.wyomingcountyny.org](http://www.wyomingcountyny.org).*

*There was a motion by Mr. Copeland, T/Wethersfield, to combine resolutions #21 through #27. Hearing no objection resolution titles were read.*

**#21**

**RESOLUTION NO. 16-214  
(May 10, 2016)**

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

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

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

- **Letchworth Central School**, 5550 School Road, Gainesville, NY 14066 for a School Resource Officer in an amount not to exceed ten thousand dollars (\$10,000.00); effective September 1, 2015 through June 30, 2016.
- **Attica Central School**, 3338 East Main, Street Attica, NY 14011 for a School Resource Officer in an amount not to exceed ten thousand dollars (\$10,000.00); effective September 1, 2015 through June 30, 2016.



- **County of Monroe, Regional Crime Laboratory**, 150 South Plymouth Avenue, 5<sup>th</sup> floor Rochester, NY 14614 for forensic laboratory services in an amount not to exceed twenty-six thousand dollars (\$26,000.00); effective January 1, 2016 through December 31, 2016.

Contingent upon the availability of funds.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain: #22**

## **RESOLUTION NO. 16-215 (May 10, 2016)**

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

### **WYOMING COUNTY ACTIVE SHOOTER GUIDELINES APPROVED**

**BE IT RESOLVED**, That this Board of Supervisors hereby approves, as its Active Shooter Guidelines, the following:

#### **Rationale**

This policy involves the potential situation in which a so-called 'active shooter' enters a County facility and engages in gunfire or violence.

In order to preserve life and address the potential for an active shooter event, these guidelines have been established to guide employees' response to this event to maximize survivability and to help employees to quickly determine the most reasonable way to protect your own life.

#### **Definition of an Active Shooter**

An active shooter is defined as an *individual actively engaged in killing or attempting to kill people in a confined and populated area*. In most cases, active shooters use firearm(s) and there is no pattern or method to their selection of victims.

#### **Procedures ~ What to do in the Event of an Active Shooter**

The intent of most active shooters is to kill as many people as quickly as possible. Traditional law enforcement response will include the concept of "surround and contain" in order to minimize the number of victims. In order to save lives, the law enforcement agency having jurisdiction will initiate an immediate response. This includes the Wyoming County Sheriff's Office, State Police and local village police agencies.

Upon discovery of an active shooter situation, as soon as possible and when safe to do so, contact law enforcement by calling 911.

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Once you are safely concealed, your phone call to 911 should provide the following information:

- Description of suspect and their possible location
- Number and types of weapons
- Suspect's direction of travel
- Location and condition of any victims
- Your location

Be prepared to silence your mobile phone/device so that it does not ring or "buzz", thereby inadvertently revealing your presence to the assailant.

Wyoming County Sheriff's Office will meet and guide law enforcement officers if possible and as appropriate. The goal of law enforcement is to locate, isolate, and neutralize the shooter as quickly as possible to prevent additional deaths or injuries. This means that in some instances, law enforcement will pass you by in a secured office while they hunt for the active shooter and attempt to secure the scene.

### **Run, Hide, Fight Theory**

Professionals have developed a theory called "run, hide, fight" as a guide to help employees respond to the active shooter situation. Under this concept, depending on your situation, you should run, hide, or fight.

The following guidelines are courtesy of the United States Department of Homeland Security and the FBI.

#### **Run ~ Evacuate**

If there is an accessible escape path, attempt to evacuate the premises.

- Have an escape route and plan in mind
- Help others escape, if possible, but be prepared to evacuate even if others will not follow you
- Leave your belongings behind
- Prevent individuals from entering an area where the active shooter may be located
- Keep your hands visible
- Follow the instructions of police officers
- Do not attempt to move wounded people
- Call 911 when you are safe
- If Possible go to the pre-designated areas for Employee accountability

#### **Hide**

If evacuation is not possible, find a place to hide where the active shooter is less likely to find you.

- Direct others into rooms with walls and doors.
- Close the door, turn off the lights and attempt to lock or barricade the door, such as with desks, chairs, filing cabinets, etc.
- Stay low and away from the door.
- Remain quiet and silence any noise in the room (radios, etc.).
- Be aware of a potential escape route from the room if you need to run.
- Call 911 and alert them to your hiding place. If you cannot speak, leave the line open and allow the dispatcher to listen.

### **Fight ~ Take Action**

There may be times when the only option is to try and fight back against the attacker. As a last resort, and only when your life is in imminent danger, attempt to disrupt and/or incapacitate the active shooter by:

- Acting as aggressively as possible against him/her, commit to your actions
- Throwing items and improvising weapons against the assailant
- Yelling

An "all clear" will be announced when the situation has been addressed and the scene is declared safe by law enforcement officials. Be prepared to follow the commands of law enforcement who are properly credentialed and identifiable.

The Federal Bureau of Investigation ("FBI") maintains the following six minute video explaining what to do in this situation: <https://www.fbi.gov/about-us/cirg/active-shooter-and-mass-casualty-incidents/run-hide-fight-video>. Please take the time to watch the video.

### **Recovery**

#### **Sharing Information with Employees**

The health and well-being of County employees and visitors is critical. As soon as possible after law enforcement has relinquished command and control of the scene, County management will develop information strategies to address employee, visitor and family questions related to the event through a central clearinghouse.

Effective coordination with the media and timely dissemination of information will be provided by appropriate County personnel and designated spokespersons/responders such as the Board of Supervisors' Office, Sheriff's Office, Emergency Management Office and/or the Human Resources Office. The Human Resources Office will work with department heads to provide assistance with grief counseling, trauma, employee benefits and other administrative issues to help reduce the burden on victims and families.

Initially, the site of a violent incident will be secured as a crime scene. After the authorities have completed their investigation and have released the crime scene, County management will need to have the facility appropriately cleaned and sanitized and/or repairs to windows, doors, alarms, lights, etc. may be needed. Proper measures must be taken for the safe removal of bio-hazardous substances including blood borne pathogens, yet must be sensitive, compassionate, and caring for the deceased and their families. During this process, County management will provide timely updates and information to employees and customers.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain:**  
#23

**RESOLUTION NO. 16-216**  
**(May 10, 2016)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH ONEIDA  
COUNTY SHERIFF'S OFFICE ON BEHALF OF THE COUNTY JAIL**

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Oneida County Sheriff's Office, 6065 Judd Road, Oriskany, NY 13423 on behalf of the County Jail. Said contract is for psychiatric treatment services in an amount not to exceed thirty thousand dollars (\$30,000.00); effective January 1, 2014 through December 31, 2016.

Contingent upon the availability of funds.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain:**  
#24

**RESOLUTION NO. 16-217**  
**(May 10, 2016)**

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

**CHAIRMAN AUTHORIZED TO SIGN A GRANT PARTICIPATION  
AGREEMENT WITH THE NEW YORK STATE DIVISION OF  
HOMELAND SECURITY AND EMERGENCY SERVICES ON BEHALF  
OF WYOMING COUNTY EMERGENCY SERVICES**

**BE IT RESOLVED**, That the Chairman of this Board with the

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approval of the County Attorney is hereby authorized and directed to sign a grant participation agreement with the New York State Division of Homeland Security and Emergency Services, 1220 Washington Avenue, Building 7A, Suite 710, Albany, NY 12242 on behalf of Wyoming County Emergency Services. Said participation agreement is for FY2016 Emergency Management Performance Grant in a minimum amount of twenty thousand seven hundred ninety-one dollars (\$20,791.00); effective October 1, 2015 through September 30, 2017.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain: #25**

**RESOLUTION NO. 16-218  
(May 10, 2016)**

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

**CHAIRMAN TO ACCEPT THE “*Monroe County Bid Award for a 2016 Chevrolet Tahoe*” AND EXERCISE THE RIGHT TO “PIGGYBACK” AS AN ELIGIBLE POLITICAL SUBDIVISION UNDER GML §103 (16)**

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to accept the “*Monroe County Bid Award for a 2016 Chevrolet Tahoe*” and exercise the right to “piggyback” the award as an eligible political subdivision under GML §103 (16). Bid awarded to Joe Basil Chevrolet, Inc., 5111 Transit Road, Depew, NY 14042 in an amount not to exceed forty-eight thousand seven hundred sixty-seven dollars (\$48,767.00); effective May 10, 2016 through delivery of vehicle.

Contingent upon the availability of funds.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain: #26**

**RESOLUTION NO. 16-219  
(May 10, 2016)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH AUTOMON, LLC ON BEHALF OF WYOMING COUNTY PROBATION**

May 10, 2016

**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 74<sup>th</sup> Street, Suite 210, Scottsdale, AZ 85258 on behalf of Wyoming County Probation. Said contract is for software maintenance in an amount not to exceed five thousand seven hundred thirteen dollars and nine cents (\$5,713.09); effective June 19, 2016 to June 18, 2017. Contingent upon the availability of funds.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain:**  
#27

**RESOLUTION NO. 16-220  
(May 10, 2016)**

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

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND  
ACCEPTANCE AWARD WITH THE NEW YORK STATE DIVISION  
OF CRIMINAL JUSTICE SERVICES ~ OFFICE OF PROBATION AND  
CORRECTIONAL ALTERNATIVES 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 grant application and acceptance award with the New York State Division of Criminal Justice Services ~ Office of Probation and Correctional Alternatives, Alfred E .Smith Building, 80 South Swan Street, Albany, NY 12210 on behalf of Wyoming County Probation. Said grant is for the Alternatives to Incarceration Programs effective July 1, 2016 through June 30, 2017 in minimum amounts as follows:

- Data Day Program \$6,777.00
- Community Service \$5,531.00
- Pre-Trial Release \$5,531.00

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain:**

#28

**RESOLUTION NO. 16-221  
(May 10, 2016)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION ON BEHALF OF COUNTY HIGHWAY**

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with New York State Department of Transportation, 3379 State Route 19, Warsaw, NY 14569 on behalf of County Highway. Said contract is for shared services and exchange or lending of materials or equipment to assist the maintenance of state and county roads in an amount not to exceed ten thousand dollars (\$10,000.00); effective for four (4) years from date of signing. Contingent upon the availability of funds.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain:**

*There was a motion by Mr. Kehl, T/Attica, to combine resolutions #29 through #43. Hearing no objection resolution titles were read.*

**#29**

**RESOLUTION NO. 16-222  
(May 10, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**RESOLUTION NUMBER 13-123 AMENDED**

**WHEREAS**, Resolution Number 13-123 entitled, “**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH KINNEY DRUGS ON BEHALF OF THE WYOMING COUNTY SKILLED NURSING FACILITY**”, passed by this Board of Supervisors on March 12, 2013 on behalf of the Wyoming County Community Health System and provided for the following:

- **Kinney Drugs, Inc.**, 29 East Main Street, Gouverneur, NY 13642 to establish and maintain a pharmacy services system to provide residents of the Nursing Facility with prescription drugs and medications and other health related products and services. Various costs – Kinney will bill residents, third party insurance’s or Nursing Facility, in an amount not to exceed three hundred thousand dollars (\$300,000.00); effective April 01, 2013 through March 31, 2016;

now therefore

May 10, 2016

**BE IT RESOLVED**, That Resolution Number 13-123 be hereby amended to extend the expiration date of the contract from March 31, 2016 to June 30, 2016. All else remains the same.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain: #30**

**RESOLUTION NO. 16-223  
(May 10, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**RESOLUTION NUMBER 14-303 AMENDED**

**WHEREAS**, Resolution Number 14-303 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM,**” passed by this Board of Supervisors on September 9, 2014 on behalf of the Wyoming County Community Health System and provided, in part, for the following:

- **Bonadio & Co., LLP**, 171 Sully’s Trail, Suite 201, Pittsford, NY 14534, to provide hospital management services to assist in operating, managing and supervising the Hospital and staff the position of CEO in an amount not to exceed twenty-four thousand seven hundred fifty dollars (\$24,750.00) per month or two hundred ninety seven thousand dollars (\$297,000.00) annually; effective September 1, 2014.

now therefore

**BE IT RESOLVED**, That Resolution Number 14-303 be hereby amended as follows:

○ **Section 4.1**

- Increase fee for services by two percent (2%) from \$24,750.00 to \$25,245.00 per month.
- Change the definition of expenses to add \$1,000.00 per month for the cost of Bonadio & Co., LLP providing direct support items to the CEO related to items that would normally be provided by the entity to the CEO including computer, computer software and support, cell phone, professional organization memberships, dues and licensing and general business travel expenses.

All else remains the same.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain:**



**RESOLUTION NO. 16-224**  
**(May 10, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**RESOLUTION NUMBER 13-244 AMENDED**

**WHEREAS**, Resolution Number 13-244 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM,**” passed by this Board of Supervisors on July 9, 2013 on behalf of the Wyoming County Community Health System and provided, in part, for the following:

- **University of Rochester (URMC)**, 601 Elmwood Avenue, Rochester, NY 14642:
  - **Emergency Medical Services Agreement and Amendment No. 1** for a physician to provide emergency medicine services and emergency medicine assistant medical director services in an amount not to exceed six hundred two thousand three hundred sixty dollars (\$602,360.00) with 3% increase for each term thereafter; effective June 24, 2013 through June 30, 2014.
  - **Anesthesiology Services Agreement** for anesthesiology services, in an amount not to exceed two hundred fifty thousand dollars (\$250,000.00) per year based on volume; effective July 01, 2013 through June 30, 2014.

now therefore

**BE IT RESOLVED**, That Resolution Number 13-244 be hereby

amended as follows:

***Amendment No. 1a:***

- Allow for automatic renewal for up to two (2) additional terms of one (1) year each in accordance with the original agreement.
- Extend the term from July 1, 2014 through June 30, 2015 in an amount not to exceed \$620,431.00.
- Extend the term from July 1, 2015 through June 30, 2016 in an amount not to exceed \$639,044.00.

May 10, 2016

**Amendment No. 2:**

- Amend the agreement to allow for an additional one (1) year term from July 1, 2016 through June 30, 2017 in an amount not to exceed \$750,000.00.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain: #32**

**RESOLUTION NO. 16-225  
(May 10, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**RESOLUTION NUMBER 15-465 AMENDED**

**WHEREAS**, Resolution Number 15-465 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM,**” passed by this Board of Supervisors on December 8, 2015 on behalf of the Wyoming County Community Health System and provided, in part, for the following:

- **University of Rochester Medical Faculty Group**, a division of the University of Rochester, with offices at 601 Elmwood Avenue, Rochester, NY 14642:
  - for *professional medical services of one (1) or more qualified, Board Certified/Eligible physicians specializing in OB-GYN* to provide Laborist Services at WCCHS two (2) weeknights per month and one (1) weekend per month in an amount not to exceed eight thousand four hundred dollars (\$8,400.00) per month. For any partial months during the term, cost based on actual hours worked at the rate not to exceed one hundred dollars (\$100.00) per hour plus mileage in accordance with IRS reimbursement rates for each trip made by physician(s) to Wyoming County Community Health System; effective on or about November 15, 2015 through November 30, 2017.
  - for *professional medical services of a licensed nurse practitioner* to provide OB-GYN services at WCCHS two (2) days per week (Mondays and Wednesdays) in an amount not to exceed three thousand seven hundred twenty-eight dollars and seventy-five cents (\$3,728.75) per month, partial months will be prorated; effective on or about December 1, 2015 through December 31, 2016.

now therefore

**BE IT RESOLVED**, That Resolution Number 15-465 be hereby

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amended to rescind the contract for *professional medical services of a licensed nurse practitioner* to provide OB-GYN services effective December 8, 2015.

All else remains the same.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain: #33**

**RESOLUTION NO. 16-226  
(May 10, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**RESOLUTION NUMBER 16-148 AMENDED**

**WHEREAS**, Resolution Number 16-148 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM,**” passed by this Board of Supervisors on March 8, 2016 on behalf of the Wyoming County Community Health System and provided, in part, for the following:

- **Edmund A. Juncewicz, D.O., M. Eng., P.E.**, 5103 Forest Road, Lewiston, New York 14092 to provide anesthesia services in an amount not to exceed three hundred thirty thousand dollars (\$330,000.00) per year; effective May 1, 2016 through April 30, 2018.

**BE IT RESOLVED**, That Resolution Number 16-148 be hereby amended to rescind the contract with **Edmund A. Juncewicz, D.O., M. Eng., P.E.**; effective May 1, 2016.

All else remains the same.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain: #34**

**RESOLUTION NO. 16-227  
(May 10, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**RESOLUTION NUMBER 16-088 AMENDED**

**WHEREAS**, Resolution Number 16-088 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM,**” passed

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by this Board of Supervisors on February 9, 2016 on behalf of the Wyoming County Community Health System and provided, in part, for the following:

- **F. F. Thompson Health System, Inc.**, 350 Parrish Street, Canandaigua, New York 14424 related to the provision of management and operational services in the areas of health information management (HIM), patient accounts and registration in an amount not to exceed one million two hundred eleven thousand nine hundred forty-three dollars (\$1,211,943.00) in year one; one million two hundred forty-two thousand two hundred forty-one dollars (\$1,242,241.00) in year two; and one million two hundred seventy-three thousand two hundred ninety-seven dollars (\$1,273,297.00) in year three; effective May 2, 2016 through May 1 2019.

**BE IT RESOLVED**, That Resolution Number 16-088 be hereby amended to rescind the contract with **F. F. Thompson Health System, Inc.** effective May 2, 2016 and replace it with the following contract:

- **F.F. Thompson Health System, Inc. (FFT)**, 350 Parrish Street, Canandaigua, NY 14424 to provide administrative services from July 11, 2016, or such earlier date that FFT is able to provide the services, through July 10, 2019 in the areas of Health Information Management (HIM), Patient Accounts and Registration.
  - The fee for services provided will be billed monthly based on the actual cost (including salary, benefits, direct expense, overtime costs and an allocation of human resource costs) of the staff providing services.
  - The level of staffing required will be mutually agreed upon and adjusted from time to time over the length of the contract as WCCHS staff vacates the identified positions.

All else remains the same.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain: #35**

**RESOLUTION NO. 16-228  
(May 10, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**RESOLUTION NUMBER 16-087 AMENDED**

**WHEREAS**, Resolution Number 16-087 entitled, “**SALARY**

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**SCHEDULE “P” BENEFIT PACKAGE SUMMARY ADOPTED,”** passed by this Board of Supervisors on February 9, 2016 and provides a Schedule “P” Benefit Package Summary; now therefore

**BE RESOLVED,** That the Schedule “P” Benefit Package Summary be rescinded and replaced with the attached.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain:**

## **SCHEDULE "P"**

### **WYOMING COMMUNITY HEALTH SYSTEM BENEFITS**

Applies to Physician and Mid-level employees who are considered to be exempt employees under the Fair Labor Standards Act.

#### **PAID TIME OFF (PTO)**

Thirty (30) days of paid time off will be granted at the beginning of each anniversary year for full time employees; pro-rated for part time employment. PTO includes vacation, holiday and sick days. PTO must be used during the anniversary year or it will be forfeited. Requests for planned time off must be pre-approved.

#### **HEALTH INSURANCE**

The current health plan for the county is a High Deductible Health Plan with a Health Reimbursement Account (HRA). The county will contribute on an annual basis an amount equal to the plan deductible to the HRA. Any unused amounts in the HRA at the end of the each plan year shall be forfeited. Employees will contribute 8% of the total premium for a Single Plan and 20% of the total premium for a Family Plan. Premiums will be deducted over 24 pay periods per year on a pre-tax basis. Repudiation is not available.

#### **DENTAL INSURANCE**

The current dental insurance for the county offers two options: 1) High Option and 2) Low Option. The employee will pay the total premium and it will be deducted over 24-pay periods per year on a pre-tax basis.

#### **NEW YORK STATE RETIREMENT**

The County offers retirement benefits in accordance with the requirements of the New York State Retirement System. For more information go to their website at <http://www.osc.state.ny.us/retire>.

#### **DEFERRED COMPENSATION RETIREMENT PLAN 457**

All employees are eligible to participate in the voluntary supplemental retirement savings plan at any time. This program allows employees to save

and invest a portion of their earnings toward retirement. Pre-tax contributions are automatically deducted from each paycheck and deposited to your account.

### **WORKERS COMPENSATION**

Workers compensation insurance covers lost wages and medical care payments for employees injured on-the-job. These benefits are based on New York State Workers' Compensation Law.

### **DISABILITY INSURANCE**

Full time employees are covered under the enhanced Disability Insurance Plan for an injury or illness NOT arising out of or in the course of employment. The weekly benefit is 50% of basic weekly earnings up to a maximum of \$500 per week for up to 52 weeks. Accrued PTO time must be exhausted prior to receiving benefits under this plan. These benefits are subject to the terms of the plan. This insurance coverage is provided at no cost to the employee. Part time employees are NOT eligible for statutory NYS Disability Insurance.

### **CONTINUING MEDICAL EDUCATION (CME)**

Continuing medical education is available annually up to \$1,500 and one week or five days of additional paid time off each calendar year for full time employees; pro-rated for part time employment. Reimbursement will be paid upon successful completion/attendance and presentation of receipts. Unused CME benefits will not carry over from year to year. Benefits will be pro-rated in the first year of employment.

### **DUES AND SUBSCRIPTIONS**

Professional membership dues and subscription requests will be reviewed and approved through the annual budget process.

### **RECORD OF REVISION**

REV. #	DESCRIPTION OF CHANGE	PAGE #S / SECTION #S IMPACTED BY CHANGE(S)	DATE
0	Original issue	All	01/26/16 BOM 02/09/16 BOS
1	Revision- <i>changed PTO granted on anniversary date; health &amp; dental deductions to 24 pay period, removed health and dental carrier names</i>	All	03/22/16 BOM
2	Revision – changed PTO granted/used to anniversary date	All	04/26/16 BOM 05/10/16 BOS

**RESOLUTION NO. 16-229**  
**(May 10, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**MEMORANDUMS OF UNDERSTANDING BY AND BETWEEN CSEA  
AND THE COUNTY OF WYOMING APPROVED**

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney and County Labor Attorney is hereby authorized and directed to sign the individual Memorandums of Understanding by and between the Civil Service Employee's Association and the County of Wyoming amending the current collective bargaining agreements to allow for the following:

- Adjust salaries for the respiratory therapy and medical technologies positions employed at Wyoming County Community Hospital.
- Amend the clinical ladder program for Registered Professional Nurses (RPNs) employed at Wyoming County Skilled Nursing Facility.
- Establish twelve (12) hour shift assignments for Registered Professional Nurses, Licensed Practical Nurses, and Certified Nursing Assistants employed at Wyoming County Skilled Nursing Facility.

All else remains unchanged.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain:**  
**#37**

**RESOLUTION NO. 16-230**  
**(May 10, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**RESOLUTION NUMBER 16-190 AMENDED**

**WHEREAS**, Resolution Number 16-190 entitled, "**SALARY SCHEDULE "C" AMENDED**," passed by this Board of Supervisors on April 12, 2016 and amended Salary Schedule C as follows:

- Salary Schedule "C" annexed hereto shall be substituted for the existing Schedule "C". Commencing January 1, 2016, eligible

May 10, 2016

employees in the job titles covered thereby shall be paid the basic salary in accordance with these wage and salary schedules;

now therefore,

**BE IT RESOLVED**, That Resolution Number 16-190 be hereby amended to rescind and replace the attached salary schedule and add the following language:

- Any position vacated shall be open for review by the appropriate committee.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain:**

<b>TITLE</b>	<b>SET SALARY EFFECTIVE 01/01/2016</b>	<b>COMMENTS</b>
<b>ACUTE QUALITY</b>		
Director of Quality Improvement, Staff Education, Employee Enhancement & Community Outreach	<b>\$82,820</b>	
<b>ADMINISTRATION</b>		
Administrative Assistant	<b>\$50,000</b>	
Chief Operating Officer	<b>\$101,658</b>	
Healthcare Information Specialist	<b>\$77,035</b>	
<b>ADULT DAY CARE (SNF)</b>		
Program Director	<b>\$65,000</b>	Vacant
<b>EMERGENCY</b>		
Director of Emergency Services	<b>\$70,013</b>	Effective 02/01/2016
<b>FISCAL SERVICES</b>		
Assistant Director of Finance	<b>\$62,577</b>	
Financial Analyst	<b>\$61,200</b>	
<b>HOSPITAL INFORMATICS</b>		



Director of Utilization Review and Health Information Mgmt.	<b>\$80,000</b>	
<b>IMAGING AND TESTING</b>		
Director of Outpatient Services	<b>\$70,115</b>	
<b>INFECTION CONTROL</b>		
Director of Nurse Education and Infection Control	<b>\$67,670</b>	Vacant, pending permanent appointment as DON acute
<b>INFORMATION SYSTEMS</b>		
Director of Healthcare Information Systems	<b>\$71,267</b>	
Network Admin II	<b>\$60,000</b>	
<b>MEDICAL DIRECTOR</b>		
Administrative Secretary	<b>\$36,695</b>	
<b>MEDICAL SURGICAL UNIT/3RD FLOOR</b>		
Director of Medical/Surgical, Intensive Care & Infection Prevention	<b>\$81,600</b>	
<b>MENTAL HEALTH UNIT</b>		
Director of Behavioral Health	<b>\$74,696</b>	
<b>NURSING FACILITY ADMINISTRATION</b>		
Administrative Secretary	<b>\$38,446</b>	
Assistant Administrator	<b>\$58,157</b>	Vacant
Assistant Administrator/Director of Nursing	<b>\$74,984</b>	Vacant
Assistant Director of Nursing	<b>\$67,626</b>	
Director of Nursing	<b>\$76,500</b>	
Nursing Facility Administrator	<b>\$115,000</b>	
<b>NURSING ADMINISTRATION (ACUTE)</b>		
Administrative Secretary	<b>\$33,098</b>	

Director of Nursing	<b>\$83,640</b>	plus \$5,000 upon successful completion of 6 month goals, effective 07/01/2016
Nursing Supervisor Per Diem in the Nursing Service Office (5 positions)	<b>\$150/4 hr shift</b>	
<b>OB CLINIC</b>		
Clinic Office Manager Per Diem	<b>\$19/hr</b>	Effective 03/22/2016
<b>OPERATING ROOM</b>		
Director of Surgical Services/Maternity & Women's Health, Risk Manager	<b>\$82,187</b>	
<b>PATIENT ACCOUNTS</b>		
Revenue Cycle/Business Office Manager	<b>\$69,801</b>	
<b>PEDIATRIC CLINIC</b>		
Mid-Level Provider Per Diem	<b>\$53.04/hr</b>	
<b>PLANT MAINTENANCE</b>		
Maintenance Supervisor	<b>\$57,222</b>	
<b>WORKPLACE HEALTH SERVICES</b>		
Director of WPHS, Clinic Quality & Corporate Compliance	<b>\$86,561</b>	

#38

**RESOLUTION NO. 16-231**  
**(May 10, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**RESOLUTION IN OPPOSITION TO THE PASSAGE OF  
A.05518/S.03891 TO AMEND THE VOLUNTEER FIREFIGHTER'S  
BENEFIT LAW FOR THE EXPANSION OF SPECIFIC HEALTH  
CONDITION COVERAGE**

**WHEREAS, Assembly Bill A.05518 and Senate Bill S.03891 have  
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been introduced in the 2015-2016 Legislative Session to amend the Volunteer Firefighter's Benefit Law to expand coverage to include cancer of the digestive, hematological, lymphatic, urinary, prostate, neurological, breast, and reproduction systems; and

**WHEREAS,** The Wyoming County Board of Supervisors, as a self-insured county, strongly opposes this legislation; and

**WHEREAS,** In essence, the proposed legislation provides that in the event that an individual passes his or her physical examination on entry into firefighter service, that any melanoma or other cancer condition that is subsequently diagnosed is presumed to arise in the performance and discharge of that individual's duties as a volunteer firefighter; and

**WHEREAS,** This is problematic for several reasons. First, the scope of the physical examination required for entry into a volunteer fire department is quite limited. Such physical examinations do not include the detail or the diagnostic testing typically associated with diagnosing cancer or ruling out the presence of cancer. For example, such physical examinations do not include comprehensive blood testing, PET scans, CT scans, MRI's, colonoscopies, mammograms, pap smears, prostate examinations, etc. To the contrary, such physical examinations are typically quite limited and are quite cursory in nature; and

**WHEREAS,** As a result, many of the conditions covered by the proposed legislation may be present and remain undiagnosed even though an individual may still pass the physical examination associated for entry into firefighter service; and

**WHEREAS,** In addition, many of the conditions identified in the proposed legislation often develop with age and/or are either genetic or hereditary in nature. Thus, even if a comprehensive physical examination with diagnostic testing is performed when an individual first enters firefighter service, it would be unwise to presume that in the event that such an individual eventually is diagnosed with cancer that the development or cause of that cancer is in any way connected to the individual's firefighter service; and

**WHEREAS,** Such legislation would essentially place counties in the position of insuring that in the event that a volunteer firefighter contracts cancer of any kind that they will need to provide indemnity, medical and, potentially death benefits, unless they can prove that such cancer condition is unrelated with competent evidence. Providing such a presumption and placing the cost of rebutting such a presumption on county taxpayers would pose an undue financial burden and hardship. In addition, such a presumption would likely force counties and volunteer fire departments to change their procedures relating

to physical examinations for volunteer firefighters in order to ensure that applicants are cancer free. Such comprehensive physical examinations would prove costly and could have a chilling effect on recruitment and the membership of volunteer fire departments; and

**WHEREAS,** The proposed legislation is unnecessary as the Volunteer Firefighters' Benefits Law already provides such benefits in the event that a volunteer firefighter (or his or her dependents in connection with a death claim) can prove that the cancer condition arose in the line of duty. Shifting the burden of proof based upon a flawed presumption that has no medical basis would be ill advised; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors request that Assembly Bill A.05518 not be passed and that the Assembly understand the magnitude and negative ramifications associated with such proposed legislation; and be it

**FURTHER RESOLVED,** That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan and New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain:**  
#39

**RESOLUTION NO. 16-232**  
**(May 10, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**RESOLUTION URGING THE STATE TO ENACT MANDATE RELIEF  
MEASURES THAT WILL REDUCE PROPERTY TAXES AND COSTS  
FOR COUNTIES AND LOCAL GOVERNMENTS**

**WHEREAS,** Counties have long had a central role in the administration and financing of a wide variety of state programs; and

**WHEREAS,** Many municipalities in New York State face significant fiscal challenges that are amplified by a slow economic recovery and a state imposed restriction on local revenues; and

**WHEREAS,** In most instances the county fiscal challenges are directly

tied to state imposed mandates and reduced state reimbursement; and

**WHEREAS,** In 2015, the state capped the growth in the local share of Medicaid, so that local taxpayers will not pay more than \$7.5 billion per year to fund the state's growing Medicaid program; and

**WHEREAS,** In 2013, the state enacted pension reforms that will reduce out year pension expenses of new public employees; and

**WHEREAS,** The hard cap on county Medicaid costs and pension reforms have been very helpful for local governments' operations but more reform needs to be done to enable local governments to provide local services, pay for state mandates and stay under the state imposed property tax cap; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors strongly encourage the Governor and State Legislature to work to address the underlying causes to county property taxes and the fiscal stress facing many localities; and be it

**FURTHER RESOLVED,** That the Clerk to the Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman David DiPietro, the New York State Association of Counties and all others deemed necessary and proper.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain: #40**

**RESOLUTION NO. 16-233  
(May 10, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**SEMI-ANNUAL MORTGAGE TAX REPORT PRESENTED**

Mr. Kehl, Chairman of the Finance Committee, presented the **SEMI-ANNUAL MORTGAGE TAX REPORT** for the period of October 1, 2015 through March 31, 2016 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

May 10, 2016

directed to distribute Mortgage Tax Receipts amounting to **\$168,149.46** to the several tax districts of Wyoming County, in accordance with the report filed with the Clerk of the Board of Supervisors, as follows:

TAX DISTRICTS	MORTGAGE TAX DISTRIBUTED	VILLAGE	TOWN
Arcade	\$18,478.50	\$4,138.50	\$14,340.00
Attica	\$15,713.09	\$3,064.67	\$12,648.42
Bennington	\$17,626.10		\$17,626.10
Castile	\$16,649.70	\$1,215.17	\$14,461.74
Perry Village		\$972.79	
Covington	\$4,905.37		\$4,905.37
Eagle	\$3,601.97		\$3,601.97
Gainesville	\$2,428.33	\$76.91	\$2,097.37
Silver Springs Village		\$254.05	
Genesee Falls	\$3,201.93		\$3,201.93
Java	\$11,594.16		\$11,594.16
Middlebury	\$9,052.83	\$795.74	\$8,257.09
Orangeville	\$10,151.35		\$10,151.35
Perry	\$16,938.37	\$3,957.65	\$12,980.72
Pike	\$3,187.20		\$3,187.20
Sheldon	\$15,428.00		\$15,428.00
Warsaw	\$15,564.60	\$4,756.96	\$10,807.64
Wethersfield	\$3,627.96		\$3,627.96
Total:		\$19,232.44	\$148,917.02
<b>Grand Totals:</b>		<b>\$168,149.46</b>	

Let This Be Your Warrant for Such Payment: **\$168,149.46** IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Board of Supervisors this 10<sup>th</sup> day of May 2016.

s/**Cheryl J. Ketchum**, Clerk

**Carried:** XXX    **Ayes:** 1580    **Noes:**    **Absent:** 19 (Genesee Falls)    **Abstain:** #41

**RESOLUTION NO. 16-234**  
**(May 10, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**MEMORANDUM OF UNDERSTANDING BY AND BETWEEN  
WYOMING COUNTY SHERIFF'S EMPLOYEES ASSOCIATION  
(S.E.A.) AND THE COUNTY OF WYOMING APPROVED**

**BE IT RESOLVED**, That the Chairman of this Board with the  
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approval of the County Attorney and County Labor Attorney is hereby authorized and directed to sign a Memorandum of Understanding by and between the Wyoming County Sheriff's Employee Association (S.E.A.) and the County of Wyoming amending the current collective bargaining agreement to allow for the following:

- To provide retirees whose retirement occurs after the execution of this MOU with a credit for unused sick time to be used towards Retiree Healthcare coverage.

All else remains unchanged.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain: #42**

**RESOLUTION NO. 16-235  
(May 10, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**SALARY SCHEDULE "T" 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 "T":**

***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 December 24, 2015, and Judiciary Law section 183-a at \$183,350.00 annually; effective retroactively to April 1, 2016.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain: #43**

**RESOLUTION NO. 16-236  
(May 10, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**RESOLUTION NUMBER 16-041 AMENDED**

**WHEREAS**, Resolution Number 16-041 entitled, "CHAIRMAN AUTHORIZED TO SIGN LETTERS OF UNDERSTANDING WITH

May 10, 2016

**CONTRACT AGENCIES FOR 2016**", passed by this Board of Supervisors on January 19, 2016 which provides for 2016 County appropriations to the various County Contract Agencies; now therefore

**BE IT RESOLVED**, That Resolution Number 16-041 be hereby amended to reflect the following:

- Wyoming County Soil and Water Conservation District appropriation amended to \$157,900.65
- Wyoming County Fair Association appropriation amended to \$22,500.00

All else remains the same.

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain:**

*Chairman Berwanger addressed the board reminding them that the next resolution will require a 2/3 majority vote of the Board...*

*Chairman Berwanger asked Supervisor Davis, T/Covington to address the board as Chairman of the Public Works Committee regarding the need for this borrowing.*

*Supervisor Davis stated that the borrowing will be authorized up to \$12 million but that does not necessarily mean that is the amount to be borrowed. There are eight roads left from the "Better Pavement Project". Superintendent Gadd provided an estimate of \$10.9 million to finish these roads and provides for 2% inflation for years 2, 3 and 4. However, the cost of asphalt cannot be predicated as it fluctuates with the price of oil.*

*Supervisor Leuer, T/Middlebury commented that at the various public meetings that were held last year, the resounding theme was roads. It is important to complete the "Better Pavement Project".*

**2/3 Majority  
#44**

**RESOLUTION NO. 16-237  
(May 10, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**A RESOLUTION AUTHORIZING COUNTY HIGHWAY  
IMPROVEMENTS IN AND FOR THE COUNTY OF WYOMING, NEW  
YORK, AT A MAXIMUM ESTIMATED COST OF \$12,000,000, AND**

Regular Session



**AUTHORIZING THE ISSUANCE OF \$12,000,000 BONDS OF SAID  
COUNTY TO PAY THE COST THEREOF**

**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. County highway improvements in and for the County of Wyoming, New York, including sidewalks, curbs, gutters, drainage, landscaping and related improvements, as well as incidental costs and expenses in connection therewith, are hereby authorized at a maximum estimated cost of \$12,000,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$12,000,000 bonds of said County hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years pursuant to subdivisions 20(c) of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said County of Wyoming, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the County Treasurer, who shall advertise such bonds for sale, conduct the sale, and

award the bonds in such manner as the County Treasurer shall deem best for the interests of the County.

Section 7. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the County Treasurer, the chief fiscal officer of such County. 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 51.00 of the Local Finance Law, as the County Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

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

Section 10. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Clerk of the Board of Supervisors in substantially the form provided in Section 81.00 of the Local Finance Law.

**Carried: XXX Ayes: 1454 Noes: Absent: 17 (Genesee Falls) Abstain:**

*Chairman Berwanger announced it was time for the comment period for Local*

Regular Session

*Law Introductory No. A, for the year 2016, entitled, “A Local Law to Rescind and Replace Local Law 1, Year 2003 Establishing a Motor Vehicle Use Tax”*

*Chairman Berwanger asked the Board Clerk if there were any written requests to speak at the public hearing. Board Clerk Ketchum responded in the negative.*

*Chairman Berwanger asked if any Supervisor would like to comment on the proposed local law.*

*Chairman Berwanger stated that the local law originally began on July 3, 2003 for the convenience of local DMV’s. Currently, Wyoming County is the lowest at its current rate. There are thirty-five other counties that are at the new proposed rate and seven counties that are even higher.*

*Chairman Berwanger again asked if there were any other comments concerning this local law.*

#### **Close Public Hearing ~**

*Motion to close the Public Hearing was made by Supervisor McCormick, T/Java. Seconded by Supervisor Becker, T/Sheldon. Carried.*

**Local Law  
#45**

### **RESOLUTION NO. 16-238 (May 10, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**LOCAL LAW NO. 1 (INTRODUCTORY A, YEAR 2016) ~ YEAR 2016,  
“A Local Law to Rescind and Replace Local Law 1, Year 2003 ~ Establishing  
a Motor Vehicle Use Tax,” ADOPTED**

**WHEREAS**, There was duly presented and introduced at a meeting of this Board, held on the 12<sup>th</sup> day of April, 2016, a proposed local law of the County, designated as Local Law Introductory No. A, for the year 2016, entitled, **“A Local Law to Rescind and Replace Local Law 1, Year 2003 ~ Establishing a Motor Vehicle Use Tax,”** and

**WHEREAS**, In accordance with the provisions of Resolution No. 16-157, there was a public hearing held by this Board of Supervisors on this 10<sup>th</sup> day of May, 2016, 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

May 10, 2016

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 1, Year 2016, County of Wyoming, New York, as presented to this Board on the 12<sup>th</sup> day of April 2016, is hereby enacted, by this Board, as follows:

## **LOCAL LAW NO. 1**

**This Local Law shall be entitled “A Local Law to Rescind and Replace Local Law 1, Year 2003 ~ Establishing a Motor Vehicle Use Tax”**

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

### **SECTION 1. PURPOSE.**

The purpose of this Local Law is to repeal and rescind Local Law No. 1 of the year 2003, entitled “A Local Law Establishing a Motor Vehicle Use Fee” and to establish a new Local Law entitled “A Local Law Establishing a Motor Vehicle Use Fee”.

**Section 1. Definitions.** When used in this local law, the following terms shall have the following meanings:

*Buses.* The term “buses” shall have the same meaning as defined in §104 of the Vehicle and Traffic Law, as amended.

*Commissioner.* The County Treasurer of the County of Wyoming.

*Passenger Motor Vehicle.* Any motor vehicle subject to the registration fee as provided for in §401, Subdivision 6 of the Vehicle and Traffic Law.

*Sheriff.* The Sheriff or his or her successor in office.

*Truck.* The term “truck” shall have the same meaning as defined in §158 of the Vehicle and Traffic Law, as amended.

### **Section 2. Imposition of Tax.**

a. A motor vehicle use tax pursuant to §§1202(a) and 1201(e) of the Tax Law is hereby imposed in the following manner:

1. A tax of \$5.00 per annum for the use of passenger motor vehicles of a type commonly used for noncommercial purposes owned by residents of the

County for each such vehicle weighing 3,500 pounds or less and a tax of \$10.00 per annum for such vehicles in excess of 3,500 pounds;

2. A tax of \$10.00 per annum for the use of trucks, buses and other such commercial vehicles used principally in connection with a business carried on within the County, except when owned and used in connection with the operation of a farm by the owner or tenant thereof and carrying a farm plate.

**Section 3. Exemptions.** The tax imposed by this local law shall not be imposed upon any vehicle exempt from the registration fee pursuant to the Vehicle and Traffic Law.

**Section 4. Payment of Tax and Evidence of Tax Payment.**

a. Every owner of a motor vehicle subject to tax hereunder shall pay the tax thereon to the Commissioner of Motor Vehicles of the State of New York on or before the date upon which he or she registers or renews his or her registration thereof or is required to register or renew his or her registration thereof pursuant to §401 of the Vehicle and Traffic Law.

b. Notwithstanding the provisions of §400 of the Vehicle and Traffic Law to the contrary, the payment of such tax shall be a condition precedent to the registration or renewal thereof of such motor vehicle and to the issuance of any certificate of registration and plates or removable tag specified in Subdivision 3 of §401 and §§403 and 404 of the Vehicle and Traffic Law, and no such certificate of registration, plates or tag shall be issued unless such tax has been paid. The Commissioner of Motor Vehicles shall not issue a registration certificate for any motor vehicle for which the registrant's address is within the County except upon proof in a form approved by the Commissioner of Motor Vehicles that such tax has been paid or is not due, with respect to such motor vehicle. The Commissioner of Motor Vehicles, upon the application of any person exempt therefrom, shall furnish to each taxpayer paying the tax a receipt for such tax and to each such taxpayer or exempt person a statement, document or other form approved by the Commissioner of Motor Vehicles, pursuant to the last sentence, showing that such tax has been paid or is not due, with respect to such motor vehicle.

**Section 5. Returns.**

a. At the time the payment of the tax imposed by this local law becomes due, every person subject to tax hereunder shall file a return with the Commissioner of Motor Vehicles in such form and containing such information as may be prescribed by such Commissioner of Motor Vehicles. The taxpayer's application for registration or the renewal of registration shall constitute the return required under this local law, unless the Commissioner of Motor Vehicles, by regulation, shall otherwise provide.

- b. Returns shall be preserved for three years and thereafter until the Commissioner of Motor Vehicles permits them to be destroyed.
- c. The Commissioner of Motor Vehicles may require amended returns or certificates of facts to be filed within twenty (20) days after notice and to contain the information specified in the notice. Any such certificate shall be deemed to be part of the return required to be filed.
- d. If a return required by this local law is not filed or if a return when filed is incorrect or insufficient on its face, the Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, shall take the necessary steps to enforce the filing of such a return or of a corrected return.

**Section 6. Determination of Tax.** If a return required by this local law is not filed or if a return when filed is incorrect or insufficient or if a tax or any part thereof due hereunder be not paid when required, the amount of tax due shall be determined by the Commissioner of Motor Vehicles or by the County Treasurer, if designated as his or her agent, from such information as may be obtainable, including motor vehicle registration with the Department of Motor Vehicles of the State of New York and/or other factors. Notice of such determination shall be given to the person liable for the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty (30) days after the giving of notice of such determination, shall apply to the Commissioner of Motor Vehicles or to the County Treasurer, if designated as his or her agent, for a hearing or unless such commissioner or agent, as the case may be, of his or her own motions shall redetermine the same. After such hearing, the Commissioner of Motor Vehicles, if he or she holds the hearing, or the County Treasurer, if the County Treasurer holds the hearing, shall give notice of the determination of such application to the person against whom the tax is assessed. Such determination shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article 78 of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within four (4) months after the giving of the notice of such determination. A proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless the amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited with the Commissioner of Motor Vehicles and there shall be filed with the Commissioner of Motor Vehicles an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve, to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding; or at the option of the applicant, such undertaking filed with the Commissioner of Motor Vehicles may be in a

sum sufficient to cover the taxes, penalties and interest thereon stated in such determination, plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such taxes, penalties and interest as a condition precedent to the application.

**Section 7. Refund of Certain Unused Registrations.** Whenever any fee or portion of a fee paid for the registration of a motor vehicle under the provisions of the Vehicle and Traffic Law is refunded pursuant to the provisions of Subdivision 1 of §428 thereof, the amount of any tax paid pursuant to this local law upon such registration shall also be refunded by the Commissioner of Motor Vehicles.

**Section 8. Refunds.**

a. In the manner provided in this section, the Commissioner of Motor Vehicles shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application for such refund shall be made within one (1) year from the payment thereof to the Commissioner of Motor Vehicles or to the County Treasurer, if designated as his or her agent. Whenever a refund is made, the reasons therefor shall be stated, in writing, by the Commissioner of Motor Vehicles or by the County Treasurer, as the case may be, who, in lieu of any refund, may allow credit therefor on payments due from the applicant.

b. An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty or interest complained of and the Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, shall hold a hearing and receive evidence with respect thereto. After such hearing, the Commissioner of Motor Vehicles, if he or she holds the hearing, or the County Treasurer, if the County Treasurer holds the hearing, shall give notice of the determination of such application to the applicant who shall be entitled to review such determination by a proceeding pursuant to Article 78 of the Civil Practice Law and Rules, provided that such proceeding is instituted within four months after the giving of notice in such determination, and provided that a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the Commissioner of Motor Vehicles in such amount and with such sureties as a Justice of the Supreme Court shall approve, to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

c. A person shall not be entitled to a revision, refund or credit under this section of a tax, interest or penalty which has been determined to be due pursuant to the

provisions of Section 6 of this local law where he or she has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail himself or herself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination made pursuant to Section 6 of this local law, unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper after a hearing or, on his or her own motion, by the Commissioner of Motor Vehicles or by the County Treasurer, as the case may be, or in a proceeding under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

**Section 9. Reserves.** In cases where a taxpayer has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review a determination adverse to such taxpayer on his or her application for refund, the County Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

**Section 10. Remedies Exclusive.** The remedies provided by Sections 6 and 8 of this local law shall be exclusive remedies available to any person for the review of tax liability imposed by this local law, and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding in the nature of a certiorari proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that a taxpayer, may proceed by declaratory judgment if he or she institutes suit within thirty (30) days after a deficiency assessment is made and pays the amount of the deficiency assessment to the Commissioner of Motor Vehicles prior to the institution of such suit and posts a bond for costs as provided in Section 6 of this local law.

**Section 11. Proceeding to Recover Tax.**

a. Whenever any person shall fail to pay any tax, penalty or interest imposed by this local law as herein provided, the County Attorney, upon the request of the Commissioner of Motor Vehicles or of the County Treasurer, if designated as his or her agent, shall bring or cause to be brought an action in accordance with the Laws of Wyoming County to enforce the payment of the same on behalf of the County of Wyoming in any court of the State of New York or of any other state of the United States. However, if in his or her discretion the, Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, believes that any such person subject to the provisions of this local law is about to cease business, leave the State or remove or dissipate the assets out of which the tax or penalty might be satisfied and that any such tax or penalty will not be paid when due, he or she may declare such tax or penalty to



be immediately due and payable and may issue a warrant immediately.

b. As an additional or alternate remedy, the Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, may issue a warrant, directed to the Sheriff commanding him or her to levy upon and sell the real and personal property of the person liable for the tax which may be found within the County for the payment of the amount thereof, with any penalty and interest, and the cost of executing the warrant, and to return such warrant to the person who issued it and to pay to him or her the money collected by virtue thereof within sixty (60) days after the receipt of such warrant. The Sheriff shall within five (5) days after the receipt of the warrant, file with the County Clerk a copy thereof, and thereupon such clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalty and interest for which the warrant is issued and the date when such copy is filed. Thereupon, the amount of such warrant so docketed shall become a lien upon the title to and the interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant in the same manner, and with like effect as that provided by law in respect to executions issued against property upon judgments of a court of record, and for services in executing the warrant, such Sheriff shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the Commissioner of Motor Vehicles or the County Treasurer, as the case may be, may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if he or she had recovered judgment therefor and execution thereon had been returned unsatisfied.

## **Section 12. General Powers of the Commissioner of Motor Vehicles.**

a. In addition to the powers granted to the Commissioner of Motor Vehicles in this local law, he or she is hereby authorized and empowered:

1. To make, adopt and amend rules and regulations appropriate to the carrying out of this local law;
2. For cause shown, to remit penalties, and to compromise disputed claims in connection with the taxes hereby imposed;
3. To request information concerning motor vehicles and persons subject to the provisions of this local law from the Department of Motor Vehicles of any other state or the Treasury Department of the United States or any city or county of the State of New York, and to afford such information to such other state, Treasury Department, city or county any provision of this local law to the contrary notwithstanding;
4. To delegate his or her functions hereunder to a deputy commissioner in the Department of Motor Vehicles or any employee or employees of his or her department;

5. To prescribe methods for determining the tax to keep such records as he or she may prescribe and to furnish such information upon his or her request;

6. To require all persons owning motor vehicles subject to tax to keep such records as he or she may prescribe and to furnish such information upon his or her request;

7. To request the Wyoming County Sheriff to assist in the enforcement of the provisions of this local law.

### **Section 13. Administration of Oaths and Compelling Testimony.**

a. The Commissioner of Motor Vehicles or his or her employees or agents duly designated and authorized by such commissioner shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the powers and duties under this local law. The Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, shall have the power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his or her duties hereunder and of the enforcement of this local law and to examine them in relation thereto and to issue commissions for the examination of witnesses who are out of the State or unable to attend before him or her or excused from attendance.

b. A Justice of the Supreme Court, either in court or at chambers, shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and production and examination of books, papers and documents called for by the subpoena of the Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent under this local law.

c. The officers who serve the summons or subpoena of the Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the County Treasurer and his or her duly appointed deputies or any officers or employees of the Department of Motor Vehicles designated by the Commissioner of Motor Vehicles to serve such process or any officers or employees of the Treasurer's Office of the County designated by the County Treasurer to serve such process.

### **Section 14. Penalties and Interest.**

a. Any person failing to file a return or to pay any tax or any portion thereof within the time required by this local law shall be subject to a penalty of five (5) times the amount of the tax due, plus interest of five percent (5%) of such tax for each month of delay or fraction thereof, but the Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, if satisfied

that the delay excusable, may remit all or any part of such penalty, but not interest at the rate of six percent per year. Penalties and interest shall be paid and disposed of in the same manner as other revenues under this local law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this local law.

b. The certificate of the Commissioner of Motor Vehicles or of the County Treasurer, if designated as his or her agent, to the effect that a tax has not been paid or that a return required by this local law has not been filed or that information has not been supplied pursuant to the provisions, of this local law shall be presumptive evidence thereof.

**Section 15. Returns to be Secret.** Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the Commissioner of Motor Vehicles, any officer or employee of the Department of Motor Vehicles, the County Treasurer, any officer or employee of the Treasurer's Office, any agent of the Commissioner of Motor Vehicles or any person who, pursuant to this section, is permitted to inspect any return or to whom a copy, an abstract or portion of any return is furnished or to whom any information contained in any return is furnished to divulge or make known in any manner any information contained in or relating to any return provided for by this chapter. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Commissioner of Motor Vehicles or the County Treasurer in an action or proceeding under the provisions of this local law or on behalf of any party to an action or proceeding under the provisions of this local law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of and may admit in evidence so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more. The Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, may, nevertheless, publish a copy or a summary of any determination or decision rendered after a formal hearing held pursuant to Section 6 or 8 to this local law. Nothing herein shall be construed to prohibit the delivery to a person or his or her duly authorized representative of a certified copy of any return filed by him or her pursuant to this chapter or of the receipt, document or other form issued pursuant to Section 4 of this local law or a duplicate copy thereof, nor to prohibit the delivery of such a certified copy of such return or any information contained in or relating thereto to the United States of America or any department thereof, the State of New York or any department thereof or the County of Wyoming or any department thereof, provided that the same is required for official business, nor to prohibit the inspection for official business of such returns by the Corporation Counsel or other legal representatives of the County or by the District Attorney, nor to

exhibit the publication of statistics so classified as to prevent the identification of particular returns or items thereof.

**Section 16. Notices and Limitations of Time.**

a. Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him or her pursuant to the provisions of this local law, in any application made by him or her pursuant or in any application for registration made by him or her pursuant to §401 of the Vehicle and Traffic Law or, if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this local law by the giving of notice shall commence to run from the date of mailing of such notice.

b. The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the Commissioner of Motor Vehicles or the County Treasurer, if designated as his or her agent, to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this local law. However, except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return; provided, however, that where no return has been filed as provided by law, the tax may be assessed at any time.

c. Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented, in writing, that such period be extended, the amount of such additional tax may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents, in writing, made before the expiration of the extended period.

d. If any return, claim, statement, notice, application or other document required to be filed or any payment required to be made within a prescribed period or on or before a prescribed date under authority of any provision of this title is, after such period or such date, delivered by United States Mail to the Commissioner of Motor Vehicles, County Treasurer, bureau, office, officer or person with which or with whom such document is required to be made, the date of the United States postmark stamped on the envelope shall be deemed to be the date of delivery. This subsection shall apply only if the postmark date falls within the prescribed period or on or before the prescribed date for the filing of such document or for making the payment, including any extension granted for such

filing or payment, and only if such document or payment was deposited in the mail, postage prepaid, properly addressed to the Commissioner of Motor Vehicles, County Treasurer, bureau, office, officer or person with which or with whom such payment is required to be made. If any document is sent by United States registered mail, such registration shall be prima facie evidence that such document was delivered to the Commissioner of Motor Vehicles, County Treasurer, bureau, office, officer, or person to which or to whom addressed, and the date of registration shall be deemed the postmark date. The Commissioner of Motor Vehicles is authorized to provide by regulation the extent to which the provisions of the preceding sentence with respect to prima facie evidence of delivery and the postmark date shall apply to certified mail. This subsection shall apply in the case of postmarks not made by the United States Postal Service only if and to the extent provided by regulation of the Commissioner of Motor Vehicles.

e. When the last day prescribed under authority of this title (including any extension of time) for performing any act falls on a Saturday, Sunday or legal holiday in the State of New York, the performance of such act shall be considered timely if it is performed on the next succeeding day which is not a Saturday, Sunday or legal holiday.

#### **Section 17. County Treasurer as Agent.**

a. The Commissioner of Motor Vehicles is hereby authorized to designate the Wyoming County Treasurer as his or her agent to exercise any or all of his or her functions and powers specified or provided for in subsection (d) of Section 5 and in Sections 6, 8, 11, 13, 14 and 16 of this local law. Where the County Treasurer has been so designated as agent, the County Treasurer, in addition to the powers elsewhere granted to him or her in this local law, is hereby authorized and empowered:

1. To delegate such functions and powers to any employee or employees of the Treasurer's Office;
2. For cause shown, to remit penalties and to compromise disputed claims in connection with the taxes hereby imposed;
3. To request information concerning motor vehicles and persons subject to the provisions of this local law from the Department of Transportation of the United States or any city or county of the State of New York, and to afford such information to such other state, treasury department, city or county any provision of this local law to the contrary notwithstanding;
4. To request the Sheriff's Department of the County to assist in the enforcement of the provisions of this local law.

**Section 18. Agreement between County Treasurer and Commissioner of Motor Vehicles.** The County Treasurer is hereby authorized and empowered to enter into an agreement with the Commissioner of Motor Vehicles to govern the

administration and collection of the taxes imposed by this local law, which agreement shall provide for the exclusive method of collection of such taxes, custody and remittal of the proceeds of such tax; for the payment by the County of the reasonable expenses incurred by the Department of Motor Vehicles in collecting and administering such tax; and for the audit, upon request of the County Treasurer or his or her delegate, of the accuracy of the payment distributions and remittances to the County Treasurer pursuant to the provisions of this local law, to be conducted at a time agreed upon by the State Comptroller and to be allowed not more frequently than once in each calendar year. Such agreement shall have the force and effect of a rule or regulation of the Commissioner of Motor Vehicles and shall be filed and published in accordance with any statutory requirements relating thereto.

**Section 19. Notification to County Attorney.** The Commissioner of Motor Vehicles shall promptly notify the County Attorney of any litigation instituted against him or her which challenges the constitutionality or validity of any provision of this local law or which attempts to limit or question the applicability of such law, and such notification shall include a copy of the papers served upon him.

**Section 20. Disposition of Revenues.** All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of the County and shall be credited to and deposited in the general fund of the County.

**Section 21. Severability.** If any provision of this local law or the application thereof to any person or circumstances is held invalid, the remainder of this local law and the application of such provisions to other persons and circumstances shall not be affected thereby.

**Section 21. Effective Date.** This law shall take effect upon the filing of the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

DATED at Warsaw, New York  
 April 12, 2016 (Introduced)  
 May 10, 2016 (Adopted)  
 Cheryl J. Ketchum,<sup>CMC</sup>  
 Board Clerk

**Carried: XXX Ayes: 1580 Noes: Absent: 19 (Genesee Falls) Abstain:**

*Chairman Berwanger asked Clerk Ketchum if is she would like to introduce a special guest. Clerk Ketchum welcomed Brian Piligra from Congressman Chris Collin's office to Wyoming County. Mr. Piligra addressed the board and*

*indicated that Congressman Collins will be attending the board meeting at the Wyoming County Fair this year.*

*There being no further business to come before this Board, Senior Supervisor Davis, T/Covington, adjourned the meeting at 3:55 PM with a rap on his desk.*

\*\*\*\*\*

Respectfully submitted,

*Cheryl J. Ketchum*

Cheryl J. Ketchum, <sup>CMC</sup>

Clerk to the Board

May 10, 2016

**REGULAR SESSION****(June 14, 2016)****Tuesday****2:30 PM**

The regular session of the Wyoming County Board of Supervisors was held at the Wyoming County Government Center in the Board of Supervisors' Chambers located at 143 North Main Street, Warsaw, New York with all Supervisors present except Supervisor Granger, T/Castile. Also present were County Attorney Jim Wujcik, Budget Officer, Janis Cook; Clerk to the Board of Supervisors, Cheryl Ketchum and Deputy Clerk to the Board, Lisa Perez.

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:

**Lieutenant Commander Donald A. Salamone**

United States Coast Guard Lieutenant Commander Donald A. Salamone was born and raised in the Town of Warsaw. After graduating from Warsaw High School in 1968, he joined the United States Coast Guard to experience travel, adventure and excitement.

Mr. Salamone attained the rank of E-6 in under four years before deciding to join the Coast Guard Reserve and return to school. He excelled while attending Alfred State College and earned a degree in industrial technology. Mr. Salamone worked as an engineer for IBM until 1976. The ever-ambitious Salamone was accepted for Officer Candidate School where he hoped to achieve his dream of becoming a pilot.

U.S. Naval Air Station Pensacola is known to be the home of the Blue Angels. It is also recognized as a world-class facility whose arduous pilot training program graduates only the best disciples of flight. Mr. Salamone is among the elite who successfully managed the challenge. Over the next decade plus, Mr. Salamone led countless helicopter missions in some of the most demanding weather conditions possible, including treacherous water rescues in and around the Arctic Circle and Antarctica some ending in triumph and others in tragedy. On more than one occasion, he survived a harrowing helicopter crash before switching to fixed-winged aircraft.

The C-130 is the most versatile aircraft in the world. It can be utilized as a bomber, a gunship, for fire control or to deliver supplies to remote sites. It may also be used to transport personnel, as was the case when Mr. Salamone

Regular Session



participated in dangerous drug interdiction missions in Central America. Mr. Salamone faithfully and courageously served for 24 years, 5 months and 30 days earning another Honorable Discharge. For courageous service to his country, Mr. Salamone earned the:

Expert Rifle  
 Expert Pistol  
 Navy Meritorious Unit Commendation  
 National Defense Medal  
 Antarctica Service Medal  
 Arctic Service Medal  
 Coast Guard Unit Commendation  
 Bicentennial Unit Commendation  
 Humanitarian Service Medal

In 1993, Mr. Salamone retired from the Coast Guard and worked as a commercial airline pilot until 2015. He and wife Lauren have been married for forty-three years and their son is a Major in the United States Air Force.

Currently, Mr. Salamone spends time between homes in Kodiak Island Alaska, Colorado and Silver Springs, New York. He enjoys farming, hunting and fishing.

***The pledge was said by all.***

*Chairman Berwanger invited Town of Gainesville Supervisor, D. Tallman to join him in the presentation of the customary certificate of appreciation to Mr. Salamone and an opportunity to address the Board. At which time Mr. Salamone thanked the Board and Veteran Services Director, R. Perez.*

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

#### **Voice of Democracy Presentation ~**

- Introduced by M. Relyea of the VFW Hendershott Manness Post 374 of Arcade
  - ***Allison Herrick***
    - A very accomplished young lady from the Town of Eagle graduating this year as Pioneer Central School's Valedictorian.

"Where there is no vision, there is no hope." To this day, those words by George Washington Carver still hold true, and I strongly agree with them. In order to form a vision for the United States, we must first take a step back in time in order to see where we have come from, how we began and where our internal drive started. As a country we have held together, fought and won against some of the strongest countries and threats in the world starting with the American Revolution and continuing through the Korean, Vietnam and the Middle Eastern Wars. We have faced internal strife through the Civil War-watching our country tear itself in two. As well as witnessing shootings, bombings, and terrorism by our own United States citizens. Also, we have watched this nation's youth become engulfed in violence on almost every level.

However, as a nation, we seem to become close throughout these events. Tragedy brings people closer together in order to help overcome the travesty. Also, as a nation, it is in our DNA to build off of one another and to grow and prosper as a nation. In all of the negative aspects of our country's life we have prevailed, and throughout times in our history, we have had our strength and willpower tested. But, we have mustered the courage to continue the fight.

Nonetheless, seeing the past, I can only say that the future and vision for America can be nothing less than bright. As a nation filled with people who gave, and will give, everything they have to defend this, "one nation under God..." We need to revere and recognize all of the selfless people who dedicate their entire lives to help and save others with little regard for their own life. Having my grandfather and my uncles previously in wars and serving our country, I know how much people put on the line to protect the country that they love. If we continue with America's hardworking military, fire fighters, paramedics, law enforcement, and those who respond to emergencies and crises that our nation faces, we will be in good hands.

In looking to the future of agriculture, the United States has already begun to accept the challenge of feeding the expected population of nine billion people by the year 2050, and with the help of determined agriculturists and scientists across the country, we will be able to maintain a desirable food supply for all of America's people, and encourage other nations to follow.

As a proud citizen of the United States, I share a common bond with those around me. We all want to see America prosper and grow to be even better as a nation, and I truly believe that we have the capability to master this idea. When acknowledging our past struggles, it becomes evident that it is our desire to help one another and to help this nation, which will keep us safe, fed and prosperous. I can see ourselves becoming more advanced in the future with infinite career opportunities and responsibilities to be had by all citizens.

As one of the world's leaders and innovators, we as a country, will grow in knowledge, resources, and ability to help guide the rest of the world in coming years. With driven, fearless and selfless military behind us, I know that we will be kept safe in times of fear, and that they will keep our homeland protected, just as they have done in the past when facing negativity, violence and terrorism. This is my vision for America, and I know that it will be bright!

*Chairman Berwanger presented Ms. Herrick with a Certificate of Recognition in honor of winning this year's Voice of Democracy and representing Wyoming County so well!! He then introduced an escort of veterans who accompanied Ms. Herrick to today's Board meeting. They are Ms. Herrick's grandfather, Tom Dutton; her uncle, Dave Dutton; Mark Relyea; John Lindsley, Ron Ashworth and Len Connelly. In conclusion, to the introductions, Chairman Berwanger introduced 60-year county employee, Ms. Herrick's grandmother, Laura Dutton.*

#1

## **RESOLUTION NO. 16-239 (June 14, 2016)**

By Mr. Brick, Chairman of the Agriculture Committee:

### **JUNE 2016 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 113 cows. Wyoming County farms produce an average

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of 23,700 pounds (or 2,756 gallons) of milk per cow per year, with a total Wyoming County milk production of 1.1 billion pounds (or 129.5 million gallons) with 47,000 milk cows; and

**WHEREAS,** The top three leading dairy counties in New York State are Wyoming, Cayuga, and St. Lawrence; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors does hereby proclaim June 2016 to be **Dairy Month in Wyoming County** and encourages all our citizens to enjoy milk and other dairy foods and do urge civic and business organizations to cooperate in this observance in public and in private in order that we may enjoy improved health and increased prosperity.

**Carried: XXX Ayes: 1476 Noes: Absent: 123 (Castile) Abstain:**

*After the adoption of resolution #1, Chairman Berwanger invited Supervisor Brick to the podium to present the Dairy Month proclamation and introduce this year's Dairy Princess, Michaela Emerling / Daughter of Michael & Elizabeth Emerling from Perry.*

*Dairy Princess Emerling very graciously accepted the proclamation and a Certificate of Recognition in congratulations to winning this year's title as Dairy Princess. Ms. Emerling provided a brief biography of her family background and of her interests in Agriculture.*

#### **Communications ~**

- *Correspondence from Assemblyman David DiPietro*
- *Correspondence from NYSAC Executive Director Stephen J. Acquario*
- *Correspondence from Senator Patrick Gallivan*

**#2**

### **RESOLUTION NO. 16-240 (June 14, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

#### **FUNDS TRANSFERRED TO VARIOUS 2016 ACCOUNTS**

**BE IT RESOLVED,** That funds are hereby transferred to the various 2016 accounts as follows:

<b>Sheriff</b>			
<b>From:</b> 01.37.3110.4.42306 Other <b>To:</b> 01.37.3113.4.42306 Other Seized Assets <b>Reason:</b> Move expenditure budget to segregated Seized Asset Cost Center.	\$5,000.00	\$5,000.00	
<b>From:</b> 01.07.3110.2626 Fines & Forfeited Bail <b>To:</b> 01.07.3113.2626 Forfeited Crime Proceeds/Seized Assets <b>Reason:</b> Move revenue appropriation to segregated Seized Asset Cost Center.	\$5,000.00	\$5,000.00	
<b>Sheriff Total</b>			<b>\$10,000.00</b>
<b>Probation</b>			
<b>From:</b> 01.37.3140.4.40701 Monitoring <b>To:</b> 01.37.3140.1.10601 Unused Benefit Time <b>Reason:</b> To cover the cost of vacation pay.	\$147.40	\$147.40	
<b>Probation Total</b>			<b>\$147.40</b>
<b>Youth Bureau</b>			
<b>From:</b> 01.45.7310.4.42434 Stars 01.45.7310.4.42436 Youth Court/Omega <b>To:</b> 01.45.7310.1.10202 Temporary Employee 01.45.7310.8.83001 FICA 01.45.7310.8.85001 Medicare <b>Reason:</b> To cover the cost of Part-Time, Student Aide (Seasonal). 100 hours at \$10 / hour.	\$753.55 322.95	\$1,000.00 62.00 14.50	
<b>Youth Bureau Total</b>			<b>\$1,076.50</b>

**Carried: XXX    Ayes: 1476    Noes:    Absent: 123 (Castile)    Abstain:**

**#3**

### RESOLUTION NO. 16-241 (June 14, 2016)

By Mr. Kehl, Chairman of the Finance Committee:

#### FUNDS APPROPRIATED TO VARIOUS 2016 ACCOUNTS

**BE IT RESOLVED**, That funds are hereby appropriated to the various 2016 accounts as follows:

<b>Board of Supervisors</b>			
<b>To:</b> 01.31.1010.4.40301 Prof. Svc. Contract <i>w/any funds available</i> <b>Reason:</b> To cover Bill Maddison's contract through April 15 <sup>th</sup> (his retirement date).	\$9,163.29	\$9,163.29	
<b>Board of Supervisors Total</b>			<b>\$9,163.29</b>
<b>Emergency Services</b>			
<b>To:</b> 01.37.3645.2.20401G Misc. Equipment <i>w/01.12.3645.43890G Federal Aid HSG2015</i> <b>Reason:</b> To rollover unspent grant funds from 2015 budget year.	\$2,911.78	\$2,911.78	
<b>Emergency Services Total</b>			<b>\$2,911.78</b>

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<b>Mental Health</b>			
<b>To:</b> 01.38.4310.4.41801 Misc Assess/Chg Oth Govt <i>w/any funds available</i> <b>Reason:</b> To fund court ordered placements for mental illness treatment.	\$45,783.00	\$45,783.00	
<b>To:</b> 01.38.4323.4.42497 Suicide Prev Grant w/01.03.4323.1289 MH CCS/Other Dept Income <b>Reason:</b> Funds received for Suicide Coalition Grant.	\$3,500.00	\$3,500.00	
<b>To:</b> 01.38.4320.4.42486 Case Management w/01.11.4320.3490 MH State Aid <b>Reason:</b> Increase in state aid to fund Supportive Case Management.	\$2,786.00	\$2,786.00	
<b>To:</b> 01.38.4325.4.42415 Family Support(MH) w/01.11.4325.3490 MH Grant Programs State Aid <b>Reason:</b> Increase in state aid to fund Supportive Case Management.	\$1,500.00	\$1,500.00	
<b>To:</b> 01.38.4324.4.42306 Other w/01.03.4324.1289 MH Reinvest Other Dept Inc <b>Reason:</b> Deposit funds raised for MH breakfast-baskets/paying guests.	\$1,042.75	\$1,042.75	
<b>Mental Health Total</b>			<b>\$54,611.75</b>
<b>Public Health</b>			
<b>To:</b> 01.38.4010.4.42464 PH Preparedness w/01.12.4010.448915 GF PH Preparedness <b>Reason:</b> For additional supplies in connection with the NYSDOH / Health Research, Inc. (HRI), for the Provision of Funding for Public Health Emergency Preparedness (PHEP) Ebola Preparedness and Response Activities. (Resolution #15- 097).	\$46,297.00	\$46,297.00	
<b>Public Health Total</b>			<b>\$46,297.00</b>
<b>Soil &amp; Water</b>			
<b>To:</b> 01.49.8730.4.40911 Soil Conservation <i>w/any funds available</i> <b>Reason:</b> To cover amended contract with Soil & Water Conservation	\$31,580.13	\$31,580.13	
<b>Soil &amp; Water Total</b>			<b>\$31,580.13</b>
<b>Wyo. Co. Fair</b>			
<b>To:</b> 01.49.8730.4.40911 Soil Conservation w/any funds available <b>Reason:</b> To cover amended contract with the Fair Association.	\$5,000.00	\$5,000.00	
<b>Wyo. Co. Fair Total</b>			<b>\$5,000.00</b>

<b>Highway (CIP)</b>			
<b>To:</b> 17.66.5112.2.24007 Castile Center Rd	\$714,989.00	\$5,500,000.00	
17.66.5112.2.24009 Liberty St. (Town)	16,053.00		
17.66.5112.2.24010 Telegraph Rd.	209,000.00		
17.66.5112.2.24011 West Park Rd.	80,000.00		
17.66.5112.2.24012 Perry Rd.	1,574,618.00		
17.66.5112.2.24013 Exchange St.	2,341,163.00		
17.66.5112.2.24014 Starr Rd.	564,177.00		
w/17.14.5112.5730 BAN Proceeds			
<b>Total Highway (CIP)</b>			<b>\$5,500,000.00</b>

**Carried: XXX Ayes: 1476 Noes: Absent: 123 (Castile) Abstain:**

Mrs. King, T/Pike, Chairman of the Audit Committee, presented bills totaling **\$2,316,347.34** for the month of **May 2016**.

**Carried: XXX Ayes: 1476 Noes: Absent: 123 (Castile) Abstain:**

#4

### RESOLUTION NO. 16- (June 14, 2016)

By Mr. Tallman, Chairman of the Human Resources Committee:

### RESOLUTION IN SUPPORT OF NEW YORK STATE SENATE BILL S.6549 AND NEW YORK STATE ASSEMBLY BILL A.9419, 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**, 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 S.6549 and Assembly Bill A.9419 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 S.6549 and Assembly Bill A.9419 entitled *“An Act to amend chapter 185 of the*

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

*There was a motion by Ms. Grant, T/Bennington, to combine resolutions #5 through #10. Hearing no objection resolution titles were read.*

**#5**

**RESOLUTION NO. 16-242  
(June 14, 2016)**

By Ms. Grant, Chairman of the Human Services Committee:

**FLAG DAY AND FLAG WEEK PROCLAIMED**

**WHEREAS**, For more than two centuries, the flag of the United States has been a symbol of hope and pride. The flag has inspired our citizens during times of conflict and comforted us during moments of sorrow and loss. On Flag Day we celebrate the proud legacy of “Old Glory” and reflect on this enduring symbol of freedom; and

**WHEREAS**, On June 14, 1777, the Second Continental Congress passed a resolution stating that “the Flag of the United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field.” As States have been added to the Union, the flag has been modified to reflect their addition to our Nation. Today, the appearance of our flag is based on President Eisenhower’s Executive Order of August 21, 1959, to include a star for all 50 states together with 13 stripes representing the original American colonies; and

**WHEREAS**, Generations of Americans in uniform have carried the Stars and Stripes into battle so that our citizens can live in freedom. Across the globe, a new generation of Soldiers, Sailors, Marines, and Coast Guardsmen have stepped forward to serve under our flag, defending America from our enemies. We are grateful to them and their families for defending our flag and



the values of our great Nation; and

**WHEREAS,** On Flag Day, we recall the rich history of Old Glory and we remember our duty to carry our heritage of freedom into the future; and

**WHEREAS,** To commemorate the adoption of our flag, Congress, by joint resolution approved August 3, 1949 as amended, designated June 14<sup>th</sup> of each year as “Flag Day” and requested the President issue an annual proclamation calling for its observance and for the display of the flag of the United States on all Federal Government buildings. Congress also requested, by joint resolution approved June 9, 1966, as amended, that the President issue annually a proclamation designating the week in which June 14<sup>th</sup> occurs as “National Flag Week” and calling upon all citizens of the United States to display the flag during that week; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors does hereby proclaim **June 14, 2016** as **Flag Day** and the **week of June 10 ~ 17, 2016** as **Flag Week** in Wyoming County; and the Board of Supervisors hereby directs appropriate officials to display the flag on all Government buildings during that week and urge all Americans to observe Flag Day and Flag Week by flying the Stars and Stripes from their homes and other suitable places.

**Carried: XXX   Ayes: 1476   Noes:   Absent: 123 (Castile)   Abstain:**  
#6

**RESOLUTION NO. 16-243**  
**(June 14, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH  
WYOMING COUNTY COMMUNITY ACTION ON BEHALF OF THE  
OFFICE FOR THE AGING**

**BE IT RESOLVED,** That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Wyoming County Community Action, 6470 Route 20A, Suite 1, Perry, NY 14530 on behalf of the Office for the Aging. Said contract is for senior employment services to residents 55+ in Wyoming County in an amount not to exceed eighteen thousand four hundred eleven dollars (\$18,411.00); effective July 1, 2016 through June 30, 2017. Contingent upon the availability of funds.

**Carried: XXX   Ayes: 1476   Noes:   Absent: 123 (Castile)   Abstain:**

June 14, 2016

**RESOLUTION NO. 16-244**  
**(June 14, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

**CHAIRMAN AUTHORIZED TO SIGN A GRANT APPLICATION AND  
ACCEPTANCE AWARD WITH CATHOLIC CHARITIES OF BUFFALO  
ON BEHALF OF THE OFFICE FOR THE AGING**

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a grant application and acceptance award with Catholic Charities of Buffalo, 741 Delaware Avenue, Buffalo, NY 14209 on behalf of the Office for the Aging. Said grant is for respite services to caregivers of individuals with Alzheimer's disease in a minimum amount of one hundred nine thousand three hundred ninety-nine dollars (\$109,399.00); effective January 1, 2016 through December 31, 2016.

**Carried: XXX    Ayes: 1476    Noes:    Absent: 123 (Castile)    Abstain:**  
**#8**

**RESOLUTION NO. 16-245**  
**(June 14, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH JAMES  
MCGUINNESS AND ASSOCIATES, INC. ON BEHALF OF THE  
YOUTH BUREAU**

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with James McGuinness and Associates, Inc., 1482 Erie Boulevard, Schenectady, NY 14305 on behalf of the Youth Bureau. Said contract is for the support of preschool software by adding a Medicaid billing option in an amount not to exceed seven hundred ninety-two dollars (\$792.00) per month plus one hundred fifty dollars (\$150.00) per hour technical support; effective January 1, 2017 through December 31, 2017.

Contingent upon the availability of funds.

**Carried: XXX    Ayes: 1476    Noes:    Absent: 123 (Castile)    Abstain:**

Regular Session

**RESOLUTION NO. 16-246**  
**(June 14, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

**CHAIRMAN AUTHORIZED TO AWARD BIDS AND SIGN VARIOUS  
 CONTRACTS ON BEHALF OF THE YOUTH BUREAU**

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to accept bid awards and sign the following contracts on behalf of the Youth Bureau:

- **McDonald's Bus Service, Inc.**, 248 Sargent Street, Cowelsville, NY 14037 for transportation services in an amount not to exceed the 2016 ~ 2018 budget, variable depending on number of services; effective July 1, 2016 through June 30, 2018.
- **Letchworth Central School District of Wyoming County**, 5550 School Road, Gainesville, NY 14066 for transportation services in an amount not to exceed the 2016 ~ 2018 budget, variable depending on the number of services; effective July 1, 2016 through June 30, 2018.

Contingent upon the availability of funds.

**Carried:** XXX    **Ayes:** 1476    **Noes:**    **Absent:** 123 (Castile)    **Abstain:**  
 #10

**RESOLUTION NO. 16-247**  
**(June 14, 2016)**

By Ms. Grant, Chairman of the Human Service Committee:

**CHAIRMAN AUTHORIZED TO EXERCISE THE "BEST VALUE  
 AWARD" METHODOLOGY AS AN ELIGIBLE POLITICAL  
 SUBDIVISION UNDER GML §103 AND SIGN A CONTRACT WITH C  
 & F TRANSPORT ON BEHALF OF THE YOUTH BUREAU**

**WHEREAS**, In 2015, the Wyoming County Board of Supervisors passed a local law entitled, *"The Wyoming County Best Value Contract Award Law"*; and

**WHEREAS**, Local Law 4 of the year 2015 provides, in part, that taxpayers are not well served when a public procurement results in low unit

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costs at the outset, but ultimately engenders cost escalations due to factors such as inferior quality, poor reliability and difficulty of maintenance. Best value procurement links the procurement process directly to the municipality's performance requirements, incorporating selection factors such as useful lifespan, quality and options and incentives for more timely performance and/or additional services; now therefore,

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized to exercise the "Best Value Award" methodology which optimizes quality, cost and efficiency among responsive and responsible bidders in awarding contracts for goods and services as an eligible political subdivision under GML §103 and in accordance with Local Law 4, of the year 2015 for the following contract:

- **C & F Transport**, 6398 Sonyea Road, Mr. Morris, NY 14510 for transportation services in an amount not to exceed the 2016 ~ 2018 budget, variable depending on the number of services; effective July 1, 2016 through June 30, 2018.

Contingent upon the availability of funds.

**Carried:** XXX    **Ayes:** 1476    **Noes:**    **Absent:** 123 (Castile)    **Abstain:**

*After the adoption of resolutions #5 – #10, Chairman Berwanger invited Supervisor Grant to the podium to present the Flag Day and Flag Week Proclamation. Supervisor Grant, in turn invited Veteran Services Director R. Perez, representing all Veterans to join her at the podium to accept the proclamation. After the reading of the proclamation, Supervisor Grant presented it to Director Perez who was inspired by Ms. Herrick's speech and patriotism in our youth. He spoke to the recent terrorist attack in Orlando Florida and he reminded today's attendees to always remember the meaning of the American Flag and those who gave their lives defending our freedoms.*

*There was a motion by Mrs. Ryan, T/Warsaw, to combine resolutions #11 through #13. Hearing no objection resolution titles were read.*

**#11**

**RESOLUTION NO. 16-248  
(June 14, 2016)**

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

**RESOLUTION NUMBER 15-406 AMENDED**

Regular Session

**WHEREAS**, Resolution Number 15-406 entitled, “**CHAIRMAN AUTHORIZED TO SIGN 2016 RENEWAL CONTRACTS ON BEHALF OF MENTAL HEALTH**” passed by this Board of Supervisors on November 10, 2015 and provides for various renewal contracts for FY 2016 for Mental Health; and

**WHEREAS**, Resolution Number 15-406 was previously amended by the Board of Supervisors on *March 8, 2016* by *Resolution Number 16-120* to reflect the following changes:

- B. **Suburban Adult Services, Inc.**, contract renewal in an amount not to exceed \$38,090.00; effective January 1, 2016 through December 31, 2016:
  - Total contract amount increased by \$953.00 for a new total amount of **\$39,043.00**
- F. **Spectrum Human Services, Inc.**, contract renewal in an amount not to exceed \$565,542.00; effective January 1, 2016 through December 31, 2016:
  - Total contract amount decreased by \$8,441.00 for a new total amount of **\$557,101.00**
- H. **Coordinated Care Services, Inc. of Rochester**, contract renewal in an amount not to exceed \$378,596.00; effective January 1, 2016 through December 31, 2016.
  - Total contract amount increased by \$6,300.00 for a new total amount of **\$384,896.00**

and

**WHEREAS**, That Resolution Number 15-406, as amended by Resolution Number 16-120 was further amended by the Board of Supervisors on *April 12, 2016* by *Resolution Number 16-165* to reflect the following changes:

- C. **Wyoming County Community Hospital**, contract renewal in an amount not to exceed \$171,573.00; effective January 1, 2016 through December 31, 2016 as follows:
  - Total contract amount decreased by \$820.00 for a new total amount of **\$170,753.00**
- G. **Living Opportunities of DePaul**, contract renewal in an amount not to exceed \$305,817.00; effective January 1, 2016 through December 31, 2016 as follows:
  - Original contract amount corrected to \$306,378.00
  - Corrected contract amount increased by \$211.00 for a new total amount of **\$306,589.00**

**WHEREAS**, That Resolution Number 15-406 as previously amended by Resolution Number 16-120 and Resolution Number 16-165 was again further amended by the Board of Supervisors on **May 10, 2016** by **Resolution Number 16-203** to reflect the following changes:

- F. **Spectrum Human Services, Inc.**, contract renewal in an ***amended*** amount not to exceed \$557,101.00; effective January 1, 2016 through December 31, 2016:
- Total ***amended*** contract amount increased by \$1,909.00 for a new total amount of **\$559,010.00**
- H. **Coordinated Care Services, Inc. of Rochester**, contract renewal in an ***amended*** amount not to exceed \$384,896.00; effective January 1, 2016 through December 31, 2016:
- Total ***amended*** contract amount increased by \$20,000.00 for a new total amount of **\$404,896.00**

now therefore,

**BE IT RESOLVED**, That Resolution Number 15-406 as previously amended by Resolution Number 16-120, Resolution Number 16-165 and Resolution Number 16-203 be hereby further amended to reflect the following changes:

- E. **Hillside Children's Center**, contract renewal in an amount not to exceed \$91,101.00; effective January 1, 2016 through December 31, 2016
- Total contract amount increased by \$1,500.00 for a new total amount of **\$92,601.00**
- F. **Spectrum Human Services, Inc.**, contract renewal in an ***amended*** amount not to exceed \$559,010.00; effective January 1, 2016 through December 31, 2016
- Total ***amended*** contract amount increased by \$2,768.00 for a new total amount of **\$561,778.00**

All else remains the same.

**Carried: XXX    Ayes: 1476    Noes:    Absent: 123 (Castile)    Abstain: #12**

**RESOLUTION NO. 16-249  
(June 14, 2016)**

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

Regular Session

**CHAIRMAN/COMMISSIONER OF HEALTH AUTHORIZED TO SIGN  
A CONTRACT WITH KEY POWER SYSTEMS, INC. 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 Key Power Systems, Inc., 953 Creek Road, Route 98, Attica, NY 14011 on behalf of the County Health Department. Said contract is for generator repair in an amount not to exceed seven thousand five hundred dollars (\$7,500.00); effective June 1, 2016 through December 31, 2016.

Contingent upon the availability of funds.

**Carried: XXX    Ayes: 1476    Noes:    Absent: 123 (Castile)    Abstain: #13**

**RESOLUTION NO. 16-250  
(June 14, 2016)**

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

**CHAIRMAN/COMMISSIONER OF HEALTH AUTHORIZED TO SIGN  
A GRANT APPLICATION AND ACCEPTANCE AWARD WITH  
HEALTH RESEARCH, INC. 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 Health Research, Inc., 150 Broadway, Suite 516, Riverview Center, Menands, NY on behalf of the County Health Department. Said grant is for the funding of the Public Health Emergency Preparedness Program Services in a minimum amount of fifty-two thousand ninety-six dollars (\$52,096.00) effective July 1, 2016 through June 30, 2017.

**Carried: XXX    Ayes: 1476    Noes:    Absent: 123 (Castile)    Abstain:**

*There was a motion by Mr. Copeland, T/Wethersfield, to combine resolutions #14 through #17. Hearing no objection resolution titles were read.*

**#14**

**RESOLUTION NO. 16-251  
(June 14, 2016)**

June 14, 2016

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

**CHAIRMAN AUTHORIZED TO ACCEPT THE NEW YORK STATE  
OFFICE OF GENERAL SERVICES VEHICLE MARKETPLACE BIDS  
AND SIGN CONTRACTS ON BEHALF OF THE SHERIFF'S  
DEPARTMENT**

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to accept the following New York State Office of General Services Vehicle Marketplace bids and sign contracts on behalf of the Sheriff's Department as follows:

- **Van Bortel Ford, 71 Marsh Road, East Rochester, NY 14445**
  - Mini-bid No. 16050024 for four (4) marked 2016 Ford Sedan Police Interceptor AWD vehicles in an amount not to exceed one hundred one thousand six hundred sixteen thousand dollars and four cents (\$101,616.40); effective through delivery of vehicles.
  - Mini-bid No. 16050025 for one (1) unmarked 2016 Ford Sedan Police Interceptor AWD vehicle in an amount not to exceed twenty-five thousand three hundred eighty-five dollars and sixty-four cents (\$25,385.64); effective through delivery of vehicle.

Contingent upon the availability of funds.

**Carried: XXX    Ayes: 1476    Noes:    Absent: 123 (Castile)    Abstain:**  
**#15**

**RESOLUTION NO. 16-252  
(June 14, 2016)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH  
THEODORE M. ATTEA, INC. AND JAM IN THE VALLEY, INC. ON  
BEHALF OF THE SHERIFF'S DEPARTMENT**

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Theodore M. Attea, Inc., 4825 Main Street, Snyder, NY 14226 and Jam In The Valley, Inc., 1629 Route 20A, Varysburg, NY 14167 on behalf of the Sheriff's Department. Said contract is for supplemental crowd control and security services at the 2016 Jam In The Valley event at the hourly wage of twenty-six dollars and eighty-four cents (\$26.84) to eighty-eight dollars and



seventeen cents (\$88.17); effective June 30, 2016 through July 2, 2016.

**Carried: XXX    Ayes: 1476    Noes:    Absent: 123 (Castile)    Abstain:**  
**#16**

**RESOLUTION NO. 16-253**  
**(June 14, 2016)**

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

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

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign various contracts on behalf of the County Jail:

- **Allegany County Sheriff**, 4884 Route 19, Belmont, NY 14813-9506 for inmate housing in an amount not to exceed ninety dollars (\$90.00) per day per inmate; effective January 1, 2016 through December 31, 2016.
- **Orleans County Sheriff**, 26 Platt Street, Albion, NY 14411 for inmate housing in an amount not to exceed ninety dollars (\$90.00) per day per inmate; effective January 1, 2016 through December 31, 2016.
- **EM Systems Inc.**, 4043 Maple Road, Suite 211, Amherst, NY 14226 to provide software upgrades, updates and support service in an amount not to exceed eight thousand five hundred dollars (\$8,500.00); effective April 1, 2016 through March 31, 2017.

Contingent upon the availability of funds.

**Carried: XXX    Ayes: 1476    Noes:    Absent: 123 (Castile)    Abstain:**  
**#17**

**RESOLUTION NO. 16-254**  
**(June 14, 2016)**

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

**RESOLUTION NUMBER 14-278 AMENDED**

**WHEREAS**, Resolution Number 14-278 entitled, “**CHAIRMAN AUTHORIZED TO SIGN GRANT ACCEPTANCE AWARDS WITH THE NEW YORK STATE OFFICE OF VICTIM SERVICES ON**

June 14, 2016

**BEHALF OF THE WYOMING COUNTY DISTRICT ATTORNEY”**

passed by this Board of Supervisors on August 12, 2014 and provides for the following crime victim services contacts:

- **Crime Victim Services** (contract #C100006) in a minimum amount of \$79,418.46; effective October 1, 2014 through September 30, 2017
- **Crime Victim Services** (contract #C100336) in a minimum amount of \$171,362.55; effective October 1, 2014 through September 30, 2017; and

**WHEREAS**, Resolution Number 14-278 was further amended by this Board of Supervisors on September 9, 2014 by Resolution Number 14-298 to correct the contract numbers as follows:

- **Crime Victim Services** (contract #C100336) in a minimum amount of \$79,418.46
- **Crime Victim Services** (contract #C100006) in a minimum amount of \$171,362.55

**WHEREAS**, That Resolution Number 14-278 as amended by Resolution Number 14-298 was further amended by this Board of Supervisors on August 18, 2015 by Resolution Number 15-290 to increase the contract amounts as follows:

- **Crime Victim Services** (contract #C100336) increased to a minimum amount of \$84,050.54
- **Crime Victim Services** (contract #C100006) increased to a minimum amount of \$181,387.05

now therefore

**BE IT RESOLVED**, That Resolution Number 14-278 as amended by Resolution Number 14-298 and Resolution Number 15-290 be further amended to increase the contract amounts as follows:

- **Crime Victim Services** (contract #C100336) increased to a minimum amount of \$88,899.43
- **Crime Victim Services** (contract #C100006) increased to a minimum amount of \$191,880.75

All else remains the same.

**Carried: XXX   Ayes: 1476   Noes:   Absent: 123 (Castile)   Abstain:**

*After passage of resolutions #14 - #17, Chairman Berwanger invited Sheriff*

Regular Session

*Rudolph to the podium to make a very special presentation to a 40-year employee, Wyoming County Deputy Sheriff Dispatcher, Jay Myer.*

*Sheriff Rudolph shared the following:*

*“Good afternoon everyone. I want to thank the Board of Supervisors and those in attendance for taking a moment to recognize a true gentleman and a consummate professional. Dispatcher Jay Myers began his career on June 11, 1976. He trained for two weeks, both of which were unpaid. He has continuously dedicated his career for over 40 years to helping those in need. He hit the ground running this very morning shortly before 7am with two simultaneous, but separate calls of an injury traffic accident and then a pregnancy complication. A Dispatcher’s job is to safely orchestrate the Fire, EMS and Law Enforcement response to every kind of emergency. I can tell you, we have the comfort that Dispatcher Jay Myers regards the safety of all first responders as a priority. Dispatcher Myers has served four Sheriffs and six Undersheriffs, including our Chair of the Public Safety Committee, Supervisor John Copeland. Jay also worked side by side with Supervisor Sue May, who retired from our Civil Division. Jay has seen 40 years of personnel movement, a building change, telephone upgrades including 911 enhancements, new radio systems and technology such as Computer Aided Dispatch, GPS in police cars, GIS.....and has tackled each change with professionalism and poise.*

*In Jay’s free time, he volunteers at the Attica Fire Department....something he has done for 43 years and is the current Fire Chief. Jay is also a Deputy Fire Coordinator in the Emergency Services Office, a position he has held since 2007. I cannot think of anyone who has dedicated more in their life to their community than Jay Myers and it is a true honor to recognize him today. I want to make the point that this 40-year recognition is not a lifetime achievement award, but a benchmark of excellence as he continues to humbly serve....to humbly be that first voice of help. To my knowledge, he has no plans to retire even though he has certainly earned it and it is my hope Jay maintains his valuable and genuine professionalism for many years to come. There is no better resource to any agency than a good man or good woman and the Wyoming County Sheriff’s Office has been fortunate to have Jay for 40 years.....and counting.”*

*Mr. Myer received a standing ovation!!! He thanked the Board and introduced his family who traveled from Rochester to be with him today.*

*Chairman Berwanger presented him with a Certificate of Recognition from the Board of Supervisors and read the following from the certificate, “**Dispatching is like reading a best-selling suspense novel with the last chapter torn out!**” “**We are the ears until the eyes arrive!**”*

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*Supervisor Copeland, T/Wethersfield was offered an opportunity to share a few words with Mr. Myer as a former Wyoming County Undersheriff. He shared a story about being stuck on the side of the road in a snowstorm with a couple of inmates in the back seat. Mr. Myer was on his way home when he came upon Deputy Copeland and his passengers, using his personal truck, he was able to pull Deputy Copeland out of the ditch.*

*Supervisor May, T/Orangeville was then offered an opportunity to share with Mr. Myer. She simply stated that they shared many years working in the radio room together and that she always enjoyed working with him...*

*Supervisor Grant, T/Bennington asked for an opportunity to address Mr. Myer. She explained that she has found herself on occasion needing to call 911 and to a total stranger on the other end of the phone his calm voice was a lifeline. It is just wonderful to have someone like Mr. Myer on the other end of the line...*

*Mr. Myer took the opportunity to thank each and every Supervisor personally by shaking their hands...*

*There was a motion by Mr. Davis, T/Covington, to combine resolutions #18 and #19. Hearing no objection resolution titles were read.*

#18

**RESOLUTION NO. 16-255  
(June 14, 2016)**

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

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH ROTO-ROOTER SERVICES COMPANY ON BEHALF OF WYOMING COUNTY BUILDINGS AND GROUNDS (CO. BLDGS.)**

**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 Roto-Rooter Services Company, 5672 Collections Center Drive, Chicago, IL 60693 on behalf of Wyoming County Buildings and Grounds (Co. Bldgs.). Said contract is for the refilling of time flow meters and verifying equipment operation at the County Jail and Animal Shelter in an amount not to exceed four thousand eight hundred dollars (\$4,800.00); effective June 14, 2016 through June 13, 2018. Contingent upon the availability of funds.

**Carried: XXX    Ayes: 1476    Noes:    Absent: 123 (Castile)    Abstain:**

**RESOLUTION NO. 16-256  
(June 14, 2016)**

By Mr. Davis, Chairman of the 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 as follows:

- **E.J. Militello Concrete Inc.**, 8565 Roll Road, Clarence Center, NY 14032 for the construction of concrete gutters and curb for Park Road West in the Village of Castile in an amount not to exceed forty-eight thousand dollars (\$48,000.00); effective June 15, 2016 through completion of job.
- **Donegal Construction Corp.**, 1235 Marguerite Lake Road, Greensburg, PA 15601 for the milling, shaping and removal of existing roadway shoulders by a cold milling process on Mote Road (CR #57) in the Town of Wethersfield in an amount not to exceed ten thousand dollars (\$10,000.00); effective June 15, 2016 through completion of job.

Contingent upon the availability of funds.

**Carried: XXX Ayes: 1476 Noes: Absent: 123 (Castile) Abstain:**  
*There was a motion by Mr. Kehl, T/Kehl, to combine resolutions #20 through #33, withdrawing resolution #29. Hearing no objection resolution titles were read.*

**#20**

**RESOLUTION NO. 16-257  
(June 14, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**RESOLUTION NUMBER 16-209 AMENDED**

**WHEREAS**, Resolution Number 16-209 entitled, “**RESOLUTION NUMBER 16-175 AMENDED**” passed by this Board of Supervisors on May 10, 2016; and

June 14, 2016

**WHEREAS**, Resolution Number 16-209 amends the Board of Supervisors Resolution Number 16-175 to increase the amount of the contract to nine thousand one hundred fifty-three dollars and forty cents (\$9,153.40) to reflect actual charges through Mr. Maddison's April 15, 2016 retirement date; now therefore

**BE IT RESOLVED**, That Resolution Number 16-209 be hereby amended to reflect a corrected amount of nine thousand one hundred sixty-three dollars and twenty-nine cents (\$9,163.29). All else remains the same.

**Carried: XXX    Ayes: 1476    Noes:    Absent: 123 (Castile)    Abstain: #21**

**RESOLUTION NO. 16-258  
(June 14, 2016)**

By Mr. Kehl, 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, 2015 through March 31, 2016 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 **\$33,350.41** (thirty-three thousand three hundred fifty dollars and forty-one cents) to the sixteen towns of Wyoming County, in accordance with the report filed with the Clerk of the Board of Supervisors, as follows:

TOWNS	REVENUE SHARING DISTRIBUTED
Arcade	\$3,664.98
Attica	\$3,116.50
Bennington	\$3,495.93
Castile	\$3,302.27
Covington	\$972.92
Eagle	\$714.41
Gainesville	\$481.63
Genesee Falls	\$635.06
Java	\$2,299.56
Middlebury	\$1,795.51
Orangeville	\$2,013.41
Perry	\$3,359.52
Pike	\$632.13
Sheldon	\$3,059.95
Warsaw	\$3,087.04
Wethersfield	\$719.59
<b>Grand Totals:</b>	<b>\$33,350.41</b>

Let this be your Warrant for Such Payment: **\$33,350.41** (thirty-three thousand three hundred fifty dollars and forty-one cents). IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Board of Supervisors this 14<sup>th</sup> day of June, 2016.

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

**Carried: XXX Ayes: 1476 Noes: Absent: 123 (Castile) Abstain:**  
**#22**

**RESOLUTION NO. 16-259**  
**(June 14, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**DISABILITY INSURANCE RATE WITH THE GUARDIAN LIFE  
INSURANCE COMPANY OF AMERICA APPROVED**

**BE IT RESOLVED**, That rates for statutory New York State Disability Insurance coverage with The Guardian Life Insurance Company of America, 400 Willowbrook, Suite 450, Fairport, NY 14450 for the following employees are hereby approved effective:

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**Rates effective July 1, 2016 to June 30, 2017**

- ❖ CSEA ~ General Group:
  - \$14.50 per employee, per month
- ❖ County & Hospital Management:
  - \$6.95 per employee, per month
- ❖ CSEA ~ WCCH Supervisory:
  - \$5.75 per female, per month
  - \$2.60 per male, per month

Contingent upon the availability of funds.

**Carried: XXX    Ayes: 1476    Noes:    Absent: 123 (Castile)    Abstain: #23**

**RESOLUTION NO. 16-260  
(June 14, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**RESOLUTION NUMBER 15-387 AMENDED**

**WHEREAS**, Resolution Number 15-387 entitled, “**CHAIRMAN AUTHORIZED TO SIGN 2016 & 2017 INSURANCE RATES ON BEHALF OF CURRENT AND RETIRED COUNTY EMPLOYEES,**” passed by this Board of Supervisors on October 13, 2015 and provides, in part, for the following:

Rates for 1/1/16 to 12/31/16

**Retiree BCBS PPO**

- ❖ Single \$1,330.33
- ❖ Family \$3,572.85

**Retiree BCBS High Deductible Plan**

- ❖ Single \$742.03
- ❖ Family \$1,992.82

now therefore,

**BE IT RESOLVED**, That Resolution Number 15-387 be hereby amended as follows:

Rates for 1/1/16 to 12/31/16

**Retiree BCBS PPO**

- ❖ Single \$1,330.33
- ❖ 2 Person \$2,726.97
- ❖ Family \$4,123.71



**Retiree BCBS High Deductible Plan**

- ❖ Single \$742.03
- ❖ 2 Person \$1,521.17
- ❖ Family \$2,300.29

All else remains the same.

**Carried: XXX Ayes: 1476 Noes: Absent: 123 (Castile) Abstain: #24**

**RESOLUTION NO. 16-261  
(June 14, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH  
GEOGRAPHIC INFORMATION SERVICES ON BEHALF OF  
INFORMATION TECHNOLOGY**

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney is hereby authorized and directed to sign a contract with Geographic Information Services, 2100 Riverchase Center, Suite 105, Birmingham, AL 35244 on behalf of Information Technology. Said contract is for ArcGIS Jumpstart services in an amount not to exceed eight thousand five hundred dollars (\$8,500.00); effective June 15, 2016 through December 31, 2016.

Contingent upon the availability of funds.

**Carried: XXX Ayes: 1476 Noes: Absent: 123 (Castile) Abstain: #25**

**RESOLUTION NO. 16-262  
(June 14, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**RESOLUTION OF THE WYOMING COUNTY BOARD OF  
SUPERVISORS PETITIONING GOVERNOR CUOMO AND THE  
STATE LEGISLATURE TO REPEAL LEGISLATION WHICH MOVES  
THE STAR EXEMPTION FROM A REAL PROPERTY TAX  
EXEMPTION TO A PERSONAL INCOME TAX CREDIT**

**WHEREAS**, Included in the 2016/2017 New York State Budget is

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enacted legislation to convert the STAR real property tax exemption to a Personal Income Tax (PIT) credit; and

**WHEREAS,** This transition is supported by both the New York State Assessors Association and the New York State Association of County Directors of Real Property Tax Services as New York State is better equipped to ensure the accuracy of this exemption; and

**WHEREAS,** This transition to a PIT credit would start with any STAR exemption that was granted for property owners that were not eligible as of March 2, 2015; and

**WHEREAS,** This transition would result in much confusion to the local property owner who has been under the assumption that they would be eligible for the exemption since they applied with their local Assessor; and

**WHEREAS,** When additional confusion is added to an already complicated property tax system taxpayers become more frustrated with the whole tax system; and

**WHEREAS,** This transition will require the Assessors' Offices in Wyoming County to send out approximately 340 denial letters for this exemption which will increase the amount of phone calls, letters, and foot traffic to explain why the denial has to occur when an approval was already sent out; and

**WHEREAS,** This unexpected additional property tax amount may also result in higher than normal unpaid school tax bills, forcing the County to relevy the unpaid amounts with additional penalties and interest thereby increasing the tax burden on these individuals, as well as causing the County to have to make school districts whole in tax collection for higher than normal amounts; now therefore

**BE IT RESOLVED,** That the Wyoming County Board of Supervisors on recommendation of the Finance Committee petitions New York State to delay this transition to any STAR exemption that was granted after the 2016 Assessment Roll to more adequately inform the public of this important change in their taxes; and be it

**FURTHER RESOLVED,** That the Clerk of this Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Patrick Gallivan, New York State Assemblyman David DiPietro, New York State Association of Counties, Inter-County Association of Western New York and all others deemed necessary and proper.

**Carried: XXX    Ayes: 1476    Noes:    Absent: 123 (Castile)    Abstain:**

**RESOLUTION NO. 16-263  
(June 14, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**RESOLUTION NUMBER 15-301 AMENDED**

**WHEREAS**, Resolution Number 15-301 entitled, “**CHAIRMAN AUTHORIZED TO SIGN VARIOUS CONTRACTS ON BEHALF OF THE WYOMING COUNTY COMMUNITY HEALTH SYSTEM,**” passed by this Board of Supervisors on August 18, 2015 and provided, in part, the following contract on behalf of the Wyoming County Community Health System:

- **HOWARD ANG, MD**, with an office at 400 North Main Street, Warsaw, NY 14569
  - Anesthesia services on each work day and call coverage and anesthesia services on nights and weekends fifty percent (50%) of the time during those two (2) months, in an amount not to exceed twenty-one thousand five hundred thirty dollars (\$21,530.00) per month; effective ***July 1, 2015 through August 31, 2015*** Revenue generated by provider will be retained by WCCHS.

**WHEREAS**, That Resolution Number 15-301 was previously amended by the Board of Supervisors on September 8, 2015 by Resolution Number 15-329 to extend the agreement with **Howard Ang, MD**, for an additional two (2) month period; effective ***September 1, 2015 through October 31, 2015***; and

**WHEREAS**, That Resolution Number 15-301 as previously amended by Resolution Number 15-329 was further amended by the Board of Supervisors on December 8, 2015 by Resolution Number 15-464 to extend the agreement with **Howard Ang, MD**, for an additional two (2) month period; effective ***November 1, 2015 through December 31, 2015***; and

**WHEREAS**, That Resolution Number 15-301 as previously amended by Resolution Number 15-329 and Resolution Number 15-464 was further amended by the Board of Supervisors on February 9, 2016 by Resolution Number 16-090 to extend the agreement with **Howard Ang, MD**, for an additional two (2) month period; effective ***January 1, 2016 through February 29, 2016***; and

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**WHEREAS,** That Resolution Number 15-301 as previously amended by Resolution Number 15-329, Resolution Number 15-464 and Resolution Number 16-090 was further amended by the Board of Supervisors on April 12, 2016 by Resolution Number 16-189 to extend the agreement with **Howard Ang, MD**, for an additional two (2) month period; effective ***March 1, 2016 through April 30, 2016***; now therefore,

**BE IT RESOLVED,** That Resolution Number 15-301 as previously amended by Resolution Number 15-329, Resolution Number 15-464, Resolution Number 16-090 and Resolution Number 16-189 be hereby further amended to extend the agreement with **Howard Ang, MD**, for an additional two (2) month period; effective ***May 1, 2016 through June 30, 2016***.

All else remains the same.

**Carried: XXX    Ayes: 1476    Noes:    Absent: 123 (Castile)    Abstain: #27**

**RESOLUTION NO. 16-264  
(June 14, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**RESOLUTION NUMBER 13-123 AMENDED**

**WHEREAS,** Resolution Number 13-123 entitled, “**CHAIRMAN AUTHORIZED TO SIGN A CONTRACT WITH KINNEY DRUGS ON BEHALF OF THE WYOMING COUNTY SKILLED NURSING FACILITY**”, passed by this Board of Supervisors on March 12, 2013 on behalf of the Wyoming County Community Health System and provided for the following:

- **Kinney Drugs, Inc.,** 29 East Main Street, Gouverneur, NY 13642 to establish and maintain a pharmacy services system to provide residents of the Nursing Facility with prescription drugs and medications and other health related products and services. Various costs – Kinney will bill residents, third party insurance’s or Nursing Facility in an amount not to exceed three hundred thousand dollars (\$300,000.00); effective April 01, 2013 through March 31, 2016; and

**WHEREAS,** That Resolution Number 13-123 was amended by the Board of Supervisors on May 10, 2016 by Resolution Number 16-222 to extend the expiration date of the contract from March 31, 2016 through June 30, 2016; now therefore,

**BE IT RESOLVED**, That Resolution Number 13-123, as previously amended by Resolution Number 16-222 be hereby further amended to correct the expiration date of the contract from June 30, 2016 to May 31, 2016.

All else remains the same.

**Carried: XXX    Ayes: 1476    Noes:    Absent: 123 (Castile)    Abstain: #28**

**RESOLUTION NO. 16-265  
(June 14, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN VARIOUS 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,”** the Chairman of this Board with the approval of the County Attorney and/or Costello Cooney Fearon, PLLC, legal counsel, is hereby authorized and directed to sign the following contracts on behalf of the Wyoming County Community Health System:

- **Healthdirect Institutional Pharmacy Services, Inc. (HDIPS) (Kinney Drugs, Inc.)**, 29 East Main Street, Gouverneur, NY 13642 to establish and maintain a pharmacy services system to provide residents of the nursing facility with prescription drugs and medications and other health related products and services in an amount not to exceed one hundred sixty thousand dollars (\$160,000.00) per year; effective June 1, 2016 through May 31, 2018.
- **Wyoming County Medical PC (Mushtaq Khan, MD)**, 61 Laurel Lane, Williamsville, NY 14221 to provide emergency medical services (including malpractice insurance) to the WCCHS Emergency Department in an amount not to exceed two hundred thirty-six dollars (\$236.00) per hour with an increase to two hundred forty dollars (\$240.00) per hour each quarter that communication with ER physicians Hospital Consumer Assessment of Healthcare Providers and Systems (HCAHPS) scores exceed 50 and Medical Director stipend in an amount not to exceed sixty-two thousand six hundred seventy-five dollars (\$62,675.00) per year, plus a three percent (3%) annual increase

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to hourly rate and stipend; effective July 1, 2016 through June 30, 2019.

- **University Orthopaedic Services, Inc. (UOS)**, a New York UOS Faculty Practice Corporation, 5500 Main Street, Williamsville, NY 14221 (Lindsey Clark, M.D). Services to consist of a minimum of twenty-nine (29) days per year of professional services in the Hospital's Orthopedic Clinic (with a physician and physician's assistant), in an amount not to exceed two hundred seventy-five thousand dollars (\$275,000.00) in year one (1) and three hundred thousand dollars (\$300,000.00) in each of the following years; effective May 1, 2016 through April 30, 2019.
- **Hologic, Inc.**, 35 Crosby Drive, Bedford, MA 01730 for a four (4) year service agreement that includes two (2) preventive maintenances per year and ACR compliance for Hologic Mammography, CAD and Mini-C Arm at a rate of nine thousand seven hundred dollars (\$9,700.00) per quarter:
  - Years two (2) through four (4) has a twenty-four percent (24%) price increase in a total amount not to exceed one hundred eighty-four thousand two hundred dollars (\$184,200.00); effective June 1, 2016 through May 31, 2020.
- **Instrumentation Laboratory (IL) ~ Werfen USA, LLC**, 180 Hartwell Road, Bedford, MA 01730 for two (2) ACL Top 300 instruments in an amount not to exceed:
  - one hundred seventy-five thousand eight hundred eighteen dollars and sixty cents (\$175,818.60) for equipment/service for sixty (60) months; and
  - thirty-nine thousand six hundred nine dollars and seventy-five cents (\$39,609.75) for supplies for twelve (12) months; both effective September 1, 2016 through August 31, 2021.

Contingent upon the availability of funds.

**Carried: XXX    Ayes: 1476    Noes:    Absent: 123 (Castile)    Abstain:**  
#29

**RESOLUTION NO. 16-**  
**(June 14, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**CHAIRMAN AUTHORIZED TO SIGN A FEDERAL TRANSIT**

**Regular Session**

**ASSISTANCE GRANT AGREEMENT WITH THE NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION (NYSDOT) 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**” the Chairman of this Board with the approval of the County Attorney and/or Costello Cooney Fearon, PLLC, legal counsel, is hereby authorized and directed to sign the following contract on behalf of the Wyoming County Community Health System:

- **New York State Department of Transportation (NYSDOT)**, Federal Transit Assistance Grant Agreement Comptroller’s Contract No. C035222, 50 Wolf Road, Albany, NY 12232 for the implementation of applicable phases of a federal-aid project as identified as Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities for the purchase of one less than 30 foot bus for replacement, estimated project cost \$55,144.00 (\$44,115.00 federal share and \$11,029.00 local share); contract period 01/01/2016 – 12/31/2021, project end date 12/31/2022.

**Carried:**                      **Ayes:**                      **Noes:**                      **Absent:**                      **Abstain:**  
#30

**RESOLUTION NO. 16-266  
(June 14, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**SALARY SCHEDULE S/D/I HANDBOOKS APPROVED**

**BE IT RESOLVED**, That the Salary Schedules “S”, “D” and “I” Handbooks are hereby approved; effective June 14, 2016 and annexed hereto.

**Carried:** XXX    **Ayes:** 1476    **Noes:**                      **Absent:** 123 (Castile)    **Abstain:**

June 14, 2016

# Wyoming County, NY

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## SCHEDULE S MANAGEMENT SUPPORT

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### EMPLOYEE BENEFITS



Adopted XX-XX-2016 Res. #16-XXX (reviewed by D. Perkins/N. Heubusch/C. Ketchum); effective XX-XX-2016  
Revised 16-154 (03-08-2016)  
Revised 15-010 (01-20-2015)  
Revised 13-418 (01-01-2014)  
Revised 10-006 (01-04-2010)  
Revised 09-004 (01-02-2009)  
Revised 05-270 (9-14-2004)  
Adopted 96-244





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## **ELIGIBILITY FOR BENEFITS**

### **Part Time (with benefits)**

A part time Schedule S employee whose salary is set at **\$12,000** or more per year shall be eligible for health insurance, and a proration of those benefits provided to regular full time Schedule S employees.

### **Part Time (without benefits)**

A part time (.6 FTE and above) Schedule S employee whose salary is set at less than **\$12,000** per year shall be eligible for only to those benefits mandated by law. These employees may participate in the health insurance program at their own expense.

### **Full Time**

Employees shall receive all benefits mandated by law. Additional benefits described in this manual are available to employees in Schedule S unless otherwise stated by resolution, for the position.

An employee appointed to a Schedule S position who has continuous prior County employment in a full-time or part-time position shall have his/her date of hire or years of service determined for benefits under Schedule S by using his/her first date of hire or permanent appointment in the County to a full-time or part-time position which is continuous to his/her employment in a Schedule S position. In addition, such an employee shall carry over unused sick and vacation accruals earned in such prior County employment. If the amount of sick leave carryover exceeds the maximum for such leave in Schedule S, then the employee shall not receive any additional sick leave accruals under Schedule S until the accruals fall below the maximum. If the amount of vacation carryover exceeds the maximum for such leave in Schedule S, then the employee shall be paid for the excess at his/her rate of pay in his/her prior position in the first payroll following his/her employment in the Schedule S position.

## **HOURS OF WORK OVERTIME PAY AND COMPENSATORY TIME**

Full time Schedule S employees are expected to work a minimum of 35 or 40 hours per week depending on the department the employee is assigned to.

Not all employees covered under Salary Schedule S are exempt from the Fair Labor Standards Act.

### **TIME SHEETS AND PAY DAY**

Employees will be paid on a biweekly basis. Such pay shall be in the form of a payroll check or through direct deposit.

The employee is responsible to maintain a time sheet that must be reviewed and signed by their Department Head.

#### TIME OFF REQUESTS

Employees requesting time off must complete a Benefit Time Off form and submit to their Department Head in advance. Whenever possible, the employee's request for time off shall be granted, but the final right to determine when such leave is to be granted is expressly reserved to the Department Head.

#### VACATION TIME

Full time employees in a Schedule S position prior to 1/1/2014 shall accrue annual vacation time biweekly, based on twenty-four (24) days per anniversary year. After having completed ten (10) years of employment, a maximum and total of twenty-five (25) days is granted.

Full time employees hired or appointed on or after 1/1/2014 shall accrue annual vacation time as follows:

<u>Years Worked</u>	<u>Annual Vacation Days</u>
0 – 5	10
6 – 10	15
11 – 15	20

Part time employees accrue vacation time on a pro-rated basis. A maximum of sixty (60) days may be accrued at any time.

In a situation involving a request for time off for 5 or more days, the employee shall make such a request at least two (2) weeks in advance. Any request involving less than 5 days shall be submitted to the Department Head within the time frame designated by the department.

**Update (03/08/16 Res. #16-154):** Effective April 1, 2016, Schedule S employees who have accrued at least 90% of the maximum allowed, shall be permitted to receive vacation pay without taking vacation for which they are eligible up to a maximum of 5 days in any fiscal year. A schedule S employee must submit the request to tender benefit time to their Department Head. The Department Head will determine if the employee has the required amount of vacation accrued: for a 35 hour/week employee, 378 hours and for a 40 hour/week employee, 432 hours. Upon approval the Department Head will add the vacation buy-back amount to the payroll and submit to the Treasurer's Office for payment.

An employee, who is laid off, retires or resigns; shall receive payment for accrued vacation time if the employee provides four (4) weeks of notification to their department head. If an employee fails to give four (4) weeks' notice or is terminated for cause, he/she is not entitled to payment for their accrued vacation time.

### PERSONAL DAYS

Employees shall earn four (4) personal days per anniversary year. New employees with less than one (1) year of service shall receive one (1) personal day at the beginning of each three-month period. After the completion of one (1) year of service, employees shall be granted four (4) days per year on their anniversary date.

Unused personal days cannot be carried over into the following anniversary year and will not be paid out upon separation from employment. Unused personal days cannot be carried over after the following year's anniversary date.

### SICK TIME

Full-time employees on the active payroll working or on paid leave accrue sick time biweekly based on twelve (12) days per anniversary year. Part time employees accrue sick time on a pro-rated basis. A maximum of two hundred ten (210) days may be accrued at any time.

Accrued sick time credit can be applied to an employee's service credit at retirement under the provisions of Section 41J of the Retirement Law.

Upon retirement, an employee who has accrued at least thirty (30) sick days shall be allowed paid health insurance on a day for day basis not to exceed two hundred ten (210) days up to seven (7) months.

Absence from duty by reason of the employee's own sickness, or medical treatment shall be known as sick leave.

Employees who are absent under the provisions of this section shall notify the Department Head of the absence.

After 3 consecutive days of illness, a medical certificate shall be required when returning to work.

### Payout of Sick Time as a death benefit:

In the event a full time Schedule S employee passes away while actively employed by Wyoming County, their accrued and available sick time will be paid out to their estate.

### HOLIDAYS

The following holidays shall be observed as paid holidays:

- |                     |                      |
|---------------------|----------------------|
| 1. New Years Day    | 6. Labor Day         |
| 2. President's Day  | 7. Columbus Day      |
| 3. Memorial Day     | 8. Thanksgiving Day  |
| 4. Veteran's Day    | 9. Christmas Day     |
| 5. Independence Day | 10. Floating Holiday |

Saturday holidays will be celebrated on the preceding Friday. Sunday holidays will be celebrated the following Monday.

The floating holiday is to be used as a full day and cannot be used in hourly increments within the calendar year. Unused floating holiday cannot be carried over



into the following calendar year and will not be paid out upon separation from county employment.

#### **BEREAVEMENT LEAVE**

When a death occurs in the employee's family, they will be entitled to time off with pay in accordance with the following schedule:

##### **5 WORK DAYS**

Parent/Step Parent  
Spouse/Domestic Partner  
Child/Step Child  
Foster Child/Guard  
Related member of the  
Employee's household

##### **3 WORK DAYS**

Brother/Sister  
Grandparent  
Grandchild  
Son/daughter-in-Law  
Parent-in-Law

##### **1 WORK DAY**

Brother/Sister-in-Law  
Aunt/Uncle

Time off must be taken in consecutive workdays starting with the first day following the death. Such leave shall be deducted from the employee's accrued sick, vacation, or personal days. If such accumulations are not available to the employee, bereavement leave shall be granted without pay.

#### **JURY DUTY**

Upon presenting proof of the necessity for the employee to serve jury duty, or to attend court for other than personal matters, a leave of absence with pay shall be granted by the Department Head.

#### **LEAVE OF ABSENCE**

A leave of absence without pay, not to exceed one (1) year, may be granted to full-time employees' at the sole discretion of the board of supervisors upon the terms and conditions established by the board.

#### **FAMILY MEDICAL LEAVE**

The county complies with the federal Family and Medical Leave Act. Refer to the county's Family Medical Leave policy.

#### **MILITARY LEAVE**

The county complies with state and federal laws relative to military leave rights.

#### **HEALTH INSURANCE**

Full and part time employees with a salary of \$12,000 annually or greater are eligible to participate in the County's current health plan with a Health Reimbursement Account (HRA). The county will contribute on an annual basis an amount equal to the plan deductible to the HRA. Any unused amounts in the HRA at the end of the each plan year shall be forfeited.

The employer will pay 100% of the cost of single or family health insurance coverage for employees hired or appointed prior to 1/1/2014. Employees hired or appointed on or after 1/1/2014 will contribute 10% of the total premium. Premiums will be deducted over 24 pay periods per year on a pre-tax basis.

An employee who is eligible for health insurance and does not participate is eligible for a repudiation payment. Repudiation amounts are \$750 for Single coverage and \$1,000 for Family coverage. Proof of other insurance is required. The repudiation period is February 1 to January 31. Repudiation will be paid in the first paycheck of February following the date of hire.

#### **DENTAL INSURANCE**

Employees are eligible to participate in the current County Dental Insurance Plan. Two plans are available; a High Option or a Low Option. The employee will pay the total premium and it will be deducted over 24 pay periods per year on a pre-tax basis. For information on the Dental Insurance or to enroll in the plan, contact the County Insurance Office.

#### **DISABILITY INSURANCE**

Full time employees are covered under the enhanced Disability Insurance Plan for an injury or illness NOT arising out of or in the course of employment. The weekly benefit is 50% of basic weekly earnings up to a maximum of \$500 per week for up to 52 weeks. Accrued sick time must be exhausted prior to receiving benefits under this plan. After sick is exhausted the employee may elect to use vacation, personal leave time or comp. time to supplement the plan and to provide the employee within 2% of a full week's wage. These benefits are subject to the terms of the plan. This insurance coverage is provided at no cost to the employee.

Part time employees are not entitled to NYS statutory disability benefits.

#### **WORKERS' COMPENSATION INSURANCE**

Workers compensation insurance covers lost wages and medical care payments for employees injured on-the-job. These benefits are based on New York State Workers' Compensation Law.

Employees who suffer a work related injury or illness must immediately notify their supervisor, and assist such supervisor in the completion of the necessary forms.

#### **RETIREMENT**

The County offers retirement benefits in accordance with the requirements of the New York State Retirement System. For more information go to their website at <http://www.osc.state.ny.us/retire>.

#### **DEFERRED COMPENSATION RETIREMENT PLAN 457**

Employees are eligible to participate in the voluntary supplemental retirement savings plan at any time. This program allows employees to save and invest a portion of their earnings toward retirement. Pre-tax contributions are automatically deducted from each pay check and deposited to your account. Information about this program can be obtained from the Human Resource Department.

#### **TUITION REIMBURSEMENT**

Full-time employees, with the specific prior permission of their "sponsoring" Board of Supervisors' Standing committee and the Board of Supervisors' Finance committee, may be eligible to receive tuition reimbursement up to 50% of the tuition and fees with an annual cap of \$2,500. The degree or specific courses (if not pursuing a degree)

MUST be directly work related or lead to advancement opportunities within the county, and funds must be available and budgeted. In order to qualify for such reimbursement the employee must have obtained a grade of B or better. The employee must work for Wyoming County for three (3) years after completion of the degree. If an employee separates employment before the completion of three (3) years, all tuition reimbursement must be repaid to the county.

A tuition reimbursement request must be submitted and approved by the appropriate committees prior to classes being taken for full eligibility. A tuition reimbursement request voucher, along with proof of the grade and payment for the class(es) must be submitted to the Chairman of the Board of Supervisors for final approval.

#### **PERFORMANCE EVALUATION**

Employees will be evaluated annually by their department head or their supervising designee.

#### **DISCLAIMER**

The Schedule S Benefits Booklet contains general summaries and information regarding benefits for employees covered by Schedule S. Some of the items described in this booklet are covered in detail by County policy and/or procedure documents. You should refer to these documents for specific information, since this booklet only briefly summarizes those benefits. Please also note that a full description of insurance and deferred compensation benefits offered by the County are set forth in written plan documents which are controlling in the event of any inconsistency with what is contained in this booklet.

Nothing in this booklet creates any contractual rights to the benefits described herein, or creates any contractual rights to employment. In that regard, the Board of Supervisors reserves the right to eliminate, modify or deviate from the provisions of this booklet in its sole discretion. Every attempt will be made to inform you of any changes when they occur. If you have questions about the information in this booklet, please contact the Human Resource Department.



## APPENDIX A

The following employees listed by position and classification are covered by Schedule S

Position Title	Status	Civil Service Classification	Term	Length of Term
Administrative Assistant (DA)	Full	Competitive	CT	
Administrative Assistant (DSS)	Full	Competitive	CT	
Administrative Assistant (EMS)	Full	Competitive	CT	
Administrative Assistant (Fiscal Ops.)	Full	Competitive	CT	
Administrative Assistant (HR)	Full	Competitive	CT	
Animal Control Assistant	Part	Noncompetitive	CT	
Assessor	Full	Competitive	CT	
Asst County Historian	Part	Noncompetitive	CT	
Asst Director of Veterans Services	Part	Competitive	CT	
Asst. County Attorney (1 <sup>st</sup> )	Part	Exempt	AW	
Asst. County Attorney (2 <sup>nd</sup> )	Full	Exempt	AW	
Asst. County Attorney (Supervisor)	Part	Exempt	AW	
Asst. District Attorney (1 <sup>st</sup> )	Full	Exempt	AW	
Asst. District Attorney (2 <sup>nd</sup> )	Full	Exempt	AW	
Asst. Public Defender (2 <sup>nd</sup> )	Part	Exempt	CT	
Asst. Public Defender (3 <sup>rd</sup> )	Part	Exempt	CT	
Building Inspector	Full	Competitive	CT	
County Fire Coordinator	Part	Competitive	CT	
County Planner	Full	Competitive	CT	
Deputy Budget Officer	Part	Noncompetitive	CT	
Deputy Clerk of the Board	Full	Unclassified	FITOB	1 yr
Deputy County Clerk	Full	Exempt	CT	
Deputy Commissioner of Elections (2)	Full	Unclassified	FITOB	1 yr
Deputy County Highway Supt.	Full	Exempt	AW	
Deputy Director of Aging	Full	Competitive	CT	
Deputy Fire Coordinator PT (4)	Part	Competitive	CT	
Director of Child Enf & Fraud	Full	Competitive	CT	
Director of Children & Family Svc	Full	Competitive	CT	
Director of Environmental Health	Full	Competitive	CT	
Director of Nursing	Full	Competitive	CT	
Director of Programs	Full	Competitive	CT	
Engineering Technician	Full	Competitive	CT	
Exam Monitor, PT (6)				
Finance Clerk I	Full	Competitive	CT	
Finance Clerk 1 (Probation)	Full	Competitive	CT	

Fire Safety Inspector	Part	Competitive	CT	
Fiscal Administrator	Full	Competitive	CT	
Fiscal Director	Full	Competitive	CT	
Fiscal Officer I	Full	Competitive	CT	
Position Title	Status	Civil Service Classification	Term	Length of Term
Handicapped Preschool Coordinator	Full	Competitive	CT	
Human Resource Assistant (2)	Full	Competitive		
Information Systems Admin. (DSS)	Full	Competitive	CT	
Information Systems Specialist	Full	Competitive	CT	
Information Technology Assistant	Full	Competitive	CT	
Information Technology Specialist	Full	Competitive	CT	
Insurance Program Assistant	Full	Competitive	CT	
Jail Administrator	Full	Competitive	AT	
Medical Assistance Coordinator	Part	Competitive	CT	
Network Administrator	Full	Competitive	CT	
Nurse Practitioner	Full	Competitive	CT	
Nutrition Service Coordinator	Full	Competitive	CT	
Real Property Tax Service Coordinator	Full	Competitive	CT	
Secretary I (DSS)	Full	Competitive	CT	
Secretary I (PT) (Public Defender)				
Secretary II (DSS)				
Secretary to the County Attorney	Part	Exempt	AW	
Secretary to the Co. Hwy Supt.	Full	Exempt	AW	
Secretary to the DA	Full	Exempt	AW	
Secretary to the Public Defender	Part	Exempt	AW	
Secretary to the Sheriff	Full	Exempt	AW	
Tax Map Technician	Full	Exempt	AW	
Undersheriff	Full	Exempt	BA	

## Term:

AT-Appointment Temporary

AW-At Will

BA-By Assignment

CT-Continuous Term

F-Fixed by law

F/TOB- Fixed Term of Board

## Wyoming County, NY

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### SCHEDULE D DEPARTMENT HEAD

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#### EMPLOYEE BENEFITS



Adopted XX-XX-2016/Res. #16-XXX (reviewed by D. Perkins/N. Heubusch/C. Ketchum); effective XX-XX-2016

REVISED 16-154 (03-08-2016)

REVISED 15-010 (01-20-2015)

REVISED 13-418 (01-01-2014)

REVISED 10-006 (01-04-2010)

REVISED 09-004 (01-02-2009)

REVISED 05-270 (09-13-2005)

REVISED 04-261 (09-14-2004)

ADOPTED 96-244

June 14, 2016



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## **ELIGIBILITY FOR BENEFITS**

### **Part Time (with benefits)**

A part time (.6 FTE and above) Schedule D employee whose salary is set at **\$12,000** or more per year shall be eligible for health insurance, and a proration of those benefits provided to regular full time Schedule D employees..

### **Part Time (without benefits)**

A part time Schedule D employee whose salary is set at less than **\$12,000** per year shall be eligible for only to those benefits mandated by law. These employees may participate in the health insurance program at their own expense.

### **Full Time**

Employees shall receive all benefits mandated by law. Additional benefits described in this manual are available to employees in Schedule D unless otherwise stated by resolution, for the position.

An employee appointed to a Schedule D position who has continuous prior County employment in a full-time or part-time position shall have his/her date of hire or years of service determined for benefits under Schedule D by using his/her first date of hire or permanent appointment in the County to a full-time or part-time position which is continuous to his/her employment in a Schedule D position. In addition, such an employee shall carry over unused sick and vacation accruals earned in such prior County employment. If the amount of sick leave carryover exceeds the maximum for such leave in Schedule D, then the employee shall not receive any additional sick leave accruals under Schedule D until the accruals fall below the maximum. If the amount of vacation carryover exceeds the maximum for such leave in Schedule D, then the employee shall be paid for the excess at his/her rate of pay in his/her prior position in the first payroll following his/her employment in the Schedule D position.

## **HOURS OF WORK OVERTIME PAY AND COMPENSATORY TIME**

Full time Schedule D employees are expected to work a minimum of 35 to 40 hours per week, depending on the department they are assigned, and are considered to be exempt employees under the Fair Labor Standards Act.

### **TIME SHEETS AND PAY DAY**

Employees will be paid on a biweekly basis. Such pay shall be in the form of a payroll check or through direct deposit. It will be the employee's responsibility to maintain a time sheet.

### **TIME OFF REQUESTS**

Employees requesting time off must complete a Benefit Time Off form and submit to the Chairman of the Board of Supervisors in advance. Whenever possible, the employee's request for time off shall be granted, but the final right to determine when such leave is to be granted is expressly reserved to the Chairman of the Board of Supervisors.



### **VACATION TIME**

Full time employees in a Schedule D position prior to 1/1/2014 shall accrue annual vacation time biweekly, based on twenty-four (24) days per anniversary year. After having completed ten (10) years of employment, a maximum and total of twenty-five (25) days is granted.

Full time employees hired or appointed on or after 1/1/2014 shall accrue annual vacation time as follows:

<u>Years Worked</u>	<u>Annual Vacation Days</u>
0 – 5	10
6 – 10	15
11 – 15	20

Part time employees accrue vacation time on a pro-rated basis. A maximum of sixty (60) days may be accrued at any time.

Requests for vacation time are to be submitted to the Chairman of the Board of Supervisors as soon as possible and before taking such leave. Department Heads will make every effort to insure the work of the department is responsibly attended to during their absence, and to keep the Chairman of the Board of Supervisors posted as to how to reach the Department Head while off.

**Update (03/08/16 Res. #16-154):**Effective April 1, 2016, Schedule D employees who have accrued at least 90% of the maximum allowed, shall be permitted to receive vacation pay without taking vacation for which they are eligible up to a maximum of 5 days in any fiscal year. A schedule D employee must submit the request to tender benefit time to the Chairman of the Board of Supervisors. The Chairman will determine if the employee has the required amount of vacation accrued: for a 35 hour/week employee, 378 hours and for a 40 hour/week employee, 432 hours. Upon approval the Department Head will add the vacation buy-back amount to the payroll and submit to the Treasurer's Office for payment.

An employee, who is laid off, retires or resigns; shall receive payment for accrued vacation time if the employee provides four (4) weeks of notification to the Chairman of the Board of Supervisors. If an employee fails to give four (4) weeks' notice or is terminated for cause, he/she is not entitled to payment for their accrued vacation time.

### **PERSONAL DAYS**

Employees shall earn four (4) personal days per anniversary year. New employees with less than one (1) year of service shall receive one (1) personal day at the beginning of each three-month period. After the completion of one (1) year of service, employees shall be granted four (4) days per year on their anniversary date.

Unused personal days cannot be carried over into the following anniversary year and will not be paid out upon separation from employment. Unused personal days cannot be carried over after the following year's anniversary date.

When taking a personal day, notification to the Chairman of the Board of Supervisors must be made as soon as possible.

#### **SICK TIME**

Full-time employees on the active payroll working or on paid leave accrue sick time biweekly based on twelve (12) days per anniversary year. Part time employees accrue sick time on a pro-rated basis according to their FTE's. A maximum of two hundred ten (210) days may be accrued at any time.

Accrued sick time credit can be applied to an employee's service credit at retirement under the provisions of Section 41J of the Retirement Law.

Upon retirement, an employee who has accrued at least thirty (30) sick days shall be allowed paid health insurance on a day for day basis not to exceed two hundred ten (210) days up to seven (7) months.

Absence from duty by reason of the employee's own sickness, or medical treatment shall be known as sick leave.

Employees who are absent under the provisions of this section shall notify the Chairman of the Board of Supervisors of the absence.

After 3 consecutive days of illness, a medical certificate shall be required when returning to work.

#### **Payout of Sick Time as a death benefit:**

In the event a full time Schedule S employee passes away while actively employed by Wyoming County, their accrued and available sick time will be paid out to their estate.

#### **HOLIDAYS**

The following holidays shall be observed as paid holidays:

- |                     |                      |
|---------------------|----------------------|
| 1. New Years Day    | 6. Labor Day         |
| 2. President's Day  | 7. Columbus Day      |
| 3. Memorial Day     | 8. Thanksgiving Day  |
| 4. Veteran's Day    | 9. Christmas Day     |
| 5. Independence Day | 10. Floating Holiday |

Saturday holidays will be celebrated on the preceding Friday. Sunday holidays will be celebrated the following Monday.

The floating holiday is to be used as a full day and cannot be used in hourly increments within the calendar year. Unused floating holidays cannot be carried over into the following calendar year and will not be paid out upon separation from county employment.



### **BEREAVEMENT LEAVE**

When a death occurs in the employee's family, they will be entitled to time off with pay in accordance with the following schedule:

<b>5 WORK DAYS</b>	<b>3 WORK DAYS</b>	<b>1 WORK DAY</b>
Parent/Step Parent	Brother/Sister	Brother/Sister-in-law
Spouse/Domestic Partner	Grandparent	Aunt/Uncle
Child/Stepchild	Grandchild	
Foster Child/Guard	Son/daughter-in-law	
Related member of the employee's household	Parent-in-law	

Time off must be taken in consecutive workdays starting with the first day following the death. Such leave shall be deducted from the employee's accumulated sick, vacation, or personal days. If such accumulations are not available to the employee, bereavement leave shall be granted without pay.

### **JURY DUTY**

Upon presenting proof of the necessity for the employee to serve jury duty, or to attend court for other than personal matters, a leave of absence with pay shall be granted by the Chairman of the Board of Supervisors.

### **LEAVE OF ABSENCE**

A leave of absence without pay, not to exceed one (1) year, may be granted to full-time employees' at the sole discretion of the board of supervisors upon the terms and conditions established by the board.

### **FAMILY MEDICAL LEAVE**

The county complies with the federal Family and Medical Leave Act. Refer to the county's Family Medical Leave policy.

### **MILITARY LEAVE**

The county complies with state and federal laws relative to military leave rights.

### **HEALTH INSURANCE**

Full and part time employees with a salary of \$12,000 annually or greater are eligible to participate in the County's current health plan with a Health Reimbursement Account (HRA). The county will contribute on an annual basis an amount equal to the plan deductible to the HRA. Any unused amounts in the HRA at the end of the each plan year shall be forfeited.

The employer will pay 100% of the cost of single or family health insurance coverage for employees hired or appointed prior to 1/1/2014. Employees hired or appointed on or after 1/1/2014 will contribute 10% of the total premium. Premiums will be deducted over 24 pay periods per year on a pre-tax basis.

An employee who is eligible for health insurance and does not participate is eligible for a repudiation payment. Repudiation amounts are \$750 for Single coverage and \$1,000 for Family coverage. Proof of other insurance is required. The repudiation period is February 1 to January 31. Repudiation will be paid in the first paycheck of February following the date of hire.

#### **DENTAL INSURANCE**

Employees are eligible to participate in the current County Dental Insurance Plan. Two plans are available; a High Option or a Low Option. The employee will pay the total premium and it will be deducted over 24 pay periods per year on a pre-tax basis. For information on the Dental Insurance or to enroll in the plan, contact the County Insurance Office.

#### **DISABILITY INSURANCE**

Full time employees are covered under the enhanced Disability Insurance Plan for an injury or illness NOT arising out of or in the course of employment. The weekly benefit is 50% of basic weekly earnings up to a maximum of \$500 per week for up to 52 weeks. Accrued sick time must be exhausted prior to receiving benefits under this plan. After sick is exhausted the employee may elect to use vacation, personal leave time or comp. time to supplement the plan and to provide the employee within 2% of a full week's wage. These benefits are subject to the terms of the plan. This insurance coverage is provided at no cost to the employee.

Part time employees are not eligible for NYS statutory disability benefits.

#### **WORKERS' COMPENSATION INSURANCE**

Workers compensation insurance covers lost wages and medical care payments for employees injured on-the-job. These benefits are based on New York State Workers' Compensation Law.

An employee who suffers a work related injury or illness must immediately notify the Chairman of the Board of Supervisors and complete and file the necessary forms.

#### **RETIREMENT**

The County offers retirement benefits in accordance with the requirements of the New York State Retirement System. For more information go to their website at <http://www.osc.state.ny.us/retire>.

#### **DEFERRED COMPENSATION RETIREMENT PLAN 457**

Employees are eligible to participate in the voluntary supplemental retirement savings plan at any time. This program allows employees to save and invest a portion of their earnings toward retirement. Pre-tax contributions are automatically deducted from each pay check and deposited to your account. Information about this program can be obtained from the Human Resource Department.

### **TUITION REIMBURSEMENT**

Full-time employees, with the specific prior permission of their "sponsoring" Board of Supervisors' Standing committee and the Board of Supervisors' Finance committee, may be eligible to receive tuition reimbursement up to 50% of the tuition and fees with an annual cap of \$5,000. The degree or specific courses (if not pursuing a degree) MUST be directly work related or lead to advancement opportunities within the county, and funds must be available and budgeted. In order to qualify for such reimbursement the employee must have obtained a grade of B or better. The employee must work for Wyoming County for three (3) years after completion of the degree. If an employee separates employment before the completion of three (3) years, all tuition reimbursement must be repaid to the county.

A tuition reimbursement request must be submitted and approved by the appropriate committees prior to classes being taken for full eligibility. A tuition reimbursement request voucher, along with proof of the grade and payment for the class(es) must be submitted to the Chairman of the Board of Supervisors for final approval.

### **PERFORMANCE EVALUATION**

Employees will be evaluated on an annual basis by their Committee Chair or designee.

### **DISCLAIMER**

The Schedule D Benefits Booklet contains general summaries and information regarding benefits for employees covered by Schedule D. Some of the items described in this booklet are covered in detail by County policy and/or procedure documents. You should refer to these documents for specific information, since this booklet only briefly summarizes those benefits. Please also note that a full description of insurance and deferred compensation benefits offered by the County are set forth in written plan documents which are controlling in the event of any inconsistency with what is contained in this booklet.

Nothing in this booklet creates any contractual rights to the benefits described herein, or creates any contractual rights to employment. In that regard, the Board of Supervisors reserves the right to eliminate, modify or deviate from the provisions of this booklet in its sole discretion. Every attempt will be made to inform you of any changes when they occur. If you have questions about the information in this booklet, please contact the Human Resource Department.

APPENDIX A

**The following employees listed by position and classification are covered by  
Schedule D**

<b>Position Title</b>	<b>Status</b>	<b>Civil Service Classification</b>	<b>Term</b>	<b>Length of Term</b>
Animal Control Officer	Full	Competitive	CT	
Clerk of the Board of Supervisors	Full	Unclassified	F/TOB	1 yr
Code Enforcement Officer	Full	Competitive	CT	
Commissioner of Civil Service (3)	Part	Unclassified	F	6 yrs
Commissioner of Public Health	Part	Unclassified	CT	
Commissioner of Social Services	Full	Noncompetitive	F	5 yrs
Commissioner of Elections (2)	Part	Unclassified	AT	
County Attorney	Part	Exempt	F/TOB	
County Highway Superintendent	Full	Unclassified	F	4 yrs
County Historian	Full	Competitive	CT	
County Records Manager	Full	Competitive	CT	
Director of Aging & Youth	Full	Noncompetitive	AW	
Director of Fire & Emergency Management	Full	Noncompetitive	AW	
Director of Information Technology	Full	Competitive	CT	
Director of Community Services	Full	Noncompetitive	AW	
Director of Veterans Services	Full	Noncompetitive	F	2 yrs
Director of Planning and Development	Full	Noncompetitive	AW	
Director of Real Property Tax Services	Full	Noncompetitive	F	6 yrs
Director of Weights and Measures	Full	Competitive	CT	
Human Resource Director	Full	Noncompetitive	AW	
Medical Director	Part	Noncompetitive	AW	
Probation Director I	Full	Competitive	CT	
Public Defender	Part	Exempt	F/TOB	2 yrs
Public Health Administrator	Full	Competitive	CT	
Reimbursement & Budget Administrator	Full	Competitive	CT	
Supt. of Buildings & Grounds (CIP)	Full	Competitive	CT	
Supt. of Buildings & Grounds (Co. Bldgs.)	Full	Competitive	CT	
Workers Comp. Program Administrator	Full	Noncompetitive	AW	

Term: AT - Appointment Temporary  
 AW – At Will  
 CT - Continuous Term  
 F - Fixed by law  
 F/TOB - Fixed Term of Board



## SCHEDULE I

### ELECTED OFFICIALS

---

#### BENEFITS FOR ELECTED OFFICIALS



Adopted XX-XX-2016/Res. #16-XXX (reviewed by D. Perkins/N. Heubusch/C. Ketchum); effective XX-XX-2016

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### PURPOSE

The WYOMING COUNTY BOARD OF SUPERVISORS values the dedication of its Elected Officials, otherwise referred to as SCHEDULE I. The provisions contained herein are intended to establish guidelines for the terms and condition of service for this important segment of Wyoming County's government. As such, these guidelines are subject to change by direction of the Board of Supervisors, the County Administrator, and the County Attorney.

### GUIDELINES

The term ELECTED OFFICIAL as used in this manual, refers to individuals who are elected by popular vote. Elected Officials are exempt from all leave benefits and attendance requirements with the exception of committing to a 6 hour normal work day for retirement reporting purposes only.

ELECTED OFFICIALS	STATUS	CIVIL SERVICE	TERM
Chairman, Board of Supv.	Full	Unclassified	(1yr)
Supervisors	Part	Unclassified	F (2 yr)*
County Clerk	Full	Unclassified	F (4 yr)
District Attorney	Full	Unclassified	F (4 yr)
Sheriff	Full	Unclassified	F (4 yr)
County Treasurer	Full	Unclassified	F (4 yr)

F-Fixed by law

\* Arcade, Covington, Eagle, Java, Sheldon and Warsaw Supervisors elected to a four year term. Wethersfield Supervisor elected to a five year term; all others to a two year term

### HOURS OF WORK

Elected officials are responsible for performing the duties of their office. The work day is determined by the tasks to be performed.

### ELIGIBILITY FOR BENEFITS

Employees shall receive all benefits mandated by law. Additional benefits described in this manual are available to employees in Schedule I unless otherwise stated by resolution, for the position.

#### **Part Time**

##### ***(with health insurance benefits; effective 01/01/2016)***

A part time Schedule I employee whose salary is \$10,500 or more per year shall be eligible for health insurance benefits and are not eligible for paid time off, unless otherwise provided by resolution.

#### **Part Time**

##### ***(without benefits)***

A part time Schedule I employee whose salary is less than \$10,500 per year shall be eligible for only those benefits mandated by law. These employees may participate in the health insurance program at their own expense.

**Full Time**

Employees shall receive all benefits mandated by law. Additional benefits described in this manual are available to employees in Schedule I unless otherwise stated by resolution for the position.

**MILEAGE REIMBURSEMENT**

Elected officials shall be reimbursed for mileage to conduct County business at the prevailing IRS Business Mileage Rate. Any change in the rate of reimbursement will be effective on the announcement date declared by the IRS. Such rate has been deemed by the Board of Supervisors to be full reimbursement of the employee's cost for gasoline, oil, maintenance and insurance cost attributed to each business mile traveled.

All officials traveling on County business in their own vehicles shall be responsible for maintaining adequate insurance.

Physical damage to an official's personal vehicle used in the conduct of County business is NOT covered by the County's policy. The County SHALL NOT be responsible for the payment of any traffic ticket or other such fines assessed to the officials while using his/her car or a County vehicle on County business.

**HEALTH INSURANCE**

Except as stated below, elected officials with an annual salary of \$10,500 annually or greater are eligible to participate in the County's current health plan with a Health Reimbursement Account (HRA). The county will contribute on an annual basis an amount equal to the plan deductible to the HRA. Any unused amounts in the HRA at the end of the each plan year shall be forfeited.

The employer will pay 100% of the cost of single or family health insurance coverage.

Effective January 1, 2016, any elected official who opts to maintain group health insurance coverage through another provider, is not eligible to participate in the County's health plan. If they choose to remain with a prior provider they shall be eligible for a repudiation (health insurance buyout) payment of \$750 for single coverage and \$1,000 Family coverage. Proof of insurance is required. Repudiation will be prorated and paid in the first paycheck of February following beginning of the Term of Office. The term "group health insurance coverage," is not intended to include Medicare.

**DENTAL INSURANCE**

Employees are eligible to participate in the current County Dental Insurance Plan. Two plans are available; a High Option or a Low Option. The employee will pay the total premium and it will be deducted over 24 pay periods per year on a pre-tax basis. For information on the Dental Insurance or to enroll in the plan, contact the County Insurance Office.



### **WORKER'S COMPENSATION**

Workers Compensation Insurance covers lost wages and medical care payments for employees injured on-the-job. These benefits are based on New York State Workers' Compensation Law.

An official who suffers an injury or illness must immediately notify the Chairman of the Board, and assist in the completion of the proper forms.

The Chairman of the Board shall be responsible for completing such report form and submitting it to the Insurance/Worker's Compensation Office.

### **DEFERRED COMPENSATION**

Elected officials, are eligible to voluntarily participate in the County sponsored Deferred Compensation Program. This program allows officials to save a portion of their gross pay before taxes. Information concerning the particulars of this program can be obtained from the Treasurer's Office.

### **RETIREMENT**

Elected officials are eligible to join the New York State Employees' Retirement System.

Detailed information on the retirement system including enrollment are available through the Human Resource Office.

### **DISCLAIMER**

The Schedule I Benefits Booklet contains general summaries and information regarding benefits for employees covered by Schedule I. Some of the items described in this booklet are covered in detail by County policy and/or procedure documents. You should refer to these documents for specific information, since this booklet only briefly summarizes those benefits. Please also note that a full description of insurance and deferred compensation benefits offered by the County are set forth in written plan documents which are controlling in the event of any inconsistency with what is contained in this booklet.

Nothing in this booklet creates any contractual rights to the benefits described herein, or creates any contractual rights to employment. In the regard, the Board of Supervisors reserves the right to eliminate, modify or deviate from the provisions of this booklet is its sole discretion. Every attempt will be made to inform you of any changes when they occur. If you have questions about the information in this booklet, please contact the Human Resource Department.

### **READING/UNDERSTANDING THE HANDBOOK**

Each Schedule I official of the County shall be given a copy of this Handbook/Benefits Manual and be required to read and acknowledge on the attached "Acknowledgment Statement."

**ACKNOWLEDGMENT STATEMENT**

**Officials Statement:** I, \_\_\_\_\_ acknowledge that I have been given, and have read the Wyoming County Schedule I Employee Handbook/Benefits Manual.

\_\_\_\_\_  
**SIGNATURE**

\_\_\_\_\_  
**DATE**

**RESOLUTION NO. 16-267**  
**(June 14, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**RESOLUTION NUMBER 16-187 AMENDED**

**WHEREAS**, Resolution Number 16-187 entitled, “**SALARY SCHEDULES “D”, “G” AND “S” AMENDED,**” passed by this Board of Supervisors on April 12, 2016 and provides, in part, for the following:

**Salary Schedule “D”:**

***Human Resource Department***

- To set a stipend for the Workers Compensation Program Administrator to provide Human Resource Director support during the vacancy of the Human Resource Director position in the amount of \$1,000.00/month; effective February 08, 2016 until a new Human Resource Director is hired.

now therefore

**BE IT RESOLVED**, That Resolution Number 16-187 be hereby amended to extend the stipend for the Workers Compensation Program Administrator through June 30, 2016.

All else remains the same.

**Carried: XXX   Ayes: 1476   Noes:   Absent: 123 (Castile)   Abstain:**  
**#32**

**RESOLUTION NO. 16-268**  
**(June 14, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**MEMORANDUM OF UNDERSTANDING BY AND BETWEEN CSEA  
AND THE COUNTY OF WYOMING APPROVED**

**BE IT RESOLVED**, That the Chairman of this Board with the approval of the County Attorney and County Labor Attorney is hereby authorized and directed to sign a Memorandum of Understanding by and

June 14, 2016

between the Civil Service Employee's Association and the County of Wyoming amending the current collective bargaining agreement to allow for the following:

- To provide vision benefits to retiring CSEA general unit employees and non-union employees in Schedules C, D, S, I; effective June 1, 2016.

**Carried: XXX   Ayes: 1476   Noes:   Absent: 123 (Castile)   Abstain: #33**

**RESOLUTION NO. 16-269  
(June 14, 2016)**

By Mr. Kehl, Chairman of the Finance Committee:

**POSITION AMENDMENTS APPROVED**

**BE IT RESOLVED**, That the following positions are hereby created, extended, reclassified and/or reassigned in the following Wyoming County Departments:

***Buildings & Grounds (Co. Bldgs.) & Fire and Bldg. Code Enforcement***

- Reassign one (1) position of **Principle Account Clerk** (position code 021.182) to Fire and Building Code Enforcement from Buildings & Grounds (Co. Bldgs.); effective immediately.

***Treasurer***

- Create one (1) position of **Payroll Specialist, FT** to be placed on Schedule S (due to its confidential and policy influencing nature) with an annual salary of \$40,295.00; effective June 1, 2016.

***Office for the Aging***

- Create one (1) position of **Alzheimer Caregiver Coordinator, FT** to be placed on Schedule G with an annual salary of \$40,000.00; effective July 1, 2016. This position is funded through the Department of Health's Respite Services to Caregivers of Individuals with Alzheimer Disease Grant through a contract with Catholic Charities of Buffalo (6 mos. into a 5-yr. grant term).

***Budget Office***

- Amend one (1) position of **Deputy Budget Officer, PT** (position code # 008.077) and increase position from PT to FT and amend Salary Schedule S to reflect a title of Deputy Budget Officer, FT and set the salary at \$39,338.00 annually; effective July 18, 2016.

### ***Highway Department***

- Create one (1) position of **Construction Projects Coordinator (Seasonal) FT** to be placed on Schedule S; effective June 2, 2016.

### ***Mental Health***

- Create one (1) position of **Administrative Assistant (Mental Health), PT** to be placed on Schedule S; effective July 1, 2016.

**Carried: XXX   Ayes: 1476   Noes:   Absent: 123 (Castile)   Abstain:**

*Before the meeting was adjourned, Chairman Berwanger reminded the Supervisors that the annual Board of Supervisors photo will be taken on the front steps of the Government Center before they are released to enjoy the cheese and cracker reception provided by our Dairy Princess. He invited the guests to stay and partake in the refreshments...*

*There being no further business to come before this Board, Senior Supervisor Davis, T/Covington, adjourned the meeting at 3:22 PM with a rap on his desk.*

\*\*\*\*\*

Respectfully submitted,

*Cheryl J. Ketchum*

Cheryl J. Ketchum, <sup>CMC</sup>

Clerk to the Board

June 14, 2016

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