

The regular meeting of the Wayne County Board of Supervisors was held in their chambers in the Court House, Chairman Verno presiding. County Attorney Dan Connors was also in attendance.

The Pledge of Allegiance was led by Supervisor Chatfield, followed by Chairman Verno giving the invocation.

Upon Roll Call, each Supervisor introduced their student who were participants for this year's "4-H Supervisor-for-a-Day" program. Mr. Converse was absent.

4-H SUPERVISORS FOR THE DAY:

Dawn Pisciotti	Arcadia	Gabriella Williams
Tommy Mettler	Butler	Mina Talma
Les Carr	Galen	William Douglass
Dave Fantuzzo	Huron	Colin Douglass
Jim Brady	Lyons	Henry Maynard
Kim Leonard	Macedon	Kiera Douglass
Summer Johnson	Marion	Addie Reiber
Ben Aman	Ontario	Laura Smith
Gary Rose	Palmyra	Abigail Wells
Scott Converse	Rose	Absent
Frank Paddock	Savannah	Sadie Douglass
Scott Johnson	Sodus	Oliver Maynard
Michael Donalty	Walworth	Jacob Worthingtin
Anthony Verno	Williamson	
Lynn Chatfield	Wolcott	James Sanson

APPROVAL OF MINUTES

Mr. Johnson moved, seconded by Mrs. Pisciotti, to waive the reading of the minutes of the March 19, 2024 meeting. Upon roll call, carried.

COMMUNICATIONS

The County Auditor's Accounts Payable Report for monthly utilities, miscellaneous payments including the April 1, 2024 warrants for accounts payable, totaling \$7,844,699.15 was received and filed.

The Sheriff's Office Cash Receipts Report dated March 29, 2024 totaling \$13,924.64 was received and filed.

Ontario County Resolution 158-2024 reappointing members to the Finger Lakes Workforce Development Board and Finger Lakes Workforce Investment Board, Inc.

The County Treasurer received confirmation from the NYS Comptroller that the Annual Financial Report for the County of Wayne year ending 12/31/2023 was certified.

Mr. Chatfield motioned to waive the reading of the April 2024 Communications. Seconded by Mr. Rose. Upon roll call, carried.

ANNUAL REPORTS

The following Annual Reports were reviewed at their Standing Committees:

- E911
- Compliance
- Purchasing
- Aging & Youth
- Department of Social Services
- Sheriff
- Board of Elections
- Coroner
- Economic Development & Planning

GIS
Mental Health
Public Health

On motion of Mr. Donalty, the 2023 Annual Reports were received and filed. Seconded by Mr. Chatfield. Carried.

PROCLAMATIONS

- Supervisor Verno presented the Williamson Girls Track and Field Team with a proclamation noting their three sectional titles, Division One Championship, Wayne Finger Lakes League Championship, and the Section A4 Championship.
- Supervisors Leonard and Rose presented the Palmyra-Macedon Wrestling Team with a proclamation noting their Section V Class B1 and Section V Division 2 Dual Meet Championships.
- Supervisor Leonard presented the proclamation for Nurses Week to Public Health Director Diane Devlin, Nursing Home Administrator Jeff Stalker, and Director of Nursing, Patty Bullock.
- Supervisor Leonard also presented Mr. Stalker with the Nursing Home Week proclamation.
- Mr. Donalty presented Katie Dean, Andrew Meyer, Dan DeWolf and George Bastedo with the Telecommunicator's Week proclamation.
- Amy Pauley, Executive Director of the Survivor Advocacy Center of the Finger Lakes read the proclamation for Sexual Assault Awareness & Prevention Month.
- Acting District Attorney Christine Callanan read the proclamation for National Crime Victims' Rights Week.
- Nicole Anstee, Senior Caseworker of the Wayne County Child Protective Unit read the proclamation for Child Abuse Prevention Month.

PUBLIC HEARINGS:

- Eight-Year Review of Agricultural District No. 1
- Reorganizing Administration of County-Wide Emergency Services Functions and Dissolving the Wayne County Department of Emergency Management Services and Rescinding Local Law No. 4-2012

The Clerk read the following:

Wayne County, New York will hold a Public Hearing on Tuesday, April 16, 2024 at 9:05 AM at the County Courthouse, 26 Church Street, Lyons, New York 14489, regarding the Eight Year Review of the Agricultural District No. 1. The purposes of this hearing is to: a) receive input for the State Environmental Quality Review Act, (SEQRA) determination and b) to consider the proposed modification and consolidation of the District and recommendations of the Wayne County Agriculture and Farmland Protection Board. At their March 5, 2024 meeting, the Wayne County Agriculture and Farmland Protection Board recommended to the Wayne County Board of Supervisors that the Agricultural District be modified as detailed in the Agriculture and Land Use Report for the District. All interested parties and citizens will be heard by the Wayne County Board of Supervisors at the public hearing. More information, including the Agriculture and Land Use Report and proposed District maps, are available at the Wayne County Department of Economic Development & Planning, Second Floor, 9 Pearl Street, Lyons, NY during normal business hours (9 a.m. to 5 p.m.) and on the Wayne County Department of Economic Development & Planning website at <https://web.co.wayne.ny.us/235/Agricultural-District> Written comments may also be submitted to the Clerk of the Board, 26 Church Street Lyons, NY by Tuesday April 16,2024, 4:00 PM. *26 Church Street is accessible to persons with disabilities. If special accommodations are needed for persons with disabilities, those with hearing impairments, or those in need of translation from English, those individuals should contact Kelley Loveless at 315-946-5403, at least one week in advance of the hearing date to allow for necessary arrangements.*

*Kelley P. Loveless, Clerk
Wayne County
Board of Supervisors
Lyons, New York*

Dated: March 20, 2024

At 9:34 a.m., Chairman Verno opened the floor for the public, stating that people interested in making a comment regarding the Eight-Year Review of Agricultural District No. 1 should come forward to the podium to address the Board. Further, he requested that they state their name and address for the record.

After an additional request for comment was made, Chairman Verno asked for a motion to close the hearing.

Mr. Rose moved, seconded by Mr. Chatfield, that the hearing be closed at 9:35 a.m. Upon roll call, carried.

The Clerk read the following:

WAYNE COUNTY NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Wayne County Board of Supervisors will conduct a public hearing on April 16, 2024 at 9:10 a.m. at the Wayne County Court House, 26 Church St., Lyons, NY in the Supervisors Chambers to consider public comment on the following proposed local law: A Local Law Reorganizing Administration of County-Wide Emergency Services Functions and Dissolving the Wayne County Department of Emergency Management Services and Rescinding Local Law 4-2012. All persons interested in the matter of proposed Local Law No. 3 for the year 2024 will be heard concerning the same. A copy of the proposed local law is available for inspection during regular business hours by contacting the Clerk of the Board at kloveless@co.wayne.ny.us The proposed local law may also be found on the Wayne County website at waynecountyny.gov.

Kelley P. Loveless, Clerk

Wayne County Board of Supervisors

Lyons, New York

Dated: March 20, 2024

At 9:37 a.m., Chairman Verno opened the floor for the public, stating that people interested in making a comment regarding the Reorganizing Administration of County-Wide Emergency Services Functions and Dissolving the Wayne County Department of Emergency Management Services and Rescinding Local Law No. 4-2012 should come forward to the podium to address the Board. Further, he requested that they state their name and address for the record. Mr. Andrew Meyer, Wayne County E911 Supervisor, addressed the evolution and potential future trajectory of the 911 department, emphasizing the commendable performance of EMS and the department's expansion under various chains of command. Expressing a vision for an improved 911 center post-pandemic, he highlighted ongoing efforts to bolster staffing levels, albeit amid escalating workloads for existing team members. There is a shared sentiment among 911 personnel that they warrant reinstatement as a standalone department, underscoring their dedication to enhancing emergency services.

Mr. Donalty moved, seconded by Mr. Paddock, that the hearing be closed at 9:42 a.m. Upon roll call, carried.

PRIVILEGE OF THE FLOOR

There was no interest in Privilege of the Floor.

SCHEDULED BUSINESS:

RESOLUTION 194-24: AUTHORIZATION TO SIGN AGREEMENT WITH BLOOMING HEALTH FOR THE DEPARTMENT OF AGING & YOUTH

Mr. Mettler presented the following:

WHEREAS, the NYS Office for Aging has a contract with Blooming Health to allow counties to use the platform to send messages to large numbers of clients all at once; and

WHEREAS, the department desires to sign on with Blooming Health to be able to send "robo-call" messages to multiple people at once in an emergency or to provide information; and

WHEREAS, there is no cost to the county for this service; now, therefore, be it

RESOLVED, that the Chairman of the Board is hereby authorized to sign an agreement with Blooming

Health, Inc. on behalf of the Department of Aging and Youth for access to a communication platform for the timeframe May 1, 2024-April 30, 2027, subject to the review and approval of the County Attorney as to form and content.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Fantuzzo. Upon roll call, adopted.

RESOLUTION 195-24: AUTHORIZATION FOR THE DEPARTMENT OF AGING AND YOUTH TO RENEW 2024 CONTRACT WITH LEGAL ASSISTANCE OF WESTERN NEW YORK (LAWNY) FOR LEGAL SERVICES FOR SENIORS

Mr. Mettler presented the following:

WHEREAS, The Department of Aging and Youth contracts with Legal Assistance of Western New York (LAWNY) to provide civil legal services for senior citizens as mandated as a priority service by the Older American Act; and

WHEREAS, the service is supported with 90% federal Title III B funds, with a 10% required county match; and

WHEREAS, Wayne County Department of Aging and Youth requests to renew the contract for 2024; and

WHEREAS, the terms and conditions remain the same with the hourly rate to remain at \$60 per hour, not to exceed an annual cost of \$20,000; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized and directed to execute a contract on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with Monroe County Legal Assistance/Legal Assistance of Western, NY, to provide eligible seniors, sixty years and older, legal services for the period of January 1, 2024 through December 31, 2024 in the amount not to exceed \$20,000.

Mr. Paddock moved the adoption of the resolution. Seconded by Mr. Chatfield. Upon roll call, adopted.

RESOLUTION 196-24: AUTHORIZATION TO EXECUTE AGREEMENT WITH THE CHILDREN'S VILLAGE FOR RESIDENTIAL FOSTER CARE SERVICES

Mr. Mettler presented the following:

WHEREAS, the Wayne County Department of Social Services (DSS) needs to place children in child caring institutions, at times, to support their health and safety; and

WHEREAS, payment for these services is not determined by the county but is dictated by New York State; and

WHEREAS, it has been the practice of DSS to have in place contracts with various child caring institutions to facilitate a child's placement on a timely basis; now, therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute an agreement with The Children's Village for the timeframe October 1, 2024 – September 30, 2027 with no options for renewal for The Children's Village Residential Foster Care, subject to the County Attorney's approval as to form and content for an amount not to exceed \$5,000,000.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Brady. Upon roll call, adopted.

RESOLUTION 197-24: AUTHORIZATION TO EXECUTE AN AGREEMENT WITH CAYUGA HOME FOR CHILDREN D/B/A CAYUGA CENTERS FOR CHILDREN RESIDENTIAL FOSTER CARE PLACEMENTS

Mr. Mettler presented the following:

WHEREAS, the Wayne County Department of Social Services (DSS) needs to place children in child caring institutions, at times, to support their health and safety; and

WHEREAS, payment for these services is not determined by the county but is dictated by New York State; and

WHEREAS, it has been the practice of DSS to have in place contracts with various child caring institutions to facilitate a child's placement on a timely basis; now, therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute an agreement with Cayuga Home for Children d/b/a Cayuga Centers for the timeframe July 1, 2024 – June 30, 2027 with no options for renewal for Cayuga Home for Children Residential Foster Care Placements, subject to the County Attorney's approval as to form and content for an amount not to exceed \$5,000,000.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Brady. Upon roll call, adopted.

RESOLUTION 198-24: AUTHORIZATION TO EXECUTE AN AGREEMENT WITH THE WILLIAM GEORGE AGENCY FOR CHILDREN'S SERVICES, INC FOR RESIDENTIAL FOSTER CARE PLACEMENTS

Mr. Mettler presented the following:

WHEREAS, the Wayne County Department of Social Services (DSS) needs to place children in child caring institutions, at times, to support their health and safety; and

WHEREAS, payment for these services is not determined by the county but is dictated by New York State; and

WHEREAS, it has been the practice of DSS to have in place contracts with various child caring institutions to facilitate a child's placement on a timely basis; now therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute an agreement with The William George Agency for Childrens Services, Inc for the time frame July 1, 2024 – June 30, 2027 with no options for renewal for William George Agency Residential Foster Care Placements, subject to the County Attorney's approval as to form and content for an amount not to exceed \$5,000,000.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Brady. Upon roll call, adopted.

RESOLUTION 199-24: AUTHORIZATION TO EXECUTE AN AGREEMENT WITH VILLA OF HOPE (ST.JOSEPH'S VILLA) FOR RESIDENTIAL FOSTER CARE PLACEMENTS

Mr. Mettler presented the following:

WHEREAS, the Wayne County Department of Social Services (DSS) needs to place children in child caring institutions, at times, to support their health and safety; and

WHEREAS, payment for these services is not determined by the county but is dictated by New York State; and

WHEREAS, it has been the practice of DSS to have in place contracts with various child caring institutions to facilitate a child's placement on a timely basis; now therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute an agreement with Villa of Hope (St. Josephs Villa) for the timeframe July 1, 2024 – June 30, 2027 with no options for renewal for Villa of Hope (St. Josephs Villa) Residential Foster Care Placements, subject to the County Attorney's approval as to form and content for an amount not to exceed \$5,000,000.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Brady. Upon roll call, adopted.

RESOLUTION 200-24: AUTHORIZATION TO EXECUTE AN AGREEMENT WITH ST. ANNE'S INSTITUTE FOR RESIDENTIAL FOSTER CARE PLACEMENTS

Mr. Mettler presented the following:

WHEREAS, the Wayne County Department of Social Services (DSS) needs to place children in child caring institutions, at times, to support their health and safety; and

WHEREAS, payment for these services is not determined by the county but is dictated by New York State; and

WHEREAS, it has been the practice of DSS to have in place contracts with various child caring institutions to facilitate a child's placement on a timely basis;now therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute an agreement with St. Annes Institute for the timeframe July 1, 2024 – June 30, 2027 with no options for renewal for St. Annes Institute Residential Foster Care Placements, subject to the County Attorney's approval as to form and content for an amount not to exceed \$5,000,000.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Brady. Upon roll call, adopted.

RESOLUTION 201-24: AUTHORIZATION TO EXECUTE AN AGREEMENT WITH HILLSIDE CHILDREN'S CENTER FOR RESIDENTIAL FOSTER CARE PLACEMENT

Mr. Mettler presented the following:

WHEREAS, the Wayne County Department of Social Services (DSS) needs to place children in child caring institutions, at times, to promote their health and safety; and

WHEREAS, payment for these services is not determined by the county but is dictated by New York State; and

WHEREAS, it has been the practice of DSS to have in place contracts with various child caring institutions to facilitate a child's placement on a timely basis; now therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute an agreement with Hillside Childrens Center for the timeframe July 1, 2024 – June 30, 2027 with no options for renewal for Hillside Childrens Center Residential Foster Care Placements, subject to the County Attorney’s approval as to form and content for an amount not to exceed \$5,000,000.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Brady. Upon roll call, adopted.

RESOLUTION 202-24: AUTHORIZATION TO EXECUTE AN AGREEMENT WITH ELMCREST CHILDREN'S CENTER FOR RESIDENTIAL FOSTER CARE PLACEMENTS

Mr. Mettler presented the following:

WHEREAS, the Wayne County Department of Social Services (DSS) needs to place children in child caring institutions, at times, to promote their health and safety; and

WHEREAS, payment for these services is not determined by the county but is dictated by New York State; and

WHEREAS, it has been the practice of DSS to have in place contracts with various child caring institutions to facilitate a child’s placement on a timely basis; now therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute an agreement with Elmcrest Children's Center for the timeframe July 1, 2024 – June 30, 2027 with no options for renewal for Elmcrest Children's Center Residential Foster Care Placements, subject to the County Attorney’s approval as to form and content for an amount not to exceed \$5,000,000.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Brady. Upon roll call, adopted.

RESOLUTION 203-24: AUTHORIZATION TO SIGN AGREEMENT WITH CHILD CARING INSTITUTION NORTHERN RIVERS FAMILY SERVICES FOR RESIDENTIAL FOSTER CARE SERVICES

Mr. Mettler presented the following:

WHEREAS, the Wayne County Department of Social Services (DSS) needs to place children in child caring institutions, at times, to support their health and safety; and

WHEREAS, payment for these services is not determined by the county but is dictated by New York State; and

WHEREAS, it has been the practice of DSS to have in place contracts with various child caring institutions to facilitate a child’s placement on a timely basis; now, therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute an agreement with Northern Rivers Family Services, for the time frame of 3/1/24-6/30/27 for the purchase of foster care services for children, subject to the County Attorney’s approval as to form and content for a total amount not to exceed \$5,000,000.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Brady. Upon roll call, adopted.

RESOLUTION 204-24: AUTHORIZATION FOR THE WAYNE COUNTY DEPARTMENT OF SOCIAL SERVICES AND THE WAYNE COUNTY DEPARTMENT OF PROBATION TO ENTER INTO AN AGREEMENT

Mr. Mettler presented the following:

WHEREAS, the Wayne County Department of Social Services and the Wayne County Department of Probation are committed to offering services to youth to limit and reduce the need for out of home placements; and

WHEREAS, the Wayne County Department of Probation is the Lead Agency for PINS Diversion Intake; now, therefore be it

RESOLVED, that the Commissioner of Social Services and the Director of Probation are directed to sign an Agreement on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, wherein the Wayne County Department of Social Services will purchase services from the Wayne County Department of Probation and Correctional Alternatives for an amount not to exceed \$193,184 for the provision of Lead Agency PINS Diversion Intake services to Youth in 2024; and further be it

RESOLVED that the Chairman of the Board of Supervisors is authorized to sign the Agreement subject to the County Attorney's approval as to form and content.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Carr. Upon roll call, adopted.

RESOLUTION 205-24: AUTHORIZATION TO EXECUTE A CONTRACT AND ACCEPT FUNDS FROM

NYS OFFICE OF CHILDREN AND FAMILY SERVICES FOR THE MDT-CAC PROGRAM

Mr. Mettler presented the following:

WHEREAS, the Wayne County Department of Social Services (DSS) is responsible for the Wayne County Child Advocacy Center (CAC) and the Multi-Disciplinary Team that is a part of the CAC; and

WHEREAS, the New York State Office of Children and Family Services (NYS OCFS) has awarded Wayne County DSS \$49,999 for the MDT-CAC Program for the Contract Term 3/1/24-9/30/24; now, therefore be it

RESOLVED, that Wayne County DSS is authorized to accept the award from the New York State Office of Children and Family Services; and, be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute a contract on behalf of the Wayne County Department of Social Services, subject to the County Attorney's approval as to form and content, with NYS OCFS regarding the receipt of \$49,999 for the period 3/1/24-9/30/24; and, be it further

RESOLVED, that the Wayne County Treasurer is authorized to make the following 2024 budget adjustment:

A6010 Administration

(Revenue)

\$49,999 to 44610 Social Services Administration

(Expenses)

\$49,999 to 54500 Fees for Services

Mr. Donalty moved the adoption of the resolution. Seconded by Mr. Chatfield. Upon roll call, adopted.

RESOLUTION 206-24: AUTHORIZATION FOR THE CONTINUATION OF A CONTRACT WITH SELF-DIRECT, INC. FOR THE PROVISION OF A PERSONAL EMERGENCY RESPONSE SYSTEMS

Mr. Mettler presented the following:

WHEREAS, the Wayne County Department of Social Services is required to provide Personal Emergency Response Systems (PERS) to those people who receive Medicaid and meet certain eligibility criteria; and

WHEREAS, this resource is an essential tool in allowing eligible participants to remain at home, preventing the need for higher level care; and

WHEREAS, it is required that these systems be installed, monitored, and tested on a daily basis; and

WHEREAS, Self-Direct, Inc. provides Personal Emergency Response Services for the Department of Social Services at the rate of \$17.50 per unit per month per participant; and

WHEREAS, the Chairman was authorized to execute the contract in Resolution 512-22 for this service but the Resolution authorized a year and should have authorized a 3 year contract; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute a contract on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with Self-Direct, Inc. in accordance with the bid acceptance for the installation of a minimum of 13 units and monitoring services for the Wayne County Department of Social Services in the amount of \$17.50 per unit per month, effective January 1, 2024 through December 31, 2025.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Fantuzzo. Upon roll call, adopted.

RESOLUTION 207-24: AUTHORIZATION TO EXECUTE AN AGREEMENT WITH THE TERRACE AT NEWARK ASSISTED LIVING COMMUNITY

Mr. Mettler presented the following:

WHEREAS, The Terrace at Newark Assisted Living Community opened in July 2009; and

WHEREAS, this facility accepts Medicaid-eligible, low-income residents, which is a significantly underserved population for these services; and

WHEREAS, the New York State Department of Health requires that a contract be in place between the assisted living facility and Wayne County Department of Social Services as a condition of reimbursement; and

WHEREAS, the terms of the agreement, including rates to be reimbursed by New York State Department of Health are dictated by New York State and are not subject to local option(s); now, therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute an agreement with The Terrace at Newark Assisted Living Community for the time frame July 1, 2024 – June 30, 2027 with no options for renewal for Medicaid Reimbursement , subject to the County Attorney’s approval as to form and content.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Fantuzzo. Upon roll call, adopted.

RESOLUTION 208-24: AUTHORIZATION TO EXECUTE AN AGREEMENT WITH NEW DIRECTIONS YOUTH AND FAMILY SERVICES FOR RESIDENTIAL FOSTER CARE PLACEMENTS

Mr. Mettler presented the following:

WHEREAS, the Wayne County Department of Social Services (DSS) needs to place children in child caring institutions, at times, to support their health and safety; and

WHEREAS, payment for these services is not determined by the county but is dictated by New York State; and

WHEREAS, it has been the practice of DSS to have in place contracts with various child caring institutions to facilitate a child’s placement on a timely basis; now therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute an agreement with New Directions Youth and Family Services for the time frame July 1, 2024 – June 30, 2027 with no options for renewal for New Directions Youth and Family Services Residential Foster Care Placements, subject to the County Attorney’s approval as to form and content, for an amount not to exceed \$5,000,000.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Johnson. Upon roll call, adopted.

RESOLUTION 209-24: AUTHORIZATION TO EXECUTE AN AGREEMENT WITH KATHERINE COLGAN FOR CHILD ADVOCACY CENTER FORENSIC INTERVIEW AND CONSULTATION SERVICES

Mr. Mettler presented the following:

WHEREAS, the Child Advocacy Center (CAC) of Wayne County provides forensic interviewing services to children where severe physical or sexual abuse has been disclosed or is suspected; and

WHEREAS, forensic interviewers are usually a member of Law Enforcement or CPS but can also be a trained mental health, human services professional, or independent contractor and are required to participate in peer review and mentorship opportunities in order to maintain best practices within the field; and

WHEREAS, the Department of Social Services has both financial and organizational oversight of the CAC of Wayne County; and

WHEREAS, the CAC of Wayne County has a robust Multidisciplinary Team (MDT) made up of many community partner agencies; and

WHEREAS, MDT members are required to participate in trainings relevant to their work at the CAC; and

WHEREAS, when cases of severe physical or sexual abuse are prosecuted in Wayne County, there may be a need to call an expert witness in the field; and

WHEREAS, Katherine Colgan is an independent contractor who is an experienced forensic interviewer, trainer and expert witness in this field; now, therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute an agreement with Katherine Colgan for the time frame April 1, 2024 – December 31, 2024 with no options for renewal for Child Advocacy Center Forensic Interview & Consultation Services, subject to the County Attorney’s approval as to form and content for an amount not to exceed \$10,000.00.

Mrs. Johnson moved the adoption of the resolution. Seconded by Mr. Chatfield. Upon roll call, adopted.

RESOLUTION 210-24: AUTHORIZATION TO EXECUTE ADMINISTRATIVE AGREEMENTS WITH FINGER LAKES WORKFORCE INVESTMENT BOARD

Mr. Mettler presented the following:

WHEREAS, the Wayne County Board of Supervisors has authorized the creation of the Finger Lakes Workforce Development Board (FLWIB) for the Counties of Wayne, Yates, Seneca, and Ontario in compliance with the Workforce Development Innovation and Opportunity Act of 2014 (replacing the 1998 WIA Act); and

WHEREAS, the purpose of the Administrative Agreement shall be to establish a partnership which

consists of the FLWIB and the Chief Elected Officials (CEO's) of the four Counties; and

WHEREAS, the Finger Lakes Workforce Investment Board has requested that the Chairman of the Board sign Administrative Agreements for the program year ending on June 30, 2024 and for the program year July 1, 2024 through June 30, 2025; now, therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute Administrative Agreements for the program year ending on June 30, 2024 and for the program year July 1, 2024 through June 30, 2025, subject to the County Attorney's approval as to form and content, with the Finger Lakes Workforce Investment Board; and, be it further

RESOLVED, that certified copies of this resolution be sent to Seneca, Yates, and Ontario Counties, and to the Finger Lakes Workforce Investment Board.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Carr. Upon roll call, adopted.

RESOLUTION 211-24: AUTHORIZATION TO APPOINT MEMBER TO THE FINGER LAKES WORKFORCE INVESTMENT BOARD

Mr. Mettler presented the following:

WHEREAS, the Wayne County Board of Supervisors has authorized the creation of the Finger Lakes Workforce Development Board for the Counties of Wayne, Yates, Seneca, and Ontario in compliance with the Workforce Development Innovation and Opportunity Act of 2014 (replacing the 1998 WIA Act); and

WHEREAS, the Workforce Investment Board members must be appointed by the respective Legislative Boards; and

WHEREAS, Kyle Lovell is being put forward for membership to the Board for the period October 1, 2023 through June 30, 2025; now, therefore be it

RESOLVED, that the appointment of Kyle Lovell is approved by the Legislative Board; and that certified copies of this resolution be sent to Seneca, Yates, and Ontario Counties, and to the Workforce Investment Board.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Brady. Upon roll call, adopted.

RESOLUTION 212-24: AUTHORIZATION TO REAPPOINT MEMBER TO THE FINGER LAKES WORKFORCE INVESTMENT BOARD

Mr. Mettler presented the following:

WHEREAS, the Wayne County Board of Supervisors has authorized the creation of the Finger Lakes Workforce Development Board for the Counties of Wayne, Yates, Seneca, and Ontario in compliance with the Workforce Development Innovation and Opportunity Act of 2014 (replacing the 1998 WIA Act); and

WHEREAS, the Workforce Investment Board members must be appointed by the respective Legislative Boards; and

WHEREAS, Robert Coyne and Danielle Maloy are being put forward for their renewed membership to the Board for the period July 1, 2023 through June 30, 2026; now, therefore be it

RESOLVED, that the reappointments of Robert Coyne and Danielle Maloy are approved by the Legislative Board; and that certified copies of this resolution be sent to Seneca, Yates, and Ontario Counties, and to the Workforce Investment Board.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Fantuzzo. Upon roll call, adopted.

RESOLUTION 213-24: AUTHORIZATION TO CONTRACT WITH GRAY VANCE, LLC, DBA SPECIAL CARE SYSTEMS FOR ANNUAL SERVICE AGREEMENT FOR THE NURSE CALL BELL SYSTEM

Mrs. Leonard presented the following:

WHEREAS, the Wayne County Nursing Home (WCNH) requires routine inspections and preventative maintenance for its nurse call system along with on-demand repairs and services when necessary; and

WHEREAS, Gray Vance, LLC. dba Special Care Systems (SCS) Certified Technicians are factory trained to perform work on the R-Care Wireless Call System at WCNH; and

WHEREAS, the manufacturer's warranty on the call bell system at WCNH expired on May 1, 2023; and

WHEREAS, the current annual service agreement for the call bell system expires on April 30, 2024; and

WHEREAS, SCS offers a service agreement for the call bell system, which includes:

- annual testing, inspection, and recertification of the system
- four (4) hours of system training

- 24/7 phone & remote support
- 20% discount on parts and equipment
- Discounted service rates
 - Service call during standard business hours - weekdays 8am-5pm - \$105 per hour
 - Service call outside standard business hours - weekdays 5pm-8am, Saturdays, \$157.50 per hour
 - Service calls on Sundays or holidays - \$210 per hour and;

WHEREAS, Gray Vance, LLC, dba Special Care Systems (SCS) is the only service provider located in the State of New York authorized to provide the required service and therefore considered a single source for this service; and

WHEREAS, the term of the service agreement is for one (1) year, commencing May 1, 2024 to April 30, 2025, at a cost of \$8,545, plus labor at the specified discounted hourly rates and parts and equipment for work above and beyond the scope of the maintenance agreement; and

WHEREAS, future rates will be adjusted based on inflation percentages and/or union wage increases; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors be authorized to sign the service agreement with Gray Vance, LLC. dba Special Care Systems for the R-Care Wireless Call System, on behalf of the Wayne County Nursing Home, effective May 1, 2024 to April 30, 2025, subject to the County Attorney's approval as to form and content.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Paddock. Upon roll call, adopted.

RESOLUTION 214-24: AUTHORIZATION TO EXECUTE ONE-YEAR EXTENSION WITH SODEXO OPERATIONS, LLC. FOR THE WAYNE COUNTY NURSING HOME

Mrs. Leonard presented the following:

WHEREAS, Resolution 260-21 approved and awarded the contract for food and nutrition, housekeeping, and maintenance services to Sodexo Operations, LLC. (Sodexo) for the Wayne County Nursing Home (WCNH); and

WHEREAS, the term of the contract is for three years, from July 1, 2021 to June 30, 2024, plus two additional, one-year renewals; and

WHEREAS, continuity of services at WCNH is imperative to its operation; and

WHEREAS, WCNH desires to continue the contract with Sodexo for the first one-year renewal, from July 1, 2024 to June 30, 2025; and

WHEREAS, Sodexo has provided pricing for the renewal term of:

Total Flat Rate Labor Cost and Fees: \$2,462,825

Food Cost: \$701,175

Other Food Services and Expenses: \$170,278

Housekeeping: \$111,182

Maintenance: \$89,950; and

WHEREAS, the full contract amount is not to exceed \$3,535,410 for the renewal term; and

WHEREAS, WCNH will participate in a Request for Proposals for all three services prior to the expiration of the renewal term to explore cost saving and facility enhancing competitive alternatives; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute an agreement to extend the existing contract with Sodexo Operations, LLC, established by Resolution 260-21, on behalf of the Wayne County Nursing Home, for the period of July 1, 2024 through June 30, 2025, for an amount not to exceed \$3,535,410, subject to approval by the County Attorney as to form and content.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Fantuzzo. Upon roll call, adopted.

RESOLUTION 215-24: AUTHORIZATION TO EXTEND CONTRACT WITH ZOETEC MEDICAL SALES & SERVICES FOR MEDICAL EQUIPMENT REPAIRS AND PREVENTATIVE MAINTENANCE INSPECTIONS FOR THE WAYNE COUNTY NURSING HOME

Mrs. Leonard presented the following:

WHEREAS, Resolution 404-23 awarded the durable medical equipment (DME) repair and preventative

maintenance services contract for the Wayne County Nursing Home (WCNH) to Zoetec Medical Sales & Services, effective July 1, 2023 through June 30, 2024, with the option to renew for two (2) additional one (1) year periods; and

WHEREAS, WCNH is desirous of exercising the first-year renewal option, effective July 1, 2024 through June 30, 2025, with the pricing established through the bid process and in Resolution 404-23 of:

Required DME Inspections: \$12,987

Hourly Labor for diagnostic services and repair: \$140.50

Percent markup on acquisition price of repair parts: \$35%; and

WHEREAS, WCNH is required to have inspections and credentialed repairs on all DME within the facility; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors, on behalf of the Wayne County Nursing Home, be authorized and directed to execute a renewal letter to Zoetec Medical Sales & Services for the provision of durable medical equipment repair and preventative maintenance services for the period of July 1, 2024 to June 30, 2025, at the aforementioned rates, subject to the review and approval of the County Attorney as to form and content.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Mettler. Upon roll call, adopted.

RESOLUTION 216-24: AUTHORIZATION TO EXECUTE AGREEMENT WITH VOHRA WOUND PHYSICIANS OF NY, PLLC, FOR THE PROVISION OF WOUND CARE AND EDUCATION FOR THE WAYNE COUNTY NURSING HOME

Mrs. Leonard presented the following:

WHEREAS, the Wayne County Nursing Home (WCNH) provides specialized skin and wound care services to residents; and

WHEREAS, Vohra Wound Physicians of NY, PLLC (Vohra), provides physicians to facilities to increase wound care and prevention, provide wound consultations, participate in Quality Assurance programs, and provide education on best practices and additional wound care curriculum; and

WHEREAS, Vohra provides the services at no cost to the facility and bills insurances as appropriate for their consultation services; and

WHEREAS, WCNH would like to add Vohra services to the facility to increase resident wound care and skin care programs; and

WHEREAS, the effective term of the agreement shall be from April 16, 2024 to April 15, 2025, with the option to renew for one additional year; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors, on behalf of the Wayne County Nursing Home, be authorized and directed to execute an agreement with Vohra Wound Physicians of NY, PLLC, for the provision of wound care consultations, education, and other activities as described in the service agreement, for the term of April 16, 2024 to April 15, 2025, with the option to renew for one additional year, subject to the approval of the County Attorney as to form and content.

Mr. Paddock moved the adoption of the resolution. Seconded by Mr. Aman. Upon roll call, adopted.

RESOLUTION 217-24: AUTHORIZATION TO WRITE OFF UNCOLLECTABLE ACCOUNTS FOR THE WAYNE COUNTY NURSING HOME

Mrs. Leonard presented the following:

WHEREAS, the Wayne County Nursing Home (WCNH) has an Allowance for Uncollectable Accounts; and

WHEREAS, an audit of Medicare Part B has been conducted, resulting in identification of accounts deemed uncollectable for both Medicare Part B and Managed Medicare Part B insurance plans, or any other payer source; and

WHEREAS, there is a remaining balance on 46 accounts for the years-end of 2019, 2020, 2021, 2022, and 2023 that WCNH must write off; and

WHEREAS, the uncollectable Part B accounts receivable total \$177,472.29:

\$2,513.40 for year-end 2019

\$17,938.82 for year-end 2020

\$69,428.77 for year-end 2021

\$78,484.96 for year-end 2022
\$9,106.34 for year-end 2023; now, therefore be it

RESOLVED, that the Board of Supervisors authorizes the Wayne County Nursing Home to write off 46 past due accounts for a total amount of \$177,472.29.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Carr. Upon roll call, adopted.

RESOLUTION 218-24: AUTHORIZATION TO ACCEPT BID AND SIGN CONTRACT FOR 2024 TRAVEL GUIDE PRINTING

Mr. Johnson presented the following:

WHEREAS, In accordance with the Wayne County Purchasing Policy a competitive bid was issued for printing of the 2024 Wayne County Travel Guide, and

WHEREAS, the Purchasing Department duly advertised for bids and responses were opened on Thursday March 14, 2024 at 2:00pm with the following bids received:

The Mines Press Inc.
231 Croton Ave.
Cortlandt Manor, NY 10567
Base Bid: \$27,600.00

Indiana Printing & Publishing Company
775 Indian Spring Rd.
Indiana, PA 15701
Base Bid: \$22,756.07

Concept Print
40 Lydecker St.
Nyack, NY 10960
Base Bid: \$18,268.00

Dual Print and Mail
40 Nagel Dr.
Cheektowaga, NY 14425
Base Bid: \$17,387.77

The Courier Printing Corporation
24 Laurel Bank Ave.
Deposit, NY 13754
Base Bid: \$38,280.00

Mercury Print Productions
2330 Innovation Way
Rochester, NY 14624
Base Bid: \$19,806.52

Avalon
901 North State St.
Syracuse, NY 13208
Base Bid: \$125,000.00

Blink Marketing Inc.
1925 St. Clair Ave.
Cleveland, OH 44114
Base Bid: \$42,400.00

Freeport Press
25 S Main St.
Sherburne, NY 13460
Base Bid: \$27,838.00

Rising Star Infratech Corp.
215-03 Jamaica Ave. Apt. 2
Queens Village, NY 11428
Base Bid: \$42,000.00

;and

WHEREAS, the bids were reviewed by the Wayne County Director of Tourism and Promotion and the Economic Development and Planning Standing Committee of the Wayne County Board of Supervisors; now, therefore, be it

RESOLVED, that the bid submitted by Dual Print and Mail, for 40,000 units at a price of \$17,387.77, is hereby accepted in accordance with specifications; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute a contract on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with Dual Print and Mail.

Mr. Aman moved the adoption of the resolution. Seconded by Mr. Chatfield. Upon roll call, adopted.

RESOLUTION 219-24: MAKING A SEQR DETERMINATION FOR MODIFICATION OF AGRICULTURAL DISTRICT 1

Mr. Johnson presented the following:

WHEREAS, Wayne County (COUNTY) has undertaken review of Agricultural District No.1 pursuant to AML §303-a and §303-b to consider requests for modification of Wayne County Agricultural District 1; and

WHEREAS, the New York State Department of Agriculture and Markets (AGM) and the COUNTY are agencies as defined in Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act, hereinafter "SEQRA") and which requires agencies to review environmental impact in its related planning and decision-making processes; and

WHEREAS, the Agricultural Districts Law, Article 25-AA of the Agriculture and Markets Law (AML), establishes a process by which county legislative bodies may create, review, modify, consolidate, or terminate Agricultural Districts throughout the State, which the Commissioner of AGM then certifies; and

WHEREAS, the Department of Environmental Conservation (DEC) has determined that the creation, modification, consolidation, termination, and certification of an Agricultural District are all actions subject to review pursuant to SEQRA; and

WHEREAS, AGM and the COUNTY have entered into a cooperative agreement to establish procedures to eliminate the overlap and duplication in comment and review; and

WHEREAS, The COUNTY, as the agency with principal decision making authority, is designated Lead Agency for all actions within the scope of this Agreement and AGM is designated an involved agency for purposes of compliance with SEQRA and has prepared the Short Environmental Assessment Form; and

WHEREAS, The COUNTY elected to hold the required public hearing for purposes of compliance with SEQRA and Agricultural Districts Law concurrently, and has met all statutory obligations and responsibilities; now therefore be it

RESOLVED, that based on the review and analysis of the short form EAF, and any supporting documentation, that the Board of Supervisors determines the proposed modification of Agricultural District Number 1 will not result in any significant adverse environmental impacts.

Mr. Mettler moved the adoption of the resolution. Seconded by Mr. Chatfield. Upon roll call, adopted.

RESOLUTION 220-24: AUTHORIZATION TO APPROVE MODIFICATION OF AGRICULTURAL DISTRICT 1

Mr. Johnson presented the following:

WHEREAS, Resolution No. 528-23 approved the schedule and authorized the review of the Agricultural District 1; and

WHEREAS, the County provided notice of agricultural district review as required in Article 25 AA Section 303-a.2.a and Section 303-b; and

WHEREAS, the Wayne County Agricultural Development Board (Agriculture and Farmland Protection Board), as required in Article 25 AA, Sections 303-a.2.b and 303-b, has considered the following factors in regard to the Consolidated Agricultural District:

As required in Article 25 AA, Section 303-a.2.b, the County Agriculture and Farmland Protection Board has considered the following factors-

(1)The nature and status of farming and farm resources within such district, including the total number of acres of land and the total number of acres of land in farm operations in the district;

(2)The extent to which the district has achieved its original objectives;

(3)The extent to which county and local comprehensive plans, policies and objectives are consistent with and support the district;

(4)The degree of coordination between local laws, ordinances, rules and regulations that apply to farm operations in such district and their influence on farming; and

(5) recommendations to continue, terminate or modify such district.

and,

WHEREAS, on March 05, 2024 the Wayne County Agricultural Development Board (Agriculture and Farmland Protection Board) recommended to the Wayne County Board of Supervisors that the Agricultural District Number 1 be modified as detailed in the Agriculture and Land Use Report for the District; and

WHEREAS, the County Board of Supervisors has held a public hearing as required by Article 25 AA Section 303 regarding the proposed Agricultural District modification; now, therefore, be it

RESOLVED that the Wayne County Board of Supervisors supports the findings of the Wayne County Agricultural Development Board (Agriculture and Farmland Protection Board) and approves that Agricultural District Number 1 be modified and continued within all the Towns of Wayne County as detailed in the Agriculture and Land Use Report for the District and illustrated on the District Map.

Mr. Carr moved the adoption of the resolution. Seconded by Mr. Chatfield. Upon roll call, adopted.

RESOLUTION 221-24: AUTHORIZATION TO APPOINT MEMBERS TO THE REGIONAL FISH AND WILDLIFE MANAGEMENT BOARD

Mr. Johnson presented the following:

WHEREAS, pursuant to Section 11-0501 of the Environmental Conservation Law, this Board oversees a cooperative program for purposes of obtaining privately-owned or leased lands and waters of the State, practices of fish and wildlife management, which will preserve and develop fish and wildlife resources of the State and improve access to them for recreational purposes; and

WHEREAS, pursuant to Wayne County Board Resolution 115-22, James Brady and Tommy Mettler were appointed to the Regional Fish and Wildlife Management Board as the Legislative and Sportsman Representatives for a 2 year term, ending December 31, 2023; and

WHEREAS, James Brady and Tommy Mettler have expressed interest in remaining the Legislative and Sportsman Representatives on the Regional Fish and Wildlife Management Board, ending December 31, 2025; and

WHEREAS, Lester Carr, Jr. has been appointed the Sportsman Alternate, now, therefore be it

RESOLVED, that the following individuals are hereby appointed to the Regional Fish and Wildlife Management Board, for a two-year term ending December 31, 2025:

James Brady, Legislative Representative
2785 McClelland Road
Lyons, NY 14489

Tommy Mettler, Sportsman Representative
5061 Wolcott Spring Lake Rd.
Wolcott, NY 14590

Lester Carr, Jr. (Sportsman Alternate)
1847 Foote Rd.
Lyons, NY 14489

and be it further

RESOLVED, that the Clerk of the Board is hereby directed to forward certified copies of this resolution to the appropriate County and State Officials.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Aman. Upon roll call, adopted.

RESOLUTION 222-24: AUTHORIZATION TO DECLARE VEHICLES AND ITEMS SURPLUS IN THE PUBLIC WORKS DEPARTMENT

Mr. Brady presented the following:

WHEREAS, the Highway Department has the vehicles/items listed below that should be disposed of as noted:

2012 Chevrolet Silverado (HWY)	VIN 1GC4CZCG8CF199287	AUCTION
2014 Ford Taurus Interceptor (SO)	VIN 1FAHP2MTXEG149020	AUCTION
2012 Chevrolet 3500 truck box (HWY)		

now, therefore be it

RESOLVED, that the vehicles and items listed above be sold at an upcoming public auction, in accordance with the County's Equipment Disposition policy.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mrs. Piscioti. Upon roll call, adopted.

RESOLUTION 223-24: AUTHORIZATION TO TRANSFER VEHICLES WITHIN COUNTY DEPARTMENTS

Mr. Brady presented the following:

WHEREAS, the Superintendent of Public Works continually assesses the vehicle needs of each department; and

WHEREAS, several needs have been identified, which can be filled by transferring vehicles within departments; and

WHEREAS, the Superintendent of Public Works suggests that the following vehicle reassignments be made:

2018 Dodge Caravan	VIN 2C4RDGBG1JR364093	Nursing Home to Central Garage
2017 Dodge Caravan	VIN 2C4RDGBG9HR555593	Central Garage to Sheriff
2015 Ford F250	VIN 1FT7X2B6XFED57642	Weights & Measures to Highway

now, therefore be it

RESOLVED, that the vehicles listed above be reassigned as noted.

Mrs. Johnson moved the adoption of the resolution. Seconded by Mr. Carr. Upon roll call, adopted.

RESOLUTION 224-24: AUTHORIZATION TO AMEND 2024 HIGHWAY BUDGET FOR TREE REMOVAL EXPENSES

Mr. Brady presented the following:

WHEREAS, the Highway Department contracts annually with a vendor to remove some trees and to grind stumps; and

WHEREAS, the tree debris from County and vendor tree removals are stored in a County owned gravel pit in the Town of Arcadia; and

WHEREAS, the pile of tree debris in the gravel pit has accumulated from the past few years of tree work, and it is now necessary to contract with a vendor to come on site to grind the debris and remove the mulch; and

WHEREAS, it is anticipated that the grinding work will cost approximately \$35,000 to complete; and

WHEREAS, the Superintendent of Public Works suggests utilizing funds from the unassigned D fund reserve to cover the unanticipated cost of debris grinding; now, therefore be it

RESOLVED, that the County Treasurer is hereby authorized to transfer \$35,000 from the D fund balance and amend the 2024 Highway (D) budget as follows

D51104 – Maintenance of Roads and Bridges

(Appropriations)

\$35,000 to .54186 Trees

Mr. Mettler moved the adoption of the resolution. Seconded by Mr. Chatfield. Upon roll call, adopted.

RESOLUTION 225-24: AUTHORIZATION TO AMEND 2024 HIGHWAY BUDGET FOR TRAINING OPPORTUNITIES

Mr. Brady presented the following:

WHEREAS, the Highway Department requires staff to attend various trainings based on regulations or based on safe operations of equipment; and

WHEREAS, the 2024 budget did not include funds to train supervisory staff for the MS4 Stormwater regulations, nor did it include funds for bucket truck/forklift training; and

WHEREAS, the Superintendent of Public Works suggests utilizing funds from the unassigned D fund reserve to cover the costs associated with these trainings; now, therefore be it

RESOLVED, that the County Treasurer is hereby authorized to transfer \$5,500 from the D fund balance and amend the 2024 Highway (D) budget as follows

D51104 – Maintenance of Roads and Bridges

(Appropriations)

\$5,500 to .54483 Training, Seminars and Schools

Mr. Paddock moved the adoption of the resolution. Seconded by Mr. Chatfield. Upon roll call, adopted.

RESOLUTION 226-24: AUTHORIZATION TO ACCEPT LOW BID FROM NORTHERN ASPHALT, LLC FOR THE GANANDA PARKWAY PAVING PROJECT AND AMEND THE 2024 HIGHWAY BUDGET

Mr. Brady presented the following:

WHEREAS, the Clerk of the Board of Supervisors has duly advertised for bids for the Gananda Parkway paving project for the Highway Department and the bids were opened on Wednesday, February 28, 2024 at 2:00 p.m. and the following bids were received:

Northern Asphalt, LLC	\$1,289,722.89
Seneca Stone Company	\$1,290,000.00
Villager Construction, Inc	\$1,386,200.00
Keeler Construction Co, Inc	\$1,433,671.00

and;

WHEREAS, the bids have been reviewed by the Superintendent of Public Works and the project consultant and they recommend awarding the project to Northern Asphalt, LLC for the bid amount; and

WHEREAS, the low bid submitted by Northern Asphalt, LLC is approximately \$540,722.89 more than the Federal Funds (\$749,000) that have been allocated by the Genesee Transportation Council (GTC); and

WHEREAS, it is anticipated that \$140,437 will be available from the Marchiselli program that will be applied to the project; and

WHEREAS, The Superintendent of Public Works will request from the GTC that additional funds be applied to this project; and

WHEREAS, a supplemental agreement will be processed with the NYSDOT to secure the construction funds for this project; and

WHEREAS, until the additional funds can be committed, the Superintendent of Public Works suggests to utilize \$540,722.89 from the unassigned D fund reserve account; now, therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute a contract on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with Northern Asphalt, LLC in accordance with the bid acceptance; and be it further

RESOLVED, that the County Treasurer is hereby authorized to transfer \$540,722.89 from the D fund balance and amend the 2024 Highway (D) budget as follows:

D5112 Road Construction

(Appropriations)

\$540,722.89 to 52928 Gananda Parkway PM

Mr. Donalty moved the adoption of the resolution. Seconded by Mr. Fantuzzo. Upon roll call, adopted.

RESOLUTION 227-24: AUTHORIZATION TO ENTER INTO AGREEMENT WITH WATCHDOG BUILDING PARTNERS, LLC. FOR CONSTRUCTION MANAGEMENT SERVICES RELATING TO PHASE 2 OF THE COUNTY-WIDE EMS BUILDING PROJECT

Mr. Brady presented the following:

WHEREAS, the Wayne County Board of Supervisors has awarded the Wayne County Emergency Medical Services Rose, Sodus and Walworth Sub-Station Building Projects; and

WHEREAS, Watchdog Building Partners is currently providing construction management services for the County-Wide EMS main headquarters building in Lyons, and is already familiar with overall project and building design; and

WHEREAS, the Deputy Superintendent of Public Works recommends that it would be beneficial for Wayne County to continue to utilize Watchdog to assist with coordinating multiple construction trades of the Phase 2 project; and

WHEREAS, Watchdog Building partners, LLC has a proven track record in Wayne County, currently has an on-demand County contract and also scored the highest on the request for qualifications proposal for construction management services; and

WHEREAS, Watchdog Building Partners, LLC has reviewed the scope of the project and the estimated total project duration and has provided the County a cost proposal for this project of \$510,000.00, excluding reimbursable expenses for construction management services through October 31st 2025 and any services beyond this construction period will be billed at the predetermined hourly rate as follows:

HOURLY BILLING RATES:

•Project Executive	\$ 135
•Assistant Project Manager	\$ 105
•Field Superintendent	\$ 75
•Construction Administrator	\$ 50

and

WHEREAS, The Deputy Superintendent recommends budgeting \$10,000.00 for reimbursable costs; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to sign an agreement with Watchdog Building Partners, LLC, subject to the approval of the County Attorney as to form and content, for Construction Management Services relating to Phase 2 of County-wide EMS Building project for a cost of \$520,000.00 through October 31st, 2025; and be it further

RESOLVED, that any services beyond October 31st, 2025 will be charged at the predetermined hourly rates listed above.

Mr. Mettler moved the adoption of the resolution. Seconded by Mr. Carr. Upon roll call, adopted.

RESOLUTION 228-24: AUTHORIZATION TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH LABELLA ASSOCIATES FOR CONSTRUCTION ADMINISTRATION SERVICES ON PHASE 2 OF THE COUNTY-WIDE EMS BUILDING PROJECTS

Mr. Brady presented the following:

WHEREAS, The Board of Supervisors approved resolution 531-23 authoring an agreement with LaBella Associates for the design services relating to Phase 2 of the County-Wide EMS Building Projects, and

WHEREAS, the bids have been received for the project and construction is anticipated to start sometime in May 2024; and

WHEREAS, it will be necessary for LaBella Associates to provide construction administration and limited commissioning services throughout the duration of the project to review submittals, address project design issues and perform equipment commissioning, and

WHEREAS, LaBella will also provide Storm Water Pollution Prevention Plan (SWPPP) inspections during construction and Wetland Mitigation Services plus monitoring for three years; and

WHEREAS, LaBella Associates has provided a proposed cost not to exceed \$272,125, now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to sign the supplemental agreement and amend the existing contract on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with LaBella Associates for an additional cost not to exceed \$272,125.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Carr. Upon roll call, adopted.

RESOLUTION 229-24: AUTHORIZATION TO AMEND CONTRACT WITH PAN-AMERICAN ENTERPRISES INC FOR ADDITIONAL SIDING REPAIRS AT THE WAYNE COUNTY NURSING HOME

Mr. Brady presented the following:

WHEREAS, Resolution 387-23 authorized a change order and contract amendment with Pan-American Enterprises, Inc for additional siding and trim repairs at the Wayne County Nursing Home; and

WHEREAS, the amended agreement was only valid through December 31st 2023; and

WHEREAS, the additional repairs were not completed before December 31st, 2023 due to weather; and

WHEREAS, the contract terms need to be amended by changing the completion date to July 31 2024; now, therefore, be it

RESOLVED, that contract WCC22158 terms be amended with a new completion date of 7/31/2024.

Mr. Mettler moved the adoption of the resolution. Seconded by Mr. Chatfield. Upon roll call, adopted.

RESOLUTION 230-24: AUTHORIZATION TO SIGN PROPOSAL WITH LABELLA ASSOCIATES FOR DESIGN SERVICE RELATING TO THE SOCIAL SERVICES BUILDING EXTERIOR FAÇADE IMPROVEMENTS

Mr. Brady presented the following:

WHEREAS, the 2024 Department of Social Services budget includes funding to improve the exterior façade of the Social Services Building located at 77 Water Street; and

WHEREAS, the Deputy Superintendent has requested LaBella Associates to provide design services and bid documents for said improvements; and

WHEREAS, LaBella is currently on contract with the County and they have knowledge of the Social

Services building from previous building renovation projects; and

WHEREAS, LaBella has provided a proposal to do schematic design study, rendering preparation, preparation of bid drawings and specifications for a cost not to exceed \$26,750; now, therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to sign the proposal provided by LaBella Associates, subject to the County Attorney's review and approval as to form and content, for design services and bid documents for Social Services Building Façade Improvement Project at a cost not to exceed \$26,750.

Mr. Paddock moved the adoption of the resolution. Seconded by Mr. Chatfield. Upon roll call, adopted.

RESOLUTION 231-24: AUTHORIZATION TO SIGN PROPOSAL WITH NYSID FOR DOCUMENT DESTRUCTION AND SHREDDING SERVICES

Mr. Brady presented the following:

WHEREAS, New York State Industries for the Disabled (NYSID) is a New York State preferred source vendor for document destruction and shredding services; and

WHEREAS, NYSID has provided these services in prior years; and

WHEREAS, NYSID has provided the County with their approved 2024 rate schedule; and

WHEREAS, the estimated annual cost for this service normally does not exceed \$10,000.00; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to sign the proposal on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content, with New York State Industries for the Disabled for document destruction and shredding services.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Johnson. Upon roll call, adopted.

RESOLUTION 232-24: AUTHORIZATION TO APPROVE CHANGE ORDERS FOR PHASE 2 OF THE COUNTY-WIDE EMS BUILDING PROJECTS

Mr. Brady presented the following:

WHEREAS, Phase 2 of the County Emergency Medical Services building projects has been awarded; and

WHEREAS, every effort will be made to avoid change orders, but it is possible that change orders may be necessary; and

WHEREAS, it is beneficial to allow the Superintendent or the Deputy Superintendent of Public Works to approve and sign change orders up to \$10,000.00 so that the project does not suffer from time delays; and

WHEREAS, that the Superintendent of Public Works shall present a monthly record of any change orders that have been approved to the Public Works Committee; and

WHEREAS, that any change order that increases the project cost in excess of \$10,000 must be approved in advance by the Public Works Committee Chairman and the County Administrator and shall not exceed the current project budget; now, therefore be it

RESOLVED, that the Wayne County Board of Supervisors hereby authorizes the Superintendent or the Deputy Superintendent of Public Works to approve individual change orders that increase the project cost up to \$10,000 and is within the budgeted amount for said project; and be it further

RESOLVED, that any change order that increases the project cost in excess of \$10,000 each must be approved in advance by the Public Works Committee Chairman and the County Administrator and shall not exceed the current project budget.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Carr. Upon roll call, adopted.

RESOLUTION 233-24: AUTHORIZATION TO OBTAIN PERMANENT EASEMENTS FOR HIGHWAY PROJECT

Mr. Brady presented the following:

WHEREAS, the Highway Department has a need to obtain easements for a highway project where drainage work will extend beyond the right-of-way; and

WHEREAS, staff from the Highway Department have met with the residents and have developed maps and descriptions to be filed with the County Clerk's office; and

WHEREAS, the list below identifies the property owners that will require easements:

61117-00-342582
Deep Rock Real Estate LLC
401 Ridge Road Ontario, NY 14519

61117-00-320342
Roger & Michelle Fox
396 Ridge Road Ontario, NY 14519

62117-00-183571
Mychail Smich
1071 Ridge Road Ontario, NY 14519

now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized to sign easement documents, subject to the review and approval of the County Attorney as to form and content.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mrs. Johnson. Upon roll call, adopted.

RESOLUTION 234-24: AUTHORIZATION TO OBTAIN PERMANENT EASEMENTS FOR SEWER FORCE MAIN FOR THE SODUS EMS SUBSTATION PROJECT

Mr. Brady presented the following:

WHEREAS, Wayne County has a need to obtain permanent easements for the installation and maintenance of a new sewer force main as part of the Sodus EMS Substation Project as the work will extend beyond County owned property; and

WHEREAS, the Deputy Superintendent has been in discussions with the property owners and with the assistant of LaBella Associates and have developed maps and descriptions to be filed with the County Clerk's office; and

WHEREAS, the list below identifies the property owners that will require easements:

68118-00-908032
Bran Realty Corp
6600 State Route 88. Sodus, NY 14551

68118-20-919041
Bran Realty Corp
71 Foley Drive. Sodus, NY 14551

now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized to sign easement documents, subject to the review and approval of the County Attorney as to form and content.

Mr. Mettler moved the adoption of the resolution. Seconded by Mr. Chatfield. Upon roll call, adopted.

RESOLUTION 235-24: AUTHORIZATION TO AWARD CONTRACTS FOR THE WAYNE COUNTY EMERGENCY MEDICAL SERVICES PHASE 2 BUILDING PROJECTS AND AMEND PROJECT BUDGET

Mr. Brady presented the following:

WHEREAS, the Clerk of the Board of Supervisors has duly advertised for bids for the Wayne County – Emergency Medical Services Sub-Station Building Projects located in the Town of Rose, the Town of Sodus and the Town of Walworth; and

WHEREAS, the following bids were received by 2:00 pm on Friday April 5th, 2024 and publicly opened:

Contract A: Site Construction	BASE BID	Allowance	Unit Price #1	Unit Price #2
DiFiore Construction 155 Pool Street Rochesterm, NY 14606	\$3,096,500.00	\$1,500.00	\$90.00	\$75.00

DiPasquale Construction Inc 120 Marina Drive. Suite 201 Rochester, NY 14626	\$2,875,000.00	\$1,500.00	\$75.00	\$75.00
Bayside Paving Contractor, Inc 3553 Outlet Road Shortsville, NY 14548	\$1,938,000.00	\$1,500.00	\$75.00	\$50.00
Shawn Malone Excavating Inc 481 Peat Bed Rd Hannibal, NY 13074	\$2,497,000.00	\$1,500.00	\$100.00	\$60.00
Contract B: General Construction	BASE BID	Allowance	Unit Price #1	Unit Price #2
DiPasquale Construction Inc 120 Marina Drive, Suite 201 Rochester, NY 14626	\$7,175,000.00	\$20,000.00	\$75.00	\$75.00
Nicoletta Building Contractors Inc 108 Davis Parkway Clyde, NY 14433	\$5,238,000.00	\$20,000.00	\$300.00	\$200.00
Holdsworth Klimowski Construction 101 Victor Heights Parkway Victor, NY 14564	\$7,573,000.00	\$20,000.00	\$110.00	\$85.00
LeChase Construction 205 Indigo Creek Drive Rochester, NY 14626	\$7,210,000.00	\$20,000.00	N/A	N/A
Javen Construction 2575 Baird Rd Penfield, NY 14526	\$7,345,000.00	\$20,000.00	N/A	N/A
Contract C: Plumbing	BASE BID			
Landry Mechanical Contractors 164 Flint Hill Road Le Roy, NY 14482	\$680,000.00			
Nairy Mechanical LLC 105 Commercial St. Webster, NY 14580	\$979,700.00			
Crosby Brownlie Inc 100 Nassau St. Rochester, NY 14605	\$862,500.00			
Michael A. Ferrauilo 1600 Jay Street Rochester, NY 14611	\$905,000.00			
LMC Industrial Contractors Inc 2060 Lakeville Rd Avon, NY 14414	\$718,841.00			

Lloyd Mechanical Co. LLC \$629,000.00
 10 Eisenhower Drive
 Brockport, NY 14420

Contract D: Mechanical BASE BID

Landry Mechanical Contractors \$1,857,000.00
 164 Flint Hill Road
 Le Roy, NY 14482

Nairy Mechanical LLC \$1,765,700.00
 105 Commercial St.
 Webster, NY 14580

Crosby Brownlie Inc \$2,054,100.00
 100 Nassau St.
 Rochester, NY 14605

Leo J. Roth Corporation \$2,142,800.00
 841 Holt Road
 Webster, NY 14580

LMC Industrial Contractors Inc \$1,931,214.00
 2060 Lakeville Rd
 Avon, NY 14414

Lloyd Mechanical Co. LLC \$1,652,000.00
 10 Eisenhower Drive
 Brockport, NY 14420

Pipitone Enterprises, LLC \$1,658,000.00
 25 East Buffalo Street
 Churchville, NY 14428

Contract D: Electric BASE BID Allowance

O'Connell Electric Company, Inc \$2,760,934.81 \$5,000.00
 830 Phillips Road
 Victor, NY 14564

Connors-Haas, Inc \$2,266,148.00 \$5,000.00
 6337 Dean Parkway
 Ontario, NY 14519

Kaplan-Schmidt Electric, Inc \$1,495,000.00 \$5,000.00
 50 Saginaw Drive
 Rochester, NY 14623

Concord Electric Corporation \$1,839,000.00 \$5,000.00
 305 PineWild Drive, Suite 4
 Rochester, NY 14606

; and
 WHEREAS, Watchdog Building Partners and LaBella Associates have reviewed and vetted the low

bidders and LaBella Associates has submitted a letter of recommendation to the Wayne County Board of Supervisors to award the contracts to the following bidder's:

Contract A – SITE CONSTRUCTION	BASE BID	Allowance	Unit Price #1	Unit Price #2
Bayside Paving Contractor, Inc 3553 Outlet Road Shortsville, NY 14548	\$1,938,000.00	\$1,500.00	\$75.00	\$50.00

Contract B – GENERAL CONSTRUCTION	BASE BID	Allowance	Unit Price #1	Unit Price #2
Nicoletta Building Contractors Inc 108 Davis Parkway Clyde, NY 14433	\$5,238,000.00	\$20,000.00	\$300.00	\$200.00

Contract C – PLUMBING	BASE BID
Lloyd Mechanical Co. LLC 10 Eisenhower Drive Brockport, NY 14420	\$629,000.00

Contract D – MECHANICAL	BASE BID
Lloyd Mechanical Co. LLC 10 Eisenhower Drive Brockport, NY 14420	\$1,652,000.00

Contract E – ELECTRICAL	BASE BID	Allowance
Kaplan-Schmidt Electric, Inc 50 Saginaw Drive Rochester, NY 14623	\$1,495,000.00	\$5,000.00

;and

WHEREAS, due to the scope of work the contractors may be required to utilize subcontractors to fulfill his/her responsibility under the contract; now, therefore, be it

RESOLVED, that pursuant to the recommendation of Watchdog Building Partners and LaBella Associates, the following bids be accepted;

Contract A – SITE CONSTRUCTION	BASE BID	Allowance	Unit Price #1	Unit Price #2
Bayside Paving Contractor, Inc 3553 Outlet Road Shortsville, NY 14548	\$1,938,000.00	\$1,500.00	\$75.00	\$50.00

Contract B – GENERAL CONSTRUCTION	BASE BID	Allowance	Unit Price #1	Unit Price #2
Nicoletta Building Contractors Inc 108 Davis Parkway Clyde, NY 14433	\$5,238,000.00	\$20,000.00	\$300.00	\$200.00

Contract C – PLUMBING	BASE BID
Lloyd Mechanical Co. LLC 10 Eisenhower Drive Brockport, NY 14420	\$629,000.00

Contract D – MECHANICAL	BASE BID
Lloyd Mechanical Co. LLC 10 Eisenhower Drive Brockport, NY 14420	\$1,652,000.00

Contract E – ELECTRICAL	BASE BID	Allowance
Kaplan-Schmidt Electric, Inc	\$1,495,000.00	\$5,000.00

50 Saginaw Drive
Rochester, NY 14623

and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized and directed to execute the project contracts on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content; and be it further

RESOLVED, that the Wayne County Board of Supervisors authorizes the use of subcontractors if needed on this project; and be it further

RESOLVED, that the County Treasurer is authorized to make the following budget adjustments:

H1930 New Buildings

(Appropriations)

\$13,988,000 from	52000	Equipment & Other Cap Outlay (EMS2 – EMS Phase 2)
\$150,000 to	52100	Furniture & Furnishings (EMS2 – EMS Phase 2)
\$100,000 to	52549	Utilities (EMS2 – EMS Phase 2)
\$1,938,000 to	52560	Site Work (EMS2 – EMS Phase 2)
\$520,000 to	52571	Construction Management (EMS2 – EMS Phase 2)
\$272,125 to	52573	Architect/Engineer (EMS2 – EMS Phase 2)
\$225,000 to	52576	Miscellaneous (EMS2 – EMS Phase 2)
\$1,269,875 to	52583	Contingencies (EMS2 – EMS Phase 2)
\$50,000 to	52808	Owner's Insurance
\$5,238,000 to	52813	General Trades (EMS2 – EMS Phase 2)
\$1,652,000 to	52814	HVAC (EMS2 – EMS Phase 2)
\$1,839,000 to	52815	Electrical (EMS2 – EMS Phase 2)
\$629,000 to	52816	Plumbing (EMS2 – EMS Phase 2)
\$30,000 to	52826	Building Permits (EMS2 – EMS Phase 2)
\$75,000 to	54240	Consultants (EMS2 – EMS Phase 2)

Mr. Paddock moved the adoption of the resolution. Seconded by Mr. Donalty. Upon roll call, adopted.

RESOLUTION 236-24: AUTHORIZATION TO EXECUTE A RENEWAL OF A THREE-YEAR CONTRACT WITH THOMSON REUTERS, WEST COMPANY, FOR ENHANCED SUBJECT INFORMATION AND SEARCH ACCESS

Mr. Donalty presented the following:

WHEREAS, The Wayne County Probation Director has requested and reviewed a three-year renewal contract with Thomson Reuter's, West Company and has determined that Thomson Reuter's provides the most beneficial and cost-effective resource for enhanced searching capabilities; and

WHEREAS, there is a need to renew the contract with Thomson Reuter's, West Company, Clear; and

WHEREAS, the Current contract is set to expire on 5/28/2024; and

WHEREAS, \$3,000.00 was budgeted in the 2024 Probation Budget, with a 5% increase for the 2nd and 3rd year of the three-year renewal, for a total budget of \$9,500.00; now therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is authorized to execute the renewal of the three-year contract with Thomson Reuter's, West Company, 610 Opperman Drive, PO Box 64833, St. Paul MN 55164-1803, subject to the review and approval of the County Attorney as to form and content.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Fantuzzo. Upon roll call, adopted.

RESOLUTION 237-24: AUTHORIZATION TO APPLY FOR AND ACCEPT A 2024 IID NON-INSTALLER ENFORCEMENT INITIATIVE GRANT

Mr. Donalty presented the following:

WHEREAS, The office of Probation and Correctional Alternatives (OPCA), has secured \$35,000, in reimbursable Overtime dollars, to assist the Wayne county Probation Department and Local Law-Enforcement Agencies in enforcing the installation of Ignition Interlock Devices (IID); and

WHEREAS, OPCA has identified this initiative is to be led by the Wayne County Probation Department; and

WHEREAS, the Director of Probation is desirous in Co-Facilitating Check Points and other operations

with Local Law-Enforcement Agencies, in Wayne County, in an effort to enforce IID Installation requirements; and

WHEREAS, the Grant will cover all overtime expenses incurred, and will reimburse all O.T. expenses, up to \$35,000, for the Probation Department staff and all other Law-Enforcement entities that participate; now, therefore be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to approve and accept said Grant in the amount of \$35,000.00 to be used to reimburse all participating entities in Over Time Expenses subject to the review and approval of the County Attorney as to form and content; and be it further

RESOLVED, that the Wayne County Treasurer is authorized to make the following budget amendment:

A3140 Probation

(Revenue)

\$35,000 to 43305 NYS Grants

(Appropriations)

\$35,000 to 51904 Overtime

Mr. Mettler moved the adoption of the resolution. Seconded by Mr. Chatfield. Upon roll call, adopted.

RESOLUTION 238-24: AUTHORIZATION TO SET SALARY FOR FULL-TIME ASSISTANT DISTRICT ATTORNEY

Mr. Donalby presented the following:

WHEREAS, there has been a vacancy for a full-time Assistant District Attorney since March 22, 2024, and this full-time position is necessary to handle a substantial Local Court case load; and

WHEREAS, the Acting District Attorney has obtained a conditional acceptance from a candidate for such position who has more than eleven years of experience; and

WHEREAS, the request to hire a Grade 8 full-time Assistant District Attorney at a salary commensurate with such experience has been submitted to the Pay Plan Advisory Group, and has been approved at a 2024 salary of \$88,978; now, therefore, be it

RESOLVED, that the Acting District Attorney have authority to fill this Grade 8 full-time Assistant District Attorney position at step 9 within the Managerial Confidential Salary Structure.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Mettler. Upon roll call, all supervisors voted aye except Supervisor Converse who was absent. The Chairman declared the resolution adopted.

RESOLUTION 239-24: AUTHORIZATION TO TRANSFER DISCOVERY GRANT FUNDING AND AMEND THE DISTRICT ATTORNEY BUDGET

Mr. Donalby presented the following:

WHEREAS, Resolution 572-23 accepted an award from the New York State Division of Criminal Justice Services (DCJS) in November of 2023 for \$262,930 to assist the County and District Attorney's Office with expenses related to the new Discovery and Bail Laws; and

WHEREAS, Resolution 124-24 appropriated \$88,336 of this funding for an evidence storage and retrieval system to be used by the Sheriff's Office; and

WHEREAS, the actual quote received from Avail Business Systems for this project under NYS Contract PC68289 is \$91,421.30; now, therefore be it

RESOLVED, that the Wayne County Treasurer is hereby authorized to make the following budget amendment:

A1165 District Attorney

(Revenue)

\$3086 to 43716 State Aid

(Appropriations)

\$88,336 from 54700 Discovery Reform

\$91,422 to 52500 Other Equipment

Mr. Aman moved the adoption of the resolution. Seconded by Mr. Rose. Upon roll call, adopted.

RESOLUTION 240-24: AUTHORIZATION TO SET SALARY AND HIRE A GRADE 8 FULL TIME ASSISTANT PUBLIC DEFENDER

Mr. Donalty presented the following:

WHEREAS, due to a resignation as of March 19, 2024, a Grade 8 full time Assistant Public Defender position is currently vacant and exists in the pending 2024 budget; and

WHEREAS, The Hurrell-Harring contract supporting this position was approved by Wayne County Board Resolution 233-23, dated April 18, 2023; and

WHEREAS, Such attorney position is fully funded, both salary and fringe costs, by the ILS Hurrell-Harring funding plan; and

WHEREAS, The Public Defender has obtained a conditional acceptance from a candidate for such position who has twenty-seven years experience as a criminal defense lawyer, ten of which is as a Public Defender and has represented innumerable clients in many courts in Western New York including extensive trials; and

WHEREAS, the request to hire a Grade 8 attorney at a salary commensurate with such experience has been submitted to the Pay Plan Advisory group, and has been approved at a 2024 salary of \$100,071; and

WHEREAS, the candidate is available to begin work here April 22, 2024; now, therefore be it

RESOLVED, that the Public Defender has authority to fill this Full Time Grade 8 position at a 2024 salary of \$100,071; and be it further

RESOLVED, that in the event that the State funding for this position was to become unavailable, that the Public Defender's Office will abolish this position.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Mettler. Upon roll call, all supervisors voted aye except Supervisor Converse who was absent. The Chairman declared the resolution adopted.

RESOLUTION 241-24: AUTHORIZATION TO ACCEPT ILS DISTRIBUTION #14, NYS CONTRACT NUMBER C140054 FOR THE WAYNE COUNTY PUBLIC DEFENDER

Mr. Donalty presented the following:

WHEREAS, New York State Office of Indigent Legal Services has advised the Wayne County Public Defender and the Wayne County Administrator of the availability of a non-competitive grant in the amount of \$495,423.00 for Indigent Legal Services; and

WHEREAS, Wayne County has received notification that the distribution in the amount of \$495,423.00 has been awarded under Contract Number C140054; and

WHEREAS, the term of said Contract Number C140054 is January 1, 2024 through December 31, 2026; and

WHEREAS, this grant funding shall be used for the following:

- To continue partial funding of the salary and benefits of a full-time Assistant Public Defender, in continuation of the prior funding received for said position by virtue of ILS Distribution #11, (ILS21) Contract Number C110054; and
- To provide funding assistance for Legal Assistance of Western NY, Inc. – LawNY, with funding for personnel and OTPS for mandated representation in Family Court

now, therefore, be it

RESOLVED, that the County Administrator is authorized to accept New York State Indigent Legal Services Contract C140054 for a three year term from January 1, 2024 through December 31, 2026, and the Chairman of the Wayne County Board of Supervisors is authorized to sign the required contract, subject to the review and approval by the Wayne County Attorney as to content and form of said contract.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Rose. Upon roll call, adopted.

RESOLUTION 242-24: AUTHORIZATION TO CARRY OVER THE 2023 REMAINING BALANCE FOR THE 2021 STONEGARDEN GRANT AND AMEND THE 2024 BUDGET

Mr. Donalty presented the following:

WHEREAS, the Wayne County Sheriff's Office is participating in a grant program from the Department

of Homeland Security and Emergency Services under the Operation Stonegarden Grant Program, in the amount of \$15,000.00; and

WHEREAS, a balance of \$10,832 to complete the project was available as of December 31, 2023; and

WHEREAS, the balance of the funds will be used for equipment expenses in conjunction with Operation Stonegarden; now, therefore, be it

RESOLVED, that the Wayne County Treasurer is hereby authorized to amend 2024 County Budget as follows:

A3114 – Sheriff Road Patrol

(Revenues)

\$10,832.00 to 44302 Homeland Security STG21 Stonegarden 2021

(Appropriations)

\$10,832.00 to 52000 Equipment & Other Cap Outlay STG21 Stonegarden 2021

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Brady. Upon roll call, adopted.

RESOLUTION 243-24: AUTHORIZATION TO CARRY OVER THE 2023 REMAINING BALANCE FOR THE 2022 STONEGARDEN GRANT AND AMEND THE 2024 BUDGET

Mr. Donalty presented the following:

WHEREAS, the Wayne County Sheriff's Office is participating in a grant program from the Department of Homeland Security and Emergency Services under the Operation Stonegarden Grant Program, in the amount of \$23,000.00; and

WHEREAS, a balance of \$22,356.00 to complete the project was available as of December 31, 2023; and

WHEREAS, the balance of the funds will be used for equipment expenses in conjunction with Operation Stonegarden; now, therefore, be it

RESOLVED, that the Wayne County Treasurer is hereby authorized to amend 2024 County Budget as follows:

A3114 – Sheriff Road Patrol

(Revenues)

\$22,356.00 to 44302 Homeland Security STG22 Stonegarden 2022

(Appropriations)

\$22,356.00 to 52000 Equipment & Other Cap Outlay STG22 Stonegarden 2022

Mr. Paddock moved the adoption of the resolution. Seconded by Mr. Leonard. Upon roll call, adopted.

RESOLUTION 244-24: AUTHORIZATION TO CARRY OVER THE 2023 REMAINING BALANCE FOR THE 2023 STONEGARDEN GRANT AND AMEND THE 2024 BUDGET

Mr. Donalty presented the following:

WHEREAS, the Wayne County Sheriff's Office is participating in a grant program from the Department of Homeland Security and Emergency Services under the Operation Stonegarden Grant Program, in the amount of \$45,000.00; and

WHEREAS, a balance of \$45,000.00 to complete the project was available as of December 31, 2023; and

WHEREAS, the balance of the funds will be used for equipment expenses and overtime expenses in conjunction with Operation Stonegarden; now, therefore, be it

RESOLVED, that the Wayne County Treasurer is hereby authorized to amend 2024 County Budget as follows:

A3114 – Sheriff Road Patrol

Amount Object Code & Name Project Code and Name

(Revenues)

\$45,000,000.00 to 44302 Homeland Security STG23 Stonegarden 2023

(Appropriations)

\$40,000.00 to 52000 Equipment & Other Cap Outlay STG23 Stonegarden 2023
\$4,100.00 to 51904 Overtime
\$900.00 to 58200 FICA/MCARE

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Carr. Upon roll call, adopted.

RESOLUTION 245-24: AUTHORIZATION TO CARRY OVER THE 2023 REMAINING BALANCE FOR THE 2021 STATE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM (SLETPP) GRANT AND AMEND THE 2024 BUDGET

Mr. Donalty presented the following:

WHEREAS, the Wayne County Sheriff's Office was awarded a no cash match grant from the 2021 State Law Enforcement Terrorism Prevention Program, in the amount of \$36,277.00; and

WHEREAS, said grant is designated for the purchase of unmanned aircrafts, and security camera equipment to be used at the Wayne County Sheriffs' Office; and

WHEREAS, a balance of \$25,576.00 to complete the project was available as of December 31, 2023; and

WHEREAS, the balance of the funds will be used to purchase replacement drones; now, therefore, be it

RESOLVED, that the Wayne County Treasurer is hereby authorized to amend 2024 County Budget as follows:

A3114 Sheriff Road Patrol

(Revenues)

\$25,576.00 44306 Homeland Security LET21 SLETPP21

(Appropriations)

\$25,576.00 52500 Equipment LET21 SLETPP21

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Mettler. Upon roll call, adopted.

RESOLUTION 246-24: AUTHORIZATION TO SURPLUS A 2016 FORD TAURUS VEHICLE AND DONATE IT TO THE WAYNE FINGER LAKES BOCES CRIMINAL JUSTICE PROGRAM

Mr. Donalty presented the following:

WHEREAS, the Wayne County Sheriff's Office has a 2016 Ford Taurus Vin# 1FAHP2MT7GG113661 that is no longer in service and is set to go to auction; and

WHEREAS, the Sheriff is desirous to surplus the above vehicle to the Wayne Finger Lakes BOCES Criminal Justice Program, an educational institution; and

WHEREAS, the Wayne Finger Lakes BOCES Criminal Justice Program is in need of equipment in serviceable condition to assist in the most up to date training, to prepare students to enter the workforce after high school; and

WHEREAS, the vehicle would be used to assist with many aspects of the program, including traffic stops, response to crime scenes, crime scene processing, emergency vehicle operations, and more; now, therefore, be it

RESOLVED, that the Sheriff is hereby authorized to surplus the 2016 Ford Taurus Vin# 1FAHP2MT7GG113661, and donate the 2016 Ford Taurus Vin# 1FAHP2MT7GG113661 to the Wayne Finger Lakes BOCES Criminal Justice Program at no cost to the County.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Carr. Upon roll call, adopted.

RESOLUTION 247-24: AUTHORIZATION TO SURPLUS K9 MISO FROM THE SHERIFF'S OFFICE K 9 UNIT

Mr. Donalty presented the following:

WHEREAS, the Wayne County Sheriff's Office has had a police K-9 program since 1984; and

WHEREAS, the Wayne County Sheriff's Office, currently has a K-9, known as "Miso". Miso is set to retire May 1, 2024; and

WHEREAS, Wayne County Sheriff's Lieutenant Joe Roeland is the current handler of K9 Miso and has offered to adopt Miso as a family pet; and

WHEREAS; any and all costs, including veterinary costs, associated with the adoption of Miso will be done by Joe Roeland; and

WHEREAS, there shall be a fee of \$1.00 paid to Wayne County by Joe Roeland for transfer of ownership of Miso from Wayne County to Joe Roeland; and

WHEREAS, the Sheriff is requesting authorization to surplus K-9 Miso, and to transfer ownership of Miso to Joe Roeland for the fee of \$1.00, with no costs to Wayne County taxpayers; now, therefore, be it

RESOLVED, that the Sheriff is hereby authorized to surplus K-9 Miso and to transfer ownership of Miso to Joe Roeland for the fee of \$1.00, with no costs to Wayne County taxpayers.

Mr. Paddock moved the adoption of the resolution. Seconded by Mr. Chatfield. Upon roll call, adopted.

RESOLUTION 248-24: AUTHORIZATION TO SIGN AN AGREEMENT WITH THE WILLIAMSON CENTRAL SCHOOL DISTRICT FOR A DEPUTY SHERIFF SCHOOL RESOURCE OFFICER AND AMEND THE 2024 COUNTY BUDGET

Mr. Donalty presented the following:

WHEREAS, the Williamson Central School District, hereinafter referred to as the District, is desirous of entering into an agreement with the County of Wayne and Wayne County Sheriff to provide the District (1) FTE (10) month Deputy Sheriff School Resource Officer (SRO), funded by the District, which shall include salary, fringe benefits, vehicle expenses, uniforms, training and other related expenses for (10) months; and

WHEREAS, The District is requesting to enter into an agreement with the County and Sheriff for such (1) FTE (10) month Deputy Sheriff SRO for the time period of May 1, 2024 through December 31, 2024; and

WHEREAS, in the event that the Williamson Central School District discontinues funding for the position, the Sheriff's Office will abolish this position; and

WHEREAS, the Sheriff is requesting that the 2024 County Budget be amended and that an agreement be entered into with the Williamson Central School District for (1) FTE (10) month Deputy Sheriff SRO for the time period of May 1, 2024 through December 31, 2024; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors and Sheriff are hereby authorized to sign an agreement with the Williamson Central School District for (1) FTE (10) month Deputy Sheriff SRO for the time period of May 1, 2024 through December 31, 2024, upon review and approval of the County Attorney as to form and content; and further, be it

RESOLVED, that the 2024 County Budget be amended as follows:

A3113-Sheriff Juvenile

(Revenues)

\$ 60,110.25 to .42770 SRO Reimbursement

(Appropriations)

\$ 49,462.00 to .51376 Deputy Sheriff

\$ 10,684.00 to .58100 Payments to NYS Retirement

\$ 3,783.00 to .58200 Payments to FICA

\$ 16,218.00 .00 to .58400 Hospitalization

Mr. Aman moved the adoption of the resolution. Seconded by Mr. Chatfield. Upon roll call, adopted.

RESOLUTION 249-24: AUTHORIZATION TO RESCIND RESOLUTION 673-23 AND AWARD TERM CONTRACT FOR TOWER CLIMBING SERVICES

Mr. Donalty presented the following:

WHEREAS, Resolution 673-23 authorized awarding a bid for Tower Climbing Services for the installation, maintenance and repair of tower, lighting, antennas and cabling; and

WHEREAS, the following vendors were specifically invited to respond:

Patriot Towers
870 Scottsville-Chili Rd
Scottsville, NY 14546

Fred Nudd
1743 Route 104
Ontario, NY 14519

Saia Communications
100 Stradtman Street
Buffalo, NY 14206-2666

and:

WHEREAS, at this time, Saia Communications, Inc. was the only vendor to respond to the RFQ; and
WHEREAS, Saia Communications has performed acceptable work in the past; and

WHEREAS, as a result of the evaluation of the Saia proposal, the Director of Disaster Preparedness recommends that a term contract be approved for Saia Communications, Inc. to provide said services; and
WHEREAS, the hourly rate for Saia Communications, Inc. was incorrectly stated on Resolution 673-23 at \$300/hr instead of the quoted \$350/hr; and

WHEREAS, future consideration may be given to Patriot and Nudd, should they decide to respond in the future; now, therefore, be it

RESOLVED, that the Wayne County Board of Supervisors hereby accepts the recommendation of the Director of Disaster Preparedness and authorizes the County Attorney and Director of Disaster Preparedness to prepare a contract with Saia Communications, Inc. at a corrected cost of \$350/hour total for two people; and be it further

RESOLVED, that the contract shall be limited to a maximum cost of \$20,000 for a single service or repair; and be it further

RESOLVED, that any service or repair over \$20,000 shall require the Director of Disaster Preparedness to follow County Purchasing Policy; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to execute a contract on behalf of the County of Wayne, subject to the County Attorney's approval as to form and content with Saia Communications, Inc; and be it further

RESOLVED, that the term of the contract shall be three years commencing on January 1, 2024; and be it further

RESOLVED, that Resolution 673-23 is hereby rescinded.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Carr. Upon roll call, adopted.

RESOLUTION 250-24: AUTHORIZATION TO EXECUTE AN AGREEMENT WITH ROCHESTER REGIONAL HEALTH AND AMEND THE COUNTY BUDGET FOR WAYNE COUNTY EMS

Mr. Donalty presented the following:

WHEREAS, in 2004, an agreement was executed between the County and ViaHealth of Wayne to convey funds previously held by the Myers Community Hospital Twig Association to the County, for deposit in a trust account, with the County to administer said trust account, and to conduct CME (Continuing Medical Education) training activities paid for using the Twig trust funds; and

WHEREAS, the permitted uses of the funds were limited, with conditions changing in EMS as well as the means by which EMS providers commonly receive EMS training, making the provisions of the Twig Trust Agreement now impractical, such that the funds have not been used for any purpose since 2009; and

WHEREAS, the use of the remaining funds for the purpose of initial and ongoing training and certification of EMTs and Paramedics for Wayne County EMS has been identified as an appropriate and relevant use of the remaining funds as identified and endorsed by the County EMS Project Committee; and

WHEREAS, to use the funds for initial training, an agreement amendment is necessary, between the County and Rochester Regional Health, as successor in name to Via Health of Wayne; now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute an agreement with Rochester Regional Health to modify the conditions for use of the Twig funds to include initial and ongoing certification or licensure of EMTs and Paramedics, and ongoing education of Wayne County EMS personnel; and be it further

RESOLVED, that the County Treasurer is hereby authorized to transfer \$82,524.36 from TA 2033 and amend the 2024 County Operating Budget as follows:

A3625 EMS

(Appropriations)

\$82,524.36 to 42770 TWIG

Mr. Fantuzzo moved the adoption of the resolution. Seconded by Mr. Carr. Upon roll call, adopted.

RESOLUTION 251-24: AUTHORIZATION TO AMEND THE 2024 COUNTY BUDGET TO RE-APPROPRIATE TRAINING FUNDS FOR WAYNE COUNTY EMS

Mr. Donalty presented the following:

WHEREAS, in September 2023, the County received funds from the former Northeast Wayne Advanced Life Support, accepted in accordance with Board of Supervisors resolution 463-23, with the funds deposited into the Emergency Medical Services 2023 County budget; and

WHEREAS, the funds were not expended in 2023, as the training program and criteria for employee certification are only now being established, causing the funds to revert to the General Fund after the end of the year, necessitating that the funds be re-appropriated in 2024; now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized to transfer \$10,390.57 from the General Fund Unassigned Fund Balance, and to amend the 2024 County Budget as follows:

A3625 Emergency Medical Services

(Appropriations)

\$10,390.57 to .54483 NEWALS Training Seminars, and Schools

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Mettler. Upon roll call, adopted.

RESOLUTION 252-24: AUTHORIZING ON-SITE SUPERVISORY TRAINING FOR WAYNE COUNTY EMS

Mr. Donalty presented the following:

WHEREAS, the majority of the recently appointed EMS Supervisors for Wayne County EMS do not have an extensive amount of supervisory experience; and

WHEREAS, although the supervisors and managers work conscientiously and diligently toward the goals of the County and the department, all would benefit from standardized supervisory training; and

WHEREAS, working through Chad Premo, the Fitch and Associates assigned EMS Project Implementer, the EMS supervisory staff was canvassed to determine the type of training and topics that would be most beneficial to them and to the department, with a two-day on-site training curriculum designed and proposed specifically around the identified needs; now, therefore, be it

RESOLVED, that an on-site leadership training workshop, taught by a Fitch and Associates trainer, is hereby authorized, with said training to be provided for the four EMS Supervisors, the Operations Manager, and the EMS Educator, at a cost of \$3500 for two days, plus travel and lodging expenses, not to exceed \$1500, for a total cost not to exceed \$5000.00.

Mr. Mettler moved the adoption of the resolution. Seconded by Mr. Brady. Upon roll call, adopted.

RESOLUTION 253-24: AUTHORIZATION TO ADOPT LOCAL LAW REORGANIZING ADMINISTRATION OF COUNTY-WIDE EMERGENCY SERVICES FUNCTIONS AND DISSOLVING THE WAYNE COUNTY DEPARTMENT OF EMERGENCY MANAGEMENT SERVICES AND RESCIND LOCAL LAW 4-2012

Mr. Donalty presented the following:

WHEREAS, a proposed local law reorganizing the administration of county-wide emergency services and functions and dissolving the Wayne County Department of Emergency Management Services and Rescind Local Law 4-2012 was presented to the Board of Supervisors on March 5th, 2024; and

WHEREAS, a public hearing on the proposed local law was held on Tuesday, April 16th, 2024 at 9:10 a.m. in the Supervisors Chambers in the County Court House, 26 Church St., Lyons, New York, in accordance with the notice of hearing duly posted and published in the manner prescribed by law; now, therefore be it

RESOLVED, that said local law is hereby adopted to read as follows:

**COUNTY OF WAYNE – STATE OF NEW YORK
LOCAL LAW NO. 3 FOR THE YEAR 2024**

A Local Law Reorganizing Administration Of County-Wide Emergency Services Functions And Dissolving The Wayne County Department Of Emergency Management Services And Rescinding Local Law 4-2012.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WAYNE, as follows:

SECTION 1: LEGISLATIVE INTENT

The Wayne County Board of Supervisors adopted Local Law Number 4 for the year 2012, which consolidated the various County-wide emergency services which the county provides under a single administration to more efficiently and economically coordinate and provide all of these services to the residents of Wayne County.

The Board of Supervisors has since that time authorized the creation of a County-wide ambulance service which has necessitated the addition of many new County employees to the County workforce who will perform emergency medical services for the County residents.

In light of this addition of a County-wide ambulance service to the emergency medical services the County already provides, the Board of Supervisors established a committee to review the organizational structure of existing emergency services provided by Wayne County through its existing Department of Emergency Management Services, and to recommend changes, if appropriate. This committee recommended changes in the organizational structure of County operated emergency services intended to streamline provision of emergency services and to address concerns relating to supervision and span of control given the influx of new employees into the County emergency services. It is the Board of Supervisors' intent to enact this Local Law to adopt those recommended changes and to rescind Local Law 4-2012.

SECTION 2: DISSOLUTION OF THE DEPARTMENT OF EMERGENCY MANAGEMENT SERVICES

Pursuant to the provisions of Section 10(1)(ii)(a) of the Municipal Home Rule Law of the State of New York, and effective upon the date of adoption of this Local Law, the Wayne County Department of Emergency Management Services is hereby dissolved and Local Law 4-2012 is hereby rescinded. The Director of Disaster Preparedness will remain responsible for coordinating emergency services.

SECTION 3: REORGANIZATION OF EMERGENCY MANAGEMENT SERVICES FUNCTIONS

Following the dissolution of the Department of Emergency Management Services, each of the offices now encompassed within the Department of Emergency Management Services shall be continued as separate County offices, with the same powers, functions and duties as those now existing.

Supervision and administration of those offices formerly encompassed within the Department of Emergency Management Services following dissolution of said Department shall be as follows:

- 1)The Office of Emergency Management Services shall report to and fall under the administration and supervision of the County Administrator.
- 2)The Office of the Fire Coordinator shall report to and fall under the administration and supervision of the County Administrator.
- 3)The Office of Emergency Medical Services (EMS) shall report to and fall under the administration and supervision of the County Administrator.
- 4)The Office of E911 shall report to and fall under the administration and supervision of the Wayne County Sheriff (Sheriff's Office).
- 5)The Civil Service Position of Public Safety Technology Coordinator shall report to and fall under the administration and supervision of the Wayne County Department of Information Technology (IT).

SECTION 4: EFFECTIVE DATE

This Local Law shall take effect when filed in the Office of the Secretary of State.

Mr. Mettler moved the adoption of the resolution. Seconded by Mr. Chatfield. Upon roll call, all supervisors voted aye except Supervisor Converse who was absent. The Chairman declared the resolution adopted.

RESOLUTION 254-24: AUTHORIZATION TO RENEW AGREEMENT WITH VISUAL COMPUTER SOLUTIONS, INC. FOR MAINTENANCE OF SHIFT SCHEDULING AND TIME SHEET SOFTWARE FOR THE OFFICE OF THE SHERIFF AND 911

Mr. Rose presented the following:

WHEREAS, the Office of the Sheriff and the 911 departments use POSSWeb/COSS/Scheduling software for shift scheduling and time sheet creation; and

WHEREAS, support and software updates are essential to the ongoing function of the system; and

WHEREAS, the annual cost of software support and updates for the period of June 1, 2024 to May 31, 2025 is 7,665.73; now, therefore, be it

RESOLVED, that the Chairman of the Wayne County Board of Supervisors is hereby authorized to sign an agreement with Visual Computer Solutions, Inc., on behalf of the County of Wayne, subject to approval by the County Attorney, as to form and content, for renewal at a cost of 7,665.73.

Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Brady. Upon roll call, adopted.

RESOLUTION 255-24: AUTHORIZING PUBLIC AUCTION SALE OF REAL PROPERTY ACQUIRED BY THE COUNTY FOR DELINQUENT TAXES

Mr. Rose presented the following:

WHEREAS, pursuant to the provisions of Article Eleven (11) of the Real Property Tax Law of the State of New York pertaining to the enforcement of the collection of delinquent taxes, the County of Wayne may acquire title to the real property as shown on Appendix A (attached hereto and incorporated herein by reference) and is entitled to acquire title by Court Order to the properties from 2020 listed on Appendix A; and

WHEREAS, pursuant to the provisions of Article Eleven (11) of the Real Property Tax Law, real property acquired by tax deed or Court Order may be disposed of by the County at such times and upon such terms as shall be determined by the Board of Supervisors; now, therefore, be it

RESOLVED, in accordance with Article Eleven (11) of the Real Property Tax Law;

FIRST: The enforcing officer (Treasurer) is hereby authorized and directed to take appropriate action regarding removal of property from the auction list after the filing of the Summary Judgment motion in connection with the Petition of Foreclosure and up to the time of the auction;

SECOND: The Director of Real Property Tax Services is hereby authorized, empowered and directed to conduct an on-line auction of the properties listed on Appendix A at COLLARCITYAUCTIONSONLINE.COM on JUNE 20, 2024 beginning at 10 AM;

THIRD: The Director of Real Property Tax Services is hereby authorized and directed to advertise the auction in such manner as she deems suitable for obtaining the greatest public participation in the sale and to charge the advertising cost to Account No. 1364.54000 (Expenses on Property Acquired - Advertising);

FOURTH: Each parcel of property shall be offered and sold at the public auction sale subject to the following terms and conditions of sale:

COUNTY OF WAYNE REAL PROPERTY AUCTION SALE

ONLINE FORMAT

JUNE 20, 2024 @ 10 am EST

REGISTRATION AND PREVIEW OF ALL PROPERTIES ONLINE MAY 30, 2024 – JUNE 19, 2024

COUNTY OF WAYNE, NY REAL ESTATE AUCTION

PARTIAL AUCTION TERMS - SEE BIDDER APPLICATION AND WEBSITE

FOR ADDITIONAL DOCUMENTS AND INFORMATION

By electronically or manually signing this certification and submitting along with all documents related to the Online Bidder Application, in exchange for bidding privileges, I hereby certify under penalty of perjury the following:

This contract and all related documents should be reviewed by your counsel prior to bidding as it contains terms and requirements which are not subject to modification, bid withdrawal, or bid cancellation. By bidding on any property being offered for auction, you acknowledge that you have either: (1). reviewed the contract with your attorney or, (2). waived right of attorney review. Further note that failure of purchaser to secure financing prior to date of transfer does not constitute grounds for an extension or return of the Down Payment and Buyer's Premium. You also acknowledge that you are eighteen years or older.

1. The property(s) offered for sale has/have been acquired by the County of Wayne (hereinafter referred to as the "County") by Court Order pursuant to the provisions of Title 3, Article 11 of the Real Property Tax Law of the State of New York.

2. All potential Bidders/Buyers must BECOME A MEMBER WITH COLLAR CITY AUCTIONS (hereinafter referred to as the "Auction Company") @ WWW.COLLARCITYAUCTIONS.COM.

3. All Bidders/Buyers must register for this auction and submit all required Bidder Registration Application documents and then will be manually approved to bid once Bidder Application has been

received, reviewed, and approved by the Auction Company. Registration will be available beginning Thursday, May 30th and will close at 1:00 PM on Wednesday, June 19th. LATE REGISTRATIONS WILL NOT BE APPROVED.

4. Former owners will not be allowed to bid on their properties. No third parties shall be allowed to bid on behalf of a former owner.

5. By acknowledging and executing these terms and conditions, the purchaser affirms and certifies that he/she/they is not representing the former owner(s) of the property against whom the county foreclosed tax liens and has no intent to defraud the County of the unpaid taxes, assessment, penalties, and charges which have been levied against the property. The purchaser agrees that neither he/she/they nor his/her/their assigns shall convey, transfer, or assign the property to the former owner(s) against whom the County foreclosed within 24 months subsequent to the auction date. If such conveyance occurs, the purchaser understands that he/she/they will be found to have committed fraud, and/or intent to defraud, and will be liable for any deficiency between the purchase price at auction and such sums as were owed to the county for unpaid taxes prior to the tax lien foreclosure on the property and consents to immediate judgment by the County for said amounts in addition to reasonable attorney's fees and expenses.

6. NO PERSON OR ORGANIZATION CAN BID ON PROPERTIES AT THE AUCTION IF THEY, OR A CORPORATION OR COMPANY THEY ARE AFFILIATED WITH, OWE PROPERTY TAXES (CURRENT YEAR OR PRIOR YEAR) TO THE COUNTY. ALL SUCH TAX LIABILITIES MUST BE PAID PRIOR TO THE AUCTION IN ORDER TO BID AT THE AUCTION. Previously defaulting parties (i.e. parties who have defaulted in paying a property tax installment contract or who have failed to pay taxes for prior tax years) are not allowed to bid until 18 months after the default is cured. Failure to comply with this provision will be grounds for default and forfeiture of any deposits paid without exceptions.

7. The property will be conveyed by the County to the purchaser by quit-claim deed, containing a description of the property known as tax map number and as it appeared on the tax roll for the year upon which the County acquired title or as corrected up to date of deed. The deed will be recorded by the County upon payment in full of the purchase price and all closing fees/costs. POSSESSION OF PROPERTY IS FORBIDDEN UNTIL THE DEED IS RECORDED WITH THE WAYNE COUNTY CLERK CONVEYING TITLE TO THE PURCHASER. TITLE VESTS AT THE RECORDING OF THE DEED. It is agreed between the County and the purchaser that delivery and acceptance of the deed occurs upon recording of the deed, which shall constitute the transfer of legal title of the premises to the buyer.

8. Deeds shall convey title only to the person identified as the successful bidder whose bid has been accepted by the Board of Supervisors, along with the successful bidder's spouse, if so desired. No deed shall be executed to convey title in the name of anyone other than the successful bidder, and bidder's spouse, if so desired.

9. The County will not furnish an abstract of title or an instrument survey map.

10. The County does not make any representations or warranties, expressed or implied, (a) concerning: the quality or the condition of the title to the property, the validity or marketability of such title, the ownership of any improvements on the property, the condition of the property and any improvements thereon or its fitness for any use, or the accuracy of the property description on the tax roll or in the notice of sale or any other advertisement of sale furnished by the County; or (b) that the property or any improvements thereon presently comply with building or zoning codes, or with any state or local laws or regulations. Any information concerning the property furnished by the County or any of its officers, employees, or agents shall not be deemed to include any such representations or warranties. Any promotional tools such as photographic slides, tax maps, written or verbal descriptions, etc. are for informational purposes only.

11. Any successful bidder who fails to tender the deposit as outlined, will be forbidden to participate in this or any other auction for a time period of 18 months. Any parcels where the deposit was not received at the close of the auction contract completion date will be considered defaulted. If a purchaser fails to close on the parcel(s) that he/she/they bids on at the auction, he/she/they will be prohibited from participating at future auctions held for the County of Wayne for a time period of 18 months.

12. I acknowledge that I have received a complete bidder packet and will not be approved to bid until the Auction Company has received my fully completed Online Bidder Application.

13. As specified in the "Online Bidder Application," I unconditionally acknowledge, agree, and authorize the Auction Company to place a \$1,000.00 hold on my credit or debit card (NO PREPAID CARDS OR AMERICAN EXPRESS ACCEPTED) or you may include an official bank check made payable to COLLAR CITY AUCTIONS, INC. PERSONAL AND/OR BUSINESS CHECKS WILL NOT BE ACCEPTED.

Credit card hold is released upon completion of the purchase and sale contracts for winning bidders, and within 10 business days for non-winning bidders. If your credit card hold is not released, you must contact your credit card company as we auto release them post auction. ANY HOLD UP IS DUE TO YOUR CREDIT CARD COMPANY. The hold is required to be approved to obtain bidding privileges and will only be converted to a fully executable charge and retained if the successful high bidder does not perform and complete the required purchase contracts and any additional documents by appointment on Thursday, June 27th, 2024, at the Wayne County Office Building located at 16 Williams Street, Lyons, NY 14489. I further unconditionally pre-authorize and grant permission to the Auction Company to charge my credit or debit card in full or part for all amounts, plus a \$750.00 default fee, if I default in any contractual obligations herein and forever forgo any and all rights to place a chargeback or dispute on any charge placed on my credit card related to my obligations agreed to herein as well as contained in the Online Bidder Application Credit/Debit Card Agreement and/or other auction related documents. If I attempt or do place any chargeback, file a dispute, rescind or claim of any kind, or attempt to cancel any hold or charge of fees due now or in the future, I unconditionally grant the Auction Company pre-authorized permission to charge all monies due in full or increments as available. I further acknowledge, pre-authorize, and instruct my credit card company that if I file a dispute, chargeback, or any claim to block, reverse, or cancel any charge or hold placed by the Auction Company or the County that it is not valid. I further instruct and grant unconditional authorization and permission to my credit card company to void my chargeback, dispute, or requests of any kind now and forever. Additionally, I grant the Auction Company permission to charge my credit card now or at any time in the future an additional recovery fee, in full or increments, the amount of \$750.00 to cover their time involved with answering any chargeback, dispute, or claim now or in the future. I acknowledge that my credit card information provided on my Bidder Registration Application is valid and provided for manual keyed input regardless of if it is a chipped card. I also acknowledge and agree to reimburse the Auction Company and County all time, legal expenses, attorney fees incurred if I cause litigation or any claim that would cause these types of fees to be incurred. I further agree not to close or block any credit card in an attempt to prevent fees due from being charged to my credit card. I unconditionally acknowledge and agree that upon registering and entering my name and credit card information into the Auction Company's registration process that I am electronically signing and guaranteeing that I have read, fully understand, and agree to abide by and be bound by all related terms and related auction documents. I agree to be fully responsible for all associated costs involved with the resale, remarketing, and any deficiency if I default and the Auction Company and County must resell any property(s) due to my default. I agree that if I bid on multiple properties, these terms and all fees apply individually to each separate parcel.

14. I have read and agree to be bound by all terms herein as well as contained in the County of Wayne, NY Tax Property Online Bidder Application and fully and unconditionally understand and agree to abide by and be bound to them without exception.

15. By registering, I acknowledge I have sufficient funds to meet all requirements as called for by the terms within the Online Bidder Application as well as purchase agreement post auction. I agree to be fully responsible for all collection costs, plus reasonable attorney fees related to any and all collection costs incurred by the County or Auction Company. If I default and fully understand that litigation between the County and any bidder or buyer will only be brought forth in Wayne County Supreme Court and any litigation between the Auction Company and any bidder or buyer shall only be brought forth in Schenectady County Supreme Court or the bidder as purchaser unconditionally acknowledges the Auction Company may bring action in small claims court in Schenectady County, NY for monies due the Auction Company as well.

16. Upon being declared the high bidder on a parcel, the Bidder as Purchaser will be contacted by the Auction Company to schedule an appointment which will take place at the Wayne County Office Building, 16 Williams Street, Lyons, NY 14489, Thursday, June 27, 2024, from 9:00 am to 3:30 pm. At that time, the buyer will be required to execute the Contract of Sale Packet and remit the required Down Payment of 10% (ten percent) of the bid price and Buyer's Premium of 7% (seven percent) of the bid price per property, based on the total on bid amount. In addition, a 1.5% advertising fee shall apply to all purchases. If a bid price is \$1,000.00 or less, plus buyer's premium and all other required fees/costs, if any described herein, shall be the total purchase price and must be paid in full at the time of contract completion. The bidder is encouraged to pay the entire bid price at Contract of Sale execution. All monies must be paid in CASH or Certified Cashier's Check. No Credit Cards Will Be Accepted for Purchase Monies. Certified Cashier's Checks for Buyer's Premium or fees must be made payable to Collar City Auctions, Inc. Certified

Cashier's Checks for Down Payments must be made payable to the Wayne County Treasurer. Certified Cashier's Checks must be drawn on banks insured by the Federal Deposit Insurance Corporation (FDIC) or National Credit Union Association (NCUA). No exceptions.

17. The property will be sold as advertised and "AS IS" with absolutely no warranty or guaranty, expressed or implied. I agree to accept the property in "AS IS" condition with all faults as defined in the Auction Rules and Sales Contract. No representations of any kind are or have been made by the Auction Company, County of Wayne or their agents as to the title or physical condition of the property or as to the existence of any improvements thereon including water/well and sewer/septic systems. The sale of these properties is pursuant to a purchase contract. Failure of purchaser to secure financing prior to date of transfer does not constitute grounds for an extension or return of the down payment or buyer's premium. All information contained in the Auction Brochure and contained within the website of Collar City Auctions, Inc. and contained in the Online Bidder Application is supplied for informational purposes only and not guaranteed. Prospective purchasers are urged to fully research any property prior to bidding at auction. Furthermore, all parties agree to hold harmless the County, Auction Company, and their agents from any errors and/or omissions, injury and/or other matters that may arise now or in the future.

18. I am an eligible buyer as defined in the Auction Terms, Online Bidder Application and Sales Contract Packet.

19. (a) I am not the prior owner of any of the properties being offered for auction.

(b) I am not an immediate family member of a prior owner:

(c) I am not in any way acting on behalf of, as an agent of, or as a representative of the prior owner.

(d) I am not acting as an agent of any officer, stockholder of a corporation or general or limited partner of a partnership which owns any of the properties being offered for sale.

(e) I do not own property in the County, either individually, jointly with another, through a corporation or partnership, which has delinquent taxes.

(f) I am not acting on behalf of, as an agent of, or a representative of any of the persons or entities set forth herein or above.

(g) In accordance with the requirements and prohibitions set forth in Article 18 of the General Municipal Law, sitting members of the Wayne County Board of Supervisors are precluded from bidding on any parcels included in the auction. Members of Town Boards for each Town in the County are precluded from bidding on any parcels in the auction. I am not an elected or appointed official, (nor the spouse, minor child or dependent, thereof) involved in the assessment, tax levy, budget making, or tax rate setting process in any municipality in the County, including but not limited to Assessors, Board of Review Members, Town Board Members, Town Supervisors, Village Trustees, Village Mayor, County Bureau of Finance, County Attorney, County Legislators, County Clerk, or County Real Property Tax Director;

(h) that I have not defaulted from the prior TWO years' County of Wayne Delinquent Auctions. That by submission of a bid, each bidder and each person signing in person or electronically on behalf of any bidder certifies, and in the case of a joint bid, each party thereto certifies that to the best of their knowledge and belief: The prices in a bid have been arrived at independently without collusion, consultation, communication, or agreement for the purpose of restricting competition as to any matter relating to such prices with any other bidder or with any competitor.

20. I understand that in the event that I refuse or fail to complete my contractual obligations as a successful high bidder or if I fail to consummate purchase of any parcel at an auction, the second highest bidder of that parcel, at the discretion of the County shall be offered the opportunity to purchase the parcel at the amount of the second highest bid plus the buyer's premium, closing costs/fees, and such other amounts as are due under these terms and conditions of sale. Secondary sale is not grounds for any refund or release of performance obligations to initial bidder as purchaser.

21. I understand and agree that if at any time prior to the recording of the deed, the County determines that the Buyer is one of the persons set forth in paragraph 4, 5 and 6 herein or in violation of paragraph 8 herein, the County at its sole option shall declare the public online auction sales contract breached and the County shall retain any and all down payments made, and the Buyer shall forfeit all buyer's premium to the Auction Company paid or due and owing. I understand that if I am an elected official in the County bidding on tax property, knowingly entering into a purchase contract is in violation of state law and may subject me to criminal and/or civil penalties including but not limited to: forfeiture of deposits, purchase price, buyer's premium, and title to the subject property.

22. I agree to hold the Auction Company, County and their agents and or principals to the extent permitted by law, harmless from any claims based on environmental hazards that may be present

on any property I purchase. No representations have been made or will be made by the County as to the environmental condition or zoning compliance of the property.

23. I have received a copy of the pamphlet Protect Your Family From Lead in Your Home and I waive the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead based paint hazards.

24. I understand that only bids made by clearly using my user identification/user screen name will be accepted and that the bidding process will be recorded.

25. All parcels purchased by a Buyer must be paid for in full. Selective closings are not permitted. Failure to remit full payment on all parcels purchased at the auction will result in a forfeiture of all monies paid, which will be retained by the county and Auction Company as liquidated damages, and the cancellation of all sales to the Buyer.

26. All tax properties sold at auction are being sold subject to:

(a) Rights of the public and others in and to any part of the premises that lies within the bounds of any street, alley, or highway.

(b) Manufactured home, mobile home, or trailer liens, if any.

(c) All covenants, leases, easements, and restrictions of record affecting said premises, if any.

(d) Any state of facts that an accurate, currently dated survey might disclose.

(e) Environmental conditions of property.

(f) All New York State and Federal tax liens, if any.

(g) All taxes due as applicable and disclosed on the date of the auction. It is understood that these taxes may not be exact and owing.

(h) Village tax liens, if any.

(i) Back delinquent taxes are forgiven, and the Buyer shall not be liable for any previous taxes owed by the former owner.

27. The premises being sold may be subject to tenancies and/or leases affecting the said premises. The buyer is to determine the existence and status of such interests and the applicable legal rights there to. Evictions, if necessary, are solely the responsibility of the Buyer after the recording and receipt of the deed.

28. The total Bid Price is the combination of the high bid, the buyer's premium, and all applicable fees. The buyer shall enter into the required non-contingent purchase and sale agreement. All sales shall be final, absolute and without recourse, and in no event shall the County be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, its heirs, successors or assigns, against the County arising from this sale.

29. Notice is hereby given that the premises being sold may lie within an Agricultural District as designated upon the tax map. It is the sole responsibility of any bidder to ascertain which specific parcel(s) is so designated and thereby sold subject to the provisions of the law applicable thereto.

30. All bids are subject to acceptance by the Wayne County Board of Supervisors. The purchaser's bid will be submitted to the Board of Supervisors on July 16, 2024. It shall be the purchaser's responsibility on July 17, 2024 to determine whether the bid was accepted or rejected by the Board of Supervisors by calling our office at 518-895-8150.

31. The purchaser must pay the balance of the purchase price (paid in cash, certified check, bank check payable to the Wayne County Treasurer) NO LATER THAN 2:00 PM ON AUGUST 9, 2024. The County will require a separate check for the necessary recording taxes and fees (paid in cash or check payable to the Wayne County Clerk) NO LATER THAN 2:00 PM ON AUGUST 9, 2024. Upon receipt of such payments, the deed will be recorded in the County Clerk's Office and mailed to the purchaser upon completion of the recording process. The purchaser may not assign his/her/their right to complete the sale. ALL DEEDS SHALL BE EXECUTED SOLELY IN THE NAME OF THE BIDDER (AND SPOUSE, IF REQUESTED) AS REGISTERED AT THE AUCTION. If the purchaser fails to make such payments on or before AUGUST 9, 2024, the sale shall be deemed cancelled, the County shall not be obligated to convey the property to the purchaser and the purchaser's deposit shall be retained by the County as liquidated damages.

IF THE BALANCE DUE FROM BUYER(S) PLUS ANY ADDITIONAL CHARGES ON EACH PROPERTY PURCHASED AT AUCTION IS NOT RECEIVED IN FULL ON OR BEFORE FRIDAY AUGUST 9, 2024, BY 2:00 P.M. at the County Treasurer's Office, 16 Williams Street, Lyons, NY 14489, THE BUYER(S) SHALL IMMEDIATELY FORFEIT THEIR DOWN PAYMENT OR ANY PAYMENTS MADE WITHOUT RECOURSE AND THE PURCHASE AND SALE AGREEMENT SHALL BECOME NULL AND

VOID FOR ANY OBLIGATION THE COUNTY AND AUCTION COMPANY HAD TO PURCHASER. The purchaser agrees and understands that the buyer's premium is deemed earned by Auction Company upon approval or acceptance of bid by the County and is non-refundable. This means when you become the successful high bidder through bidding. A sample purchase and sale agreement is available online at www.CollarCityAuctions.com or call our office at 518-895-8150 x 3003 to request a sample be sent via USPS if you do not have internet access. No internet accessibility? You may also place a bid utilizing our "Absentee Bid Form" contained within the "Online Bidder Application". Persons defaulting from prior year's auctions are disqualified for eighteen months from participating in delinquent property tax auctions or acquiring title through such process.

32. The transfer costs/fees which the purchaser shall be required to pay, in addition to bid price, shall consist of:

(a) Filing fee for the Real Property Transfer Report (RP-5217) of \$125.00 if the property is classified as agricultural, a 1-3 family dwelling, an apartment, or condominium, and \$250.00 if the property is otherwise classified (vacant, commercial, entertainment, community service, industrial, public service, forest, etc.)

(b) Filing fee for combined Capital Gains Transfer Tax Affidavit, \$5.00

(c) Preparing, recording, and filing of the deed, \$55.00

(d) Capital Gains Transfer Tax, \$4.00 per \$1,000.00 of bid price

33. Property Inspections: DRIVE BY ONLY. DO NO ENTER PROPERTIES

34. Purchasers are not responsible for payment of any delinquent county property taxes prior to the foreclosure. Purchasers will, however, be responsible for the current year 2024 Village property tax bill and any relevy amounts. If the property tax payment for any village parcels that include a relevy are not received, the purchaser will be responsible for the full amount of the Village bill to include all relevy amounts. Any 2024 Village property tax bills not paid must be paid directly to the Village as instructed on the bill. The County will convey the property free and clear of county tax liens accrued on or before January 1, 2024.

35. In order to avoid future delinquent charges, the new owner should immediately advise all tax collectors of the new ownership, and the address where future tax bills are to be mailed.

36. All bids are subject to and contingent upon approval and acceptance by the Wayne County Board of Supervisors. The County reserves the right to sell to the second highest bidder if the Purchaser defaults.

37. The Board of Supervisors reserves the right to accept or reject any or all bids, or to withdraw any parcel from the sale at any time prior to delivery of the deed to the purchaser.

38. In the event that a sale is cancelled by Court Order or judgment or by the Wayne County Board of Supervisors, the successful bidder shall be entitled only to a refund of the purchase money. The purchaser shall not be entitled to special or consequential damages, attorney fees, reimbursement for any expenses incurred as a result of ownership or improvements of the property, nor for taxes paid during the period of ownership.

39. No personal property is included in the sale of any property and/or parcel(s) owned by the County. The disposition of any personal property located on, in, or under the property or parcel sold shall be the sole responsibility of the purchaser upon transfer of title.

40. Notice to Real Estate Brokers/Agents: The Auction Company is acting in the capacity of a Real Estate Broker/Auctioneer and NOT as a Realtor on the auction of the properties contained herein. The Auction Company is NOT offering any cooperating brokerage fee to any outside brokerage company or agent for producing a bidder or purchaser at this auction. It is recommended that Brokers and/or Agents structure some type of compensation from the buyer they are representing.

I, the Bidder, acknowledge that I, read, write, and fully understand the English language and further agree and acknowledge that I have fully read and, if felt necessary, reviewed all terms/bidder registration documents related to bidding and purchasing with my counsel. I further acknowledge that all information is true and accurate under penalties of law.

Print Name

Print Name

Signature

Date

Signature

Date

Mr. Fantuzzo moved the adoption of the resolution. Seconded by Mr. Mettler. Upon roll call, adopted.

RESOLUTION 256-24: AUTHORIZATION TO ACCEPT QUOTE FROM DECKARD TECHNOLOGIES FOR SHORT-TERM RENTAL INVENTORY, COMPLIANCE & ANALYTIC SERVICES

Mr. Rose presented the following:

WHEREAS, Wayne County will be implementing an Occupancy Tax of 5% on January 1, 2025; and
WHEREAS, identifying and notifying all impacted businesses and residents of the requirements to collect and remit Occupancy Tax has been identified as an issue; and
WHEREAS, there are many company's that provide this type of information using both automated and human processes to review information publicly posted on the internet; and
WHEREAS, the County Treasurer has received quotes from and reviewed a demonstration of the products available; and
WHEREAS, the following companies provided quotes:

COMPANY	FIRST YEAR COST	RECURRING COST
Deckard Technologies	\$18,100	\$15,600
Granicus	\$19,375	\$16,875
Avenu	\$22,250	\$19,250
GovOS	\$27,000	\$27,000

;and

WHEREAS, the Purchasing Department has reviewed the information gathered and the process used to gather the information and determined that formal bidding is not required at this time to be compliant with the County Purchasing Policy; and

WHEREAS, the County Treasurer recommends the selection of Deckard Technologies; now, therefore be it

RESOLVED, that the quote from Deckard Technologies is accepted; and be it further

RESOLVED, that the Chairman of the Wayne County Board of Supervisors, is authorized to sign an agreement with Deckard Technologies for Identification, Monitoring, Registration Portal, Payment Portal, and initial outreach for the following pricing for the first:

Identification and Monitoring = \$25.00 per parcel (estimated at 160 parcels) \$5,600

Registration Portal = \$5,000.00 annually

Payment Portal = \$5,000 annually

Initial Outreach Campaigning = \$2,500

subject to the County Attorneys approval to form and content.

Mr. Donalty moved to table the resolution. Seconded by Mr. Fantuzzo. Upon roll call, the Chairman declared the resolution tabled.

RESOLUTION 257-24: AUTHORIZATION TO SET DATE FOR PUBLIC HEARING TO AMEND LOCAL LAW 9-2023 TITLED IMPOSING A TAX ON OCCUPANTS OF HOTEL AND MOTEL ROOMS WITHIN THE COUNTY OF WAYNE

Mr. Rose presented the following:

WHEREAS, during the implementation of Local Law 9-2023, inconsistencies and concerns were brought to the County's attention, and

WHEREAS, Resolution 142-24 authorized not collecting the occupancy tax in consideration of amending the local law proposed below; now, therefore be it

RESOLVED, that the Wayne County Board of Supervisors shall hold a public hearing on **May 21st 2024 at 9:05 a.m.** in the Supervisors Chambers located at 26 Church Street, Lyons, New York 14489 on the following amended local law:

COUNTY OF WAYNE - STATE OF NEW YORK
LAW NO. 4 FOR THE YEAR 2024

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WAYNE, as follows:

Section

1. Short Title
2. Purpose
3. Definitions
4. Impositions of tax
5. Transitional Provisions
6. Exempt Organizations
7. Territorial Limitations
8. Registration
9. Administration and Collection
10. Records to be Kept
11. Returns
12. Payment of Tax
13. Determination of Tax
14. Disposition of Revenues
15. Refunds
16. Reserves
17. Remedies Exclusive
18. Proceedings to Recover Tax
19. General Powers of the County Treasurer
20. Administration of Oaths
21. Reference to Tax
22. Penalties and Interest
23. Returns to be Secret
24. Notices and Limitations of Time
25. Separability
26. Effective Date

Section 1. Short Title

This Local Law shall be known as the Wayne County Hotel, Motel or Short-term Rental Occupancy Tax Law.

Section 2. Purpose

The purpose of this Local Law is to impose a tax on occupants of hotel or motel rooms in Wayne County, pursuant to Section 1202-ii of the Tax Law.

Section 3. Definitions

(a) Person. An individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combinations of the foregoing.

(b) Operator. Any person operating a hotel, motel or short-term rental in the County of Wayne, including, but not limited to, the owner or proprietor of such premises, lessee, sub-lessee, mortgagee in possession, licensee or any other person otherwise operating such hotel, motel or short-term rental.

(c) Hotel, Motel or Short-term Rental. Any facility or portion thereof which is used for the lodging or sheltering of guests regardless of services or lack thereof given to such guests. The term "hotel" or "motel" or "short-term rental" may include but is not limited to: a hotel, motel, apartment, bed and breakfast, inn, guest house, private house, tourist facility, cottage, vacation rental, cabin, condominium, townhouse, or a similar type of structure by whatever name designated, regardless if said lodging is procured online, in person, or by any other means.

(d) Boats and Campers. Any boat or camper owned by the occupant, who rents an annual or transient spot and uses the spot for personal use are not considered a short-term rental for provisions of this law.

(e)Occupancy. The use or possession, or the right to use or possession, of any room in a hotel or motel, or short-term rental.

(f)Occupant. A person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel, motel or short-term rental under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

(g)Permanent Resident. Any occupant of any room or rooms in a hotel, motel or short-term rental for at least twenty-nine (29) consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

(h)Rent. The consideration received for occupancy valued in money, whether received in money or otherwise.

(i)Room. Any room or rooms of any kind in any part or portion of a hotel, motel or short-term rental which is available for or let out for any purpose other than a place of assembly.

(j)Return. Any return filed or required to be filed as herein provided.

(k)County Treasurer. The Treasurer of Wayne County.

Section 4. Imposition of Tax

In addition to any other tax presently authorized and imposed (pursuant to Article 29 of the Tax Law), on and after the first day of March 2025, there is hereby imposed and there shall be paid a tax of five (5) percent upon the rent for every occupancy of a room or rooms in a hotel, motel or short-term rental in this county, except that the tax shall not be imposed upon a permanent resident.

Section 5. Transitional Provisions

The tax imposed by this Local Law shall be paid upon any occupancy on and after the first day of March 2025, although such occupancy is pursuant to a prior contract, lease or other arrangement. Where rent is paid on a weekly, monthly or other term basis, the rent shall be subject to the tax imposed by this local law to the extent that it covers any period on and after the first day of March 2025.

Section 6. Exempt Organizations

(a) Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this Local Law:

1. The State of New York, or any public corporation (including a public corporation created pursuant to an agreement or compact with another state or Canada), improvement district or political subdivision of the state;
2. The United States of America, insofar as it is immune from taxation;
3. Any corporation, association, trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this subdivision shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this subdivisions.

(b) Where any organization described in paragraph (3) of subdivision (a) of this subdivision carried on its activities in furtherance of the purposes for which it was organized, in premises in which, as part of said activities, it operates a hotel or motel, occupancy of rooms in the premises and rents therefrom received by such corporation or association shall not be subject to tax hereunder.

Section 7. Territorial Limitations

The tax imposed by this Local Law shall apply only within the territorial limits of the County of Wayne.

Section 8. Registration

(a) Every person required to collect any tax imposed by this Local Law presently operating,

commencing business or opening a new place of business, and every person who takes possession of or pays for business assets under circumstances requiring notification by such person to the County Treasurer pursuant to sub divisions (d) of Section 18 of this Local Law shall file with the County Treasurer a certificate of registration, in a form prescribed by it, at least twenty days prior to commencing business or opening a new place of business or such purchasing or taking of possession or payment, whichever comes first. The certificate of registration form shall contain information with respect to the notice requirements of a purchaser, transferee or assignee and his liability for the payment of taxes pursuant to subdivision (d) of Section 18 of this Local Law. The County Treasurer shall, within five days after such registration, issue, without charge, to each registrant a certificate of authority empowering him to collect the tax and a duplicate thereof for each additional place of business of such registrant. The County Treasurer shall issue, with the certificate of authority, general information about the tax imposed under this Local Law, including information on records to be kept, returns and payments, notification requirements and forms. Each certificate or duplicate shall state the place of business to which it is applicable. Such certificates of authority shall be prominently displayed in the places of business of the registrant. Such certificates shall be nonassignable and nontransferable and shall be surrendered to the County Treasurer immediately upon the registrant's ceasing to do business at the place named or in the event that such business never commenced.

Section 9. Administration and Collection

(a) Every person required to collect the tax shall collect the tax from the occupant when collecting the rent to which it applies. If the occupant is given any receipt or other statement or memorandum of rent paid or payable, the tax shall be stated, charged and shown separately on the first of such documents given to him. The tax shall be paid to the person required to collect it as trustee for and on account of the County.

(b) The County Treasurer shall, by regulation, prescribe a method or methods or a schedule or schedules, of the amounts to be collected from occupants in respect to rent upon which a tax is imposed by this Local Law so that the aggregate collection of taxes by a person required to collect tax shall, as far as practicable, equal to five (5) percent of the total rents of such person upon whom a tax is imposed by this Local Law.

(c) For the purpose of the proper administration of this Local Law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents for occupancy of hotel, motel rooms or short-term rentals are subject to tax until the contrary is established, and the burden of proving that any rent is not taxable hereunder shall be upon the person required to collect tax or the occupant. Unless an occupant, prior to taking possession, furnished to the operator a statement which the County Treasurer may require demonstrating that the occupant is an exempt organization described in Section 6 of this Local Law, the sale shall be deemed a taxable transaction. Where such a statement has been furnished to the operator, the burden of proving that the rent is not taxable hereunder shall be solely upon the occupant. The operator shall not be required to collect tax from occupants who furnish an exempt organization statement in proper form.

(d) The County Treasurer may provide, by regulation, for the exclusion from taxable rents, rent which has been ascertained to be uncollectible or, in case the tax has been paid upon such rent, for refund of or credit for the tax so paid, he shall require an application for credit to be filed, but he may also allow the applicant to immediately take the credit on the return which is due coincident with or immediately subsequent to the time the applicant files his application for credit. However, the taking of the credit on the return shall be deemed to be part of the application for credit and shall be subject to the provisions in respect to application for credit in Section 15 of this Local Law.

Section 10. Records to be Kept

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the County Treasurer may, by regulation, require. Such records shall include a true copy of each receipt or statement separately stating the tax charged. Such records shall be available for inspection, examination and audit at any time upon

demand by the County Treasurer or his duly authorized agent at any time upon demand by the County Treasurer or his duly authorized agent or employees and shall be preserved for a period of three years, except that the County Treasurer may consent to their destruction within that period or may require that they be kept longer.

Section 11. Returns

(a) Every operator required to register pursuant to Section 8 hereof shall file a return quarterly with the County Treasurer, if the operator collects more than \$1,000.00 in the quarter. If less than \$1,000.00 is collected, operator can elect to file a return every six months (semi-annually). The return shall show all rents received or charged and the amount of tax thereon. The returns to be filed quarterly shall be filed for the quarterly periods ending on the last day of February (12/1-2/28), May (3/1-5/31), August (6/1-8/31) and November (9/1-11/30) of each year, and shall be filed within thirty days after the end of the quarterly period covered thereby. For operators who elect to file returns semi-annually the returns will show be filled for the periods ending May (12/1-5/31) and November (6/1-11/30) of each year, and shall be filled within thirty days after the end of the semi-annual periods covered thereby. The County Treasurer may permit or require returns to be made by other periods and upon such dates as he may specify. If the County Treasurer deems it necessary in order to insure the payment of the tax imposed by this Local Law, he may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as he may specify.

(b) The form of returns shall be prescribed by the County Treasurer and shall contain such information as he may deem necessary for the proper administration of this Local Law. The County Treasurer may require amended returns to be filed within twenty days after notice and to contain the information specified in the notice.

(c) If a return required by this Local Law is not filed, or a return when filed is incorrect or insufficient on its face, the County Treasurer shall take the necessary steps to enforce the filing of such a return or of a corrected return.

Section 12. Payment of Tax

(a) Every operator required to file a return under the preceding section shall, at the time of filing such return, pay to the County Treasurer five (5) percent of the total of all rents subject to tax pursuant to this Local Law, as well as all other moneys collected by the operator acting or purporting to act under the provisions of this Local Law.

(b) The Amount payable for the period for which a return is filed shall be due and payable to the County Treasurer on the date limited for filing the return, whether or not the return is filed, or whether or not the return filed correctly shows the rents or the taxes due thereon.

(c) Where the County Treasurer, in his discretion, deems it necessary to protect revenues to be obtained under this Local Law, he may require any operator required to collect the tax imposed by this Local Law to file with him a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the County Treasurer may fix, to secure the payment of any tax or penalties or interest due or which may become due from such operator. In the event that the County Treasurer determines that an operator is to file such bond, he shall give notice to such operator to that effect specifying the amount of the bond required. The operator shall file such bond within five days after the giving of such notice unless within such five days, the operator shall request in writing a hearing before the County Treasurer, at which time the necessity, propriety and amount of the bond shall be determined by the County Treasurer. Such determination shall be final and shall be complied with within fifteen days after the giving of notice thereof. In lieu of such bond, securities approved by the County Treasurer or cash in such amount as he may prescribe, may be deposited which shall be kept in the custody of the County Treasurer, who may at any time without notice to the depositor, apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him at public or private sale without notice to the depositor thereof.

Section 13. Determination of Tax

(a) If a return required by this Local Law is not filed, or if a return when filed is incorrect or

insufficient, the amount of tax due shall be determined by the County Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall be given to the person liable for the collection and/or payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within ninety days after giving notice of such determination, shall apply to the County Treasurer for a hearing, or unless the County Treasurer, on his own motion, shall re-determine the same.

(b) Whenever such tax is estimated as provided for in this section, such notice shall contain a statement in bold face type conspicuously placed on such notice advising the person: that the amount of tax was estimated, that the tax may be challenged through a hearing process, and that the petition for such challenge must be filed with the County Treasurer within thirty (30) days.

(c) After such hearing, the County Treasurer shall give notice promptly, by registered or certified mail, of his determination to the applicant. The determination of the County Treasurer 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 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 County Treasurer, and there shall be filed with the County Treasurer an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding, or at the option of the applicant, such undertaking filed with the County Treasurer may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such taxes, penalties and interest as a condition precedent to the application.

Section 14. 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 of Wayne and shall be credited to and deposited in a special tourism revenue line. The County of Wayne is authorized to retain sufficient revenue to defray the necessary expenses of the County in administering said tax, in an amount not to exceed 5% of the amount collected each quarter. The revenue derived from the tax, after deducting the amount provided for administering said tax as authorized by this Local Law, shall be allocated by the Wayne County Tourism department quarterly. The funds so allocated shall be used for the purpose of promoting Wayne County, its towns and villages in order to increase tourism within the County.

Section 15. Refunds

(a) In the manner provided in this section, the County Treasurer shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the County Treasurer for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the County Treasurer, he shall state his reason therefor in writing. Such application may be made by the occupant, operator or other person who has actually paid the tax. No actual refund of moneys shall be made to any operator, of tax which he collected from an occupant, until he shall first establish to the satisfaction of the County Treasurer under such regulations as the County Treasurer may prescribe, that he has repaid to the occupant the amount for which the application for refund is made. The County Treasurer may, in lieu of any refund required to be made, allow credit therefore on payments due from the applicant.

(b) An application for a refund or credit made as herein provided shall be deemed an application

for revisions of any tax, penalty or interest complained of and the County Treasurer may receive evidence with respect thereto. After making his determination, the County Treasurer shall give notice thereof 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 such proceeding is instituted within four months after the giving of the notice of 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 County Treasurer in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceedings be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

(c) A person shall not be entitled to a revision, refund or credit under this section of a tax, interest or penalty which had been determined to be due pursuant to the provisions of Section 13 of this Local Law where he has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail himself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty after a determination by the County Treasurer made pursuant to Section 13 of this Local Law unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the County Treasurer after a hearing or of his own motion or in a proceeding under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event, refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

Section 16. Reserves

In cases where the occupant or operator 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 him on his application for refund, the County Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

Section 17. Remedies Exclusive

The remedies provided by Sections 13 and 15 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 on any application for refund shall be enjoined or reviewed by any action for declaratory judgment, an action for money had and received or by an action or proceeding other than a proceeding under Article 78 of the Civil Practice Law and Rules.

Section 18. Proceedings to Recover Tax

(a) Whenever any operator required to collect a tax shall fail to collect and pay over any tax, penalty or interest, or whenever any occupant shall fail to pay any tax, penalty or interest imposed by this Local Law as herein provided, the County Attorney shall, upon request of the County Treasurer, bring or cause to be brought an action to enforce the payment of the same on behalf of the County of Wayne in any court of the State of New York, or of any other state of the United States.

(b) If, however, the County Treasurer in his discretion believes that any such operator, officer, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, he may declare such tax or penalty to be immediately due and payable and may issue a warrant.

(c) As an additional or alternate remedy, the County Treasurer may issue a warrant, directed to the sheriff commanding him to levy upon and sell the real and personal property of the operator which may be found within the county for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return such warrant to the County Treasurer and to pay to him the money collected by virtue thereof within sixty days after the receipt of such warrant. The sheriff shall, within five days after the receipt of the warrant, file with the County Clerk thereof, and thereupon such clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the interest in real and

personal property of the person against whom the warrant is issued. The sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in respect to executions issued against property upon judgments of a court of record and for services in executing the warrant he shall be entitled to the same fees, which he may collect in the same manner. In the discretion of the County Treasurer, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the County Treasurer and in the execution thereof such officer or employee shall have all the powers conferred by law upon sheriffs, but 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 County Treasurer may, from time to time, issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the county had recovered judgment and thereafter the execution thereon had been returned unsatisfied.

(d) Whenever an operator shall make a sale, transfer or assignment in bulk of any part or the whole of his hotel, motel or short-term rental assets, otherwise than in the ordinary course of business, the purchaser, transferee or assignee shall, at least ten days before taking possession of the subject of said sale, transfer or assignment, or paying therefore, notify the County Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor has represented to or informed the purchaser, transferee or assignee that he owes any tax pursuant to this local law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing.

Section 19. General Powers of the County Treasurer

(a) In addition to the powers granted to the County Treasurer in this Local Law, he is hereby authorized and empowered:

(1) to make, adopt and amend rules and regulations appropriate to the carrying out of this Local Law and the purposes thereof;

(2) to extend for cause shown, the time of filing any return for a period not exceeding thirty days; and for cause shown, to remit penalties but not interest computed at the rate of six percent per annum;

(3) to request information from the tax commission of the State of New York or the treasury department of the United States relative to any person; and to afford information to such tax commission or such treasury department relative to any person, any other provision of this Local Law to the contrary notwithstanding;

(4) to delegate his functions hereunder to a Deputy County Treasurer or any employee or employees of the office of the County Treasurer;

(5) to prescribe methods for determining the amount of rents for determining which of them are taxable and non-taxable;

(6) to require any operator to keep detailed records of all rents received, charged and accrued, including those claimed to be non-taxable, and also the nature, type, value and amount of all occupancies, names and addresses of occupants, and other facts relevant in determining the amount of tax due, and to furnish such information to the County Treasurer.

(7) to assess, determine, revise and readjust the taxes imposed under this Local Law.

(b) Penalty for late filing. In addition to any other powers, penalties or remedies contained in this Local Law, as amended, the Wayne County Treasurer is hereby authorized to and shall impose a minimum fifty (\$50) dollar penalty for any return not timely filed and for which an extension has not otherwise been granted.

Section 20. Administration of Oaths and Compelling Testimony

(a) the County Treasurer, or his employees or agents duly designated and authorized by him, shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this Local Law. The County Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of his 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 excused from attendance.

(b) A justice of the Supreme Court either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the County Treasurer under this Local Law.

(c) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the County Treasurer under this Local Law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment.

(d) The officers who serve the summons or subpoena of the County Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts or record, except as herein otherwise provided. Such officers shall be the county sheriff and his duly appointed deputies or any officers or employees of the Treasurer's Office, designated to serve such process.

Section 21. Reference to Tax

Wherever reference is made in placards or advertisements or in any other publications to this tax, such reference shall be substantially in the following form: "Tax on occupancy of hotel or motel rooms, or "short-term rentals" except that in any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator, the words "occupancy tax" will suffice.

Section 22. Penalties and Interest

(a) Any operator failing to file a return or to pay or pay over any tax to the County Treasurer within the time required by this Local Law shall be subject to a penalty of five (5%) percent of the amount of tax due if such failure is for not more than one month, with an additional one (1%) percent for each additional month or fraction thereof during which such failure continues, not exceeding twenty-five percent in the aggregate, plus interest at the rate of one percent of such tax for each month of delay after such return was required to be filed or such tax became due.

(b) If the County Treasurer determines that such failure or delay was due to reasonable cause and not due to willful neglect, he shall remit all of such penalty and that portion of such interest that exceeds interest at the rate of six percent. The County Treasurer shall promulgate rules and regulations as to what constitutes reasonable cause.

(c) If the failure to file a return or to pay over any tax to the County Treasurer within the time required by this Local Law is due to fraud, there shall be added to the tax a penalty of fifty percent of the amount of the tax due (in lieu of the penalty provided for in paragraph (1), plus interest at the rate of one percent of such tax for each month of delay after such return was required to be filed or such tax became due. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this Local Law. Unpaid penalties and interest may be determined, assessed, collected and enforced in the same manner as the tax imposed by this Local Law.

(d) Any operator failing to file a return or report required by this Local Law or filing or causing to be filed, or making or causing to be made, or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this Local Law, which is willfully false, or willfully failing to file a bond required by this Local Law or willfully failing to comply with the provisions of Section 12(c) of this Local Law, or failing to file a registration certificate on such date in connection therewith as the County Treasurer by regulation or otherwise may require, or to display or surrender a certificate of authority as required by this Local Law, or assigning or transferring such certificate of authority, or willfully failing to charge separately the tax herein imposed or to state such tax separately on any bill, statement, memorandum or receipt issued or employed by him upon which the tax is required to be stated separately as provided in Section 10, or willfully failing to collect the tax from a customer, or who shall refer or cause reference to be made to this tax in a form or manner other than that required by this Local Law, or failing to keep any records required by this Local

Law, shall, in addition to any other penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment. The penalties provided herein shall not apply to a failure to surrender a certificate of authority which is required to be surrendered where business never commenced.

(e) The certificate of the County Treasurer to the effect that a tax has not been paid, that a return, bond or registration has not been filed, or that information has not been supplied pursuant to the provisions of this Local Law, shall be presumptive evidence thereof.

(f) The penalties provided for in this section shall not preclude prosecution pursuant to the penal law with respect to the willful failure of any person to pay over to the county any tax imposed by this Local Law, whenever such person has been required to collect and has collected any such sales tax.

Section 23. Returns to be Secret

(a) Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the County Treasurer or any officer or employee of this department, or any person who in any manner may acquire knowledge of the contents of a return or report filed with the County Treasurer pursuant to this Local Law, to divulge or make known in any manner any particulars set forth or disclosed in any such return or report. The County Treasurer shall not be required to produce any returns or reports, or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the County Treasurer in an action or proceeding under the provisions of the tax law or in any other action or proceeding involving the collection of a tax due under this Local Law to which the county or the County Treasurer is a party or a claimant, or on behalf of any party to any action, proceeding or hearing under the provisions of this Local Law, when the returns, reports or facts shown thereby are directly involved in such action, proceeding or hearing, in any of which events the court, or in the case of a hearing, the County Treasurer may require the production of, and may admit into evidence, so much of said returns, reports or of the facts shown thereby, as are pertinent to the action, proceeding or hearing and no more. The County Treasurer may, nevertheless, publish a copy or a summary of any decision rendered after a hearing required by this Local Law. Nothing herein shall be construed to prohibit the delivery to a person who has filed a return or report or his duly authorized representative of a certified copy of any return or report filed in connection with his tax. Nor shall anything herein be construed to prohibit the delivery to a person required to collect the tax under this Local Law or a purchaser, transferee or assignee personally liable under the provisions of Section 18(d) of this Local Law for the tax due from the seller, transferor or assignor, of any return or report filed under this Local Law in connection with such tax, provided however, that there may be delivered only so much of said return, report or of the facts shown thereby as are pertinent to a determination of the taxes due or liability owned by such person or purchaser, transferor, or assignee and no more, or to prohibit the publication of statistics so classified as to prevent the identification of particular returns or reports and the items thereof, or the inspection by the County Attorney or other legal representatives of the County of the return or report of any person required to collect or pay the tax who shall bring action to review the tax based thereon, or against whom an action or proceeding under this Local Law has been recommended by the County Treasurer or the County Attorney, or has been instituted.

(b) Returns filed under this Local Law shall be preserved for three years and thereafter until the County Treasurer orders them to be destroyed.

(c) Any violation of subdivision (a) of this section shall be punishable by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both, in the discretion of the court, and if the offender be an officer or employee of the county, he shall be dismissed from office and be incapable of holding any public office for a period of five years thereafter.

Section 24. Notices and Limitations of Time

(a) (1) 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 pursuant to

the provisions of this Local Law, or in any application made by him, or, if no return has been filed or application made, then to such address as may be obtainable. A notice of determination shall be mailed promptly by registered or certified mail. The mailing of such notice shall be presumptive evidence of the receipt of 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.

(2) 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 Local Law is, after such period or such date, delivered by United States mail to the County Treasurer or his office, the date of the United States postmark stamped on the envelope shall be deemed the date of delivery. This subdivision 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 County Treasurer or his office. If any document is sent by United States registered mail, such registration shall be prima facie evidence that such document was delivered to the County Treasurer or his office. Certified mail may be used in lieu of registered mail under this section. This subdivision shall apply in the case of postmarks not made by the United States Post Office only if and to the extent provided by regulation of the County Treasurer.

(3) When the last day prescribed under authority of this Local Law (including any extension of time) for performing any act falls on a Saturday, Sunday or a 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 a legal holiday.

(b) The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the county to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this Local Law. However, except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment or additional tax shall be made after the expiration of more than three years from the date of 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 due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

Section 25. Separability

If any provision of this Local Law or the application thereof to any period or circumstances, is held invalid, the remainder of this Local Law, and the application of such provisions to other persons or circumstances shall not be affected thereby.

Section 26. Effective Date

This Local Law shall take effect immediately upon filing with the New York Secretary of State.

Mr. Donalty moved to table the resolution. Seconded by Mr. Fantuzzo. Upon roll call, the Chairman declared the resolution tabled.

RESOLUTION 258-24: AUTHORIZATION TO AMEND RESOLUTION 482-10

Mr. Rose presented the following:

WHEREAS, resolution 478-10 was adopted on July 20, 2010 awarding bids to the highest bidder in the property tax auction held in 2010; and

WHEREAS, resolution 482-10 was also adopted on July 20, 2010 concurring with the County Treasurer's recommendation to place certain parcels in Roll Section 8 due to environmental liability concerns; and

WHEREAS, the owner parcel 62112-00-086345 list in both resolutions that was foreclosed upon has

been in contact with the County Treasurer's Office regarding this parcel and ownership; and
 WHEREAS, the County Treasurer in consultation of the County Attorney have reviewed County records, and found that these two resolutions are in conflict with one another; and
 WHEREAS, parcel 62112-00-086345 was never placed in Roll Section 8 and was transferred to the high bidder in resolution 478-10; and
 WHEREAS, taxes were owing and outstanding at the time of the tax foreclosure;and
 WHEREAS, taxes have been paid every years since the transferred occurred to the highest bidder; now therefore be it
 RESOLVED, that Resolution 482-10 is amended to exclude Seq. 743 with parcel ID #62112-00-086345 only.
 Mr. Chatfield moved the adoption of the resolution. Seconded by Mr. Brady. Upon roll call, adopted.

RESOLUTION 259-24: AUTHORIZATION TO TRANSFER PROPERTIES TO WAYNE COUNTY REGIONAL LANDBANK

Mr. Rose presented the following:

WHEREAS, the County has commenced a real property tax foreclosure proceeding pursuant to Real Property Tax Law Article 11; and

WHEREAS, The Wayne County Regional Land Bank Corporation is requesting the County to transfer ownership of parcels to the Land Bank to further the Land Bank's mission; and

WHEREAS, the Director of the Wayne County Regional Land Bank Corporation, the County Treasurer, and the Director of Real Property Tax Services met on April 4, 2023 and have recommended the following properties be transferred to the Land Bank if they are foreclosed on:

68110-06-334770	712 South Main St	Village of Newark
68110-18-497030	246 East Miller St	Village of Newark
69111-00-834908	7194 Old Lyons Rd	Town of Arcadia
74112-14-331340	24 Columbia St	Village of Clyde
74112-14-406406	12 Caroline St	Village of Clyde
75117-00-368547	11627 Ridge Rd	Town of Huron
75117-00-401610	Lummisville Rd	Town of Huron
75117-00-378549	Ridge Rd	Town of Huron
75117-00-174623	11502 Lummisville	Town of Huron
70112-00-379240	7633 Bauer Vanwickle Rd	Town of Lyons
71111-09-180652	1 Clyde Rd	Town of Lyons
71111-09-130665	30-32 Canal St	Town of Lyons
65111-09-023603	622 E Main St	Village of Palmyra
66112-00-659742	2351 Lyon Rd	Town of Palmyra
71114-00-996713	3929 Wayne Center Rd	Town of Rose
73116-20-828049	10619 Wayne Center Rose Rd	Town of Rose
77111-10-286745	1549-51 N Main St	Town of Savannah
77111-00-679599	1438 Van Dyne Spoor rd	Town of Savannah
78112-00-100107	1840 No 39 Rd	Town of Savannah
69117-06-282766	61 Mill St	Village of Sodus
69117-06-253931	11 Mill St	Village of Sodus
71119-17-099157	8216 Lake Rd	Village of Sodus Point
68117-00-994966	6557 Rt. 88	Town of Sodus
69117-00-973503	7328 Burlee Rd	Town of Sodus
70118-00-591542	7834 Morley Rd	Town of Sodus
66118-00-404217	Bear Swamp Rd	Town of Williamson
65117-11-605514	3834 Ridge Rd	Town of Williamson
78118-14-291444	6909 Church St	Village of Red Creek
76117-13-025339	6020 Auburn St	Village of Wolcott
76117-13-003422	6088 East Port Bay Rd	Village of Wolcott
75117-15-720449	11913 Orchard St	Village of Wolcott
75117-15-724459	11924 Smith St	Village of Wolcott

;and

WHEREAS, the Wayne County Regional Land Bank Corporation is desirous of receiving the above

cited properties for remediation as necessary for the improvement of the community; and

WHEREAS, the County is authorized to transfer the title of the aforesaid real property under Section 1608 of the Not-For-Profit Corporation Law, which authorizes and allows the County to make conveyance of real property owned by the County to a Land Bank established pursuant to Article 16 of the Not-For-Profit Corporation Law of the State of New York; now, therefore be it

RESOLVED, that the Wayne County Board of Supervisors authorizes the County Treasurer and County Attorney to prepare the necessary transfer documents for the above described properties to the Wayne County Regional Land Bank Corporation and for the Chairman to sign such documents once the County takes ownership through the tax foreclosure process.

Mr. Donalty moved the adoption of the resolution. Seconded by Mr. Fantuzzo. Upon roll call, adopted.

RESOLUTION 260-24: AUTHORIZATION TO SETTLE CLAIM

Mr. Rose presented the following:

WHEREAS, a Personal Injury Claim was filed on or about September 5, 2018 in the State of New York Supreme Court against the County of Wayne, Property Owner, Roy Lang and Rochester Gas and Electric claiming that there was a dangerous and hazardous condition regarding a tree at the vicinity of 3803 Ridge Road in Williamson New York and that said condition caused serious and permanent injuries to the Plaintiff; and

WHEREAS, NYMIR and the County Attorney and legal counsel assigned by NYMIR to handle the legal defense of this claim have reviewed its merit, and the potential value thereof, and the financial risks to the County, particularly in light of the County's exposure to liability for an award of attorney's fees should the Plaintiff be successful in obtaining any judgment of liability against the County; and

WHEREAS, settlement negotiations with Plaintiff's legal counsel have tentatively reached an accord in advance of any trial date that may have been scheduled; and NYMIR and the County Attorney are desirous of settling said claim; now therefore, be it

RESOLVED, that the Wayne County Attorney is authorized to settle said claim for an amount not to exceed Twenty Seven Thousand and 00/100 (\$27,000.00) as the County's portion of liability for the claim.

Mr. Aman moved the adoption of the resolution. Seconded by Mr. Johnson. Upon roll call, adopted.

ADJOURNMENT:

Chairman Verno announced the next Meeting on **Tuesday, May 21st, 2024 at 9:00 a.m. in the Supervisors Chambers.** On motion of Mr. Donalty and seconded by Mrs. Piscioti the Board adjourned the meeting at 10:12 a.m. Carried.

Kelley P. Loveless, Clerk, Wayne County Board of Supervisors
